



COURT INTERPRETERS ADVISORY PANEL

MINUTES OF OPEN MEETING

December 17, 2024
12:15 p.m. – 1:15 p.m.
Virtual

Advisory Body Members Present: Hon. Brian L. McCabe (Chair), Hon. Maurice Sanchez. (Vice-Chair), Ms. Angie Birchfield, Ms. Stephanie Cameron, Mr. Mark Crossley, Mr. Hany Farag, Mr. Bryan Kritzeck, Ms. Jennifer De La Cruz, Ms. M. Luisa McEwen, Mr. José Navarrete, Ms. Anabel Romero

Advisory Body Members Absent: Hon. Jaqueline Jackson (Liaison), Ms. Shirley Luo, Ms. Mary Ma, Hon. Michael P. Pulos

Others Present: Mr. Ray Mata, Russell McGregor, Mr. Douglas Denton, Juan Palomares

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:15 p.m. and Mr. Ray Mata took roll call.

Approval of Minutes

The advisory body reviewed and approved as submitted the minutes of the September 24, 2024, open CIAP meeting, Court Interpreters Advisory Panel (CIAP) meeting.

Public Comment

The public did not relay any public comment prior to the meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 2-4)

Item 1

Compliance Requirements for Certified Court and Registered Interpreters (Action Required)

Mr. Ray Mata gave a presentation to CIAP asking them to review and approve a draft council report on the changes to the [Compliance Requirements for Certified Court and Registered Interpreters](#) so that it is more efficient, clear to interpreters, and in alignment with operational improvements.

The members had no questions concerning the presentation.

Action: The voting members of CIAP unanimously voted to approve the report.

Item 2

Professional Standards and Ethics for California Court Interpreters (Action Required)

Mr. Mata gave a presentation to CIAP asking them to review and approve a draft council report on the proposed changes to the [*Professional Standards and Ethics for California Court Interpreters*](#), which informs interpreters of their professional and ethical responsibilities.

The members had no questions concerning the presentation.

Action: The voting members of CIAP unanimously voted to approve the report.

Item 3

Revised Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-Of-Hearing Persons and New Application Form (Action Required)

Mr. Russell McGregor, Senior Analyst, Language Access Services gave a presentation to CIAP asking them to review and approve a draft council report on the proposed changes to the *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons (Guidelines)* and a new application form.

Separate from the *Guidelines*, members asked if there should be an additional type of training requirement that someone must take prior to becoming an ASL court interpreter within the State of California. Specifically, a requirement that these individuals must take a training on how to work with a Certified Deaf Interpreter (CDI).

Action: The voting members of CIAP unanimously voted to approve the report.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Carryover of Bilingual Interpreting Examination (BIE) Scores

Mr. Juan Palomares gave an informational presentation to evaluate allowing interpreter candidates for certified languages to carry over passing scores of 70% or higher on two or more sections of the Bilingual Interpreting Examination (BIE) from one test administration to another within a two-year period.

Members inquired about the potential implementation of this practice by Language Access Services and expressed concerns on whether this potential policy change might dilute the current competency standards expected of court interpreters.

ADJOURNMENT

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

Approved by the advisory body on enter date.

2025 Annual Agenda Projects and Estimated Timetable

Court Interpreters Advisory Panel (CIAP)

February 27, 2025



CIAP Annual Agenda

- Assembly Bill 1032: Workforce Study on Court Interpreters (New)
- Persons with American Sign Language (ASL) Generalist Credentials Performing Work in the Courts
- Interpreting Skills Assessment Process
- Professional Standards and Ethics for California Court Interpreters
- Carryover of Bilingual Interpreting Examination (BIE) Scores
- 2025 Language Need and Interpreter Use Study

AB 1032 Workforce Study

- AB 1032 amended the Interpreter Act and requires council to conduct a court interpreter workforce study
- Will provide recommendations to Legislature regarding court interpreter availability and future court interpreter workforce
- A consultant (AMSTAT) has been secured
- Study will include stakeholder input through surveys, interviews and focus groups
- **Timeframe: study is due by January 1, 2026**

ASL Generalists

- CIAP will today review a proposal to initiate the process to amend Evidence Code section 754
- Amendment would allow courts, for good cause, to appoint non-court certified ASL interpreters with a generalist credential who satisfy requirements approved by the Judicial Council
- **Timeframe: Process takes two years. Legislative changes would not take effect January 1, 2027**
- **This gives CIAP two years to develop a proposal re generalists and necessary rule and form changes**

Interpreting Skills Assessment

- CIAP will review a proposed process to assess an interpreter's interpreting skills and abilities when a complaint has been filed
- The National Center for State Courts (NCSC) working with experts and staff has developed a proposed process
- CIAP will meet soon in closed session to review the process
- NCSC will also test the process prior to implementation
- **Timeframe: This project will require amendments to the Credential Review Procedures to incorporate information on the skills assessment component**

Ethics Guide

- CIAP revised the Ethics Guide to include sections on interpreting in hybrid situations and conduct in social media
- The council is scheduled to approve the Ethics Guide on February 21, 2025
- **Timeframe: Once approved, Language Access Services will post the updated Ethics Guide to the public site and do outreach to ensure that interpreters and stakeholders are aware**
- **Staff also plan to translate the document into Spanish**

Carryover Scores for Certified Exams

- Staff presented on this item to CIAP on December 17, 2024
- There is more work to be done with the current testing vendor to determine whether this approach would be operationally feasible
- **Timeframe: Staff will come back to CIAP later this year with an update and/or recommendation**

2025 Language Need and Use Study

- Study is due every five years under Government Code section 68563
- Study presents data from four years and serves as basis for
 - Determining the need to establish interpreter programs and certification examinations, and
 - Establishing these programs and examinations through the normal budgetary process
- **Timeframe: Study is due by July 1, 2025**

Estimated Timetable for Completion

1

Jan-Mar 2025

Ethics Guide

Skills Assessment
(review process)

2

Apr-Jun 2025

2025 Study

3

Jul-Sep 2025

Carryover Scores
(assessment)

Evid. Code (after
public comment)

4

Oct-Dec 2025

Workforce Study

Contacts

- **Ray Mata**, Analyst, Court Interpreters Program (CIP), ray.mata@jud.ca.gov
- **Angela DeLeon**, Supervising Analyst, CIP, angela.deleon@jud.ca.gov

2025 Language Need and Interpreter Use Study

Mandated by
Gov. Code §
68563

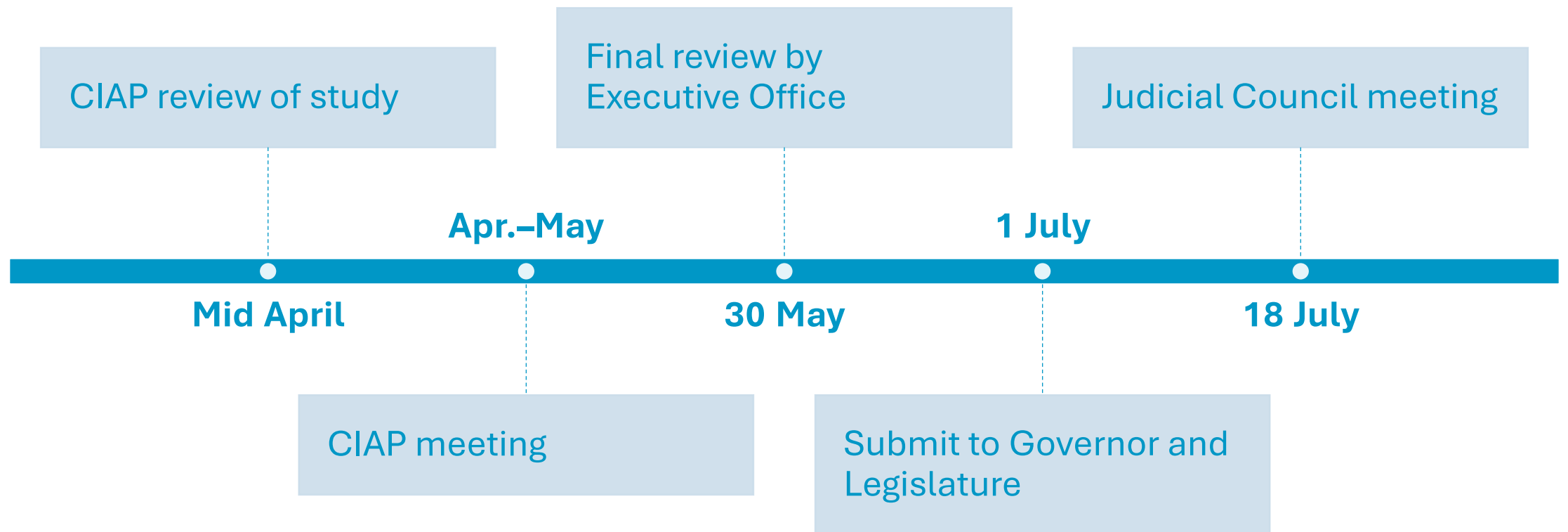
Fiscal years
2021 – 2024

Interpreter
usage data from
all 58 courts

2025 Study Objectives

Assess	Estimate	Analyze	Describe	Discuss
Assess the statewide and regional use of court interpreters	Estimate the level of use of certified and registered interpreters	Analyze the use of interpreters for spoken languages, as well as American Sign Language	Describe trends in limited English proficiency and project future language needs	Discuss challenges and opportunities in providing language access services

2025 Study Timeline



2025 Study Preview: Top Languages (FY2021-24)

Most Interpreted Languages in the California Courts	
1 Spanish	7 Arabic
2 Mandarin	8 Korean
3 Vietnamese	9 Russian
4 American Sign Language	10 Armenian (Eastern)
5 Punjabi	11 Farsi
6 Cantonese	12 Tagalog

Note: Each language shown is a certified language. Data supports and confirms alignment with present language designations for California (i.e., certified v. registered language designations).

Contacts

Language Access Implementation (LAI)

Eunice Lee

Supervising Analyst

eunice.lee@jud.ca.gov

Aggie Wong

Senior Data Analyst

aggie.wong@jud.ca.gov



National Center for State Courts

CREDENTIALING OPTIONS FOR ASL GENERALIST INTERPRETERS

Findings

February 2025

Project Overview

PURPOSE

To conduct research and present findings on how the Judicial Council of California (JCC) and California courts can utilize ASL interpreters with generalist credentials, identifying case types or matters that may be appropriate for such persons to work in the California courts.





Project Overview

MAJOR STEPS

1. Conduct landscape review on national ASL certification/credentialing options
2. Present survey and focus group findings to Judicial Council staff
3. Develop preliminary report
4. Finalize preliminary report
5. Present findings to CIAP's Interpreter Language Access Subcommittee
6. Present findings to CIAP
7. Prepare final report

Background Information



- The Registry of Interpreters for the Deaf (RID) discontinued the administration of the Specialist Certificate: Legal (SC:L) in 2016.



- The California Judicial Council currently recognizes the SC:L and the Texas Board for Evaluation of Interpreters (BEI) Court Interpreter Certificate (CIC).



- A total of 43 ASL court interpreters are currently listed on the Judicial Council's Master List.



Background Information

Interpreters with generalist credentials (for this presentation):

ASL interpreters with broad skills and experience across various interpreting settings, which may include medical, educational, social service, and community settings.

A generalist may hold one or more ASL interpreting credentials, but do not have a specialized credential for legal interpreting.

Survey and Focus Group Results

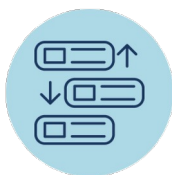


- Surveys conducted with state language access program managers and state agencies in charge of ASL rosters for state courts.
- 24 survey responses received



- Focus groups and interviews conducted with California Language Access Representatives (LARs) and court staff; legally certified ASL interpreters and Certified Deaf Interpreters (national and in California); state language access program managers; and national and California-based stakeholders.
- 21 participants across focus groups

Survey and Landscape Review Findings



- Most states prioritize the use of ASL interpreters with legal certifications (SC:L, BEI CIC).



- When no interpreters with legal certifications are available, states may also have other formal or informal processes in place to use ASL interpreters with generalist credentials.



- Some states have tiers with various classifications.

Tiers of Designation – Examples

New Mexico

- Legal Specialist (RID SC:L, BEI CIC)
- Legally Qualified (RID generalist and pass SC:L Written Test or DHHS-approved written test)
- Legal Apprentice (RID generalist; no trials, no jury)

Arizona

- Legal A (RID SC:L, BEI CIC)
- Legal C (NAD/RID/BEI; must be teamed with Legal A)
- Legal D (NAD/RID/BEI; for settings that require a CDI; must be teamed with Legal A)

Hawai'i

- Tier 6: Certified Master (RID SC:L)
- Tier 5: Certified Advanced (Tier 4 + other requirements)
- Tier 4: Certified (NAD V, HQAS V, RID CI and CT, RID CDI, RID CSC, RID RSC)
- Tier 3: Approved (NAD IV, HQAS IV, RID CI or CT)
- Tier 2: Conditionally Approved (N/A)
- Tier 1: Registered (other requirements)

* In addition to credentials, there may be other requirements to qualify for each tier.

Survey and Landscape Review Findings



- Some states have additional requirements for ASL interpreters without legal credentials (e.g., identified hours of court work, training).
- Some states reported only using ASL generalist interpreters for specific assignments or in certain settings. Examples include:



- Clerks' counters
- Continuances
- Traffic
- Matters outside the courtroom
- Emergency matters
- Short-notice and on-demand hearings

Focus Group Findings

KSAs Needed for ASL Court Interpretation



- Interview findings largely map to the *Knowledge, Skills, and Abilities Essential for Court Interpretation: American Sign Language* – adopted in 2018 by an ad hoc national advisory committee.



- Interview participants stressed that interpreting skills and court terminology are fundamental, but ASL interpreters also need:
 - Understanding of legal procedures
 - Knowledge of court conduct
 - Understanding of how to work in court (where to stand, how to address the bench, how to work in a team, etc.)

Focus Group Findings

Training, Mentoring, and Observation



- Focus group participants (and survey respondents) noted support for additional court training for ASL interpreters to work effectively in courts (for new court interpreters with and without legal credentials).



- Some focus group participants noted informal examples/structures of this currently (e.g., observing/shadowing a working interpreter).

Focus Group Findings

Training, Mentoring, and Observation

- Stakeholders expressed an interest in more information-sharing about existing or upcoming trainings to which they could refer their interpreters.
- Some certified court interpreters noted the success of a training model implemented at the University of California, Riverside Extension, which has assisted a number of currently certified Spanish interpreters with legal training and experience. (See <https://extension.ucr.edu/certificates/interpretationenglishspanish>)

- 200-hour interpreting program
- Legal interpreting and more
- All modes of interpretation, legal and specialized terminology, interpreting skills



Focus Group Findings

Training, Mentoring, and Observation

- Some CA ASL interpreters highlighted a successful program run by the California State University – Northridge in the '90s (during a period when an ASL certification exam was not available). *(Note: This specific training is no longer offered.)*
 - Grant program supported by the LA Superior Court to train ASL court interpreters
 - 5 weeks of intensive ASL court interpreting instruction
 - Faculty evaluation before, during, and after the program
 - Mock practice sessions
 - Courtroom observation
 - Weekly forums with Deaf community members
 - 50 hours of observed practice in courts

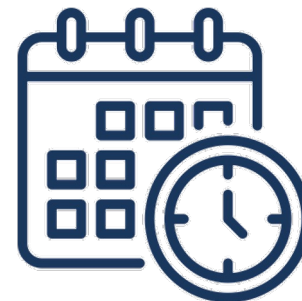
CSUN®

CALIFORNIA
STATE UNIVERSITY
NORTHRIDGE

Focus Group Findings

Tiers of Designation

- Some California court staff encouraged the development of a statewide provisional qualification process to facilitate ASL court interpreter assignments.
- Some staff cautioned against too many tiers of designation due to concerns over flexibility when scheduling interpreters based on changing court calendars.



Focus Group Findings

Handling Complaints

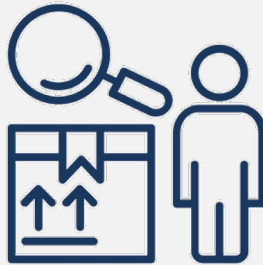
- State Language Access Program Managers indicated that complaints are typically handled internally, on a case-by-case basis, or by the agency that maintains the interpreter roster.
- Complaints may involve formal investigations and may result in a loss of future court assignments for the interpreter or removal of licensure by the issuing agency.
- Generalist ASL interpreters may be resistant to taking legal assignments over concerns of loss of licensure.



Potential Models from Other States



Pairing generalist ASL interpreters with interpreters with a legal credential



Required hours of mentoring/practice under supervision



Required hours of legal/court interpreter training

Possible Work Models for ASL Generalists

- Appointing ASL generalist interpreters with appropriate training and experience in settings outside of court, without court record, and/or where communication may include less legal content:
 - Self-help centers
 - Clerks' windows
 - Mediation
 - Jury selection (e.g., voir dire)
 - Programs managed by the court (i.e., parenting classes, pre-mediation courses)



Possible Structure for ASL Interpreters

ASL Court Certified Status

- Continued recognition of SC:L
- Recognition of Texas BEI Court Interpreter Certification

ASL Court Qualified Status (TBD – may require amending Evid. Code)

- ASL Generalist Credentials + Training and Experience:
 - ASL generalist credential
 - Completion of approved online legal interpreting modules
 - Completion of RID-approved legal trainings
 - Completion of experience requirements



Considerations

- Use of ASL interpreters with generalist credentials for court work may include demonstration of the following portfolio requirements:
 - **Legal Training:** Approximately 40 hours RID-approved training
 - **Court Observation, Mentoring, Teaming:** Approximately 20 hours practice under the supervision of a certified ASL interpreter
 - **Orientation:** Completion of an orientation to working in the courts
 - **Other:** Completion of an ethics training, passage of the NCSC Written Exam, completion of ASL training modules, CEUs for credential maintenance



Considerations

- ASL interpreters with generalist credentials could be used in limited matters or interactions, such as:
 - matters outside the courtroom,
 - interactions that do not become part of the court record,
 - emergency or short-notice matters, and/or
 - matters with lower impact on individual rights.
- ASL interpreters with generalist credentials may be teamed with ASL interpreters with legal credentials as necessary or required.



Considerations

- Explore pipeline development model similar to CSUN model of the '90s:
 - ASL intensive training
 - Faculty mentoring
 - Court observations
 - Observed practice hours
 - Evaluations of skills
- Explore partnership/collaboration with Deaf experts to assist with identifying ASL generalist interpreters with qualifications to be considered for ASL Court Qualified Status.



Considerations

- Credential reviews (for complaints) may be conducted on a case-by-case basis as is done for spoken-language interpreters.
- The availability of ASL legal trainings (state-based and nationally) should be communicated in a centralized way.
- Implementation of a provisional qualification process of court interpreters, including ASL court interpreters.
- Amendment of Evidence Code section 754 would likely be necessary to allow for provisionally qualified ASL generalist interpreters to work in the courts under guidelines set by the Judicial Council.

Additional Information on State Training and Experience Requirements for ASL Generalist Interpreters

In 2024, the National Center for State Courts (NCSC) conducted a national landscape review of ASL credentialing options on behalf of the Judicial Council of California, including the processes and requirements that language access programs across the states utilize to identify and classify ASL interpreters with generalist credentials. As part of this landscape review, NCSC conducted a survey, focus groups, and interviews. Findings from the survey, focus groups, and interview processes indicate that the majority of states prioritize the use of ASL interpreters with legal credentials for court interpreting assignments. Due to a national shortage of certified ASL court interpreters, some states also have processes in place to utilize ASL interpreters with generalist (non-legal) credentials as needed. Some states also have additional training and experience requirements for ASL interpreters without legal credentials to fulfill before working in the courts, including legal training; court observation, mentoring, or teaming; orientation; and other requirements. Examples of these additional training and experience requirements are listed below.

Legal Training for Generalist Interpreters

- States require between 20-120 hours of formal legal interpreter training.
- Total hours may be required for initial rostering, satisfied over a period of time, or required on a periodic basis.
- States may accept comparable experience or supervised practice in lieu of legal training requirements.
- The number of required hours may vary based on additional training or education completed.

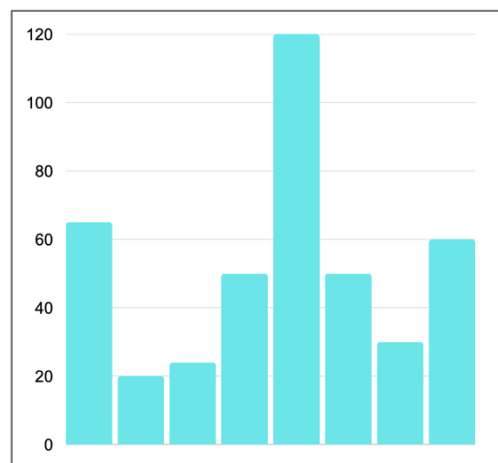


Figure 1: Number of Legal Training Hours Required (sample of 8 courts)

Court Observation, Mentoring, Teaming

- States vary in terms of training requirements, ranging from 6-100 hours of court observation, mentoring, and/or teaming.
- All or a portion of work may be supervised/signed off on by a certified staff interpreter.
- States may accept comparable experience in lieu of mentoring requirements.
- Number of required hours may vary based on additional training or education completed.
- Teaming with a certified interpreter may be required to qualify the interpreter to work in legal settings.

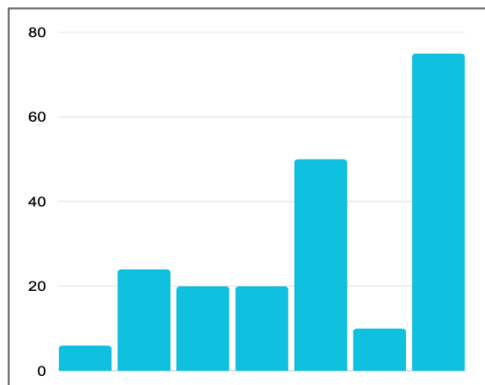


Figure 2: Number of Court Observation, Mentoring, Teaming Hours Required (sample of 7 courts)

States may have other requirements to be permitted to do court work, such as:

- Passage of the NCSC Written Exam¹
- Background check
- Application
- Submission of proof of other ASL credentials (generalist credentials)
- Education degree
- Orientation sessions
- Ethics training
- Taking an interpreter oath
- Commitment to interpreting for a certain period of time
- Completion of training and mentoring within a certain period of time
- Affidavit affirming the completion of a minimum number of hours of paid interpreting experience
- Proof of a number of hours of professional development
- Proof of attempts to obtain a relative legal certificate

¹ The NCSC Written Exam is an English-only multiple-choice exam originally developed as an initial screening tool for the spoken language credentialing process. The NCSC Written Exam covers knowledge of English language; court-related terms and usage; and ethics and professional conduct for court interpreters. For more information, see: https://www.ncsc.org/_data/assets/pdf_file/0022/38083/Written-Examination-Overview-for-Candidates-5-22-20.pdf.

JUDICIAL COUNCIL OF CALIFORNIA
LANGUAGE ACCESS SERVICES PROGRAM
Report to the Court Interpreters Advisory Panel
(Action Item)

Title: Proposed Amendments to Evidence Code § 754

Date: February 27, 2025

From: Douglas G. Denton, Principal Manager, Language Access Services,
415-865-7870, douglas.denton@jud.ca.gov

Russell McGregor, Senior Analyst, Language Access Implementation Unit,
916-643-6988, russell.mcgregor@jud.ca.gov

Executive Summary

The Court Interpreters Advisory Panel (CIAP) has an ongoing project on its 2025 Annual Agenda to explore the feasibility of certifying American Sign Language (ASL) interpreters who have generalist credentials to perform work in the courts. This report recommends potential amendments to Evidence Code § 754 to allow courts for good cause to appoint non-court certified ASL interpreters who possess a generalist ASL credential and satisfy training and portfolio requirements approved by the Judicial Council, under a provisional qualification process similar to that for spoken language court interpreters. Because amending statutes is a two-year process, including the public comment process and Judicial Council Legislation Committee review, staff recommend approval of the proposed amendments to the Evidence Code to allow Governmental Affairs staff to begin the amendment process. While the amendments are pending, CIAP will have time to develop a proposal for council consideration on the appropriate provisional qualification process and training and portfolio requirements for non-court certified ASL interpreters before the amendments take effect January 1, 2027.

Recommendations

1. Staff recommend approval of potential amendments to Evidence Code § 754, outlined in this report and included as Attachment A:
 - a. Modify subdivision (f) to allow courts for good cause to appoint non-court certified ASL interpreters who possess a generalist ASL credential and satisfy training and portfolio requirements approved by the Judicial Council;
 - b. Update subdivision (o) to formalize the Judicial Council’s responsibility to maintain a roster of qualified interpreters; and
 - c. Revise statutory language to be gender-neutral.

Following CIAP approval, Governmental Affairs staff will work with the Judicial Council’s Legislation Committee for consideration of the proposal as a council-sponsored legislative initiative and to be circulated for public comment.

JUDICIAL COUNCIL OF CALIFORNIA
LANGUAGE ACCESS SERVICES PROGRAM
**Report to the Court Interpreters Advisory Panel
(Action Item)**

Previous Council Action

Evidence Code section 754(h)(1) required the Judicial Council to establish guidelines for approving testing organizations, agencies, or educational institutions authorized to certify court interpreters for Deaf and Hard-of-Hearing individuals before July 1, 1992. The council first adopted these guidelines on February 21, 1992.¹

In 1998, the council approved two entities for the certification of ASL court interpreters: the California Coalition of Agencies Serving the Deaf (CCASD) and the Registry of Interpreters for the Deaf, Inc. (RID). CCASD discontinued testing in 2006, and RID ceased its testing program for Specialist Certificate: Legal (SC:L) in 2016.

The Judicial Council continues to recognize existing SC:L holders for inclusion on the Master List of Certified Court or Registered Interpreters (“Master List”).

The *2020 Language Need and Interpreter Use Study* (Link A) recommended that the Judicial Council “explore and develop a recommended credentialing process for certification as a California American Sign Language court interpreter.” In response, CIAP initiated research into alternative credentialing pathways, including recognition of out-of-state certification programs and tiered approaches for ASL generalist credential holders.

In November 2023, the Judicial Council approved a reciprocity process for the Texas Board for Evaluation of Interpreters (BEI) Court Interpreter Certification, effective January 1, 2024 (Link B), for at least four years. The council also directed CIAP to further explore the feasibility of certifying ASL generalist interpreters for work within the courts and revise the *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* to modernize the application process and support the recognition of additional ASL court interpreter testing entities as they become available.

In 2024, NCSC was contracted to conduct further research on the feasibility of certifying ASL generalist interpreters for court work. Based on NCSC’s findings, this report does not recommend certifying ASL generalist interpreters but instead recommends amending Evidence Code § 754 to allow for the appointment of non-court certified ASL interpreters with an ASL generalist credential for good cause who satisfy training and portfolio requirements approved by the Judicial Council. This amendment would align ASL interpreter qualification pathways with existing statutory provisions for provisional qualification and appointment of spoken language

¹ On February 21, 2025, the council approved revised *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* and an accompanying application form. The revisions will modernize the application process for program certification, support the recognition of additional ASL court interpreter testing entities as they become available, and maintain rigorous certification standards while expanding the pool of qualified interpreters. See Judicial Council of Cal., Advisory Com. Rep., *Court Interpreters: Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* (Feb. 21, 2025), <https://jcc.legistar.com/View.ashx?M=F&ID=13703631&GUID=53B28EFC-71FB-44C2-A44B-FF5515F94994>.

JUDICIAL COUNCIL OF CALIFORNIA
LANGUAGE ACCESS SERVICES PROGRAM
Report to the Court Interpreters Advisory Panel
(Action Item)

interpreters, ensuring greater access to justice for Deaf and Hard-of-Hearing individuals while maintaining high standards for interpreter competency.

As of January 2025, only 43 certified ASL court interpreters are on the council’s Master List, a number insufficient to meet the growing demand for ASL court interpretation services.

Analysis/Rationale

The proposed amendment to Evidence Code § 754 to modify subdivision (f) is necessary to address the critical shortage of certified ASL legal interpreters in California courts. This amendment aligns ASL interpreter processes with the existing framework for spoken language interpreters under Government Code § 68561(c) (Link C) which states “A court may for good cause appoint an interpreter for a language designated by the Judicial Council who does not hold a court interpreter certificate. The court shall follow the good cause and qualification procedures and guidelines adopted by the Judicial Council.” While spoken language interpreters have a statutory pathway for provisional qualification when certified interpreters are unavailable, ASL currently has no equivalent process, creating a gap in interpreter availability. The proposed amendment to Evidence Code § 754(f) ensures consistency in interpreter qualification pathways, providing necessary flexibility while maintaining rigorous quality assurance standards.

Importantly, this amendment does not aim to replace certified ASL legal interpreters but rather to create a layered approach to interpreter services. Noncertified ASL interpreters would relieve certified legal interpreters by allowing non-court certified ASL interpreters with a generalist credential to support key court functions such as assisting at clerks’ counters, self-help centers, court-mandated programs, in non-complex matters, or in emergency matters. This approach reserves certified legal interpreters for complex courtroom proceedings while ensuring Deaf and Hard-of-Hearing individuals receive meaningful support in all court-related interactions.

The proposed amendment also reinforces the Judicial Council’s responsibility under subdivision (o) to maintain a current roster of qualified interpreters certified pursuant to subdivision (f), ensuring transparency, accountability, and oversight. By formalizing this requirement, the amendment strengthens the statewide coordination of ASL interpreter services, helping courts efficiently identify and appoint qualified interpreters.

Additionally, the proposed amendment updates statutory language to be gender-neutral, ensuring that laws are inclusive and reflective of all individuals. This update aligns with broader efforts in California to modernize legal language.

By addressing these issues, the proposed amendment advances the judicial branch’s goals of providing equitable access to justice, improving the quality of justice and service to the public, and enhancing branchwide infrastructure for service excellence. The proposed changes reflect

JUDICIAL COUNCIL OF CALIFORNIA
LANGUAGE ACCESS SERVICES PROGRAM
Report to the Court Interpreters Advisory Panel
(Action Item)

the Judicial Council's commitment to adapting to the evolving needs of California courts and ensuring consistent, impartial, and independent administration of justice.

Policy Implications

The proposed amendments to Evidence Code § 754 align ASL interpreter qualification pathways with existing spoken language interpreter policies. Additionally, the Judicial Council's role in defining qualification criteria and oversight mechanisms will provide the necessary quality controls to support effective implementation.

The proposal also creates a structured pathway for non-court certified ASL interpreters with a generalist credential to gain court experience, which may enhance their qualifications and increase their likelihood of successfully obtaining full court interpreter certification, such as the Texas BEI Court Interpreter Certification or other testing options that may be available in the future. By providing non-court certified ASL interpreters with a generalist credential with experience in court settings, this approach not only expands interpreter availability in the short term but also supports long-term workforce development by encouraging more interpreters to pursue full court interpreter certification.

Alternatives Considered

Several alternatives were considered to address the shortage of legally certified ASL court interpreters, but each presented significant challenges. One option is to wait for RID to reinstate its SC:L credential, but there is no clear timeline for its return, and even if reinstated, it may take years to rebuild the interpreter pipeline.

While expanding reciprocity agreements could help address the interpreter shortage, the Texas BEI remains the only ASL court interpreter certification currently available in the U.S. Relying solely on reciprocity is not a sufficient long-term strategy, as no other ASL court interpreter certification programs currently exist outside of Texas. Additionally, obtaining BEI certification requires out-of-state travel, testing fees, and other costs, making it less accessible and cost-effective for many prospective interpreters in the state.

Establishing a California-specific ASL court interpreter certification was also considered, but this approach is not a viable option as it would require extraordinary time, funding, staffing, and infrastructure to develop, pilot, administer, and maintain.

The proposed amendment to Evidence Code § 754 provides the most immediate and cost-effective solution by allowing courts for good cause to appoint non-court certified ASL interpreters with a generalist credential who satisfy requirements approved by the Judicial Council. This approach complements rather than replaces Texas BEI reciprocity, ensuring courts

JUDICIAL COUNCIL OF CALIFORNIA
LANGUAGE ACCESS SERVICES PROGRAM
Report to the Court Interpreters Advisory Panel
(Action Item)

have multiple pathways to expand interpreter access without unnecessary delays or excessive costs. The amendment expands interpreter access while maintaining Judicial Council oversight.

Fiscal and Operational Impacts

The proposed amendment to Evidence Code § 754 is expected to have minimal fiscal impact on the Judicial Council and trial courts, with costs primarily limited to administrative tasks such as developing a Judicial Council-approved provisional qualification process, developing related rules, forms, and guidelines, and updating interpreter rosters. CIAP will need to work with Judicial Council staff to develop training and portfolio requirements. These costs will be absorbed through existing resources within the Judicial Council’s Language Access Services Program in the Center for Families, Children and the Courts. Operationally, courts may experience an initial adjustment period as they integrate non-court certified ASL interpreters with generalist credentials into non-complex functions, but this is expected to be manageable with appropriate training. Expanding the ASL interpreter pool may reduce costs from interpreter shortages while creating a pathway for more certified ASL court interpreters, ensuring long-term sustainability.

Attachments and Links

1. Attachment A: Amendments to Evidence Code § 754
2. Link A: <https://languageaccess.courts.ca.gov/sites/default/files/partners/default/2023-07/2020-language-need-and-interpreter-use-study-report-to-the-legislature.pdf>
3. Link B: <https://jcc.legistar.com/View.ashx?M=F&ID=12443593&GUID=86D50238-F331-4F4E-BBA7-A91D30995599>
4. Link C: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?chapter=2.&lawCode=GOV&title=8.&article=4

Section 754 of Evidence Code would be amended and enacted, effective January 1, 2027, to read:

1 **§ 754**

2
3 (a) As used in this section, “individual who is deaf or hard of hearing” means an individual with
4 a hearing loss so great as to prevent ~~his or her~~ their understanding of language spoken in a
5 normal tone, but does not include an individual who is hard of hearing provided with, and able to
6 fully participate in the proceedings through the use of, an assistive listening system or computer-
7 aided transcription equipment provided pursuant to Section 54.8 of the Civil Code.

8
9 (b) In a civil or criminal action, including an action involving a traffic or other infraction, a small
10 claims court proceeding, a juvenile court proceeding, a family court proceeding or service, or a
11 proceeding to determine the mental competency of a person, in a court-ordered or court-provided
12 alternative dispute resolution, including mediation and arbitration, or in an administrative
13 hearing, where a party or witness is an individual who is deaf or hard of hearing and the
14 individual who is deaf or hard of hearing is present and participating, the proceeding shall be
15 interpreted in a language that the individual who is deaf or hard of hearing understands by a
16 qualified interpreter appointed by the court or other appointing authority, or as agreed upon.

17
18 (c) For purposes of this section, “appointing authority” means a court, department, board,
19 commission, agency, licensing or legislative body, or other body for proceedings requiring a
20 qualified interpreter.

21
22 (d) For purposes of this section, “interpreter” includes an oral interpreter, a sign language
23 interpreter, or a deaf-blind interpreter, depending upon the needs of the individual who is deaf or
24 hard of hearing.

25
26 (e) For purposes of this section, “intermediary interpreter” means an individual who is deaf or
27 hard of hearing, or a hearing individual who is able to assist in providing an accurate
28 interpretation between spoken English and sign language or between variants of sign language or
29 between American Sign Language and other foreign languages by acting as an intermediary
30 between the individual who is deaf or hard of hearing and the qualified interpreter.

31
32 (f) For purposes of this section, “qualified interpreter” means an interpreter who has been
33 certified as competent to interpret court proceedings by a testing organization, agency, or
34 educational institution approved by the Judicial Council as qualified to administer tests to court
35 interpreters for individuals who are deaf or hard of hearing. A court may for good cause appoint
36 a noncertified ASL interpreter who satisfies requirements approved by the Judicial Council. The
37 court shall follow the good cause and qualification procedures and guidelines adopted by the
38 Judicial Council.

39
40 (g) If the appointed interpreter is not familiar with the use of particular signs by the individual
41 who is deaf or hard of hearing or ~~his or her~~ their particular variant of sign language, the court or
42 other appointing authority shall, in consultation with the individual who is deaf or hard of
43 hearing or ~~his or her~~ their representative, appoint an intermediary interpreter.

44
45 (h) (1) Before July 1, 1992, the Judicial Council shall conduct a study to establish the guidelines
46 pursuant to which it shall determine which testing organizations, agencies, or educational

1 institutions will be approved to administer tests for certification of court interpreters for
2 individuals who are deaf or hard of hearing. It is the intent of the Legislature that the study
3 obtain the widest possible input from the public, including, but not limited to, educational
4 institutions, the judiciary, linguists, members of the State Bar of California, court interpreters,
5 members of professional interpreting organizations, and members of the deaf and hard of hearing
6 communities. After obtaining public comment and completing its study, the Judicial Council
7 shall publish these guidelines. By January 1, 1997, the Judicial Council shall approve one or
8 more entities to administer testing for court interpreters for individuals who are deaf or hard of
9 hearing. Testing entities may include educational institutions, testing organizations, joint powers
10 agencies, or public agencies.

11 (2) Commencing ~~July 1, 1997,~~ January 1, 2027, court interpreters for individuals who are deaf
12 or hard of hearing shall meet the qualifications specified in subdivision (f).

13 (i) Persons appointed to serve as interpreters under this section shall be paid, in addition to actual
14 travel costs, the prevailing rate paid to persons employed by the court to provide other interpreter
15 services unless such service is considered to be a part of the person's regular duties as an
16 employee of the state, county, or other political subdivision of the state. Except as provided in
17 subdivision (j), payment of the interpreter's fee shall be a charge against the court. Payment of
18 the interpreter's fee in administrative proceedings shall be a charge against the appointing board
19 or authority.

20
21 (j) Whenever a peace officer or any other person having a law enforcement or prosecutorial
22 function in a criminal or quasi-criminal investigation or non-court proceeding questions or
23 otherwise interviews an alleged victim or witness who demonstrates or alleges deafness or
24 hearing loss, a good faith effort to secure the services of an interpreter shall be made without any
25 unnecessary delay, unless either the individual who is deaf or hard of hearing affirmatively
26 indicates that he or she does not need or cannot use an interpreter, or an interpreter is not
27 otherwise required by Title II of the federal Americans with Disabilities Act of 1990 (Public Law
28 101-336) and federal regulations adopted thereunder. Payment of the interpreter's fee shall be a
29 charge against the county, or other political subdivision of the state, in which the action is
30 pending.

31
32 (k) A statement, written or oral, made by an individual who the court finds is deaf or hard of
33 hearing in reply to a question of a peace officer, or any other person having a law enforcement or
34 prosecutorial function in a criminal or quasi-criminal investigation or proceeding, shall not be
35 used against that individual who is deaf or hard of hearing unless the question was accurately
36 interpreted and the statement was made knowingly, voluntarily, and intelligently and was
37 accurately interpreted, or the court finds that either the individual could not have used an
38 interpreter or an interpreter was not otherwise required by Title II of the federal Americans with
39 Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted thereunder and
40 that the statement was made knowingly, voluntarily, and intelligently.

41
42 (l) In obtaining services of an interpreter for purposes of subdivision (j) or (k), priority shall be
43 given to first obtaining a qualified interpreter.
44

1 (m) Subdivisions (j) and (k) shall not be deemed to supersede the requirement of subdivision (b)
2 for use of a qualified interpreter for an individual who is deaf or hard of hearing participating as
3 a party or witness in a trial or hearing.

4
5 (n) In an action or proceeding in which an individual who is deaf or hard of hearing is a
6 participant, the appointing authority shall not commence the action or proceeding until the
7 appointed interpreter is in full view of and spatially situated to assure proper communication
8 with the participating individual who is deaf or hard of hearing.

9
10 (o) ~~Each superior court~~ The Judicial Council shall maintain a current roster of qualified
11 interpreters certified pursuant to subdivision (f).
12 (Amended by Stats. 2017, Ch. 561, Sec. 56. (AB 1516) Effective January 1, 2018.)

13

Proposed Amendments to Evidence Code § 754

Court Interpreters Advisory Panel (CIAP) Meeting

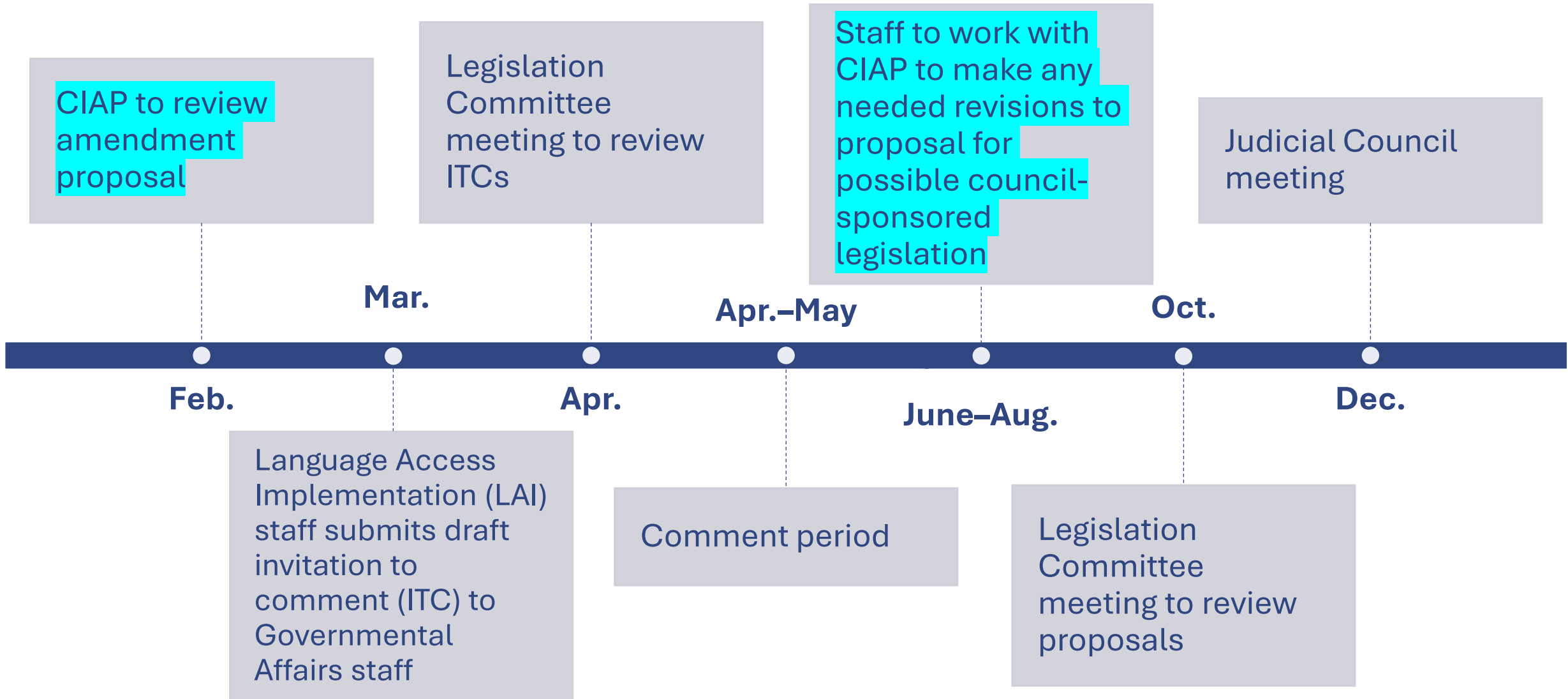
February 27, 2025



Proposed Amendments

Modify	Modify § 754(f): to allow appointment for good cause of non-court certified ASL interpreters who possess a generalist ASL credential and satisfy training and portfolio requirements approved by the Judicial Council
Update	Update § 754(o): formalize the Judicial Council's responsibility to maintain a roster of qualified interpreters
Revise	Revise statutory language to be gender-neutral

Timeline for 2025



CIAP Action Required

- Approve proposed amendments to Evidence Code § 754 to move forward with the ITC
- If approved, LAI staff will submit ITC in March for Legislation Committee review in April
- In June – August, following public comment, staff will work with CIAP to make any needed revisions to proposal for possible council-sponsored legislation