



JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET COMMITTEE

MATERIALS FOR APRIL 17, 2017

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JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET
COMMITTEE

www.courts.ca.gov/jbbc.htm
JBBC@jud.ca.gov

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JUDICIAL BRANCH BUDGET COMMITTEE

NOTICE AND AGENDA OF OPEN IN-PERSON MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e))

THIS MEETING IS BEING RECORDED

Date: April 17, 2018
Time: 10:00 am to 3:00 pm
Location: 455 Golden Gate Ave, San Francisco Ca 94102
Public Call-in Number: 1-877-820-7831; Listen Only: 6677064

Meeting materials 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 meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [insert e-mail address].

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 March 21, 2018, Judicial Branch Budget Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1)-(2))

In-Person Public Comment

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least 1 hour prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

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 JBBC@jud.ca.gov or mailed or delivered to 455 Golden Gate Avenue, San Francisco CA 94102, attention: Lucy Fogarty. Only written comments received by April 16, 2018 at 10:00 am will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS X-X)

Item 1

2019-20 Initial Funding Requests (Action Required)

Review of 2019-20 Initial Funding Requests.

Presenter(s)/Facilitator(s): Hon. David M. Rubin, Chair

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Language Access Plan Implementation and the Court Interpreters Program

Overview of the Language Access Plan Implementation and the Court Interpreters Program.

Presenter(s)/Facilitator(s): Hon. Mariano-Florentino Cuéllar, Justice, Supreme Court of California; Bob Lowney, Director, Judicial Council Court Operations Services

V. ADJOURNMENT

Adjourn



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JUDICIAL BRANCH BUDGET
COMMITTEE

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JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

March 21, 2018

10:09 am to 11:42 am

Sequoia Room, San Francisco

**Advisory Body
Members Present:**

Hon. David M. Rubin (Chair), Hon. James M. Humes, (Vice-Chair), Hon. Marla O. Anderson (phone), Hon. Kyle S. Brodie, Hon. Patricia M. Lucas, Hon. Gary Nadler, Ms. Kimberly Flener (phone), Mr. Michael M. Roddy, and Ms. Audra Ibarra.

**Advisory Body
Members Absent:**

Others Present:

Hon. Marsha G. Slough (phone), Hon. Jonathan B. Conklin (phone), Mr. John Wordlaw, Mr. Rob Oyung (phone), Mr. Zlatko Theodorovic, Ms. Lucy Fogarty, Ms. Angela Guzman

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:09 am, and roll was taken. No public comments were received.

DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

2019-20 Initial Funding Requests (Action Required)

Review of 2019-20 Initial Funding Requests.

Presenter(s)/Facilitator(s): Hon. David M. Rubin, Chair

Action: Action on the 2019-20 Initial Funding Requests was deferred to the next meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:42 pm.

Approved by the advisory body on enter date.

**Judicial Branch Budget Committee Meeting
2019-20 Initial Funding Requests**

April 11, 2018

Items/Notes in red are changes from the materials presented at the March 21, 2018 JBBC Meeting.

Requests submitted in FY 2018-19.

Requests with funding included in the FY 2018-19 Governor's Budget.

Number of Requests	IFR Tracking #	Title	Description	# Positions	2019-20 Estimate \$	Fund Source	Previous Submittal	JCC Committees	Comments
1	IFR-19-01	Appellate Court Judicial Workload	Funding to add two new justices and necessary chambers staff to meet the substantial and growing workload demands in Division 2 of the Fourth Appellate District Court of Appeal	2.0	\$2.5 million	GF	Y	APJAC CAC	A similar request was submitted in 2018-19 and was combined into one BCP request titled, <u>Funding to Support New Judgeships and Justices</u> . The BCP was denied.
2	IFR-19-02	Appellate Court Appointed Counsel Projects	To support increased costs for contractual services in the Supreme Court's Court-Appointed Counsel Project (CAP-SF) and the Courts of Appeal Court Appointed Counsel Project Offices (Projects). The requested funding will aid CAP-SF and the Projects in meeting their obligations to ensure justice through competent and qualified defense counsel for indigent defendants.	0.0	\$1.4 million	GF	Y	APJAC CAC	This request was submitted for the 2018-19 Governor's Budget and was denied.
3	IFR-19-03	Appellate Court Security	Funding to support 7 California Highway Patrol Judicial Protection Section (CHP-JPS) officers at specified appellate court locations.	0.0	\$1.2 million	GF	Y	CSAC APJAC CAC	This request was submitted for the 2018-19 Governor's Budget and was denied.
4	IFR-19-04	Appellate Court Facility Maintenance Program	Funding to support an in-depth building assessment of the two state-owned, court managed appellate court facilities and to establish and support an Appellate Court Facility Maintenance Program which will include preventative and demand maintenance and minor facility modifications in all appellate court facilities.	0.0	\$1.3 million	GF	Y	APJAC CAC TCFMAC	This request was submitted for the 2018-19 Governor's Budget and was denied.
5	IFR-19-05	Judicial Branch Litigation Management Program	Funding to support the defense and indemnification of all Judicial Branch entities for government claims and litigation. The request will also propose provisional language to allow the Judicial Council one additional year to encumber funds, beyond existing Budget Act authority, which will provide greater flexibility to schedule contract payments.	0.0	\$5.8 million	GF	Y	LMC TCBAC	This was submitted in 2018-19 and was combined into one BCP request titled, <u>General Fund Support of Essential Statewide Programs and Services</u> . The BCP was denied.
6	IFR-19-06	Continuing the Implementation of the <i>Strategic Plan for Language Access in the California Courts</i>	1) expand interpreter services into all civil proceedings and fund interpreter salary increases; 2) trial court reimbursement for court interpreter supervisors and coordinators; 3) video remote interpreting (VRI) equipment for the courts; 4) other technological solutions to expand language access; 5) implementation of a court interpreter review process; 6) development of statewide resources of court-ordered programs and a repository of providers; and 7) a draw down from the Court Interpreter Fee Fund.	1.0	\$11.8 million	GF	Y	LAPITF TCBAC CIAP	A similar request was submitted in 2018-19; however, only one portion of the BCP was approved: \$4 million GF One time. The one-time request was approved pending the outcome of the Video Remote Interpreting spoken language pilot which was approved as part of the 2017-18 Budget Act.
7	IFR-19-07	Habeas Corpus Resource Center Case Team Staffing	Funding to support the permanent establishment of 34 positions phased in over two consecutive fiscal years to create four additional case teams to provide legal representation to inmates on California's death row and an amendment to Government Code § 68661.	34.0	\$3.4 million	GF	Y	HCRC Exec Dir	A similar request was submitted in 2018-19 and was denied.
8	IFR-19-08	Collaboration Platform for the Branch IT Community	Funding to acquire, configure, deploy and maintain an enterprise content collaboration platform to further enable innovation and collaboration for the branch IT community and its stakeholders.	2.0	\$450-510 million	GF	N	JCTC ITAC TCBAC	

**Judicial Branch Budget Committee Meeting
2019-20 Initial Funding Requests**

April 11, 2018

Number of Requests	IFR Tracking #	Title	Description	# Positions	2019-20 Estimate \$	Fund Source	Previous Submittal	JCC Committees	Comments
9	IFR-19-09	Management of Digital Evidence in the Courts - Pilot	Funding to pilot services at 3-5 courts in support of managing digital evidence in the courts.	3.0	\$0.650 - \$1.3 million	GF	N	ITAC TCBAC JCTC	
10	IFR-19-10	Digitizing Documents Phase One for the Superior and Appellate Courts	Funding for a Sr. BSA to consult with the 6-8 participating courts and assist with the implementation of the digitizing documents playbook to digitize paper case files and implement an electronic complete case flow, and provide on-going digitization/workflow automation consulting. The request would allow a vendor to prepare the physical documents for conversion, scanning into electronic digital format, and for providing quality assurance that the identified documents are digitized accurately.	1.0	\$5.8 million	GF	Y	JCTC ITAC TCBAC	This request was submitted for the 2018-19 Governor's Budget and was denied.
11	IFR-19-11	Futures Commission Directives for the Expansion of Technology in the Courts	Funding for implementing pilot programs at 3-5 courts for intelligent chat, video remote hearings, and natural language voice-to-text translation services at 3-5 courts	3.0	\$1.18 million	GF	N	ITAC JCTC	
12	IFR-19-12	Pilot Next Generation Hosting concepts at one or more courts	Funding would be used to operationalize a set of branch-level recommendations developed by the Next Generation Hosting Workstream. These recommendations present guidelines to assist courts in making decisions on hosting court technology systems using modern, scalable and flexible models.	1.0	\$1.0 - \$1.3 million	GF	N	JCTC ITAC TCBAC	
13	IFR-19-13	Modernization of Judicial Council Forms Technology/Intelligent Forms	Funding for the development of a pilot in three-to-five courts to deploy Intelligent Forms.	4.0	\$2.5 million	GF	N	ITAC JCTC	
14	IFR-19-14	Case Management System (CMS) Replacement for Trial Courts – Phase III Request	Funding to replace outdated and/or no longer supported case management systems at 10 courts with a modern case management system.	1.0	\$22.3 million	GF	N	JCTC TCBAC	This request will support case management system replacements in specific counties. Previous requests for CCMS V3 and Sustain Justice Edition Case Management replacement in specific counties were included in the 2016 and 2017 Budget Act, respectively. In addition, a spring budget change proposal was submitted for 2018-19 and was denied.
15	IFR-19-15	Using Business Intelligence and Data Analytics (BI/DA) to Transform the Enterprise	Funding to pilot business intelligence and data analytics platform, tools and services to support the data analytics workstream for a limited number of courts.	4.0	\$1.9 - \$2.9 million	GF	N	JCTC ITAC TCBAC	
16	IFR-19-16	Disaster Recovery Framework Implementation Pilot	Funding to pilot disaster recovery concepts as outlined in the disaster recovery workstream framework at one of more courts.	1.0	\$1.3 million	GF	N	ITAC JCTC TCBAC	
17	IFR-19-17	Court Appointed Special Advocates (CASA) in Juvenile Dependency Court	Funding to support the court-appointed special advocates grants program.	0.0	\$0.5 million	GF	Y	FJLAC TCBAC	This request was submitted for the 2018-19 Governor's Budget and there is \$0.5 million in the Governor's Budget for this need.

**Judicial Branch Budget Committee Meeting
2019-20 Initial Funding Requests**

April 11, 2018

Number of Requests	IFR Tracking #	Title	Description	# Positions	2019-20 Estimate \$	Fund Source	Previous Submittal	JCC Committees	Comments
18	IFR-19-18	Expansion of Self-Help Funding and Establishment of the Center for Self Help Resources Recommended by the Chief Justice's Commission on the Future of the California Courts	Funding to establish a Center for Self-Help Resources within the Judicial Council in order to support the courts in providing self-help assistance. In addition, funding is also requested to expand the availability of attorneys and paralegal staff at self-help centers. Both requests will support recommendations of the Chief Justice's Commission on the Future of the California Courts.	7.0	\$23.7 million	GF	Y	TCPIAC CEAC ACPAF	A similar request was submitted for the 2018-19 Governor's Budget and \$19.1 million is included in the Governor's Budget to expand self-help services in trial courts. There is a new component of this request from last year to establish a Center for Self Help within the Judicial Council to support the courts in providing self-help assistance.
19	IFR-19-19	Court Appointed Counsel in Juvenile Dependency Proceedings	Funding to support court-appointed dependency counsel workload.	0.0	\$22 million	GF	Y	TCBAC FJLAC	This request was submitted for the 2018-19 Governor's Budget and was denied.
20	IFR-19-20	Implementation of Phoenix Roadmap – Cloud Migration , Technical Upgrade and Functional Improvements	Funding to update and expand the Phoenix System to improve the administrative (financial , procurement, and HR system) infrastructure supporting trial courts.	4.0	\$9 million	GF	Y	JCTC TCBAC A&E	A similar request was submitted in 2018-19 and was combined into one BCP request titled, <u>General Fund Support of Essential Statewide Programs and Services</u> . The BCP was denied.
21	IFR-19-21	Phoenix HR Payroll Deployments	Funding for ongoing staff support additional support to courts that are requesting use of the service, as well as consulting backfill and travel funds. These funds will be used to deploy the Phoenix HR system to new courts.	3.0	\$0.9 million	GF	N	JCTC TCBAC	
22	IFR-19-22	Trial Court Facility Maintenance and Operations	Funding to support operations and maintenance of state trial court facilities	0.0	\$31.4 million	GF	Y	TCFMAC TCBAC	This request was submitted for the 2018-19 Governor's Budget and was denied.
23	IFR-19-23	Statewide Security Systems and Equipment - Maintenance and Replacement	Funding for to address statewide security system maintenance and repairs, refresh of system and equipment that have failed or become obsolete, and security system maintenance and training for the web based continuity of operations planning tool.	0.0	\$6 million	GF	Y	TCFMAC CSAC TCBAC	This request was submitted for the 2018-19 Governor's Budget and was denied.
24	IFR-19-24	Increasing Energy Efficiency in the Judicial Branch	Funding for energy efficiency projects that significantly and immediately reduce energy consumption.	0.0	\$30.8 million	GF	Y	TCFMAC TCBAC	A similar request was submitted for the 2018-19 Governor's Budget and was denied.
25	IFR-19-25	Trial Court Capital Outlay Plan	Funding to update the trial court capital outlay plan (TCCOP). This update will ensure a thorough review and any necessary update of the scores, scopes, and budgets of as many as 110 capital projects still to be considered for a future funding source.	0.0	\$5 million	GF	N	CFAC TCBAC	
26	IFR-19-26	Stabilization of Civil Assessment Revenue	Funding to transition the deposit of civil assessment revenues, including the \$48.3 million in Maintenance of Effort (MOE buyout), into the General Fund instead of the Trial Court Trust Fund (TCTF) and instead, provide a General Fund amount into the TCTF to replace the civil assessment revenues that will be paid into the General Fund.	0.0	\$155 million	GF	Y	TCBAC	This request was submitted for the 2018-19 Governor's Budget and was denied.
27	IFR-19-27	Support for Trial Court Operations	Funding to support trial court operations, which will allow the courts to hire additional staff, retain existing staff, and improve the public's access to justice.	0.0	\$178 million	GF	Y	TCBAC	A similar request was submitted in 2018-19. The 2018-19 Governor's Budget has approved \$75 million in discretionary funding for trial courts statewide and \$47.8 million to be allocated to trial courts that are below 76.9 percent of their overall need according to WAFM.
28	IFR-19-28	Funding for 10 of the 50 Judgeships Authorized by AB 159	Funding to support 10 of the 50 trial court judgeships authorized by Assembly Bill 159 (Ch. 722, Stats. 2007), accompanying support staff, and county-provided sheriff security.	0.0	\$8.9 - 16 million	GF	Y	WAAC TCBAC	A similar request was submitted in 2018-19 and was combined into one BCP request titled, <u>Funding to Support New Judgeships and Justices</u> . The BCP was denied.

**Judicial Branch Budget Committee Meeting
2019-20 Initial Funding Requests**

April 11, 2018

Number of Requests	IFR Tracking #	Title	Description	# Positions	2019-20 Estimate \$	Fund Source	Previous Submittal	JCC Committees	Comments
29	IFR 19-29	Single Sign-On Solution for the Judicial Branch	Funding to deploy a single sign-on solution that will provide a unique username and password to every judicial branch employee and judicial officer, attorneys, members of the public, and justice partners who access judicial branch computer systems and electronic services	2.0	\$3.2 - \$2.1 million	GF	Y	TCBAC ITAC JCTC	This request was submitted for the 2018-19 Governor's Budget and was denied. * This is a new request, not originally included in the materials for 3/21/2018 JBBC meeting.

\$538 - \$548 million

Internal Committees
Judicial Council Technology Committee
Litigation Management Committee
Advisory Committees
Advisory Committee on Financial Accountability & Efficiency for the Judicial Branch
Court Interpreters Advisory Panel
Trial Court Budget Advisory Committee
Trial Court Facility Modification Advisory Committee
Language Access Plan Implementation Task Force
Administrative Presiding Justices Advisory Committee
Trial Court Presiding Judges Advisory Committee
Court Executives Advisory Committee
Family & Juvenile Law Advisory Committee
Information Technology Advisory Committee
Governing Committee of CJER
Advisory Committee on Providing Access & Fairness
Court of Appeal Clerks

2019-20 Initial Funding Request

Requesting Entity: Courts of Appeal

Contact: Bob Lowney

Budget Services Liaison: Matt Kennedy

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-01

A. Working Title: Appellate Court Judicial Workload

B. Description of Funding Request: A General Fund augmentation of \$2.5 million beginning in 2019-20 and ongoing to add two new justices and necessary chambers staff to meet the substantial and growing workload demands in Division 2 of the Fourth Appellate District Court of Appeal. The workload in Division 2 is continuing to increase and the existing justices cannot handle the volume of cases. Based on information from the last three years for which data is available, Division 2 has an annual average of 1,190 appeals becoming fully briefed. After applying the weighted case formula, Division 2 receives 117 cases per justice, far exceeding all of the other divisions and far in excess of the optimal number of weighted cases per justice, which is 89. Adding two justices will reduce the weighted workload and prevent cases from being transferred from one division to another, which poses a hardship for litigants who would bear the expense and burden of traveling to a distant division. It will also allow local issues to be decided in the geographic area where the dispute arose.

C. Estimated Costs: One Time Ongoing \$2.5 million

The estimated cost for two new justice positions and the associated chambers staff is \$2.5 million.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: Securing adequate judicial resources for the courts to timely and efficiently hear the matters that come before them supports the first four goals of the Judicial Branch's Strategic Plan: Goal I: Access, Fairness, and Diversity; Goal II: Independence and Accountability, Goal III: Modernization of Management and Administration, and Goal IV: Quality of Justice and Service to the Public. The extremely high number of cases per justice becoming fully briefed in Division 2 results in delays in having appeals decided and results in disparate treatment of litigants, denying the state's fundamental principle of equal access to justice.

E. Required Review/Approvals:

- Administrative Presiding Justices Advisory Committee
- Court of Appeal Clerks
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Administrative Presiding Justices Advisory Committee take on the lead advisory role as it makes decisions on the preparation, development, and implementation of the Courts of Appeal budget.

2019-20 Initial Funding Request

Requesting Entity: Courts of Appeal

Contact: Bob Lowney

Budget Services Liaison: Matt Kennedy

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-02

A. Working Title: Appellate Court Appointed Counsel Projects

B. Description of Funding Request: A General Fund augmentation of \$1.41 million beginning in 2019-20 and ongoing to support increased costs for contractual services in the Supreme Court's Court-Appointed Counsel Project (CAP-SF) and the Courts of Appeal Court Appointed Counsel Project Offices (Projects). The requested funding will aid CAP-SF and the Projects in meeting their obligations to ensure justice through competent and qualified defense counsel for indigent defendants. Prior to 2017-18, CAP-SF and the Projects had not received an increase to their contracts since 2007-08; however, the 2017-18 Governor's Budget provided \$1.041 million General Fund (\$255,000 for CAP-SF and \$786,000 for the Projects) to support three years increased costs for contractual services.

CAP-SF serves as a legal resource center for private counsel appointed in capital appeals, habeas corpus, and clemency proceedings as well as providing direct representation in some of these matters. CAP-SF provides individual case services to appointed attorneys, provides training, and litigation resource material. In addition, CAP-SF assists unrepresented death row inmates by collecting and preserving records and evidence for later post-conviction use and by providing advocacy needed before counsel is appointed.

California's Court-Appointed Counsel Program fulfills the constitutional mandate of providing adequate representation for indigent appellants in the Courts of Appeal on non-capital cases. The objectives of California's appellate court-appointed counsel system are to: (1) ensure the right of indigent clients to receive the effective assistance of appointed appellate counsel as guaranteed to them by the U.S. Constitution; and (2) provide the Courts of Appeal with useful briefings and arguments that allow the Courts to perform its function efficiently and effectively.

C. Estimated Costs: One Time Ongoing \$1.41 million

Supreme Court: The requested amount of \$315,000 reflects the increased cost to the Supreme Court for services provided by the California Appellate Project – San Francisco (CAP-SF). The requested funding will aid the Supreme Court in meeting their obligations to ensure justice through competent and qualified defense counsel for indigent defendants in capital appeals.

Courts of Appeal: The requested amount of \$1,095,000 reflects the increased cost to the Courts of Appeal for services provided by the five Appellate Projects (First District Appellate Project (FDAP), California Appellate Project-Los Angeles (CAP-LA), Central California Appellate Program (CCAP), Appellate Defenders, Inc. (ADI), and Sixth District Appellate Program (SDAP)).

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The 6th Amendment to the United States Constitution guarantees the effective assistance of counsel in criminal proceedings as a fundamental part of our judicial system. The State's courts are required to provide counsel to indigent defendants and must do so in all appeals that may come before them. The mission of the California

2019-20 Initial Funding Request

judiciary is to “in a fair, accessible, effective and efficient manner, resolve disputes arising under the law... protect the rights and liberties guaranteed by the Constitutions of California and the United States.” Goal I of the Strategic Plan, Access, Fairness, and Diversity, states that “California’s courts will treat everyone in a fair and just manner.

E. Required Review/Approvals:

- Administrative Presiding Justices Advisory Committee
- Court of Appeal Clerks
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Administrative Presiding Justices Advisory Committee take on the lead advisory role as it makes decisions on the preparation, development, and implementation of the Courts of Appeal budget.

2019-20 Initial Funding Request

Requesting Entity: Courts of Appeal

Contact: Bob Lowney

Budget Services Liaison: Matt Kennedy

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-03

A. Working Title: Appellate Court Security

B. Description of Funding Request: A General Fund augmentation of \$1.2 million and a one-time augmentation of \$21,000 beginning in 2019-20 and ongoing to support 7 California Highway Patrol Judicial Protection Section (CHP-JPS) officers at specified appellate court locations during normal business hours. CHP-JPS's primary mission is to provide security and protection for the California Supreme Court, the California Courts of Appeal, its personnel and facilities throughout the State. Currently, Judicial Council of California has a reimbursable contract with CHP-JPS to provide security services for appellate courts which include but are not limited to, bailiff duties during oral argument; outreach oral argument away from an appellate court's location; training conferences; Supreme Court's rotational oral argument in San Francisco, Sacramento, and Los Angeles.

Currently, CHP-JPS deploys officers to nine separate physical appellate court locations. With the exception of the San Francisco and Los Angeles offices, only 1 CHP Officer is assigned to each of the remaining appellate court locations in Sacramento, Fresno, San Jose, Ventura, Santa Ana, Riverside, and San Diego. If the court officer in one of these seven locations is required to leave their post for any approved reasons, the only line of defense and/or security is an unarmed contracted security guard. The potential for lapse or lessening of security is magnified by an increase in active shooter attacks and incidents of workplace violence, especially at government facilities, a rise in instances of credible threats to Justices and appellate court staff, and general crime in the vicinity of each facility.

In addition to the one CHP officer assigned to each of the 7 Courts of Appeal, additional borrowed CHP officer coverage is provided at all appellate courts for:

- Oral argument, one officer is required to sit inside the courtroom and one officer is providing security outside the courtroom
- Specific events at the appellate court which present a greater than normal threat to occupant safety (protests, combative litigants, known threats, etc.)
- The assigned officer is required to attend mandatory Department or POST training
- The assigned officer is on scheduled vacation/leave
- The assigned officer is appearing in another court (subpoena)

CHP-JPS officers assigned to San Francisco or Los Angeles are borrowed to provide the additional coverage when available or the court uses local CHP area staff, as necessary. Utilizing local and borrowed CHP staff results in additional costs because the court is required to reimburse CHP for overtime, mileage, and travel expenses in addition to the officer's salary and benefit costs. Additionally, local CHP area staff are generally not

2019-20 Initial Funding Request

familiar with court building layout, justices, staff, and protective service assignments, which could result in security lapse.

C. Estimated Costs: : **One Time \$21,000** **Ongoing \$1.179 million**
\$1.2 million ongoing and \$21,000 one-time. Salary and benefits for one CHP officer are approximately \$173,000 annually.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The existence of adequate and consistent CHP-JPS security coverage in the appellate courts during working hours is imperative and would enhance security for the seven locations which only have one CHP-JPS officer assigned to them. There are other pending BCP requests that affect the Judicial Council and Courts of Appeal; however, this is the only request that addresses security in the appellate courts.

E. Required Review/Approvals:

- Court Security Advisory Committee
- Administrative Presiding Justices Advisory Committee
- Court of Appeal Clerks
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Court Security Advisory Committee take lead advisory role. The Court Security Advisory Committee makes recommendations to the council for improving court security, including personal security and emergency response planning.

2019-20 Initial Funding Request

Requesting Entity: Courts of Appeal
Contact: Bob Lowney
Budget Services Liaison: Matt Kennedy

Date Prepared: 3/6/2018
Document Tracking Number: IFR-19-04

A. Working Title: Appellate Court Facility Maintenance Program

B. Description of Funding Request: A \$1.3 million General Fund augmentation (\$24,000 one-time in 2019-20 and \$1.234 million in 2019-20 and ongoing) to perform an in-depth building assessment of the two state-owned, court managed appellate court facilities and to establish and support an Appellate Court Facility Maintenance Program which will include preventative and demand maintenance and minor facility modifications in all appellate court facilities. Preventative maintenance provides that equipment is regularly inspected and maintained before a break down occurs and demand maintenance addresses unique, unforeseen events. Minor facility modifications include projects that restore or improve the designed level of function of a facility or facility. The appellate courts occupy a total of just over 500,000 square feet of space in 9 facilities. Of the 9 locations, 4 are state owned facilities managed by the Department of General Services (DGS), 2 are state-owned, court managed facilities, and 3 are in leased space.

Appellate Court	Location	Type of Facility	Square Footage Occupied
First District	San Francisco	State-owned, DGS managed	83,000
Second District	Los Angeles	State-owned, DGS managed	119,000
	Ventura	Leased space	23,000
Third District	Sacramento	State-owned, DGS managed	56,000
Fourth District	San Diego	Leased space	50,000
	Riverside	State-owned, DGS managed	35,000
	Santa Ana	State-owned, court managed	52,000
Fifth District	Fresno	State-owned, court managed	51,000
Sixth District	San Jose	Leased space	39,000

In the past 10 years, there have been significant investments in new appellate court facilities; however, no ongoing funding was provided for a facility maintenance program. Any repairs or improvements must be paid out of the appellate courts general operating budget, which is already strained due to previous budget reductions. With limited funding, only the most urgently needed and/or safety-related projects can proceed, leaving unaddressed system replacements, including roofs, mechanical and electrical systems, etc., that often result in more costly repairs in future years. This request will create a Facility Maintenance Program to take a proactive approach towards identifying, maintaining, and funding critical building needs in the Appellate Courts. The first step will be to perform an assessment of the two state-owned, court managed facilities and provide \$1.234 million (\$2 per square foot for DGS managed space and \$4.12/sf for court managed space, as identified by industry standards) for preventative and demand maintenance and minor facility modifications. Once the assessment is completed, future requests will be submitted to support life-cycle replacement of certain items, like equipment, that has reached the end of its useful life. Further, as bonds are retired on the remaining

2019-20 Initial Funding Request

state-owned, DGS managed facilities, an assessment will need to be performed to determine the available remaining life-cycle of major building components.

C. Estimated Costs: **One Time \$24,000** **Ongoing \$1.234 million**

An ongoing General Fund augmentation of \$1.234 million for preventative and demand maintenance and minor facility modifications and a one-time \$24,000 General Fund augmentation to perform an in-depth building assessment of the Santa Ana and Fresno facilities. At this time, staff support within the Facilities Services office is sufficient to address the additional workload associated with this request. As future facilities come under Judicial Branch management, additional staffing resources may be necessary.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: California's courts are aging, and continued lack of investment in facility maintenance will lead to continued deterioration of buildings and other basic building components, leading to the inability of the appellate courts to discharge duties required by statute.

While this request seeks a General Fund augmentation, there may be direction given to utilize Appellate Court Trust Fund (ACTF) resources; however, due to declining revenues, the ACTF may be unable to support an ongoing augmentation.

Additionally, it is important to note that in 2008-09 a BCP approved by the Department of Finance for the one-time moving (\$1.628m ACTF) and ongoing operations and maintenance costs (\$70,000 in year 1, \$415,000 ongoing GF) was included in the Governor's Budget for the new Fourth Appellate, Santa Ana facility. The operations and maintenance costs were based on the then-DGS estimated cost per square foot of \$10.80, less the existing operations and maintenance resources in the Fourth District's budget. Operations and maintenance funding covers a wide variety of items such as, utilities, insurance, and building repairs. However, during budget negotiations, funding for the move was approved, but the operations and maintenance funding was deferred and would be considered in future fiscal years. To date, the Judicial Branch has not submitted another request for these costs.

E. Required Review/Approvals:

- Administrative Presiding Justices Advisory Committee
- Court of Appeal Clerks
- Trial Court Facility Modification Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that Trial Court Facility Modification Advisory Committee take the lead advisory role as it provides ongoing oversight of the judicial branch program that manages renovations, facilities operations, maintenance, and real estate for trial courts throughout the state.

2019-20 Initial Funding Request

Requesting Entity: Legal Services Office

Contact: Eric Schnurpfeil

Budget Services Liaison: Lucy Chin/Nadia Butler

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-05

A. Working Title: Judicial Branch Litigation Management Program

B. Description of Funding Request: A \$5.8 million General Fund augmentation beginning in 2019-20 to shift expenditures from the Improvement and Modernization Fund to support the defense and indemnification of all Judicial Branch entities for government claims and litigation. The request will also propose provisional language to allow the Judicial Council one additional year to encumber funds, beyond existing Budget Act authority, which will provide greater flexibility to schedule contract payments. Approximately \$5.4 million is traditionally budgeted annually from the General Fund and the State Trial Court Improvement and Modernization Fund (IMF) (see detail below). Shifting IMF expenditures to the General Fund will assist with extending the solvency of the IMF as well as centralize the Litigation Management Program into a consolidated pool of available funds to be used for all entities of the Judicial Branch.

C. Estimated Costs: One Time Ongoing \$5.8 million

\$5.8 million General Fund. This request will (1) consolidate the current expenditures from the following fund sources, adding to the existing \$200,000 General Fund allocation, and (2) increase the total amount of the consolidated fund by \$449,000 to allow for increases in litigation costs over the period since these funds were *initially* established at the following levels:

\$200,000 – General Fund

\$4,500,000 – IMF, Trial Court Litigation Management Fund

\$651,000 – IMF, Trial Court Transactions Assistance Program

D. Relevance to the Judicial Branch Budget and Other Funding Requests: Litigation funding is currently divided into three categories: (1) Supreme Court, Courts of Appeal, and Judicial Council litigation and related risk reduction expenditures (General Fund), (2) Trial court litigation and related risk reduction expenditures (IMF-Trial Court Litigation Management), and (3) Trial court transactional assistance to pay for counsel for labor arbitrations, proceedings before the Public Employment Relations Board, as well as for outside counsel in specialized areas of the law and other risk reduction expenditures (IMF-Trial Court Transactions Assistance Program). There are no other requests that affect the Litigation Management Program or the branch's litigation needs. This request is consistent with a previously approved 2016-17 Governor's Budget BCP which shifted costs for the Phoenix Program from the IMF to the General Fund. Consolidating funding and broadening the use of the funds allows the Judicial Council to effectively manage resources and better serve the branch's litigation needs.

E. Required Review/Approvals:

- Litigation Management Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that Litigation Management Committee take on the lead advisory role as it makes decisions on the use of litigation funding for the Judicial Branch.

2019-20 Initial Funding Request

Requesting Entity: Court Operations Services

Contact: Olivia Lawrence

Budget Services Liaison: Kris Errecart

Date Prepared: 3/7/2018

Document Tracking Number: IFR-19-06

A. Working Title: Continuing the Implementation of the *Strategic Plan for Language Access in the California Courts*

B. Description of Funding Request: The Language Access Plan Implementation Task Force (LAPITF) requests an augmentation of \$11.82 million of General Fund for 2019-20, of which \$9.5 million is ongoing funding. This includes funding necessary to implement the following provisions: 1) expand interpreter services into all civil proceedings and fund interpreter salary increases; 2) trial court reimbursement for court interpreter supervisors and coordinators; 3) video remote interpreting (VRI) equipment for the courts; 4) other technological solutions to expand language access; 5) implementation of a court interpreter review process; 6) development of statewide resources of court-ordered programs and a repository of providers; and 7) a draw down from the Court Interpreter Fee Fund. These efforts support the implementation of the Judicial Council's *Strategic Plan for Language Access in the California Courts*, adopted January 2015.

C. Estimated Costs: One Time Ongoing **\$11.8 million**

This proposal seeks \$11.8 million in General Fund for the expansion of language access in the courts for 2019-20, including the establishment of 1.0 FTE.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The *Strategic Plan for Language Access in the California Courts* (LAP) supports Goal I of the Judicial Council's strategic plan—Access, Fairness, and Diversity—which sets forth that:

- All persons will have equal access to the courts and court proceedings and programs;
- Court procedures will be fair and understandable to court users; and
- Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds.

The LAP also aligns with the operational plan for the judicial branch, which identifies additional objectives, including:

- Increase qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; and
- Increase the availability of language access services to all court users.

E. Required Review/Approvals:

- Language Access Plan Implementation Task Force
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee
- Court Interpreters Advisory Panel

F. Proposed Lead Advisory Committee: Budget Services proposes that the Language Access Plan Implementation Task Force, chaired by Supreme Court Justice Mariano-Florentino-Cuéllar, is designated lead advisory body. It was established by the Chief Justice and the Judicial Council in March 2015 to

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develop the necessary systems for monitoring compliance with the council's January 2015 *Strategic Plan for Language Access in the California Courts*.

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Requesting Entity: Habeas Corpus Resource Center

Contact: Louis Stanford

Budget Services Liaison: Matt Kennedy

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-07

A. Working Title: Habeas Corpus Resource Center Case Team Staffing

B. Description of Funding Request: A General Fund augmentation of \$3.4 million in 2019-20, \$5.0 million in 2020-21, and \$5.5 million in 2021-2022 and ongoing for the permanent establishment of 34 positions phased in over two consecutive fiscal years to create four additional case teams to provide legal representation to inmates on California's death row and an amendment to Government Code § 68661. Additional office and storage space would be required. This proposal is necessary to reduce the increasing backlog of inmates on California's death row who have the right to counsel in state post-conviction proceedings, but currently must wait as long as 20 years for appointment of an attorney. Such undue delays in appointment of counsel substantially increase both the litigation costs of each case and the incarceration costs associated with the delay in providing a substantial number of condemned inmates relief from their death judgments.

C. Estimated Costs: One Time Ongoing **\$3.4 million in 2019-20**

The estimated costs are \$3.4 million in 2019-20, \$5.0 million in 2020-21, and \$5.5 million in 2021-22 and ongoing. This request also included 34.0 positions to be phased in over two fiscal years.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The delays in appointment of state habeas counsel have now ballooned to 358 inmates on death row without habeas counsel. The average delay in appointment of counsel is about 10 years, while the California Supreme Court is now appointing counsel in cases with judgments dating back 20 years. The 6th Amendment to the United States Constitution guarantees the effective assistance of counsel in criminal proceedings as a fundamental part of our judicial system. The State's courts are required to provide counsel to indigent defendants and must do so in all appeals that may come before them. The mission of the California judiciary is to "in a fair, accessible, effective and efficient manner, resolve disputes arising under the law... protect the rights and liberties guaranteed by the Constitutions of California and the United States." Goal I of the Strategic Plan, Access, Fairness, and Diversity, states that "California's courts will treat everyone in a fair and just manner.

E. Required Review/Approvals:

- Habeas Corpus Resource Center Executive Director
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the HCRC Executive Director take on the lead advisory role as he makes decisions on budget and operations affecting the HCRC.

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Requesting Entity: Judicial Council Information Technology Office

Contact: Mark Dusman

Date Prepared: 2/23/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-08

A. Working Title: Collaboration Platform for the Branch IT Community

B. Description of Funding Request: The Judicial Council is requesting a General Fund augmentation estimated to be \$755,000 in one-time costs and from approximately \$450,000 - \$510,000 annual ongoing costs to acquire, configure, deploy and maintain the modern software tools necessary to further enable innovation and collaboration for the branch IT community and its stakeholders. The tools are today often referred to collectively as enterprise content collaboration platforms.

The Branch's IT Community faces a significantly increased emphasis on collaboration and is greatly challenged by the geographic separation of the 58 trial courts. The need for more effective and efficient collaboration arises with the growth of Information Technology Advisory Committee's (ITAC's) use of workstreams, several state and local technology pilot programs, the implementation of the Judicial Council's Innovation Grants, in addition to the successful use of cross-court innovation around case management, digitized service delivery, self-represented litigants, and various web-based solutions. In each of these areas, success is dependent on the ability to quickly and efficiently leverage knowledge, expertise and experience across and between courts, the Judicial Council, state, local and national justice partners, external vendors, and other stakeholders such as self-help providers and academics.

This year the ITAC is sponsoring a workstream to further enhance and build upon the tremendous success of the branch's IT Community collaboration and innovation. One of the objectives of the workstream will be to "Identify, prioritize, and report on collaboration needs and tools for use within the branch and to evaluate and prioritize possible technologies to improve advisory body and workstream meeting administration; pilot recommended solutions with the committee."

As part of its directive, the IT Community workstream will recommend technologies that will enable and enhance this level of sharing during the innovation and development phases of technology initiatives. The technologies today are grouped by the industry into what is often referred to as content collaboration platforms (CCP). A content collaboration platform is a core enabling component of digital workplace transformation. Innovative organizations consider CCPs a priority for enabling better productivity, external document sharing, team collaboration, internal/operational efficiencies, and data infrastructure modernization. Gartner, Inc summarizes the capabilities of these technologies:

- "Workforce productivity — Enabling general-purpose, nonroutine working experiences on documents, from different locations and across multiple devices. It includes enhanced syncing and access capabilities. Content creation is often a key requirement for productivity.
- Extended collaboration — Supporting file sharing between people or in a team, inside and outside of the organization, with support for commenting, versioning, notification, data protection, and rights management capabilities.

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- Centralized content protection — Supplying a locked-down document collaboration environment with support for policy enforcement, data protection, audit trail, e-discovery, and data residency.
- Lightweight workflow — Enabling automation of simple tasks related to document flows, involving document management and team collaboration capabilities.”

The requested funding would be needed to acquire the tools and practices recommended by the IT Community workstream. Once selected the platform tools would need to be implemented. The successful use of these types of resources are highly dependent on the development of a specific, well-planned strategy for using and maintaining the platform. The additional FTEs requested would be responsible for working with the various stakeholders to define that strategy, configuring the tools to accommodate those requirements, testing, piloting and deploying the solution. Ongoing maintenance would be required to maintain the technical components of the platform as well as to continue to deploy the solution to new collaboration teams and workstreams as they are formed.

C. Estimated Costs: One Time \$755,000 Ongoing \$450,000-\$510,000

At this time, the cost to implement a content collaboration platform are not fully known. It is critical to select a solution that will meet the requirements for security, privacy, accessibility, and cost-effectiveness, as well as the ability to scale to a level that will support the 58 trial courts, the 6 appellate courts, and the California Supreme Court.

Ongoing funding will also be needed for 2 FTE for the Judicial Council: 2 Senior Business Systems Analysts to help onboard the courts to the solution and to provide ongoing consulting and management of the digital evidence provider.

To facilitate the evaluation of this initial funding concept, the Judicial Council Information Technology office used industry standard estimates for similar programs, software and platform acquisitions and hosting costs. We also included standardized Judicial Council costs estimates for the requested staffing to support this effort. The table below outlines those estimates.

	Annual Cost	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
Senior Business Systems Analyst		\$152,417	\$160,038	\$168,040	\$176,442	\$185,264
Senior Business Systems Analyst		\$152,417	\$160,038	\$168,040	\$176,442	\$185,264
Content Collaboration Software	\$350,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000
Platform Hardware	\$200,000	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000
Ongoing Annual Hosting	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
One-time Implementation Costs	\$175,000					
Total One Time Costs	\$755,000					

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Total Ongoing Annual Costs		\$444,834	\$460,076	\$476,080	\$492,884	\$510,528
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D. Relevance to the Judicial Branch Budget and Other Funding Requests: Goal 2 of the Judicial Branch Strategic Plan for Technology - Optimize Branch Resources states, “the judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.” Providing a platform which would enable innovation through efficient and effecting sharing and collaboration is an area of focus prescribed in the plan. ITAC, in support of this goal is sponsoring a workstream on IT Community which has a state objective to “identify, prioritize, and report on collaboration needs and tools for use within the branch.”

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as the JCTC oversees the council’s policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Information Technology Office

Contact: Kathleen Fink

Date Prepared: 4/9/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-09

A. Working Title: Management of Digital Evidence in the Courts - Pilot

B. Description of Funding Request: A General Fund augmentation, estimated at between \$650 thousand and \$1 million for a digital evidence storage and playback service and 3.0 FTE positions, to pilot services at 3-5 courts in support of managing digital evidence in the courts. All costs are ongoing.

Digital evidence, also known as electronic evidence, is any evidence created, received, stored, or transmitted in digital format, such as photographs, video recordings, and documents in pdf format.

Body cameras, video surveillance, personal cell phones, social media: these are all contributing to the exponential growth in digital evidence and questions on how to manage it in the courts. Courts are already experiencing digital evidence in increasing volume and in various standards and formats. Add to that the need to maintain security and chain of custody while making the evidence available to the appropriate parties and the potential for the introduction of malware, such as computer viruses, via submitted digital evidence, and this becomes a situation the courts must address quickly.

The Information Technology Advisory Committee's Digital Evidence Workstream, as one of the results of its analysis, will recommend a secure, cost-effective solution to provide a storage and playback service that courts will be able to use to manage digital evidence. A pilot of the service will assess the effectiveness of the solution and will generate information on next steps, best practices, and costs for onboarding additional courts. As more courts use the service, it will generate business intelligence for the judicial branch on how digital evidence is impacting the courts, for example, the volume and types of digital evidence, as well as new types of digital evidence that may appear.

C. Estimated Costs: One Time _____ Ongoing **\$650,000- \$1.3 million**

At this time, the cost to acquire and support a repository and secure playback, or "streaming", service is unknown. However, a range of low to high costs are indicated in the table below. It is critical to select a solution that will meet the requirements for security, privacy, accessibility, and cost-effectiveness, as well as the ability to scale to a level that will support the 58 trial courts, the 6 appellate courts, and the California Supreme Court.

Ongoing funding will also be needed for 3.0 positions for the Judicial Council: 1.0 Senior Business Systems Analyst and 1.0 Business Systems Analyst to help onboard the courts to the solution and to provide ongoing consulting and management of the digital evidence provider. 1.0 Enterprise Architect is needed for solution design and ongoing consulting – this headcount can be shared by the Business Intelligence program.

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	Annual Cost	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
Sr. Business Systems Analyst	\$145,159	\$152,417	\$160,038	\$168,040	\$176,442	\$185,264
Business Systems Analyst	\$129,629	\$136,110	\$142,916	\$150,062	\$157,565	\$165,443
Enterprise Architect	\$171,007	\$89,779	\$94,268	\$98,981	\$103,930	\$109,127
Digital Evidence Service - low	\$250,000	\$275,000	\$302,500	\$332,750	\$366,025	\$402,628
Digital Evidence Service - high	\$500,000	\$550,000	\$605,000	\$665,500	\$732,050	\$805,255
Total Low		\$653,306	\$699,721	\$749,832	\$803,961	\$862,461
Total High		\$928,306	\$1,002,221	\$1,082,582	\$1,169,986	\$1,265,088

Note 1: The cost of the Enterprise Architect is assumed to be shared with the Business Intelligence program and is divided in half.

Note 2: The salaries of the FTE are assumed to increase 5% each year. The Digital Evidence Service is assumed to increase 10% each year.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: This request will support Court Technology Strategic Goal # 1 – Promote the Digital Court, by implementing a branchwide solution for managing digital evidence. Courts currently maintain most digital evidence in physical format such as flash drives, DVD’s, and memory chips. Electronic storage will enable courts to securely receive, store, present, and transmit digital evidence as needed.

E. Required Review/Approvals:

- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Council Technology Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Information Technology Advisory Committee take on the lead advisory role as the ITAC promotes, coordinates, and acts as executive sponsor for projects and initiatives that apply technology to the work of the courts. Further, ITAC’s Digital Evidence Workstream is specifically tasked with assessing the current challenges the courts face in managing digital evidence and recommending statewide solutions to meet those challenges.

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Requesting Entity: Judicial Council Information Technology Office

Contact: Robert Oyung

Date Prepared: 2/21/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-10

A. Working Title: Digitizing Documents Phase One for the Appellate and Superior Courts

B. Description of Funding Request: The Judicial Council is requesting a one-time General Fund augmentation of an estimated \$5.7 million in FY 2018-19 and an ongoing augmentation funding of \$170,000/yr. for a Senior Business Systems Analyst. The funding will support a pilot program (focusing on 6 to 8 courts) for digitizing paper and/or filmed case files for the Appellate and Superior Courts. The target for this pilot is the equivalent of 22,000 linear feet of paper case files. After this pilot, the data will be used to develop cost estimates, and identify potential processes and techniques needed for courts looking to digitize documents in the future. This request includes 1.0 FTE position (Senior Business Systems Analyst) to function as the project manager to oversee activities for the digitization pilot, develop and maintain the project plan and assist subsequent courts with document digitizing efforts.

The California court system is the largest in the nation, with more than 19,000 court employees. It serves a population of about 39 million people – 12.5 percent of the nation. During FY 2014-2015, over 6.8 million cases were filed statewide in the Superior Courts, alone. The Courts of Appeal had approximately 23,000 filings and the Supreme Court had 7,868 filings over the same time. Case files are associated with each one of those filings, and each case file contains multiple documents over the life of the case (docket, briefs, motions, pleadings, etc.). Court operations center on the receipt, creation, processing and preservation of these court documents. The major part of the historical records and much of the current volume consists of paper or filmed (microfilm or microfiche) documents. Management of paper and film case files is very labor intensive and even storage of those files competes with valuable courtroom space. In some courts, equipment to view microfilm and microfiche is becoming obsolete and is increasingly difficult and expensive to maintain and repair. If readers are not available, viewing documents will not be possible without converting them to another format. If stored externally, the cost represents a significant expense.

Electronic case files lessen the burden of processing case documents and has the potential to greatly reduce the need for physical storage space facilities (file rooms, multi-level filing cabinets, boxes of records in archival storage). As the courts migrate from older legacy-case management systems, they can take advantage of electronic documents and electronic document processing, but they need a mechanism to convert existing paper and filmed case files into electronic format. Electronic case files will eliminate the need for physical storage facilities and would allow for greater public access and convenience.

To assess demand for the digitizing paper and/or film, and interest in a pilot project, a survey was developed and sent to all California Appellate and Superior Courts (<https://www.surveymonkey.com/results/SM-97YWNCNW8/browse/>). Of the courts surveyed, 31-courts responded and of those, 29 wanted to participate in a pilot. Of the 29 wanting to participate in a

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pilot, 22 were committed, willing to re-engineer their business processes, provide staffing for the pilot and provide documentation of their experiences so that future implementations would go more smoothly (DigitizingPaperSurvey.xlsx). Each court measured or provided estimates for the quantity of paper and filmed files, for both active and archived cases. In total, the 29 courts reported more than 300,000 linear feet of active case paper files (more than 56 miles). The response to the survey identifies an opportunity for substantial reductions in physical storage, through the digitizing of paper.

C. Estimated Costs: One Time \$5.8 million Ongoing \$170,000

To estimate the cost associated with this request, 20 scanning vendors were contacted and 7 responded with detailed pricing estimates ranging from \$105/box to \$368/box (ScanningVendors.xlsx). The average cost per 15” box of files was \$203. Using this average scanning cost for 22,000 linear feet of paper files amounts to \$4.5 million. Included in the cost projection is an additional \$650,000 for a bulk scanning equipment and for desktop scanning equipment so that pilot courts can scan files as they come in, based on their modified workflow. Given the number of active case linear feet are estimates, there is a 10% contingency of \$500,000. Below is a chart outlining projected costs for staff and pilot operations.

	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
Sr. Business Systems Analyst	\$170,000	\$170,000	\$170,000	\$170,000	\$170,000
Scanning Services	\$4,466,000				
Scanning Equipment	\$650,000				
Case Volume Contingency (10%)	\$500,000				
Total:	\$5,786,000	\$170,000	\$170,000	\$170,000	\$170,000

D. Relevance to the Judicial Branch Budget and Other Funding Requests:

The 2014-2018, Strategic Plan for Technology (<http://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf>), puts emphasis on the need to Promote the Digital Court. There were four key technology goals identified in the Strategic Plan and this budget change proposal directly aligns with the following three goals.

- Promote the Digital Court
- Optimize Branch Resources
- Optimize Infrastructure

Digitizing paper and film files is a necessary and foundational part of realizing the larger goal of transforming a court that relies on paper files into a Digital Court. The main barrier to implementing electronic documents for a Digital Court is the reliance on historical paper documents. It is labor intensive to maintain both paper and electronic versions of a document. One large court with approximately 700 employees estimated they had 100 people spending 25% of their time processing paper documents.

In pursuit of the goal of the Digital Court, multiple courts are currently leveraging a branchwide Master Services Agreement (MSA) to implement new systems with capabilities to utilize electronic documents. These agreements include case management systems, e-filing systems and document

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management systems. Funding to support a transition to electronic documents will assist the courts in integrating with these systems and supporting their efforts to meet the goal of establishing a Digital Court.

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take the lead advisory role. The JCTC oversees the council's policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

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Requesting Entity: Judicial Council Information Technology Office

Contact: Fati Farmanfarmaian

Date Prepared: 2/22/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-11

A. Working Title: Futures Commission Directives for the Expansion of Technology in the Courts.

B. Description of Funding Request: A General Fund augmentation of an estimated \$1,179,000 (\$220,000 one-time and \$959,000 ongoing) to provide funding for implementing pilot programs at 3-5 courts for intelligent chat, video remote hearings, and natural language voice-to-text translation services in support of Futures Commission recommendations directed by the Chief Justice. Judicial Council Information Technology (JCIT) will be responsible for supporting these services. Funding would include one-time funding for software and equipment, and ongoing funding for full-time staff resources and services to enable JCIT to operationalize the solutions, with the goal of expanding them and eventually making them available to all courts.

The Chief Justice has directed the Information Technology Advisory Committee (ITAC) to report on the feasibility and resources necessary to pilot three technology innovations recommended by the Futures Commission: remote appearances for most noncriminal court proceedings; voice-to-text language interpretation services at court filing, service counters, and in self-help centers; and intelligent chat technology to provide self-help services. Where pilot projects are implemented, the committee has been directed to report back to the Judicial Council on outcomes and make recommendations for statewide expansion.

The workplans for each initiative envision a two-phased pilot approach in which quick, small-scale, investigative proofs-of-concepts will be deployed in three to six months prior to conducting larger and more formalized pilot projects. This strategy allows ITAC and the project evaluation teams to quickly learn about potential uses and deployment of the technologies in controlled environments. The first phase of the projects is expected to be funded through existing budget and provide quick but limited information. Funding to support the second phase of each project will provide for more formalized and extensive piloting, provide data for statewide recommendations, and ongoing support to productize and operationalize the programs.

Examples of this may include:

- Establishing a technical laboratory environment at the Judicial Council to test various voice-to-text language services to gauge alignment of the technical tools to deliver accurate and useful translation within a complex environment; thereafter, to test the voice-to-text service in a specific subject at a court location.
- After collecting findings from mock remote video hearings at various courts and assessing the viability of broadened expansion, the pilot would likely include delivering remote video programs in 3-5 courts as recommended.

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- Conducting a series of individual proofs of concepts using intelligent chat (a computer program which conducts a conversation via auditory or textual methods) to assess technology readiness, benchmarks for success, and learnings; thereafter, to deliver the intelligent chat service as part of the council’s online digital service implementation in select self-help subject areas.

These three programs will provide the branch with proven methods and tools for improving remote and modernized access to the courts for Californians. Expanding the use of technology in this manner will increase access to justice, supporting a key tenet of the Chief Justice’s access 3D initiative.

C. Estimated Costs: **One Time \$220,000** **Ongoing \$959,000**

At this time, the cost to implement the pilot programs in the three areas identified is not fully known, but is estimated to be approximately \$1,178,954. The first phase proof of concept efforts for each initiative is being conducted this year (2018) and will include an assessment of what funding would be necessary to achieve the more robust pilot program.

However, below is an estimated total cost for software, equipment, maintenance, and services.

Estimates for remote appearances are based on the Video Remote Interpreting (VRI) Pilot cost estimate included in the FY16/17 Language Access Plan BCP. Estimates for intelligent chat and voice to text are based on pricing information available on public websites. Following the proof of concept phase, the final cost for more formal piloting at 3 to 5 courts will be provided after a more extensive feasibility study and analysis. Ongoing full-time staff costs include 1 Senior Business Systems Analyst for each pilot area (three in total) to coordinate, implement, and support the pilot and future deployment, and 1 Senior Application Developer for the intelligent chat and the video to text initiatives (two in total) to develop the solutions to be implemented. The pilot programs and support for their broadened productizing and operationalization will require continued support that is the responsibility of the Judicial Council Information Technology office.

Estimated costs:

			FY19/20	
			One time	Ongoing
Full Time Staff Costs				
	1 Senior Business Systems Analyst at mid-range for each of the 3 initiatives	<i>\$160,038.00</i>		\$ 480,114.00
	1 Senior Application Developer at mid-range	<i>\$165,420.00</i>		\$ 330,840.00
Video Remote (Based on the VRI Pilot)				
	Special equipment for provider courts:			

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	Infrastructure at the courts for confidential room: Provider Court Studio Space (Might be in-kind) Set up @\$7,000 per each of 5 courts- one-time equipment and ongoing 10% maintenance		\$ 35,000.00	\$ 3,500.00
	An integrated courtroom at each \$15,000-\$25,000 per courtroom ---one courtroom at each of 5 courts	\$25,000.00	\$ 125,000.00	\$ 12,500.00
	Each court to have 2-3 types of lower cost mobile end points (different from the integrated courtroom):			
	<i>higher end mobile endpoint</i>	\$8,000		
	<i>mid-range mobile endpoint</i>	\$3,000		
	<i>just a software endpoint</i>	\$1,000		
	AVERAGE PER COURT per each of 5 courts with mobile endpoints and ongoing 10% maintenance	\$12,000	\$ 60,000.00	\$ 6,000.00
	Total Video Remote		\$ 220,000.00	\$ 22,000.00
	Intelligent Chat			
	2,000,000 Text Conversations per Month			\$ 48,000.00
	Video to Text			
	1,000,000 Voice Interactions per Month			\$ 78,000.00
	Totals		\$ 220,000.00	\$ 958,954.00

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The final report of the Commission on the Future of California’s Court System (Futures Commission) sets forth recommendations for legal and structural reforms for the judicial branch of government to improve access to justice and to better serve current and future generations of Californians. One of those recommendations is to expand technology in the courts. This aligns with and contributes to “Promoting the Digital Court” and “Optimizing Branch Resources,” two of the goals in the *Judicial Branch Strategic Plan for Technology*. Contributing to the support of these goals, as well as responding to the specific directives of the Chief Justice, are key branch priorities with regards to technology.

There has been innovation grant funding relative to video hearings and avatars starting in FY17, which was provided to individual courts. This program will leverage these projects—and any other—existing pilot efforts to minimize costs. No other similar requests for funding are known, at this time.

2019-20 Initial Funding Request

E. Required Review/Approvals:

- Information Technology Advisory Committee
- Judicial Council Technology Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that ITAC take on the lead advisory role, as the Chief Justice specifically directed the committee to take immediate action in these three areas.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Information Technology Office

Contact: Donna Keating

Date Prepared: 3/02/18

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-12

A. Working Title: Pilot Next Generation Hosting concepts at one or more courts.

B. Description of Funding Request: We are requesting approval for a one-time General Fund augmentation in the estimated range of \$963,532 to \$1,295,862 in 2019-20 to pilot Next Generation Hosting concepts at one or more courts. Funding would be used to operationalize a set of branch-level recommendations developed by the Information Technology Advisory Committee’s Next Generation Hosting Workstream. “Hosting” refers to the services, methods, and technologies available to house and manage the servers, network, and software for court applications.

The Next Generation Hosting Workstream recommendations present guidelines to assist courts in making decisions on hosting court technology systems using modern, scalable and flexible models. The models range from on premise local solutions to regional court data centers to cloud computing. The pilot would allow courts to test framework guidelines, to use and refine common service level definitions and expectations, and to take advantage of new hosting technologies available to the branch. Courts may leverage master service agreements negotiated with providers for hosting support for critical applications including; court case management systems, jury systems, financial and email systems and web services. This request will enable the courts to leverage the workstream recommendations to pilot solutions that better utilize modern, agile, flexible and cost-effective hosting solutions that are appropriate for their court’s technology environments and needs.

C. Estimated Costs: One Time \$964,000 - \$1.3 million Ongoing \$145,000 - \$185,000

At this time, the cost to pilot Next Generation Hosting Solutions is unknown but as the assessment moves forward we will be better able to gauge the resources needed for this effort. At this point in time, funding for the pilot is expected to include:

- One-time hardware, software, and services for the pilot
- One FTE for JCC: One Senior Business Systems Analyst to work with pilot courts to provide hosting guidance, to maintain and refine the framework, and to coordinate procurement of services including; developing RFP’s, selecting vendors and executing contracts.
- No on-going funding is requested for pilot courts. Courts wishing to continue their pilot implementation would fund any on-going costs.
- The cost estimates are for pilot services for one medium sized court for hardware, software, and services and are based on current CCTC pricing models

Category	One Time Costs
Hardware	\$190,120
Software	\$125,320
Services	\$595,583

2019-20 Initial Funding Request

Initial Set Up Cost	\$224,801
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	Annual Cost	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24
Senior Business Systems Analyst	\$145,159	\$152,417	\$160,038	\$168,040	\$176,442	\$185,264

D. Relevance to the Judicial Branch Budget and Other Funding Requests: While next generation hosting is expressly called out under Goal Three, Optimize Infrastructure, it also has a direct impact on the branch’s ability to accomplish two more of its strategic technology goals: Promote the Digital Court and Optimize Branch Resources. A modern, flexible, scalable, and cost-effective hosting foundation is critical to providing services that extend and enhance public access to the courts, that enable data-sharing among the courts, and that promote collaboration across the judicial branch, to name just a few objectives. The hosting framework made recommendations based upon the Court Technology Strategic and Tactical Plan and the best likelihood for achieving the defined goals and objectives. The Workstream also partnered with ITAC’s Disaster Recovery Workstream to ensure report findings were in alignment with related initiatives in the Tactical Plan.

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as JCTC oversees the council’s policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

2019-20 Initial Funding Request

Requesting Entity: ITAC Intelligent Forms Workstream

Contact: Camilla Kieliger/Mark Gelade

Budget Services Liaison: Mary Jo Ejercito

Date Prepared: 2/28/2018

Document Tracking Number: IFR-19-13

A. Working Title: Modernization of Judicial Council Forms Technology/Intelligent Forms

B. Description of Funding Request: In support of the Judicial Branch Strategic Plan for Technology, the Judicial Council requests an estimated General Fund augmentation of \$2,100,000.00 for one-time cost for the modernization and transformation of Judicial Council Forms, and \$403,000 ongoing for four new analyst positions to support operational preparedness and production deployment of intelligent Forms, with refinement of the estimate pending completion of a Request for Information (RFI) in July 2018.

Today, Judicial Council forms exist in PDF format only, and the information within them cannot easily be exchanged with court case management systems. In addition, they not fully ADA accessible do not work as expected on all browsers, and do not display well mobile devices. In our ongoing efforts to create the ‘digital court’ this project proposes a ‘digital transformation’ of Judicial Council forms so that they can be more adaptive and e-filed with the courts

Judicial Council forms have traditionally been used to produce paper documents. While paper-based forms serve an important purpose, new technologies like e-filing, e-service, and new court case management systems will require better data portability between forms and these systems.

The project is also fundamental to developing true e-filing. E-filing is more than simply transmitting case documents to the court to be processed by the Clerk. True e-filing not only handles the document transmission but also integrates the documents and corresponding case information into the Court’s Case Management System (CMS). This provides for a much quicker, more automated, and more efficient process. To enable this process, the underlying documents must be standardized and published with adequate and consumable metadata and a data mapping schema.

Fundamental to increasing access to justice is dependable and accessible forms that can be used remotely and at no charge. According to Pew Research Center (2017), 77% of US adults own a smartphone, and 12% rely exclusively on their smartphones to access the internet. In the younger generation, those between 18 and 29 years old, 92% own smartphones. Perhaps most importantly, twenty percent of adults living in households earning less than \$30,000/year are smartphone-only internet users. It is axiomatic that these lower-income households are the most likely to be self-represented. There is not only an expectation, but also a growing need, for people to interact with public entities remotely. Judicial Council forms do not currently meet those needs and expectations.

2019-20 Initial Funding Request

The Information Technology Advisory Committee established the Intelligent Forms Workstream to examine the use of court forms and investigate options for modernizing the electronic format and delivery of Judicial Council forms. The project proposed by the Intelligent Forms Workstream would:

- Authenticate all Judicial Council forms
- Populate authenticated forms with data
- Host all Judicial Council forms on a separate forms server
- Create and publish form Application Programming Interfaces (APIs)
- Accept structured data through a web request
- Respond to the requester with an authenticated and populated form

This would ensure the integrity of Judicial Council forms, but would also allow third parties to develop constituent-specific data-gathering tools while still outputting authentic Judicial Council forms.

Forms must be usable by people with disabilities. The legacy Judicial Council forms must be updated to comply with current accessibility legislations, rules, and standards. Future forms development must be accessible to comply with federal and state laws, as well as information technology best practices.

Finally, the Judicial Council revises and approves forms throughout the year. Courts and vendors receive PDFs, but must look to the Judicial Council report for guidance on what changed. However, the changes that are the most difficult to implement, namely those that involve updates to local CMSs and other systems, are rarely described, at least not in necessary detail. The absence of adequate and standardized documentation can cause implementation delays.

C. Estimated Costs: One Time \$2.1 million Ongoing \$403,000

Costs to implement this project are only estimated at present. A Request for Information (RFI) will be conducted in July 2018 to obtain more detailed cost information.

		FY19/20	
		One time	Ongoing
<i>Full Time Staff Costs</i>			
	2 Business Systems Analyst at mid-range		<i>\$268,516.00</i>
	1 Analyst		<i>\$134,258.00</i>
<i>Operational and Deployment Costs</i>			
	Forms server; APIs, Electronic Filing Manager integration; Adaptive Forms Builder; Certification and e-Signature; Versioning.	<i>\$2,100,000.00 (Est.)</i>	

2019-20 Initial Funding Request

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The *Strategic Plan for California's Judicial Branch* and the *Judicial Branch Strategic Plan for Technology* both list access to justice as Goal 1. In 2013, Chief Justice Cantil-Sakauye launched Access 3D, which led to the establishment of the Commission on the Future of California's Court System in July 2014. The Commission's charge was to study and recommend initiatives to effectively and efficiently serve California's diverse and dynamic population by enhancing access to justice.

Remote access to reliable, legally accurate and accessible forms is foundational to access to justice. It further enhances the move towards a "digital court," and has the potential to significantly increase efficiency as data migrates from the face of a paper form that must be manually input to seamless integration through e-filing and remote interaction.

E. Required Review/Approvals:

- Information Technology Advisory Committee (ITAC)
- Judicial Council Technology Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: ITAC should be the lead committee, coordinating existing and future workstreams Self-Represented Litigants (SRLs) e-services, next generation hosting, data exchange, forms modernization) that can effectively collaborate on the form server solution proposed.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Information Technology Office

Contact: David Koon

Date Prepared: 04/09/018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-14

A. Working Title: Case Management System (CMS) Replacement for Trial Courts

B. Description of Funding Request: A one-time General Fund augmentation of \$22 million in fiscal year 2019-2020, \$7.4 million in 2020-21, \$3.2 million in 2021-22, \$470,000 in 2022-23, and \$120,000 in 2023-24. This one-time funding will be used by 10 courts (Amador, Colusa, Contra Costa, Lassen, Marin, Mariposa, Mono, Nevada, Solano and Shasta Courts) for the procurement and deployment of a modern, commercial, off-the-shelf case management system to replace their legacy case management systems (CMS). This funding request also includes additional on-going funding of approximately \$350,000 annually for 2.0 positions (Senior Business Systems Analyst) at the Judicial Council to support the administration of multiple statewide master service agreements (MSA) with four case management system vendors as well assist with the distribution of BCP funding and project status reporting for CMS deployments. The funding amount being requested in this BCP for the 10 trial courts will need to be validated/refined as part of developing the FY 19-20 BCP.

Today these 10 courts still have outdated or unsupported case management systems developed with older technology and lack sufficient funds to replace them. These legacy systems do not have the ability to integrate with document management systems and e-filing services - foundations for modern case management systems. Obtaining funding to replace these outdated or unsupported systems with a modern case management system is the next step towards the first goal in the *Court Technology Strategic Plan* (Goal 1: Promote the Digital Court). The Judicial Council Technology Committee and Judicial Council staff have previously worked with courts on a path forward to replace the V3 and Sustain Justice Edition case management system. The 2016 Budget Act included \$25.0 million over three years to replace CCMS V3 in four courts and the 2017-18 Governor's Budget proposes \$5.0 million over two years to replace SJE in nine courts. This BCP initiative is the funding needed for the next phase of courts in need of a replacement for their outdated legacy systems. Initially, there was a CMS BCP submitted for FY 18/19 for nine trial courts to replace their legacy case management systems. The DOF deferred consideration for the FY 18/19 CMS BCP to FY 19/20. The Nevada Court will be added to the FY 19/20 BCP.

2019-20 Initial Funding Request

C. Estimated Costs: **One Time \$34.9 million (over 5 years)** **Ongoing**

The estimated one-time costs per fiscal year for the 10 trial courts (Amador, Colusa, Contra Costa, Lassen, Marin, Mariposa, Mono, Nevada, Solano and Shasta Courts) in this BCP to replace their legacy case management systems are shown in the table below. The table also includes on-going funding for 2.0 Judicial Council Senior Business Systems Analysts to support the administration of multiple statewide master service agreements as well as provide project status reporting on CMS deployment projects.

Estimated FY 19/20 CMS BCP Costs by Fiscal Year

Description	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	5 - Yr Total
One-Time Funding Needed (10 Courts)	\$ 21,960,000	\$ 7,353,000	\$ 3,214,000	\$ 470,000	\$ 120,000	\$ 33,117,000
On-Going Funding Needed (2 Sr. BSA's)	350,000	350,000	350,000	350,000	350,000	1,750,000
Total Funding Needed by Fiscal Year	\$ 22,310,000	\$ 7,703,000	\$ 3,564,000	\$ 820,000	\$ 470,000	\$ 34,867,000

The basis for the estimated costs is from the FY 18/19 CMS BCP for nine courts to replace their legacy case management systems. The one-time cost estimates include funding for the procurement and deployment of a modern, off-the shelf case management system which includes items such as, but not limited to, software, hardware and professional services. The cost estimates for the Nevada Court which was not initially included in the FY 18/19 CMS BCP was based off a court of similar size which had been included in the FY 18/19 BCP. The cost estimates for each of the 10 courts will need to be validated/refined as part of the FY 19/20 BCP process. Specifically, the costs associated with the software and professional services for the procurement of CMS software and deployment services will need to be refined as it is expected that the Judicial Council will have four master service agreements in place which will provide updated CMS pricing to utilize in estimating costs for each court.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: “Promoting the Digital Court” by implementing modern and supportable case management systems was approved as the highest priority in the Court Technology Governance and Strategic Plan. The Judicial Council Technology Committee and Judicial Council staff have previously worked with courts on a path forward to replace the V3, Sustain Justice Edition, and nine other trial courts legacy case management systems. This funding initiative will address those courts which have moved some case types to a new case management system but are in need of assistance to move additional case types off of legacy systems.

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

2019-20 Initial Funding Request

F. Proposed Lead Advisory Committee:

Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as JCTC oversees the council's policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Information Technology Office

Contact: John Yee

Date Prepared: 3/02/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-15

A. Working Title: Business Intelligence and Data Analytics (BI/DA)

B. Description of Funding Request: A General Fund augmentation is requested to pilot a business intelligence and data analytics project to help improve court efficiencies and to identify opportunities to improve service to the public. The scope of this request will be limited to 3-5 courts and 2-4 Judicial Council offices (JBSIS, Criminal Justice Services, etc.). The estimated funding amount for this project request is between \$1.9M to \$2.9M.

In FY 2018-19, an Information Technology Advisory Committee workstream was launched to determine how business intelligence and data analytics (BI/DA) can help identify opportunities for improvement for the branch and the courts. The workstream's goals were to identify what business scenarios, problems and/or opportunities where the BI/DA technology can be used to aid in improving productivity, reducing cost and improving services to the public. In addition to the workstream, information and lessons learned from the "Improving Court Operations through Data Analytics" innovations grants will be used to help develop a better pilot implementation for the courts and offices.

Today, the courts and the other judicial branch entities (JBEs) collect data and produce reports to help with their daily job functions. Many use only the tools that are at their disposal. Some of these tools are archaic and/or inefficient. The courts and JBE's need a modern tool that will allow them to see patterns and information that cannot be gleaned from their existing approaches. As the complexity of court and business operations continue to grow, more data will be collected, and more analytic processes will be created. Additional staff would be needed to support the increased analytical processes. A modern approach is needed.

With the advances in data science and modern data analytics tools and systems, data that was once collected, can be used to derive useful information and develop knowledge that can help improve the productivity, reduce operational cost and identify opportunities that can improve services for the general public. These tools are being developed by well-known vendors. Many companies and government agencies are now exploring how to leverage these latest technology advances to develop a competitive advantage, reduce cost and improve services.

The goal of the pilot is to take advantage of the modern business intelligence and analytics platform, so that the branch and the courts can achieve improvements in productivity, cost reductions and greater services to the general public. Through the pilot, we expect to learn, identify and refine policies, processes and techniques that can be leveraged and shared with other courts and judicial branch entities.

2019-20 Initial Funding Request

C. Estimated Costs: **One Time** **\$1.2m -\$1.9 m** **Ongoing** **\$700,000 – \$943,000**

At this time, the estimated costs are based on assumptions on what may be needed to support this effort. A better cost estimated cost will be developed as the project details and requirements are more clearly defined.

The following projected estimated costs includes:

- Procurement of cloud based business intelligence and data analytic services
- Consulting/Contract services to assist the courts and offices to integrate with the BI/DA platform
- Staffing
 - 4 FTE for JCC:
 - 2 BSA to coordinate and implement processes, policies, and data governance
 - 1 ADA to evaluate, configure, and consult on tools
 - 1 Enterprise Architect for solution design and ongoing consulting - this headcount can be shared by the Digital Evidence program.

Cost Table Summary

Description	Low		High	
	One Time Cost	On Going Costs	One Time Cost	On Going Costs
Full Time Staff		506,145		759,226
Contracted Services	1,152,000		1,920,000	
BI/Data Analytics Platform		183,778		183,778
TOTALS	1,152,000	689,923	1,920,000	943,004

Low Estimate Total Cost: \$1,841,923

High Estimate Total Cost: \$2,863,004

Cost Estimation Tables for Reference

	Units	Low		High	
		One Time	On Going	One Time	On Going
Full Time Staff Costs					
Sr. BSA	2	115,083.36	172,625.04		345,250.08
Sr. ADA	1	132,335.28	198,502.92		198,502.92
1 EA	1	143,642.52	215,472.60		215,472.60
Full Time Staff Costs				506,144.52	759,225.60
Contracting Services					
Data Integration/Migration Services					
Courts	4	144000	240000	576,000.00	960,000.00
Offices	4	144000	240000	576,000.00	960,000.00
Contacting Services Total				1,152,000.00	1,920,000.00

2019-20 Initial Funding Request

Business Intelligence/Data Analytics Platform Services				
	Units	Unit Price	Ext Monthly Price	Ext Annual Price
Analytics Services				
Standard Services	4	1481.9	5927.6	71,131.20
Scale Out Services	2	1481.9	2963.8	35,565.60
Machine Learning (1000 Managed Model/100 m	1	374.5	374.5	4,494.00
BI Tools	8	484	3872	46,464.00
Estimated Analytic Services Total				157,654.80
Storage Services				
Block Blobs (GBs) (50 TBs)				
Hot	50000	0.0184		11,040.00
Managed Disks (SSDs for fast access)	8	143.36		13,762.56
Files (GBs)		0.06		-
Queues				-
Storage (GB)	1000	0.07		840.00
Transactions (10,000/unit)	100000	0.0004		480.00
Estimate Storage Service Total				26,122.56
Estimated Platform Cost Total				183,777.36

D. Relevance to the Judicial Branch Budget and Other Funding Requests: Business Intelligence and Data Analytics pilot project aligns with all four goals of the Court Technology Governance and Strategic Plan.

- “Promoting the Digital Court”
Provide the courts and offices with new capabilities to improve operations and to help better serve the general public through understanding, recognition of patterns, trends and insight.
- “Optimizing Branch Resources”
Analyzing and assessing utilization of court and branch resources to help identify and shift needs
- “Optimize Infrastructure” -
Help analyze and identify where infrastructure is over or underutilized.
- “Promote Rules and Legislative Changes”
Potential use to determine the impact and effectiveness of rules and legislative changes

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee

2019-20 Initial Funding Request

- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take the lead advisory role as the JCTC oversees the council's policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Information Technology Office

Contact: Michael Derr

Date Prepared: 4/9/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-16

A. Working Title: Disaster Recovery Framework Implementation Pilot

B. Description of Funding Request: The Judicial Council Information Technology Office proposes a general fund augmentation in Fiscal Year 2019-20 of \$1.3M and ongoing funding in the amount of \$180k to pilot disaster recovery concepts as outlined in the disaster recovery workstream framework at one of more courts. Funding would include one-time hardware, software, and services for the pilot and ongoing funding for one FTE within the Judicial Council Information Technology Office to provide guidance to the courts on the subject of disaster recovery. It is proposed that this position would fall within the Business Systems Analyst job family. Courts participating in the pilot would be required to take over ongoing funding for hardware, software and services implemented via this pilot.

C. Estimated Costs: **One Time** \$1.3 million **Ongoing** \$180,000

Estimated costs for this pilot are \$1.3M, which includes:

One-Time

- Modern backup infrastructure for participating courts that would provide the capability to replicate backups to an alternate site and/or the cloud
- Provisions for cloud-based data storage in support of court backups
- Provisions for the use of server virtualization technology to allow shorter recovery times at an alternate hosting location.
- Cloud connectivity of sufficient bandwidth to support backup and recovery functions

Ongoing

- Establishment of an FTE staff resource within the Judicial Council to provide guidance to the courts on the subject of disaster recovery

D. Relevance to the Judicial Branch Budget and Other Funding Requests: This funding request is in direct support of the Court Technology Governance and Strategic Plan.

- “Optimizing Branch Resources” - Analyzing and assessing utilization of court and branch resources to help identify and shift needs
- “Optimize Infrastructure” - Help analyze and identify where infrastructure is over or underutilized.

Specifically, it will serve to facilitate compliance with the Judicial Branch security framework, which specifies that effective controls be in place for contingency planning.

E. Required Review/Approvals:

- Information Technology Advisory Committee
- Judicial Council Technology Committee
- Trial Court Budget Advisory Committee

2019-20 Initial Funding Request

- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: It is proposed that the Information Technology Advisory Committee be designated as the lead advisory committee for this request. This is based on ITAC's role as sponsor over the Disaster Recovery Framework workstream, from which this pilot initiative originated.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Center for Families, Children & the Courts

Contact: Don Will

Date Prepared: 3/7/2018

Budget Services Liaison: Kris Errecart

Document Tracking Number: IFR-19-17

SECTION 1 – Initial Funding Request:

A. Working Title: Court Appointed Special Advocates (CASA) in Juvenile Dependency Court

B. Description of Funding Request: A \$500,000 General Fund augmentation beginning in 2019-20 and ongoing to support the court-appointed special advocates grants program. CASA programs are nonprofit organizations which provide trained volunteers who are assigned by a juvenile court judge to a child in foster care. The program is well-utilized by the juvenile courts, with nearly all programs unable to meet all of the requests for volunteer assignments made by the courts. The number of volunteers that CASA's are able to provide can serve only about 12 percent of the total dependency population or 20 percent of the out-of-home foster care population. Since all CASA volunteers must be supervised by professional staff, growth of CASA programs to meet the full need of the courts is limited by the programs' ability to pay professional staff. The 2006 Budget Act provided an additional \$64,000 (3 percent) specifically to the CASA grants program. Since then, CASA programs have expanded from 39 to 50 courts, and have increased the number of children they serve by approximately 35 percent, from 8,000 to 11,000. With approximately 55,000 children in court-supervised out-of-home foster care, this represents an unmet need of 44,000 children or 80 percent. Increasing the Judicial Council grant program by \$500,000 will allow programs to increase their volunteer supervisor hours and serve up to an estimated 20 percent more children statewide.

C. Estimated Costs: One Time Ongoing **\$500,000**

A General Fund augmentation of \$500,000 to support the court-appointed special advocates grant program. If approved, this augmentation would provide a total of \$2.713 million for CASA programs, which represents 29 percent of the funding need.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The CASA grants program is a statutory responsibility for the Judicial Council. Legislation (AB 4445, Stats. 1988, ch. 723) amended Welfare and Institutions Code to require the Judicial Council to establish guidelines encouraging the development of local CASA programs that assist abused and neglected children who are the subject of judicial proceedings. The legislation also called for the establishment of a CASA grant program to be administered by the Judicial Council and required CASA programs to provide local matching—or in-kind funds—equal to program funding received from the Judicial Council. The California Blue Ribbon Commission on Children in Foster Care recommended in 2009 that every child in dependency court be assigned a CASA volunteer.

E. Required Review/Approvals:

Family and Juvenile Law Advisory Committee

Trial Court Budget Advisory Committee

Judicial Branch Budget Committee

2019-20 Initial Funding Request

F. Proposed Lead Advisory Committee: Budget Services proposes that the Family and Juvenile Law Advisory Committee take on the lead advisory role as it is designated by the Executive and Planning Committee to formulate the methodology for the Judicial Council CASA grants programs.

2019-20 Initial Funding Request

Requesting Entity: CFCC

Contact: Bonnie Rose Hough

Budget Services Liaison: Kris Errecart

Date Prepared: March 9, 2018

Document Tracking Number: IFR-19-18

A. Working Title:

Expansion of Self-Help Funding and Establishment of the Center for Self Help Resources
Recommended by the Chief Justice's Commission on the Future of the California Courts

B. Description of Funding Request:

The Judicial Council requests an ongoing augmentation beginning in 2019-2020 to implement a key recommendation of the Chief Justice's Commission on the Future of the California Courts to establish a Center for Self-Help Resources within the Judicial Council in order to support the courts in providing self-help assistance. Tasks of Center staff would include:

- Coordinating and convening self-help providers throughout the state, providing technical assistance, expertise and support regarding services, best practices and use of technology.
- Maintaining, updating, and expanding the California Courts Online Self-Help Center to provide 24/7 assistance to self-represented litigants including interactive self-help educational programs.
- Developing an online small claims advising program for courts unable to support in-person small claims assistance, integrating website e-filing, online chat, and telephone support.
- Creating a virtual clearinghouse of self-help resources covering all applicable case types.

The Council further requests an ongoing augmentation of \$22 million General Fund to address other recommendations of the Commission to provide funds to the trial courts to expand the availability of attorneys and paralegal staff at self-help centers in trial courts to address critical unmet needs.

C. Estimated Costs: One Time \$240,000 Ongoing \$23,460,000

Proposed ongoing augmentation of \$23.7 million General Fund for the transfer to the Trial Court Trust Fund. \$22 million will support self-help centers in trial court facilities, proposed staff augmentation in the amount of \$1.3 million and 7 positions to provide coordination and technical support to the courts, and \$440,000 for consulting and professional services of which \$200,000 will be ongoing.

D. Relevance to the Judicial Branch Budget and Other Funding Requests:

Self-help services have proven to be a cost-effective way for the branch to ensure that judicial officers get the information they need to make informed decisions that litigants are prepared for hearings, and that cases can be successfully concluded. Providing support at the Judicial Council will help ensure that the funding allocated to the courts to provide self-help services is spent as efficiently as possible and that resources can be shared throughout the entire court system.

E. Required Review/Approvals:

- Trial Court Presiding Judges Advisory Committee

2019-20 Initial Funding Request

- Court Executives Advisory Committee
- Advisory Committee on Providing Access and Fairness
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee:

Budget Services proposes that the Advisory Committee on Providing Access and Fairness take on the lead advisory role as it is charged with developing resources for services for self-represented litigants and a number of committee members have strong background in self-help centers and services.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council of California

Contact: Don Will

Date Prepared: 3/7/2018

Budget Services Liaison: Kris Errecart

Document Tracking Number: IFR-19-19

A. Working Title: Court Appointed Counsel in Juvenile Dependency Proceedings

B. Description of Funding Request: An augmentation of \$22.0 million General Fund beginning in 2019-20 and ongoing to support court-appointed dependency counsel workload. The total need, based on the current workload model to achieve the Judicial Council's statewide caseload standard of 141 clients per attorney, is \$205.7 million; however, existing funding of \$136.7 million is provided in the annual Budget Act specifically for this purpose. This request represents 32 percent of the remaining outstanding need of \$69 million to fully fund the adequate and competent representation for parents and children required by Welfare and Institutions Code section 317. Inadequate funding and subsequent high caseloads lead to high attorney turnover and lack of retention of qualified advocates for children. Effective counsel will ensure that the complex requirements in juvenile law for case planning, notice, and timeliness are adhered to, thereby reducing case delays, improving court case processing and the quality of information provided to the judge, and ultimately shortening the time children spend in foster care.

C. Estimated Costs: One Time Ongoing \$22.0 million

\$22.0 million General Fund beginning in 2019-20 and ongoing to support court-appointed dependency counsel. If approved, the augmentation would increase the total funding to \$158.7 million, which represents 77 percent of the funding need.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: Court-Appointed Dependency Counsel became a state fiscal responsibility through the Brown-Presley Trial Court Funding Act (SB 612/AB 1197; Stats. 1988, ch. 945) which added section 77003 to the Government Code and made an appropriation to fund trial court operations. Welfare and Institutions Code section 317(c) requires the juvenile court to appoint counsel to represent all children in dependency proceedings¹ absent a finding that the particular child will not benefit from the appointment. The court must also appoint counsel for all indigent parents whose children have been placed out of the home or for whom out-of-home placement is recommended, and may appoint counsel for all other indigent parents.

The statewide funding need for court-appointed counsel is based primarily on the number of children in court-ordered child welfare supervision. The Judicial Council has established a caseload standard of 141 clients per full time equivalent attorney and a total funding need of \$205.7 million to achieve this standard. Previous Budget Change Proposals were submitted in 2016-17, 2017-18, and 2018-19; however they were denied.

E. Required Review/Approvals:

¹ Under section 317.5, each child "who is the subject of a dependency proceeding is a party to that proceeding." (§ 317.5(b).)

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- Trial Court Budget Advisory Committee
- Family and Juvenile Law Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Trial Court Budget Advisory Committee take on the lead advisory role as it oversees the budgeting and allocation of dependency counsel funding.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Branch Accounting and Procurement

Contact: Bobby Brow

Date Prepared: 2/1/2018

Budget Services Liaison: Michael Sun

Document Tracking Number: IFR-19-20

A. Working Title: Implementation of Phoenix Roadmap – Cloud Migration, Technical Upgrade and Functional Improvements

B. Description of Funding Request: The Judicial Council requests \$9.0 million General Fund in 2019-20, \$6.8 million in 2020-21, and \$7.6 million in 2021-22 and ongoing to update and expand the Phoenix System and platform to improve the administrative infrastructure supporting trial courts. The Phoenix System is the financial and procurement system for the 58 trial courts, and the payroll system for 13 trial courts. This request will also provide funding to the Judicial Council to support 4.0 positions to be phased in over three years. This request will update the Phoenix system to stay ahead of the end-of-life of the current on-premise version of SAP, and add functional requirements required by the trial courts.

The last major upgrade of the Phoenix system was completed in 2008-09. The Program is nearing the end of support on its current platform, and there aren't sufficient resources available to improve it to a more efficient and desired state. It is necessary to update the current technology and advisable to invest in new functionality that the trial courts require according to recent studies of their needs. These studies included review of past requirements and requests, a comprehensive stakeholder survey, and requirement workshops with key stakeholders across the state. The highest priority improvements include Document Management, Budget Preparation, Enhanced Procurement, and Talent Management Functions.

Included in this request is \$3.5 million to cover costs currently being provided by the State Trial Court Improvement and Modernization Fund (IMF).

C. Estimated Costs: **One Time \$5.222 million in 2019-20** **Ongoing \$3.757 million in 2019-20** (See table below for further detail or out year one time and ongoing costs).

Currently, approximately \$3.7 million is expended annually from the State Trial Court Improvement and Modernization Fund (IMF) to support the Phoenix Program. This request will eliminate the expenditures from the IMF and request General Fund for the costs to update and expand the Phoenix Program, as well as for the ongoing maintenance/hosting of the system (which is currently funded from the IMF). If this request is approved, the system update will result in annual maintenance/hosting savings of approximately \$265,000. The table below indicates the requested General Fund amounts by fiscal year.

2019-20 Initial Funding Request

General Fund Request:

	2019-20	2020-21	2021-22	Total
Requested Positions (year of phase in)	2.0	1.0	1.0	4.0
Ongoing Expenses	3,757,000	4,733,000	5,811,000	14,301,000
1-Time Expenses	5,222,000	2,044,000	1,777,000	9,043,000
Total	8,979,000	6,777,000	7,588,000	

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The Phoenix system is the enterprise financial and procurement system for all 58 Trial Courts, and the payroll system for 13 courts, and as such requires constant maintenance and further innovation to adequately support the administrative needs of the courts, and the branch as a whole.

The Phoenix Program has enjoyed great success and continues to receive positive feedback across the state as a valued partner of the courts and good steward of public resources.

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as it must review and approve all technology related requests. The Phoenix Program, although more broadly serves an administrative function, is also a technology provider, as it encompasses the deployment and maintenance of the Phoenix Financial, Procurement, and HR Payroll System.

2019-20 Initial Funding Request

Requesting Entity: Branch Accounting and Procurement (Trial Court Administrative Services)

Contact: Bobby Brow

Date Prepared: March 8, 2018

Budget Services Liaison: Michael Sun

Document Tracking Number: IFR-19-21

A. Working Title: Phoenix HR Payroll Deployments

B. Description of Funding Request: According to JC Directive 131, Phoenix HR Payroll is an optional service to individual Trial Courts, subject to available resources. The Phoenix Program has been able to deploy HR Payroll services to six courts over the last seven years, and is in the process of deploying services to 2 more this year, without any additional investment in existing resources. However, the Program has reached maximum capacity and requires additional funding to provide support to courts that are currently requesting services. At least 4 Trial Courts are interested in deployment projects over the next 2 years. To provide the services, some consulting backfill and travel funds are required, as well as a total of 7.0 ongoing staff to support the additional work of the Program. This will also position the Phoenix Program to deploy to and support 2 to 3 more deployments over the following several years.

C. Estimated Costs: **One Time \$490,000 in 2019-20** **Ongoing \$385,000 in 2019-20**

Preliminary estimates are \$875,000 in 2019-20, and \$1.39 million in 2020-21. The table below shows these costs (new costs and position counts for each year).

	<i>Additional 19-20</i>	<i>Additional 20-21</i>	<i>2-year Total</i>
<i>One-Time</i>	<i>490,000</i>	<i>490,000</i>	<i>980,000</i>
<i>Ongoing</i>	<i>385,000</i>	<i>515,000</i>	<i>1,285,000</i>
<i>Total</i>	<i>875,000</i>	<i>1,390,000</i>	<i>2,265,000</i>
<i>Positions</i>	<i>3</i>	<i>4</i>	<i>7</i>

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The Phoenix system is the enterprise financial and procurement system for all 58 Trial Courts, and the payroll system for 13 courts. The Phoenix Program has enjoyed great success and continues to receive positive feedback across the state as a valued partner of the courts and good steward of public resources.

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as JCTC must review and approve all technology related requests. The Phoenix Program, although more broadly serves an administrative function, is also a technology provider, as it encompasses the deployment and maintenance of the Phoenix Financial, Procurement, and HR Payroll System.

2019-20 Initial Funding Request

Requesting Entity: Facilities Services

Contact: Mimi Morris

Budget Services Liaison: Mike Sun

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-22

A. Working Title: Trial Court Facility Maintenance and Operations

B. Description of Funding Request: The Judicial Council of California (JCC) requests ongoing funding from the General Fund to support operations and maintenance of state trial court facilities. Senate Bill 1732, the Trial Court Facilities Act of 2002 (Statutes of 2002, Ch. 1082), established the Court Facilities Trust Fund (CFTF) to support the operations and maintenance (O&M) of court facilities. The statute requires counties to make quarterly remittance to the state in the form of County Facilities Payments (CFPs). The basis of the CFP is the counties' costs of operating each facility for the years from 1996 to 2000, inflated to the date of transfer. Prior to 2009-10, General Fund augmentations were approved to augment CFPs under the State Appropriation Limit (SAL) authorized pursuant to Government Code Section 772022 (a) (1) (B) (IV). In 2009-10, SAL augmentations were suspended. Since 2009-10, no additional funding has been provided to the JCC to account for cost escalation or the growth in square footage resulting from newly constructed trial court facilities authorized under SB 1732 and 1407.

Government Code Section 70351 states, "... It is further the intent of the Legislature that funding for the ongoing operations and maintenance of court facilities that are in excess of the county facilities payments be provided by the state."

This funding is requested to provide for the O&M costs that are in excess of the CFPs and which are legally required to be provided by the state.

The ongoing augmentation will supplement the CFPs provided by counties, allowing the JCC to provide a level of service that sustains court facilities at an optimal industry service level which will enable courts to discharge their statutory duties. The current "run to failure" level of care in maintaining deficient and aging fire, life and safety systems, heating, ventilation and air conditioning equipment, elevators, escalators, security cameras, access control, and duress alarm systems is unsustainable.

C. Estimated Costs: One Time _____ Ongoing \$31.4 million

The general fund augmentation of \$31.4M includes \$14.1M for maintenance and \$17.3M for utilities.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The program budget has remained relatively flat over the past five years; however, in the same period an additional 3 million square feet of new courthouse space has been absorbed into the maintenance program without additional funding. California's courts are aging and the continued lack of re-investment in facilities due to shortfalls in funding can lead to early deterioration of buildings and other building components—and increased repair costs of approximately 4.5-7.5% annually per the Building Owners and Managers Association (BOMA).

2019-20 Initial Funding Request

E. Required Review/Approvals:

- Trial Court Facility Modification Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that Trial Court Facility Modification Advisory Committee take the lead advisory role as it provides ongoing oversight of the judicial branch program that manages renovations, facilities operations, maintenance, and real estate for trial courts throughout the state.

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2019-20 Initial Funding Request

Requesting Entity: Facilities Services

Contact: Mimi Morris

Date Prepared: March 6, 2018

Budget Services Liaison: Michael Sun

Document Tracking Number: IFR-19-24

A. Working Title: Increasing Energy Efficiency in the Judicial Branch

B. Description of Funding Request: Energy costs have been increasing by 4-7% per year over the last 10 years. This trend is expected to continue for the next decade due to increased demand for energy. The increased cost is burdensome for the judicial branch which spent over \$49 million on energy costs in 2016-17. At the 2016-17 levels, a 5% cost increase results in an additional \$2.5 million in energy costs per year. The JCC needs to address the increasing costs by reducing energy consumption at the site level. This proposal requests funding for Energy Efficiency projects (LED Lighting, Plug Load Management, and Retro-Commissioning) that significantly and immediately reduce energy consumption. Existing resources are stretched thin given the increasing energy costs and deferred maintenance obligations in the portfolio. During 2016-17 and 2017-18 the JCC funded pilot projects of LED lamp replacements in 100 JCC-owned buildings. The project's costs were over \$13 million and was authorized by the Trial Court Facility Modification Advisory Committee (TCFMAC). This project is expected to result in energy savings of \$5.4 million annually and was funded through a combination of utility provider programs, utilization of the California Conservation Corp, and facility modification funds. Ongoing use of these facility modification funds for energy efficiency projects takes valuable funding away from other high priority operations and maintenance projects critical to providing safe and effective court facilities for the citizens of California.

C. Estimated Costs: **One Time \$30.8 million** **Ongoing**

Requesting \$30.8 million from the General Fund. The following table provides detail on the cost estimates.

Table 1. Estimated Cost per Project Type

<i>Energy Efficiency Project</i>	<i>Project Cost</i>	<i>Number of Facilities</i>	<i>Gross Square Feet</i>	<i>Alternative Funding</i>
<i>LED Lighting</i>	\$14,155,512	234	14,847,446	\$0.00
<i>Plug Load Management</i>	\$1,176,175	479	28,890,036	\$0.00
<i>Retro-Commissioning</i>	\$15,430,037	323	25,813,872	\$0.00
Total	\$30,761,724	-	-	\$0.00

Table 2. Project Type Estimated Savings and Environmental Impacts

<i>Energy Efficiency Project</i>	<i>Simple Payback (years)</i>	<i>Annual Cost Avoidance</i>	<i>KWH Saved</i>	<i>Metric Tons of CO₂ Equivalent Removed</i>	<i>Eq. Gallons of Gasoline Avoided</i>	<i>Eq. Number of Homes Electricity Use for 1 Year</i>
<i>LED Lighting</i>	6.17	\$2,293,674	12,742,632	9,483	1,067,096	1,421
<i>Plug Load Management</i>	4.10	\$286,690	1,592,722	1,185	133,378	178
<i>Retro-Commissioning</i>	2.46	\$6,266,902	34,816,122	25,911	2,915,579	3,884
TOTAL	3.48	\$8,847,266	49,151,476	36,579	4,116,053	5,483

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D. Relevance to the Judicial Branch Budget and Other Funding Requests:

Currently, the Judicial Branch invests in energy efficiency and other sustainability projects through funds dedicated solely to operations and maintenance of trial court facilities operations. Under the oversight of the Trial Court Facility Modification Committee, these funds are prioritized to address facility improvement projects concerning: security, court operations, and deferred maintenance; and are not for the sole use of energy efficiency or sustainability projects for the courts. Although they can be used to fund sustainability projects, use of those funds would reduce funding available for high priority projects that sustain basic court facility operations.

The Judicial Branch will utilize the requested funding for energy efficiency projects and programs for the courts. The new funding will target only those projects that meet or exceed a payback of greater than 50% of the Effective Useful Life of the project, thus ensuring that the project will lower energy costs long after the project has paid for itself in energy savings.

Early investment in energy efficiency and sustainability projects will help reduce utility costs to combat utility charges, estimated to increase 4-7% annually.

E. Required Review/Approvals:

- Trial Court Facility Modification Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services recommends that the Trial Court Facility Modification Advisory Committee be the lead committee as it makes recommendations to the Judicial Council concerning facility modifications.

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Requesting Entity: Facility Services
Contact: Pella McCormick
Budget Services Liaison: Mike Sun

Date Prepared: 3/8/18
Document Tracking Number: IFR-19-25

A. Working Title: Trial Court Capital Outlay Plan

B. Description of Funding Request: Funds are requested to update the judicial branch’s Trial Court Capital-Outlay Plan (TCCOP). Because the (a) passage of more than a decade since the first iteration of the TCCOP was submitted to the state Department of Finance, (b) ongoing population shifts in various regions of the state, and (c) consolidation and relocation of many trial court operations owing to budget reductions the superior courts were forced to make as a result of the state’s past fiscal crisis, an update is warranted to the facilities master plans and condition assessments upon which the capital projects of the TCCOP are based. Performing this TCCOP update ensures a thorough review and any necessary update of the scores, scopes, and budgets of as many as 110 capital projects still to be considered for a future funding source.

C. Estimated Costs: **One Time** \$5 million **Ongoing**

The cost of developing a TCCOP based upon updated facilities master plans and condition assessments is estimated at \$5 million. The estimated timeframe to complete this effort is between 12 and 18 months.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: In December of 2003, the Judicial Council staff completed a facility master plan for each of the 58 courts. Each facility master plan proposes solutions to the capital needs of each court. Capital projects include building new court facilities, renovating existing, and expanding existing court facilities. The individual projects identified in the facility master plans were prioritized and consolidated into a statewide plan. A prioritization methodology was adopted and used for 201 capital projects.

A simplified prioritization methodology was adopted in 2006 and a new list of trial court capital projects was developed. The judicial branch’s TCCOP currently reflects five priority groups: Immediate, Critical, High, Medium, and Low. The methodology and the TCCOP have been the framework for all trial court capital project funding requests.

In September of 2008, the passage of Senate Bill 1407 (Perata; Stats. 2008, ch. 311) established special revenues—based on the collection of fees, penalties, and assessments from court users—to support up to \$5 billion in lease-revenue bonds for trial court facility improvements and enabled the branch to make great strides toward improving the trial courts across the state. However, since 2009, approximately \$1.4 billion in SB 1407 funds have been loaned or redirected from the State Court Facilities Construction Fund’s Immediate and Critical Needs Account to offset trial court funding cuts, or swept to offset the state General Fund deficit. Consequently, the judicial branch no longer has sufficient funding to do everything that the Judicial Council has directed since SB 1407 was enacted. As part of the TCCOP update, 10 of the 110 capital projects that will be analyzed will be projects that can no longer be funded under SB 1407.

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This proposal would provide the necessary resources to prepare capital projects of the TCCOP for consideration of future sources of funding.

E. Required Review/Approvals:

- Court Facilities Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Court Facilities Advisory Committee be the lead committee as it makes recommendations to the Judicial Council concerning the judicial branch capital program for the trial courts.

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Requesting Entity: Trial Court Budget Advisory Committee

Contact: Donna Newman

Date Prepared: 2/22/2018

Budget Services Liaison: Donna Newman

Document Tracking Number: IFR-19-26

A. Working Title: Stabilization of Civil Assessment Revenue

B. Description of Funding Request: A General Fund augmentation of an estimated \$155 million beginning in 2019-20 and ongoing to transition the deposit of civil assessment revenues, including the \$48.3 million in Maintenance of Effort (MOE buyout), into the General Fund instead of the Trial Court Trust Fund (TCTF).

Civil assessment revenues, as imposed pursuant to Penal Code (PC) 1214.1, are currently deposited into the TCTF, net of cost recovery pursuant to PC 1463.007. Per Judicial Council policy, the remitted civil assessment revenues are allocated to the trial courts one hundred percent, net the civil assessment buyout amount. The civil assessment buyout amount of \$48.3 million is maintained in the TCTF to replace the reduced MOE payments made by the counties, and supports the trial courts' base allocations.

C. Estimated Cost: One Time Ongoing \$155 million

The amount of this request has not been determined; however, it is estimated to be approximately \$155 million annually. The General Fund augmentation to the TCTF would remain a set amount to ensure fund stability, while the civil assessment revenues remitted into the General Fund would vary based on revenues collected. Any excess remitted over the set TCTF augmentation would be to the General Fund's benefit, while the General Fund would take on the risk of any decreases in civil assessments revenue below the TCTF augmentation.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: Under the current civil assessment statute, there is a perceived conflict of interest between the imposition of the civil assessment by a court and the funding a court receives. The proposed funding swap in this request helps remove that conflict of interest by breaking the direct link between the imposition of the assessment and the court's funding source. Currently, courts are funded by the Trial Court Trust Fund either through base allocations; or fees that are returned dollar for dollar. This proposal would have Civil Assessments deposited into the General Fund, in turn the General fund would allocate a set amount to the courts. Removing this perceived conflict of interest will help the Judicial Council better pursue its policy goals of achieving a more equitable fines and fees system, without the perception that courts are imposing fines and fees to help support their court specifically.

In her March 2016 state of the judiciary address to the state Legislature, Chief Justice Cantil-Sakauye, stated that California's fines and fees structure "has morphed from a system of accountability to a system that raises revenue for essential government services." This proposal is a step toward removing the perception that courts are assigning fines and fees in order to raise revenue to support

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court operations. Further, providing funding from the General Fund rather than the unpredictable revenue from Civil Assessments will provide some stability of funding to the courts.

E. Required Review/Approvals:

- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Trial Court Budget Advisory Committee act as the lead committee as it makes allocation recommendations for court allocations. In addition, there is a Revenue and Expenditure Subcommittee that reviews Trial Court Trust Fund allocations and the Funding Methodology Subcommittee which reviews and refines the Workload-based Allocation and Funding Methodology.

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Requesting Entity: Trial Court Budget Advisory Committee

Contact: Catrayel Wood/Michele Allan

Budget Services Liaison: Catrayel Wood

Date Prepared: February 20, 2018

Document Tracking Number: IFR-19-27

A. Working Title: Support for Trial Court Operations

B. Description of Funding Request: An ongoing General Fund augmentation (estimated to be \$178 million) beginning in 2019-20 and ongoing to support trial court operations, which will allow the courts to hire additional staff, retain existing staff, and improve the public's access to justice. The request consists of the following (with requested funding amounts to be determined by the Trial Court Budget Advisory Committee if this IFR is recommended to move forward): 1) Funding needed by the trial courts, based on the Workload-Based Allocation and Funding Methodology (WAFM) estimate, to reduce the gap between the funding needed to support trial court operations and the funding available, and to continue to support progress towards 100 percent of funding; 2) Discretionary funding not allocated via WAFM for inflationary increases to offset the rising cost of operations, 3) Funding for a cost of living increase for all trial court employees, consistent with the salary increases provided for executive branch staff in recent years, which would be utilized to provide any of the following (or any combination thereof): the reduction or elimination of budget reduction-related concessions such as furloughs, reduced work weeks, previously enacted or planned future layoffs; a cost of living increase, enhanced employee benefits, or to address other personnel matters as deemed appropriate by each trial court in negotiations with their related employee representatives; and 4) Funding to address the structural imbalance in the Trial Court Trust Fund.

C. Estimated Costs: One Time \$ _____ Ongoing **\$178 million**

At this time, the costs associated with this proposal are unknown; however, the previous request for 2018-19 had estimated costs of \$178 million ongoing. Updated costs for this request would need to be reevaluated through the Trial Court Budget Advisory Committee (TCBAC), if this IFR is recommended to move forward.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: California's state court system serves a population of 38.8 million people. Securing adequate funding for all courts is the top priority for the Judicial Council and is necessary to ensure public access to justice.

To maintain necessary services for trial courts and to prevent debilitating impacts on public access to justice, user fees and fines have been increased, local court fund balances were spent down, and statewide funds committed to court projects, including \$691 million for courthouse construction, were diverted to court operations.

The lack of resources continues to impair the trial courts' ability to provide timely resolution of legal disputes and equitable justice that could be partially remedied with the additional funding. The funding gap and inflationary cost increases continue to cause significant decreases in Californians' access to the courts, negative impacts to the business climate, and, in some courts, significant backlogs that inhibit fair, timely, and effective justice. Although the impact has not been quantified,

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the reduced access to the civil justice system is hurting California's economy and harming businesses that cannot get their civil disputes address in a timely manner.

The Administration has provided general salary increases to its employees to attempt to maintain employees at a salary level that keeps pace with the rate of inflation. The request related to employee compensation is for the same consideration be provided to trial court employees, with the goal of achieving competitive salaries with which the trial courts can retain and attract a quality work force to serve the members of the public.

E. Required Review/Approvals: Required Review/Approvals:

- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: The Trial Court Budget Advisory Committee should be designated as lead as this committee makes recommendations to the council on the preparation, development, and implementation of the budget for the trial courts and provides input to the council on policy issues affecting trial court funding. In addition, there is a Funding Methodology Subcommittee established under TCBAC that focuses on the ongoing review and refinement of WAFM as well as a Revenue and Expenditure Subcommittee that reviews Trial Court Trust Fund and State Trial Court Improvement and Modernization Fund allocations.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council of California

Contact: Leah Rose-Goodwin

Budget Services Liaison: Leah Rose-Goodwin

Date Prepared: 2/27/18

Document Tracking Number: IFR-19-28

A. Working Title: Funding for 10 of the 50 Judgeships Authorized by AB 159

B. Description of Funding Request: A General Fund augmentation, estimated between \$8.9 million and \$16 million, to support 10 of the 50 trial court judgeships authorized by Assembly Bill 159 (Ch. 722, Stats. 2007), accompanying support staff, and county-provided sheriff security.

While the latest Judicial Needs Assessment (2016) shows that the branch needs just over 188 judgeships based on workload metrics, efforts to secure funding for the 50 previously-authorized judgeships have been unsuccessful. The only significant change in judgeships was the reallocation of four vacant judgeships in the 2017-18 Public Safety Omnibus trailer bill (Chapter 17, Statutes of 2017) which reallocated two vacant judgeships each from the Superior Courts of California, County of Alameda and County of Santa Clara to the Superior Courts of California, County of Riverside and County of San Bernardino.

There remains a critical judicial shortage in the trial courts with the greatest need. The allocation of the 10 judgeships would be based on the methodology outlined in Government Code section 69614 (b), which states that judges shall be allocated, in accordance with the uniform standards for factually determining additional judicial need in each county, as updated and approved by the Judicial Council, pursuant to the Update of Judicial Needs Study, based on the following criteria: (1) Court filings data averaged over a period of three years; (2) Workload standards that represent the average amount of time of bench and nonbench work required to resolve each case type; (3) A ranking methodology that provides consideration for courts that have the greatest need relative to their current complement of judicial officers. The allocation would also take into consideration, if enacted, AB 2446 (Oberholte), which calls for the funding of 10 of the 50 trial court judgeships authorized by Assembly Bill 159 (Ch. 722, Stats. 2007 plus funding for accompanying staff.

C. Estimated Costs: One Time _____ Ongoing **\$8.9 to \$16 million**

Estimated cost of \$8.9 million to \$16 million General Fund for 10 trial court judgeships and a complement of court staff needed as identified in the RAS/WAFM model and including a court interpreter complement, and county-provided sheriff security. The range of the cost estimate comes from using a court staff complement of either 3 FTE (used in previous BCP requests) or 8.87 FTE (the full staff complement using the RAS model estimate of staff need as a ratio to judicial need).

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The Judicial Council began efforts to seek the most critically needed 150 judgeships with Senate Bill 56 (Ch. 390, Stats. 2006). This legislation authorized the first fifty most critically-needed judgeships and the associated funding. In October 2007, Assembly Bill 159 (Stats. 2007, ch. 722) was enacted authorizing the second set of 50 judgeships, to be allocated as determined by the council. Initially, funding for these

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50 judgeships would have allowed appointments to begin in June 2008. Because of budget constraints, funding was delayed until July 2009, however, no funding was included in the 2009 Budget Act to support the judgeships. Over the past four fiscal years, the council has approved the submission of Budget Change Proposals for critically needed new judgeships, however, to date, no funding has been provided.

E. Required Review/Approvals:

- Workload Assessment Advisory Committee (committee staff will provide the most updated judicial need numbers and judgeship prioritization list, based on its judicial workload study)
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Trial Court Budget Advisory Committee (TCBAC) take on the lead advisory role as this committee makes recommendations to the council on the preparation, development, and implementation of the budget for the trial courts and provides input to the council on policy issues affecting trial court funding.

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Requesting Entity: Judicial Council Information Technology Office

Contact: Robert Oyung/John Yee

Date Prepared: April 11, 2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-29

SECTION 1 – Initial Funding Request:

A. Working Title: Single Sign-On Solution for the Judicial Branch

B. Description of Funding Request:

The Judicial Council requests a General Fund augmentation of a range of \$2.1 to \$3.2 million in FY 2019-2020 and includes 2.0 positions to deploy a single sign-on solution that will provide a unique username and password to every judicial branch employee and judicial officer, attorneys, members of the public, and justice partners who access judicial branch computer systems and electronic services.

A single sign-on solution is the foundation that allows the judicial branch to uniquely identify an individual who is accessing judicial branch electronic systems. Currently each court has a local authentication and authorization system to secure its systems but those usernames and passwords cannot be used across courts. For attorneys, their bar number is a unique identifier but there is no associated password with that number and so cannot be used for secure access to systems. For the public, there is no way to uniquely identify them today and in fact, at times it is difficult to determine if cases with similar participant names are the same or different person.

Assigning a unique identifier to everyone will enable an entirely new set of electronic services. For example, the ability for a member of the public to login once to a portal and pay for any outstanding fines or fees from any court within the state and view all of their case files across different courts. An attorney could use their unique login to be notified if there are any actions or changes to any case that they have open at any court across the state from the superior courts to the Supreme Court. Judges and court staff could use their unique login to securely access systems without needing to memorize multiple usernames and passwords. Justice partners could securely access court systems to view information that only they are authorized to do so.

Note that changes to existing case management systems and other platforms would be necessary to take advantage of the single sign-on solution. The single sign-on solution is the key component that would enable much of this new functionality.

The increased access to justice would be significant.

C. Estimated Costs: : **One Time \$930,000 – \$1.9million** **Ongoing \$1.2million - \$1.3 million**

At this time, the cost to implement a single sign-on system is estimated. A project has been launched that will assess the technologies and options resulting in the limited purchase of a software as a service solution during the FY17/18 fiscal year with small pilot during that year and an anticipated wide spread implementation in FY18/19.

While the costs are not known at this time, one can expect:

2019-20 FY Initial Funding Request

- License/Usage costs – based on the number of users and the number of authentications
- Design/Deployment costs – costs to architect, test, deploy and maintain a branchwide Single Sign-On System
- CMS Modifications – significant modifications to existing CMSs may be needed to take advantage of the unique identifier for all parties, attorneys and other people associated with the case
- Payment/ACH costs – assuming that credit card payments are outsourced to an Automated Clearing House

Cost Table Summary

Description	Low		High	
	One Time Cost	On Going Costs	One Time Cost	On Going Costs
Full Time Staff		230,167		345,250
Contracted Services	928,800		1,857,600	
Single Sign On Services		988,596		988,596
TOTALS	928,800	1,218,763	1,857,600	1,333,846

Low Estimate Total Cost: \$2,147,563

High Estimate Total Cost: \$3,191,446

Cost Estimation Tables for Reference

	Units	Low	High	Low		High	
				One Time	On Going	One Time	On Going
Full Time Staff Costs							
Sr. BSA	2	115,083.36	172,625.04		230,166.72		345,250.08
Full Time Staff Costs					230,166.72		345,250.08
Contracting Services							
Integration with Case Management Systems	3	309,600.00	619,200.00	928,800.00		1,857,600.00	
Contacting Services Total				928,800.00		1,857,600.00	
Single Sign On Services							
	Units	Unit Price		Ext Monthly Price		Ext Annual Price	
Identity Management							
Number of Stored Accounts (3M)	3000000			2923		35,076.00	
Number of Transactions (9M)	90000000			19460		233,520.00	
Mutlifactor Authentication (2M)	2000000		0.03	60000		720,000.00	
						-	
Estimated Total						988,596.00	

D. Relevance to the Judicial Branch Budget and Other Funding Requests:

“Promoting the Digital Court” and “Optimizing Infrastructure” are two of the goals in *Court Technology Governance and Strategic Plan* that a single sign-on system will support. Single sign-on

2019-20 FY Initial Funding Request

will enable an entirely new set of capabilities to improve court operations and dramatically increase access to justice for the public. Single Sign-On has been identified as a key component for the e-filing workstream initiative currently in progress and sponsored by the Information Technology Advisory Committee as one of its major programs in the published Tactical Plan for Technology. Single sign-on will also be a key component for both the Self-Represented Litigants workstream and the Next Generation Hosting Workstream.

This request was submitted as part of the FY 2018-2019 BCP process and JC Information Technology has recently been informed that it is not being approved.

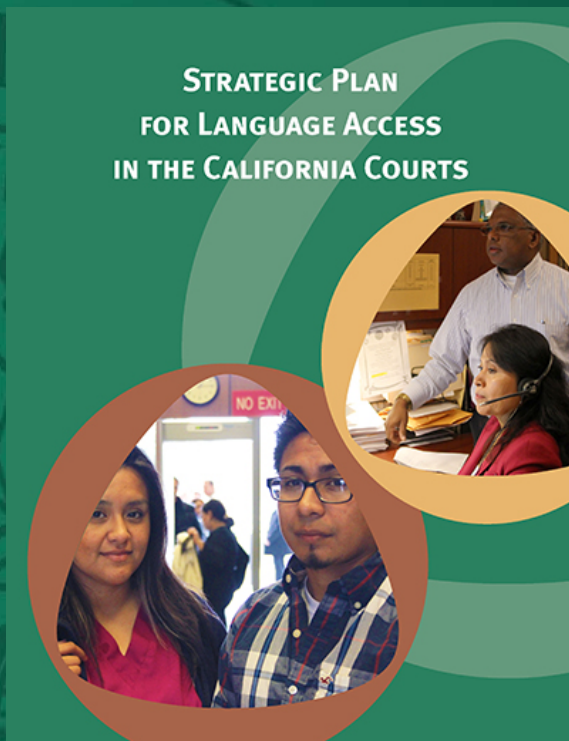
E. Required Review/Approvals:

- Judicial Council Technology Committee
- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee:

Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as the JCTC oversees the council's policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

Language Access Implementation Update



Presented by:

Hon. Mariano-Florentino Cuéllar

Olivia Lawrence

Douglas G. Denton

April 17, 2018

**Judicial Branch Budget
Committee Meeting**



**JUDICIAL COUNCIL
OF CALIFORNIA**

Overview

Goal of Language Access Implementation:
Equal access to justice for nearly 7 million Californians who are limited-English speakers.

Challenges:

- Limited funding
- 210+ languages

Context: California is one of several states facing this challenge.



JUDICIAL COUNCIL
OF CALIFORNIA

Implementation Progress

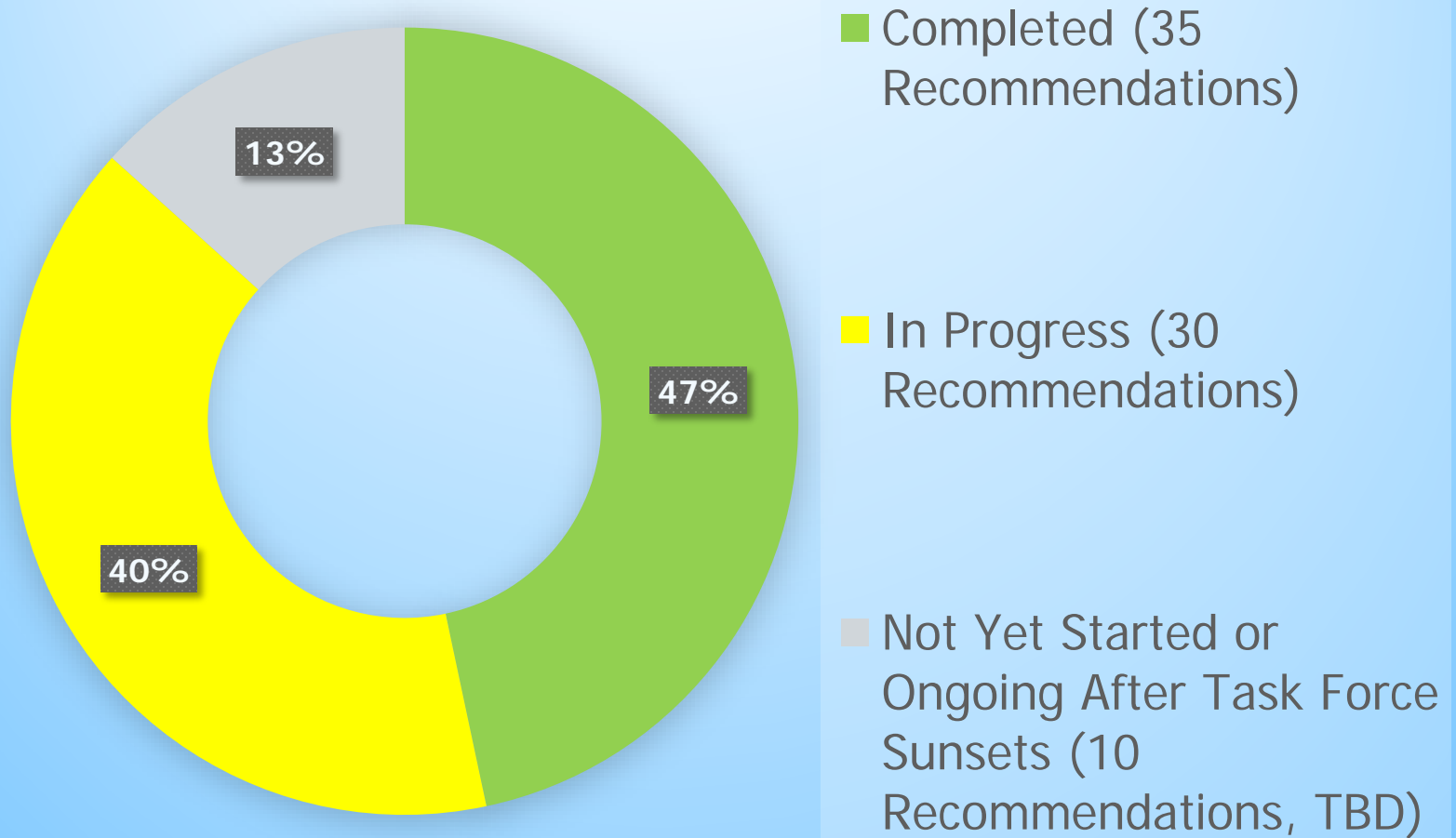
- Funding
- Expansion
- Data collection
- Tools for courts
- Technology
- Education

Need an interpreter?

If you don't speak English well, the Court may be able to give you an interpreter.



LAP Implementation: 35 of 75 LAP Recommendations Completed to Date



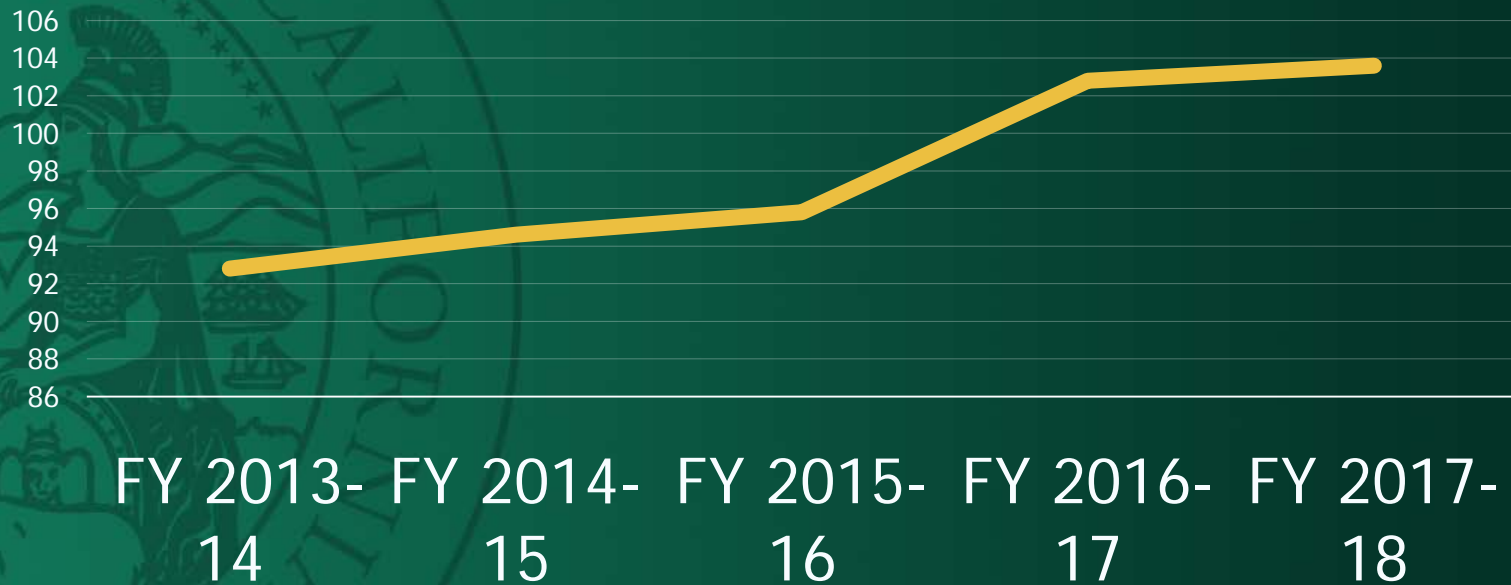
Budget and LAP Monitoring Subcommittee

- Budget Change Proposal
- Data collection
- Statewide complaint process
- Small claims legislation
- Review Interpreter Act



Funding and Budget Change Proposal (BCP)

Anticipated **Growth** of Trial Court Trust Fund 0150037 Appropriation (in \$ Millions)



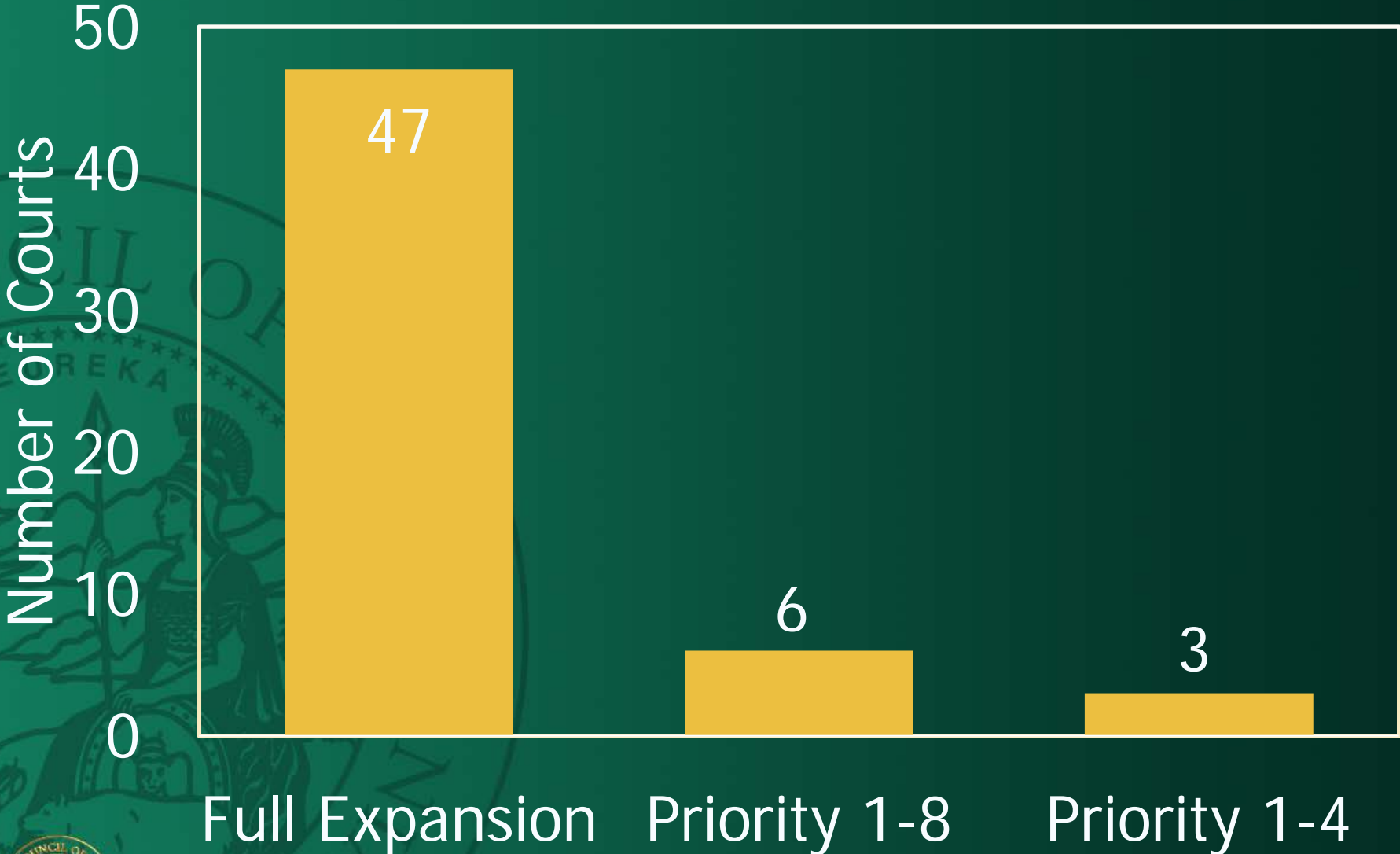
JUDICIAL COUNCIL
OF CALIFORNIA

Ongoing Monitoring and Data Collection

- 2017 Civil Expansion Survey
- 2017 Court Language Access Survey (NCSC)
- 2018 A single online survey is being administered by the Judicial Council



Civil Expansion (as of 12/31/2016)



Translation Subcommittee

- Proposed draft Rule 1.300
- Multilingual signage
- Glossary
- Language Access Toolkit

<http://www.courts.ca.gov/lap-toolkit-courts.htm>



JUDICIAL COUNCIL
OF CALIFORNIA

Language Help



Room 房間 Sala 호

Phòng غرفة Silid اتاق

ਕਮਰਾ Кабинет

12345



111-222-3333



access@county.court.gov

Next steps

- **Budget Change Proposal (BCP) for FY 2019-2020**
- **Recruitment strategies**
- **Language access representatives**
- **Outreach and updates**



VRI Pilot Project

Merced, Sacramento and Ventura

Vendors:

Paras and Associates

Connected Justice Consortium

VRI webpage:

<http://www.courts.ca.gov/VRI.htm>



JUDICIAL COUNCIL
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VRI Potential Benefits

- Increased access to interpreters, especially in languages of lesser diffusion
- Resolve noncomplex and uncontested hearings with interpreters



Pilot Launch

The pilot went live on the following dates:

- Ventura
- January 22, 2018
- Merced
- January 23, 2018
- Sacramento
- February 21, 2018



An interpreter's station in downtown Sacramento, dialed into the Carol Miller Justice Center, Sacramento, CA.



Training

In January 2018, judicial officers, court interpreters, and courtroom staff were trained in 5 of the 6 courtrooms on how to:

- Use VRI equipment
- Collect relevant data

Process:

- Mock trials
- Tutorials
- Documentation
- Gathering Feedback



Mock trial at the Carol Miller Justice Center in Sacramento, CA, to test the use of VRI equipment with a remote interpreter.



JUDICIAL COUNCIL
OF CALIFORNIA

Pilot Assessment

- 6-month pilot assessment phase on a pass/fail basis
- San Diego State University:
 - Evaluation
 - Survey-findings
 - In-person observation period



"Defendant" Lisa Crownover, VRI Project Manager, standing at the fee waiver counter at the Carol Miller Justice Center in Sacramento, CA, to test the use of VRI equipment with a remote interpreter.



Ventura County



Mock trial using video remote interpreting equipment with a remote interpreter in Ventura County.



Interpreter Ramon Valdivieso at the Ventura Interpreter workstation, Ventura Courts.



Merced County



Following a live hearing, Judge Bacciarini interacts with interpreter Rosa Lopez via video remote interpreting equipment in Merced County.



Judge McCabe presiding over a mock trial to test and train court staff on VRI equipment in Los Banos.



Superior Court CEO Linda Romero-Soles, Merced County, participating in a mock trial using VRI equipment as a training exercise.



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Next Steps

- Pilot Assessment
 - Phase 1 – Courts will use their own interpreters via VRI
 - Phase 2 – Courts will share interpreters with other pilot courts via VRI
- Pilot conclusion: Findings and recommendations will be developed for the Judicial Council, including updates to the LAP's VRI programmatic and technical guidelines, as needed.





Questions & Answers



JUDICIAL COUNCIL
OF CALIFORNIA

Web Resources

- Language access:

<http://www.courts.ca.gov/language-access.htm>

- Task Force:

<http://www.courts.ca.gov/LAP.htm>

- Toolkit:

<http://www.courts.ca.gov/lap-toolkit-courts.htm>



JUDICIAL COUNCIL
OF CALIFORNIA

Language Access Plan Implementation Task Force



Interim Progress Report for March 12, 2018

Number of Phase 1, 2 and 3 Recommendations: 75

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 1. Courts will identify the language access needs for each LEP court user, including parties, witnesses, or other persons with a significant interest, at the earliest possible point of contact with the LEP person. The language needs will be clearly and consistently documented in the case management system and/or any other case record or file, as appropriate given a court's existing case information record system, and this capability should be included in any future system upgrades or system development.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee anticipates that it will prepare an interim guidance memorandum for courts in 2018 on this recommendation. Recommendation 1 is on the Task Force's 2018 Annual Agenda so that we can build on the subcommittee research completed to date. A matrix for case management system functionality has been compiled for at least one major CMS.

Date of Last Update: 2/15/2018

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 2. A court's provision or denial of language services must be tracked in the court's case information system, however appropriate given a court's capabilities. Where current tracking of provision or denial is not possible, courts must make reasonable efforts to modify or update their systems to capture relevant data as soon as feasible.

Status of Recommendation: Partially implemented **Phase 1 and 2**

Progress Update: The subcommittee will prepare an interim guidance memorandum for courts in 2018 on this recommendation. Additional work on Recommendation 2 is on the Task Force's 2018 Annual Agenda. As with recommendation 1, staff has validated with at least one major case management system the functionality available with respect to court interpreter services, and more specifically, for this recommendation, whether tracking the denial of services is possible. The subcommittee will continue to research the effort to implement such functionality.

Date of Last Update: 3/7/2018

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 3. Courts should establish protocols by which justice partners can indicate to the court that an individual requires a spoken language interpreter at the earliest possible point of contact with the court system.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Recommendation 3 is anticipated to be a long-term project for the branch. A Task Force working group to address long-term Language Access Plan projects has been formed and will make recommendations for the council on what steps the branch may need to undertake and address this and other projects after the Task Force sunsets.

Date of Last Update: 2/14/2018

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 4. Courts will establish mechanisms that invite LEP persons to self-identify as needing language access services upon contact with any part of the court system (using, for example, "I speak" cards [see page 49 for a sample card]). In the absence of self-identification, judicial officers and court staff must proactively seek to ascertain a court user's language needs.

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee continues to build the use of "I Speak" cards into all best practices and recommendations developed for courts. The Task Force is pursuing a Budget Change Proposal (BCP) to fund the full build-out and ongoing maintenance of the Language Access Toolkit. The "I Speak" cards, along with other resources and tools to help courts ascertain language needs at the earliest point of contact, are on the Toolkit.

Date of Last Update: 3/7/2018

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 5. Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. The notice must include, where accurate and appropriate, that language access services are free. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about language services must be available throughout the duration of a case. Notices should be in English and up to five other languages based on local community needs assessed through collaboration with and information from justice partners, including legal services providers, community-based organizations, and other entities working with LEP populations. Notice must be provided to the public, justice partners, legal services agencies, community-based organizations, and other entities working with LEP populations.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Notice of Available Language Access Services was formatted and translated into nine languages. It is now available on the Language Access Toolkit in a single multilingual version and in nine separate files that contain English and each of the nine other languages of translation.

Date of Last Update: 6/7/2017

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 6. The Judicial Council and the courts will continue to expand and improve data collection on interpreter services, and expand language services cost reporting to include amounts spent on other language access services and tools such as translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. This information is critical in supporting funding requests as the courts expand language access services into civil cases.

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee determined that existing trial court data collection systems can be modified to capture the additional information necessary under LAP Recommendation No. 6. The subcommittee will continue to monitor developments to determine whether additional data collection procedures are necessary.

Date of Last Update: 10/7/2016

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 7. The Judicial Council and the courts should collect data in order to anticipate the numbers and languages of likely LEP court users. Whenever data is collected, including for these purposes, the courts and the Judicial Council should look at other sources of data beyond the U.S. Census, such as school systems, health departments, county social services, and local community-based agencies.

Status of Recommendation: Completed

Phase 2

Progress Update: The subcommittee evaluated different data sources and made recommendations to the courts about potential data sources to look at beyond the U.S. Census. The data sources document has been posted to the Judicial Resources Network, and will be regularly updated. The Judicial Council will review applicable data sources for development of the 2020 Language Need and Interpreter Use study, a report on language need and interpreter use in the California trial courts that the Legislature requires to be produced every five years under Government Code section 68563.

Date of Last Update: 5/31/2017

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 8. Qualified interpreters must be provided in the California courts to LEP court users in all court proceedings, including civil proceedings as prioritized in Evidence Code section 756 (see Appendix H), and including Family Court Services mediation.

Status of Recommendation: Partially implemented

Phase 1 and 2

Progress Update: In August 2017, a survey report was released that indicated that as of December 2016, 47 of 58 superior courts (81% of courts) have expanded their court interpreter services into all eight priority levels established by Evidence Code section 756. See report, "Court Language Access Report Form Summary Report" (August 2017) at <http://www.courts.ca.gov/documents/LAPITF-20170823-CivilSummaryReport.pdf>. Language Access Services staff plans to send out a new language access survey to courts in March 2018 to determine civil expansion levels as of December 2017. The Governor's budget for FY 2016-17 included an additional \$7 million ongoing for trial courts to continue expanding access to interpreters in civil proceedings. The Governor's proposed budget for 2018-19 includes an additional \$4 million in one-time monies to help support expansion efforts. Development of additional funding requests are ongoing.

Date of Last Update: 2/14/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Anne Marx

Recommendation: 9. Pending amendment of California Rules of Court, rule 2.893, when good cause exists, a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth once the existing rule of court is amended). (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 70, on amending rule 2.893 to include civil cases.)

Status of Recommendation: Completed

Phase 1 and 2

Progress Update: In September 2017, the Judicial Council voted to adopt changes to Rule 2.893 and related forms, and adopted the same process and procedures for provisionally qualifying spoken language interpreters in all case types, not just criminal cases. The changes will be effective January 1, 2018.

Date of Last Update: 10/12/2017

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 10. Beginning immediately, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered, court-operated programs, services and events, to all LEP litigants, witnesses, and persons with a significant interest in the case.

Status of Recommendation: Partially implemented

Phase 1, 2, and 3

Progress Update: We will likely request funding to support this expansion effort in a future BCP. Language Access Services staff plans to send out a new language access survey to courts in March 2018. The intent of the survey is to gather additional information to assist the California judiciary and the Task Force with an assessment of current language access needs and the identification of statewide and local language access services provided.

Date of Last Update: 2/14/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 11. An LEP individual should not be ordered to participate in a court-ordered program if that program does not provide appropriate language accessible services. If a judicial officer does not order participation in services due to the program's lack of language capacity, the court should order the litigant to participate in an appropriate alternative program that provides language access services for the LEP court user. In making its findings and orders, the court should inquire if the program provides language access services to ensure the LEP court user's ability to meet the requirements of the court.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The Task Force is developing a rule of court that will provide clear guidance on the provision of language assistance in court-ordered programs and services.

Date of Last Update: 2/15/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 12. The use of in-person, certified and registered court interpreters is preferred for court proceedings, but courts may consider the use of remote interpreting where it is appropriate for a particular event. Remote interpreting may only be used if it will allow LEP court users to fully and meaningfully participate in the proceedings.

Status of Recommendation: Completed **Phase 1**

Progress Update: The use of in-person, certified and registered court interpreters is preferred for court proceedings. The Video Remote Interpreting (VRI) Pilot Project, per recommendation 16, will help define and test appropriate uses of remote interpreting, to allow LEP court users to fully and meaningfully participate in court proceedings. Following conclusion of the VRI pilot, findings and recommendations will be developed for the Judicial Council.

Date of Last Update: 6/12/2017

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 13. When using remote interpreting in the courtroom, the court must satisfy, to the extent feasible, the prerequisites, considerations, and guidelines for remote interpreting set forth in Appendix B.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Sacramento, Merced, and Ventura counties are participating in the VRI Pilot Project, and each court has chosen two courtrooms to test VRI equipment. Each courtroom will either house equipment from Paras & Associates or Connected Justice, vendors that were contracted through the RFP process. Both vendors were chosen for their ability and agreement to meet minimum technical requirements, as outlined in Appendix B of the Language Access Plan. The assessment period has launched in all three counties as of February 21, 2018, during which time vendor equipment and the guidelines will be reviewed, vetted, and appended, as necessary.

Date of Last Update: 2/28/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 14. The Implementation Task Force will establish minimum technology requirements for remote interpreting which will be updated on an ongoing basis and which will include minimum requirements for both simultaneous and consecutive interpreting.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: As mentioned for the Recommendation 13 update, the VRI assessment period has launched in all three counties as of February 21, 2018. During the assessment period, VRI equipment will be tested, vetted, reviewed, and any technology requirements that need to be amended will inform the subcommittee of how best to establish minimum requirements.

Date of Last Update: 2/28/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 15. Courts using remote interpreting should strive to provide video, used in conjunction with enhanced audio equipment, for courtroom interpretations, rather than relying on telephonic interpreting.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: For each of the courtrooms participating in the VRI Pilot Project, video capabilities in addition to audio equipment have been installed. Video capability will be tested and reviewed during the VRI Assessment Period.

Date of Last Update: 1/26/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 16. The Judicial Council should conduct a pilot project, in alignment with the Judicial Branch's Tactical Plan for Technology 2014-2016. This pilot should, to the extent possible, collect relevant data on: due process issues, participant satisfaction, whether remote interpreting increases the use of certified and registered interpreters as opposed to provisionally qualified interpreters, the effectiveness of a variety of available technologies (for both consecutive and simultaneous interpretation), and a cost-benefit analysis. The Judicial Council should make clear that this pilot project would not preclude or prevent any court from proceeding on its own to deploy remote interpreting, so long as it allows LEP court users to fully and meaningfully participate in the proceedings.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The Video Remote Interpreting (VRI) Pilot Project began the third phase of its life cycle by going live with at least one vendor, Paras & Associates. Ventura and Merced began the week of January 22, 2018, and Sacramento went live with its VRI equipment February 21, 2018. The additional month allowed Sacramento county to offer all of its interpreters training in VRI equipment. Additionally, San Diego State University (SDSU) began its independent evaluation of the pilot. SDSU has been involved in prepping for data collection for months prior to the go live dates, and the findings from the evaluations will inform the subcommittee of any relevant data regarding due process issues, participant satisfaction, and other elements outlined in Recommendation 16 of the Language Access Plan.

Date of Last Update: 2/28/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 17. In order to maximize the use and availability of California's highly skilled certified and registered interpreters, the Judicial Council should consider creating a pilot program through which certified and registered interpreters would be available to all courts on a short-notice basis to provide remote interpreting services.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: Recommendation 17 is anticipated to be a long-term project for the branch. However, the Video Remote Interpreting Pilot Project will test intercourt operability. This means that the three counties involved in the VRI Pilot Project may be able to provide interpreting services, remotely, between the participating courts. This may inform the subcommittee of information for recommendation 17.

Date of Last Update: 3/7/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 18. The Judicial Council should continue to create multilingual standardized videos for high-volume case types that lend themselves to generalized, not localized, legal information, and provide them to courts in the state’s top eight languages and captioned in other languages.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee created a list of existing Judicial Council self-help videos in English and other languages. Judicial Council staff is exploring creation of additional multilingual videos to assist LEP court users in different languages.

Date of Last Update: 3/11/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 19. Effective January 2015, pursuant to Government Code section 68561(g) and (f), judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, properly represent their credentials on the record, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.)

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council, at its June 24, 2016 meeting, adopted a Bench Card: Working with Court Interpreters; a Resource Outline for judicial officers; and training curricula outlines for judicial officers and court staff. These materials expressly address recommendation number 19, and are available to judges, subordinate judicial officers, and court staff on CJER Online. The Bench Card is also handed out at all of CJER’s live statewide judicial education programs. In addition, this content is discussed at live judicial education programs. Judicial and court staff education in this area is ongoing.

Date of Last Update: 10/6/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 20. The Judicial Council should expand the existing formal regional coordination system to improve efficiencies in interpreter scheduling for court proceedings and cross-assignments between courts throughout the state. (See Recommendation 30, addressing coordination for bilingual staff and interpreters for non-courtroom events.)

Status of Recommendation: Completed **Phase 2**

Progress Update: In August 2017, the NCSC provided the Judicial Council with an internal report that contained findings and recommendations for potential improvements to the regional coordination system for cross-assignment of interpreters. Judicial Council staff will work with courts to review the recommendations and make improvements.

Date of Last Update: 10/27/2017

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 21. Courts should continue to develop methods for using interpreters more efficiently and effectively, including but not limited to calendar coordination. Courts should develop these systems in a way that does not have a chilling effect on LEP court users' access to court services.

Status of Recommendation: Completed **Phase 2**

Progress Update: In August 2017, the NCSC provided the Judicial Council with an internal report that contained findings and recommendations on potential methods for using interpreters more efficiently and effectively, including calendar coordination. Judicial Council staff will work with courts to review the recommendations and make improvements to the regional cross-assignment system. At the local court level, courts should ensure that their case calendaring practices do not have a chilling effect on LEP court users' access to court services.

Date of Last Update: 10/27/2017

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 22. Absent exigent circumstances, when appointing a noncertified, nonregistered interpreter, courts must not appoint persons with a conflict of interest or bias with respect to the matter.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council, at its June 24, 2016 meeting, adopted a Bench Card: Working with Court Interpreters; a Resource Outline for judicial officers; and training curricula outlines for judicial officers and court staff. These materials expressly address recommendation number 22, and are available to judges, subordinate judicial officers and court staff on CJER Online. The Bench Card is also handed out at all of CJER’s live statewide judicial education programs. Judicial and court staff education in this area is ongoing.

Date of Last Update: 10/6/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 23. Minors will not be appointed to interpret in courtroom proceedings nor court-ordered and court-operated activities.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council, at its June 24, 2016 meeting, adopted a Bench Card: Working with Court Interpreters; a Resource Outline for judicial officers; and training curricula outlines for judicial officers and court staff. These materials expressly address recommendation number 23, and area available to judges, subordinate judicial officers and court staff on CJER Online. The Bench Card is also handed out at all of CJER’s live statewide judicial education programs. Judicial and court staff education in this area is ongoing.

Date of Last Update: 10/6/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 24. Absent exigent circumstances, courts should avoid appointing bilingual court staff to interpret in courtroom proceedings; if the court does appoint staff, he or she must meet all of the provisional qualification requirements.

Status of Recommendation: Completed **Phase 2**

Progress Update: The Judicial Council, at its June 24, 2016 meeting, adopted a Bench Card: Working with Court Interpreters; a Resource Outline for bench officers; and training curricula outlines for judicial officers and court staff. These documents address LAP Recommendation 24 and are available to judges, subordinate judicial officers and court staff on CJER Online. The Bench Card is also handed out at all of CJER's live statewide judicial education programs. Judicial and court staff education in this area is ongoing.

Date of Last Update: 10/6/2016

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 25. The court in each county will designate an office or person that serves as a language access resource for all court users, as well as court staff and judicial officers. This person or persons should be able to: describe all the services the court provides and what services it does not provide, access and disseminate all of the court's multilingual written information as requested, and help LEP court users and court staff locate court language access resources.

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee developed and distributed written guidance for trial court leadership in December 2015 and requested that each court designate a language access office or representative. Each of the 58 courts has designated a language access representative. New California Rules of Court, Rule 2.850, effective January 1, 2018, makes clear that the designation of a Language Access Representative is an ongoing requirement for courts. To help support implementation efforts, Judicial Council staff developed a listserv to enable communication to and among the various representatives regarding language access, and bi-monthly (every other month) phone calls are now conducted with the Language Access Representatives.

Date of Last Update: 2/8/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 26. Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. (See Recommendation 47, which discusses possible standards for the appropriate qualification level of bilingual staff at these locations.)

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee prepared a Points of Contact document that was approved by the Task Force at its January 30, 2018 meeting. The document is available on the Language Access Toolkit.

Date of Last Update: 2/8/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 27. All court staff who engage with the public will have access to language assistance tools, such as translated materials and resources, multi-language glossaries and “I speak” cards, to determine a court user’s native language, direct him or her to the designated location for language services, and/or provide the LEP individual with brochures, instructions, or other information in the appropriate language.

Status of Recommendation: Completed **Phase 2**

Progress Update: The Task Force is pursuing a BCP to fund the full build-out and ongoing maintenance of the Language Access Toolkit. The subcommittee worked with LAPITF staff to add recently-developed tools, including the Translation Protocol and the Translation Action Plan. The Notice of Available Language Access Services is available on the Toolkit in a single multi-lingual version and in nine separate files that contain English and each of the nine other languages of translation.

Date of Last Update: 2/15/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 28. Courts should strive to recruit bilingual staff fluent in the languages most common in that county. In order to increase the bilingual applicant pool, courts should conduct outreach to educational providers in the community, such as local high schools, community colleges, and universities, to promote the career opportunities available to bilingual individuals in the courts.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Individual courts are recruiting and hiring bilingual staff as needed to support LAP implementation. The NCSC assisted the Task Force and the Court Interpreters Program regarding development of recruitment strategies, which were shared with the public at the Task Force's March 2017 Community Outreach Meeting. Efforts are underway for the Judicial Council to develop a more robust statewide recruitment initiative. Recruitment of qualified bilingual staff will be an ongoing responsibility for the judicial branch.

Date of Last Update: 10/12/2017

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 29. Courts will develop written protocols or procedures to ensure LEP court users obtain adequate language access services where bilingual staff are not available. For example, the court's interpreter coordinator could be on call to identify which interpreters or staff are available and appropriate to provide services in the clerk's office or self-help center. Additionally, the use of remote technologies such as telephone access to bilingual staff persons in another location or remote interpreting could be instituted.

Status of Recommendation: Completed **Phase 2**

Progress Update: A protocol and Action Guide for meeting the needs of LEP court users were completed on 6/30/2017 and have been posted to the Language Access Toolkit.

Date of Last Update: 9/20/2017

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 30. The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: At its meeting on January 30, 2018, the Task Force approved the report titled "Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom" for posting on the Language Access Toolkit. This report provides a survey of remote technology programs and approaches in the California courts and throughout the United States, specifically for the purpose of sharing bilingual employees among courts. It will form the basis of specific technology recommendations that will be proposed by the subcommittee in 2018.

Date of Last Update: 2/26/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 31. The courts and the Judicial Council should consider a pilot to implement the use of remote interpreter services for counter help and at self-help centers, incorporating different solutions, including court-paid cloud-based fee-for-service models or a court/centralized bank of bilingual professionals.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: Recommendation 31 has been added to the Task Force's 2018 Annual Agenda. The Task Force anticipates that it may request funds through the BCP process to allow courts to pilot various hardware/software that may be appropriate for language assistance services outside of the courtroom. The subcommittee will continue researching options and engaging courts interested in piloting possible devices or software.

Date of Last Update: 2/15/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 32. The courts should consider a pilot to implement inter-court, remote attendance at workshops, trainings, or “information nights” conducted in non-English languages using a variety of equipment, including telephone, video-conferencing (WebEx, Skype), or other technologies.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The VRI Pilot Project, per Recommendation 16, has launched in three counties: Merced, Ventura, and Sacramento. Intercourt operability will be tested during the VRI Pilot, and findings from the project will help to inform the subcommittee of possible technological solutions for remote workshops or trainings outside the courtroom. Analysis taken during the assessment period of the pilot project will help to shape a pilot for this recommendation.

Date of Last Update: 3/7/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 33. In matters with LEP court users, courts must determine that court-appointed professionals, such as psychologists, mediators, and guardians, can provide linguistically accessible services before ordering or referring LEP court users to those professionals. Where no such language capability exists, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The Task Force is developing a rule of court that will provide clear guidance on the provision of language assistance in court-ordered programs and services.

Date of Last Update: 2/15/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 34. Courts should consider the use of bilingual volunteers to provide language access services at points of contact other than court proceedings, where appropriate. Bilingual volunteers and interns must be properly trained and supervised.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: A draft version of this document was completed and circulated to LAPITF members in June 2016. Staff will coordinate the best practices and standards contained in this report with the training and standards for bilingual employees to be issued by December 2018.

Date of Last Update: 2/7/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 35. As an alternative for traditional information dissemination, the Judicial Council should consider creating pilot programs to implement the use of language access kiosks in lobbies or other public waiting areas to provide a variety of information electronically, such as on a computer or tablet platform. This information should be in English and up to five other languages based on local community needs assessed through collaboration with and information from justice partners, including legal services providers, community-based organizations, and other entities working with LEP populations. At a minimum, all such materials should be available in English and Spanish.

Status of Recommendation: Partially implemented **Phase 3**

Progress Update: The subcommittee is exploring appropriate use of kiosks to assist LEP court users. The Task Force anticipates that it may ask for funding to assist courts that are interested in use of language access kiosks.

Date of Last Update: 2/14/2018

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 36. The Judicial Council will create a translation committee to develop and formalize a translation protocol for Judicial Council translations of forms, written materials, and audiovisual tools. The committee should collaborate with interpreter organizations and courts to develop a legal glossary in all certified languages, taking into account regional differences, to maintain consistency in the translation of legal terms. The committee's responsibilities will also include identifying qualifications for translators, and the prioritization, coordination, and oversight of the translation of materials. The qualification of translators should include a requirement to have a court or legal specialization and be accredited by the American Translators Association (ATA), or to have been determined qualified to provide the translations based on experience, education, and references. Once the Judicial Council's translation protocol is established, individual courts should establish similar quality control and translation procedures for local forms, informational materials, recordings, and videos aimed at providing information to the public. Local court website information should use similarly qualified translators. Courts are encouraged to partner with local community organizations to accomplish this recommendation.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee has developed a list of potential translation duties based on the pending elements of Recommendation No. 36. Judicial Council staff will work with the Task Force Chairs regarding long-term implementation of the translation duties in this recommendation.

Date of Last Update: 3/7/2018

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 37. The Judicial Council staff will work with courts to provide samples and templates of multilingual information for court users that are applicable on a statewide basis and adaptable for local use.

Status of Recommendation: Completed **Phase 1**

Progress Update: With the creation of the Language Access Toolkit, the subcommittee has been able to promote and disseminate samples and templates of multilingual information, including signage, forms and information sheets. The Task Force is pursuing a BCP to fund the full build-out and ongoing maintenance of the Language Access Toolkit.

Date of Last Update: 2/15/2018

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 38. The Judicial Council’s staff will post on the California Courts website written translations of forms and informational and educational materials for the public as they become available and will send notice to the courts of their availability so that courts can link to these postings from their own websites.

Status of Recommendation: Completed **Phase 1**

Progress Update: Judicial Council staff now has a regular process for communicating with Language Access Representatives via email and with the courts through existing channels (such as Court News Update) when new resources are available and posted on the Judicial Resources Network, the Language Access Toolkit and the California Courts public website.

Date of Last Update: 5/16/2017

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 39. The staff of the Judicial Council should assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse, and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation. Where more localized signage is required, courts should have all public signs in English and translated in up to five other languages based on local community needs assessed through collaboration with and information from justice partners, including legal services providers, community-based organizations, and other entities working with LEP populations. At a minimum, all such materials should be available in English and Spanish.

Status of Recommendation: Completed **Phase 2**

Progress Update: The Glossary of Signage Terms and Icons was completed and posted to the Language Access Toolkit in June 2017. It contains 75 common signage terms and phrases that have been translated into 10 languages. It also contains recommended universal icons for courthouse signage and wayfinding.

Date of Last Update: 9/20/2017

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 40. Courts will provide sight translation of court orders and should consider providing written translations of those orders to LEP persons when needed. At a minimum, courts should provide the translated version of the relevant Judicial Council form to help litigants compare their specific court order to the translated template form.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council approved the Translation Action Plan at its meeting in June 2016. The Action Plan contains a priority ranking of documents slated for translation in order to most efficiently use branch resources. The Action Plan also contains recommendations regarding the formatting and dissemination of multilingual resources.

Date of Last Update: 5/16/2017

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 41. The Judicial Council, partnering with courts, should ensure that new courthouse construction efforts, as well as redesign of existing courthouse space, are undertaken with consideration for making courthouses more easily navigable by all LEP persons.

Status of Recommendation: Completed **Phase 2**

Progress Update: The subcommittee collaborated with NCSC on the development of the report, "Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations," which contains specific recommendations with respect to courthouse design to enhance language access. The report was presented to the LAPITF at their in-person meeting on January 30, 2017 and approved for presentation to the Judicial Council. It was presented to the Judicial Council on May 18, 2017, and has been posted to the Language Access Toolkit.

Date of Last Update: 6/12/2017

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 42. The Judicial Council’s staff will provide information to courts interested in better wayfinding strategies, multilingual (static and dynamic) signage, and other design strategies that focus on assisting LEP court users.

Status of Recommendation: Completed **Phase 2**

Progress Update: The subcommittee collaborated with NCSC on the development of the report, "Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations," which contains specific recommendations with respect to wayfinding strategies and multilingual signage. The report was presented to the Task Force at their in-person meeting on January 30, 2017 and approved for presentation to the Judicial Council. It was presented to the Judicial Council on May 18, 2017, and has been posted to the Language Access Toolkit.

Date of Last Update: 6/12/2017

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Olivia Lawrence

Recommendation: 43. Courts, the Judicial Council, and the Court Interpreters Advisory Panel (CIAP) will ensure that all interpreters providing language access services to limited English proficient court users are qualified and competent. Existing standards for qualifications should remain in effect and will be reviewed regularly by the CIAP.

Status of Recommendation: Completed **Phase 1**

Progress Update: The CIAP's review and update of rule 2.893 and related forms will be effective January 1, 2018. Otherwise, the CIAP will continue its role regarding interpreter standards for qualification.

Date of Last Update: 10/12/2017

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 44. The online statewide orientation program will continue to be available to facilitate orientation training for new interpreters working in the courts.

Status of Recommendation: Completed **Phase 1**

Progress Update: The online statewide orientation program was updated by the subcommittee and includes a new module on civil cases. It will be made available for free on the Court Interpreters Program web page.

Date of Last Update: 2/8/2018

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 45. The Judicial Council and the courts should work with interpreter organizations and educational providers (including the California community college and state university systems) to examine ways to better prepare prospective interpreters to pass the credentialing examination. These efforts should include:

- Partnering to develop possible exam preparation courses and tests, and
- Creating internship and mentorship opportunities in the courts and in related legal settings (such as work with legal services providers or other legal professionals) to help train and prepare prospective interpreters in all legal areas.

Status of Recommendation: Completed **Phase 1**

Progress Update: The NCSC assisted the Task Force regarding development of potential recommendations to assist near passers of the bilingual interpreting exam. These recommendations were shared with the public at the Task Force's March 2017 Community Outreach Meeting. Monies were included in the Governor's 2017 Budget to help support interpreter training, recruitment efforts and internship opportunities. The Court Interpreters Program will continue to focus on education programs that will assist near passers of the bilingual interpreter exam and to identify and support internship opportunities of prospective interpreters.

Date of Last Update: 10/12/2017

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 46. The Judicial Council, interpreter organizations, and educational groups should collaborate to create training programs for those who will be interpreting in civil cases and those who will be providing remote interpreting.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The NCSC assisted the Task Force regarding development of curriculum for court interpreters working in civil cases. Judicial Council staff will be working in 2018 on how best to develop this training into an online format and then will disseminate it to court interpreters. Training for court interpreters regarding remote interpreting is being developed in conjunction with the VRI Pilot Project.

Date of Last Update: 2/8/2018

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 47. Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to "intermediate mid" as defined under the American Council on the Teaching of Foreign Languages guidelines. (See Appendix F.) The existing Oral Proficiency Exam available through the Judicial Council's Court Language Access Support Program (CLASP) unit may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency.

Status of Recommendation: Completed **Phase 1**

Progress Update: This recommendation does not require further work. Courts should ensure that bilingual staff are proficient in non-English languages and may refer to the Court Interpreters Program webpage for additional information regarding the Oral Proficiency Exam.

Date of Last Update: 10/18/2017

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 48. Beyond the specified minimum, the Judicial Council staff will work with the courts to (a) identify standards of language proficiency for specific points of public contact within the courthouse, and (b) develop and implement an online training for bilingual staff.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee developed a draft points of contact document with recommended levels of proficiency for specific points of public contact within the courthouse. The document was approved by the Task Force at its January 30, 2018, meeting, and is available on the Language Access Toolkit. The NCSC assisted the subcommittee regarding development of curriculum for bilingual staff. Judicial Council staff will work in 2018 on how best to develop this training into an online format and then will disseminate it to bilingual staff.

Date of Last Update: 3/7/2018

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 49. The Judicial Council staff will work with educational providers, community-based organizations, and interpreter organizations to identify recruitment strategies, including consideration of market conditions, to encourage bilingual individuals to pursue the interpreting profession or employment opportunities in the courts as bilingual staff.

Status of Recommendation: Completed **Phase 2**

Progress Update: The NCSC assisted the Task Force and the Court Interpreters Program regarding development of recruitment strategies, which were shared with the public at the Task Force's March 2017 Community Outreach Meeting. Efforts are underway for the Judicial Council to develop a more robust statewide recruitment initiative. Recruitment of qualified bilingual staff and court interpreters will be an ongoing responsibility for the judicial branch.

Date of Last Update: 10/12/2017

Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 50. Judicial officers, including temporary judges, court administrators, and court staff will receive training regarding the judicial branch's language access policies and requirements as delineated in this Language Access Plan, as well as the policies and procedures of their individual courts. Courts should schedule additional training when policies are updated or changed. These trainings should include:

- Optimal methods for managing court proceedings involving interpreters, including an understanding of the mental exertion and concentration required for interpreting, the challenges of interpreter fatigue, the need to control rapid rates of speech and dialogue, and consideration of team interpreting where appropriate;
- The interpreter's ethical duty to clarify issues during interpretation and to report impediments to performance;
- Required procedures for the appointment and use of a provisionally qualified interpreter and for an LEP court user's waiver, if requested, of interpreter services;
- Legal requirements for establishing, on the record, an interpreter's credentials;
- Available technologies and minimum technical and operational standards for providing remote interpreting; and
- Working with LEP court users in a culturally competent manner.

The staff of the Judicial Council will develop curricula for trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs.

Status of Recommendation: Completed

Phase 1

Progress Update: In addition to being accessible on CJER Online, language access educational content for the branch is included in much of the existing education curricula, and judicial and court staff workgroups continue to explore how it can be woven throughout the curricula. Judicial and court staff education in this area is ongoing.

Date of Last Update: 9/26/2016

Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 51. Information on local and statewide language access resources, training and educational components identified throughout this plan, glossaries, signage, and other tools for providing language access should be readily available to all court staff through individual courts' intranets.

Status of Recommendation: Partially implemented

Phase 2 and 3

Progress Update: The Translation Subcommittee selected an image for the toolkit intranet link at its in-person meeting on January 30, 2018. Staff will develop a proposal to promote the use of the toolkit and the placement of the link on local court intranet sites. This will include communications with Language Access Representatives and IT staff in the local courts.

Date of Last Update: 2/8/2018

Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 52. Judicial Council staff should develop bench cards that summarize salient language access policies and procedures and available resources to assist bench officers in addressing language issues that arise in the courtroom, including policies related to remote interpreting.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council, at its June 24, 2016 meeting, adopted a Bench Card: Working with Court Interpreters; a Resource Outline for judicial officers; and training curricula outlines for judicial officers and court staff. These documents address LAP Recommendation 52 and are available to judges, subordinate judicial officers and court staff on CJER Online. The Bench Card is also handed out at all of CJER's live statewide judicial education programs. Judicial and court staff education in this area is ongoing.

Date of Last Update: 10/6/2016

Goal 7: Conduct Outreach to Communities Regarding Language Access Services

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 53. Courts should strengthen existing relationships and create new relationships with local community-based organizations, including social services providers, legal services organizations, government agencies, and minority bar associations to gather feedback to improve court services for LEP court users and disseminate court information and education throughout the community.

Status of Recommendation: Partially implemented **Phase 3**

Progress Update: The Judicial Council anticipates that it will work with a consultant in FY 2018-19 to develop a public outreach campaign (including strategy, multilingual print materials, signs, and recordings).

Date of Last Update: 2/14/2018

Goal 7: Conduct Outreach to Communities Regarding Language Access Services

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 54. To maximize both access and efficiency, multilingual audio and/or video recordings should be used as part of the outreach efforts by courts to provide important general information and answers to frequently asked questions.

Status of Recommendation: Partially implemented **Phase 3**

Progress Update: The Judicial Council anticipates that it will work with a consultant in FY 2018-19 to develop a public outreach campaign (including strategy, multilingual print materials, signs, and recordings).

Date of Last Update: 2/14/2018

Goal 7: Conduct Outreach to Communities Regarding Language Access Services

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 55. Courts should collaborate with local media and leverage the resources of media outlets, including ethnic media that communicate with their consumers in their language, as a means of disseminating information throughout the community about language access services, the court process, and available court resources.

Status of Recommendation: Partially implemented **Phase 3**

Progress Update: The Judicial Council anticipates that it will work with a consultant in FY 2018-19 to develop a public outreach campaign (including strategy, multilingual print materials, signs, and recordings).

Date of Last Update: 2/14/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 56. The judicial branch will advocate for sufficient funding to provide comprehensive language access services. The funding requests should reflect the incremental phasing-in of the Language Access Plan, and should seek to ensure that requests do not jeopardize funding for other court services or operations.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: A language access-related BCP for FY 2018-19 was developed and submitted to the Department of Finance in September 2017. The subcommittee convened a strategy group to help advance the FY 2018-19 BCP regarding LAP implementation and inform policymakers and stakeholders about its importance. Efforts are currently underway to develop the FY 2019-20 language access BCP. Future BCPs are ongoing.

Date of Last Update: 3/7/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 57. Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to implement the recommendations of this Language Access Plan. This may include information being gathered in connection with the recent Judicial Council decision to expand the use of Program 45.45 funds for civil cases where parties are indigent; information being gathered for the 2015 Language Need and Interpreter Use Report; and information that can be extrapolated from the Resource Assessment Study (which looks at court staff workload), as well as other court records (e.g., self-help center records regarding LEP court users).

Status of Recommendation: Completed

Phase 1

Progress Update: The subcommittee determined that existing trial court data collection systems can be modified to capture the additional information that is identified in LAP Recommendation 6. The Judicial Council, in collaboration with trial courts, will continue to improve on data collection. Current data, including CIDCS, Phoenix Financial System, the NCSC survey findings, and tracking the TCTF Program 0150037 (former Program 45.45), provide sufficient information to help support funding requests.

Date of Last Update: 10/12/2017

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 58. Judicial Council staff will pursue appropriate funding opportunities from federal, state, or nonprofit entities, such as the National Center for State Courts, which are particularly suitable for one-time projects, for example, translation of documents or production of videos.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: The subcommittee convened a strategy group to help advance BCPs and inform policymakers and stakeholders about their importance. Future BCPs are ongoing. As part of the Budget Act of 2016, the Legislature appropriated \$25 million for a competitive grant program known as the Court Innovations Grant Program to be administered by the Judicial Council of California. On March 24, 2017, the Judicial Council awarded 53 grants collectively worth more than \$23 million to 29 courts throughout the State. The grants will be used to promote innovation, modernization, and efficiency in California's courts. Efforts are currently underway to develop the FY 2019-20 language access BCP.

Date of Last Update: 2/8/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 59. Courts should pursue appropriate funding opportunities at the national, state, or local level to support the provision of language access services. Courts should seek, for example, one-time or ongoing grants from public interest foundations, state or local bar associations, and federal, state, or local governments.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee convened a strategy group to help advance the FY 2018-19 BCP re LAP implementation and inform policymakers and stakeholders about its importance. The Task Force prepared and distributed guidance to all 58 Language Access Representatives regarding the Court Innovations Grant program. Efforts are currently underway to develop the FY 2019-20 language access BCP.

Date of Last Update: 2/8/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 60. The Judicial Council will create a Language Access Implementation Task Force (name TBD) to develop an implementation plan for presentation to the council. The Implementation Task Force membership should include representatives of the key stakeholders in the provision of language access services in the courts, including, but not limited to, judicial officers, court administrators, court interpreters, legal services providers, and attorneys that commonly work with LEP court users. As part of its charge, the task force will identify the costs associated with implementing the LAP recommendations. The Implementation Task Force will coordinate with related advisory groups and Judicial Council staff on implementation, and will have the flexibility to monitor and adjust implementation plans based on feasibility and available resources.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: LAP Implementation Task Force was formed by the Chief Justice in March 2015. Task Force and court efforts to expand and improve language access for limited English proficient court users are ongoing. The NCSC, in consultation with the subcommittee, developed rough cost estimates regarding implementation of the various recommendations in the LAP, in order to assist with BCP and other funding requests.

Date of Last Update: 9/26/2016

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 61. The Implementation Task Force will establish the necessary systems for monitoring compliance with this Language Access Plan. This will include oversight of the plan's effects on language access statewide and at the individual court level, and assessing the need for ongoing adjustments and improvements to the plan.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council has developed a LAP Monitoring Database to provide regular progress reports regarding the implementation status of the LAP recommendations. The progress reports are available on the Task Force's web page (<http://www.courts.ca.gov/LAP.htm>).

Date of Last Update: 6/1/2017

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 62. The Implementation Task Force will develop a single form, available statewide, on which to register a complaint about the provision of, or the failure to provide, language access. This form should be as simple, streamlined, and user-friendly as possible. The form will be available in both hard copy at the courthouse and online, and will be capable of being completed electronically or downloaded for printing and completion in writing. The complaints will also serve as a mechanism to monitor concerns related to language access at the local or statewide level. The form should be used as part of multiple processes identified in the following recommendations of this plan.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The Task Force developed a packet with a model complaint form and procedures, which is available on the Language Access Toolkit. Individual courts may choose to develop their local complaint form and process based on the materials contained in the model packet. New California Rules of Court, Rule 2.851, became effective January 1, 2018. Under the provisions of Rule 2.851, each superior court must establish a language access services complaint form and related procedures to respond to language access services complaints that relate to staff or court interpreters, or to local translations. Courts will have until December 31, 2018 to implement the provisions of the rule. Separately, an online form is available on the Language Access web page for court users who want to submit a complaint regarding the Judicial Council's language access services.

Date of Last Update: 2/8/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 63. Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may file a complaint about the court’s provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. Local courts may choose to model their local procedures after those developed as part of the implementation process. Complaints must be filed with the court at issue and reported to the Judicial Council to assist in the ongoing monitoring of the overall implementation and success of the Language Access Plan.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The Task Force developed a packet with a model complaint form and procedures, which is available on the Language Access Toolkit. The subcommittee is partnering with the Professional Standards and Ethics Subcommittee of CIAP to sync the model complaint form and proposed rules with CIAP’s review of interpreter competency as required by California Rules of Court, Rule 2.891. CIAP anticipates that the proposed interpreter review and disciplinary process will go out for public comment in 2018.

Date of Last Update: 2/8/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Olivia Lawrence

Recommendation: 64. The Judicial Council, together with stakeholders, will develop a process by which the quality and accuracy of an interpreter’s skills and adherence to ethical requirements can be reviewed. This process will allow for appropriate remedial action, where required, to ensure certified and registered interpreters meet all qualification standards. Development of the process should include determination of whether California Rule of Court 2.891 (regarding periodic review of court interpreter skills and professional conduct) should be amended, repealed, or remain in place. Once the review process is created, information regarding how it can be initiated must be clearly communicated to court staff, judicial officers, attorneys, and in plain language to court users (e.g., LEP persons and justice partners).

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: CIAP’s Professional Standards and Ethics Subcommittee met in-person to advance the progress of the draft policy. NCSC continues to serve in an advisory role to CIP staff. The anticipated effective date of the new policy is January 1, 2019.

Date of Last Update: 10/12/2017

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 65. The translation committee (as described in Recommendation 36), in consultation with the Implementation Task Force, will develop a process to address complaints about the quality of Judicial Council–approved translations, including translation of Judicial Council forms, the California Courts Online Self-Help Center, and other Judicial Council–issued publications and information.

Status of Recommendation: Partially implemented **Phase 3**

Progress Update: An online form is available on the Language Access web page for court users who want to submit a complaint regarding the Judicial Council's language access services, including translations hosted on www.courts.ca.gov.

Date of Last Update: 2/14/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 66. The Judicial Council should create a statewide repository of language access resources, whether existing or to be developed, that includes translated materials, audiovisual tools, and other materials identified in this plan in order to assist courts in efforts to expand language access.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Task Force is pursuing a BCP to fund the full build-out and ongoing maintenance of the Language Access Toolkit. The subcommittee worked with LAPITF staff to add recently-developed tools, including the Translation Protocol, the Translation Action Plan and the Notice of Available Language Access Services. LAPITF staff also updated the Judicial Resources Network (JRN) language access pages for court staff to make them more responsive to the needs of local courts.

Date of Last Update: 2/15/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 67. The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of this Language Access Plan with necessary modifications.

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee developed a plan for the adoption and implementation of appropriate LAP recommendations by Courts of Appeal and the Supreme Court, which was presented to the Task Force and approved at its October 17, 2016, meeting. At its May 2017 meeting, the Judicial Council received an informational report on this item with recommendations, including applicable parts of the LAP that should be adopted by the Courts of Appeal and Supreme Court. A supplemental report regarding implementation status will be presented to the council at a future date.

Date of Last Update: 3/7/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 68. To ensure ongoing and effective implementation of the LAP, the Implementation Task Force will evaluate, on an ongoing basis, the need for new statutes or rules or modifications of existing rules and statutes.

Status of Recommendation: Partially implemented **Phase 2 and 3**

Progress Update: The subcommittee is working to identify any additional statutes or rules that may require updating, or any new statutes or rules that may need to be developed.

Date of Last Update: 9/26/2016

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Anne Marx

Recommendation: 69. The Judicial Council should establish procedures and guidelines for determining "good cause" to appoint non-credentialed court interpreters in civil matters.

Status of Recommendation: Completed **Phase 1**

Progress Update: In September 2017, the Judicial Council voted to adopt changes to Rule 2.893 and related forms, and it was agreed that no differences will be required in determining "good cause" to appoint non-credentialed court interpreters in juvenile, criminal, or civil matters. The changes will be effective January 1, 2018.

Date of Last Update: 10/13/2017

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Anne Marx

Recommendation: 70. The Judicial Council should amend rule of court 2.893 to address the appointment of non-credentialed interpreters in civil proceedings.

Status of Recommendation: Completed **Phase 1**

Progress Update: In September 2017, the Judicial Council voted to adopt changes to Rule 2.893 and related forms. The appointment of non-credentialed interpreters in civil proceedings will use the same process that exists for criminal/juvenile proceedings. The changes will go into effect January 1, 2018.

Date of Last Update: 10/12/2017

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 71. The Judicial Council should sponsor legislation to amend Government Code section 68560.5(a) to include small claims proceedings in the definition of court proceedings for which qualified interpreters must be provided.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: A revised proposal went out for public comment from September 14 to October 13, 2017. Following public comment, the Task Force worked with the Civil and Small Claims Advisory Committee to prepare and submit a joint proposal to the Judicial Council in January 2018 for legislation that would take effect in 2019. The council approved the item to go forward in the legislative process, for a potential effective date of January 1, 2019.

Date of Last Update: 2/8/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 72. The Judicial Council should sponsor legislation to amend Code of Civil Procedure section 116.550 dealing with small claims actions to reflect that interpreters in small claims cases should, as with other matters, be certified or registered, or provisionally qualified where a credentialed interpreter is not available.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: A revised proposal went out for public comment from September 14 to October 13, 2017. Following public comment, the Task Force worked with the Civil and Small Claims Advisory Committee to prepare and submit a joint proposal to the Judicial Council in January 2018 for legislation that would take effect in 2019. The council approved the item to go forward in the legislative process, for a potential effective date of January 1, 2019.

Date of Last Update: 2/8/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Anne Marx

Recommendation: 73. The Judicial Council should update the interpreter-related court forms (INT-100-INFO, INT-110, INT-120, and INT-200) as necessary to be consistent with this plan.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: INT-100 and INT-110 have been addressed (See recommendations 9 and 70). A review of INT-120 has been referred to CEAC and the review is currently pending.

Date of Last Update: 9/28/2017

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Elizabeth Tam

Recommendation: 74. The Implementation Task Force should evaluate existing law, including a study of any negative impacts of the Trial Court Interpreter Employment and Labor Relations Act on the provision of appropriate language access services. The evaluation should include, but not be limited to, whether any modifications should be proposed for existing requirements and limitations on hiring independent contractors beyond a specified number of days.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The subcommittee commenced work on this recommendation in 2017, and will continue to do so in 2018.

Date of Last Update: 2/14/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Olivia Lawrence

Recommendation: 75. The Implementation Task Force will develop a policy addressing an LEP court user’s request of a waiver of the services of an interpreter. The policy will identify standards to ensure that any waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel; and is approved by the appropriate judicial officer, exercising his or her discretion. The policy will address any other factors necessary to ensure the waiver is appropriate, including: determining whether an interpreter is necessary to ensure the waiver is made knowingly; ensuring that the waiver is entered on the record, or in writing if there is no official record of the proceedings; and requiring that a party may request at any time, or the court may make on its own motion, an order vacating the waiver and appointing an interpreter for all further proceedings. The policy shall reflect the expectation that waivers will rarely be invoked in light of access to free interpreter services and the Implementation Task Force will track waiver usage to assist in identifying any necessary changes to policy.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: CIAP plans to include this item as part of its 2018 Annual Agenda.

Date of Last Update: 9/28/2017



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415-865-4604

COMMUNITY OUTREACH MEETING

Tuesday, April 24, 2018
10 a.m. – 1 p.m.

Judicial Council's Sacramento Office:
2860 Gateway Oaks Drive, Suite 400 - Sacramento, CA 95833

Judicial Council of California Language Access Implementation Developments and Initiatives

"Language access is access to justice" — Hon. Mariano-Florentino Cuéllar

AGENDA

I. Welcome and Opening Remarks (10:00 a.m. – 10:15 a.m.)

- Hon. Mariano-Florentino Cuéllar, Chair
- Hon. Manuel J. Covarrubias, Vice-Chair
Language Access Plan Implementation Task Force

II. Language Access Expansion: Update on Statewide Progress (10:15 a.m. – 11:00 a.m.)

The California courts continue to make progress in expanding access to the courts for limited English proficient (LEP) court users. Over the last several years, courts across the state have expanded access to provide interpreters in civil proceedings and additional funding has been secured to help support the ongoing expansion. This panel will review the work of the Language Access Plan Implementation Task Force (LAPITF) and discuss highlights from 2017, including the development and implementation of a language access complaint form and process, as well as pending small claims legislation. Additionally, this panel will review continued efforts to support language access, including ongoing data collection and consistent communication with the Language Access Representatives.

Trial court judicial officers, court staff, Judicial Council staff, and stakeholders will join in a dialogue regarding civil expansion efforts and future initiatives.

**III. Community Needs, Public Outreach, and Recruitment Strategies
(11:00 a.m. – 11:45 a.m.)**

As courts continue to expand language access services, it is essential to monitor the growing or changing needs of LEP court users and to ensure that the broader LEP communities know of the services available. Additionally, continued recruitment of bilingual staff and specialists, as well as qualified court interpreters, will be needed to ensure language access at all points of the court and in all legal processes. This panel will highlight local and statewide strategies to engage LEP communities and to inform LEP users of available services. The panel will also review recruitment and training strategies that could be used to attract and prepare bilingual staff and court interpreters.

This discussion session will include input from court interpreters, outside agencies working towards full language access, and stakeholders.

**IV. Video Remote Interpreting Pilot Project and Other Technological Solutions
(11:45 a.m. – 12:30 p.m.)**

To assist with the full expansion of language services, a number of California courts are looking to the use of video remote interpreting (VRI) and other technological solutions to provide qualified language assistance. This presentation will provide more information on the current VRI pilot being conducted in three California courts (Merced, Sacramento and Ventura), and will include slides and visuals of pilot efforts.

Trial court judicial officers, court administrators, court interpreters, and stakeholders will join in a dialogue or discussion regarding VRI and the current California court pilot.

V. Public Comment (12:30 p.m. – 12:50 p.m.)

The Task Force welcomes input from members of the public.

VI. Next Steps and Closing Remarks (12:50 p.m. – 1:00 p.m.)

- Hon. Mariano-Florentino Cuéllar, Chair
 - Hon. Manuel J. Covarrubias, Vice-Chair
- Language Access Plan Implementation Task Force

If an interpreter is needed and/or Americans with Disabilities Act accommodations are required, please e-mail your request to us at: LAP@jud.ca.gov. Please make your request by Wednesday, April 4, 2018.

POINTS OF CONTACT FOR LIMITED ENGLISH PROFICIENCY (LEP) COURT USERS

Two recommendations of the Language Access Plan (LAP) concern bilingual staff stationed at critical points of contact for court users with limited English proficiency.* The table below outlines the appropriate language standards and language access necessary, as well as resources to help court staff meet the needs of LEP court users at critical points of contact.

POINTS OF CONTACT FOR LEP COURT USERS	LANGUAGE ACCESS NECESSARY	APPROPRIATE STANDARDS OF LANGUAGE PROFICIENCY
<p>Local court website pages</p> <p>Signage/postings (including signage/postings at security entrances, which should include language access icons and clear visual tools to help assist and instruct LEP court users)</p> <p>Maps on paper with non-English-language titles for major locations in the courthouse.</p>	<p>Translation of key written and visual information located at the courthouse or on the court's website</p>	<p>Adopt standards for translation of local court documents in accordance with the Translation Protocol, available on the Language Access Toolkit (www.courts.ca.gov/lap-toolkit-courts.htm).</p>
<p>Court orders</p> <p>Court referrals & info</p> <p>Pamphlets</p>	<p>Translation of key court reference documents and printed information</p>	<p>Adopt standards for translation of local court documents in accordance with the Translation Protocol, available on the Language Access Toolkit. For court orders, see translated forms at www.courts.ca.gov/formname.htm.</p>
<p>Governmental agencies and professional associations (e.g., court, police, state/local bar associations), documents and educational texts, websites and videos</p> <p>Community-based organizations, like legal aid, and including online help and printed information</p>	<p>Translation of documents produced and provided outside the court for court-users</p>	<p>Courts should encourage justice partners to ensure that key documents are translated into the county's most common non-English languages.</p> <p>Courts should encourage these organizations and agencies to require multilingual documents from the service providers they use and, especially, refer clients to.</p>

*LAP recommendation 26: Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. LAP recommendation 47: Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to "intermediate mid" as defined under the American Council on the Teaching of Foreign Languages guidelines. (See Appendix F.) The existing Oral Proficiency Exam (OPE) available through the Judicial Council may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency. The OPE exam is administered online and is available year round. For more information, see www.courts.ca.gov/2695.htm.

POINTS OF CONTACT FOR LEP COURT USERS	LANGUAGE ACCESS NECESSARY	APPROPRIATE STANDARDS OF LANGUAGE PROFICIENCY
Security staff, clerk's office, self-help center, courtroom staff	English-only-speaking court staff use tools to refer LEP court users to available language access	Court staff should have access to "I Speak" cards and be familiar with their court's Notice of Available Language Access Services in order to direct court users to the proper room for assistance. The Language Access Toolkit (www.courts.ca.gov/lap-toolkit-courts.htm) contains "I Speak" cards and a model notice regarding the court's available language access services that has been translated into 9 non-English languages.
<p>Clerk's office</p> <ul style="list-style-type: none"> Information about the steps in the process Filing Processing (such as setting hearing dates, continuances, calendaring requests) <p>Self-help services for self-represented litigants</p> <p>Orientation-type workshops</p> <p>General assistance in providing and completing court documents</p> <p>Information on procedure/forms</p> <p>Jury services</p> <p>Payment of fees, fines, bail</p> <p>Public information line/desk</p> <p>Childcare center</p> <p>Postresolution activities (in court)</p> <ul style="list-style-type: none"> Filings and completion of status reports, accountings, etc. Enforcement-related actions: filings, payments to court, submission of compliance reports 	Bilingual staff in the courthouse*	<p>Minimum standards corresponding to "Intermediate Mid" as defined by the guidelines of the American Council on the Teaching of Foreign Languages (see LAP Appendix F). The existing Oral Proficiency Exam (OPE) tests whether applicants meet the Intermediate Mid standard identified in LAP recommendation 47. The OPE exam is administered online and is available year round. For more information, see www.courts.ca.gov/2695.htm.</p> <p>*Activities involving nuanced conversations about legal rights and remedies should use certified or registered court interpreters.</p>

POINTS OF CONTACT FOR LEP COURT USERS	LANGUAGE ACCESS NECESSARY	APPROPRIATE STANDARDS OF LANGUAGE PROFICIENCY
<p>Court-ordered programs (e.g., treatment, parenting, counseling)</p> <p>Probation meetings/conditions</p> <p>Social worker-related activities</p>	<p>Bilingual staff for court-ordered services outside the courthouse*</p>	<p>Court should encourage providers of court-ordered services to use bilingual staff who meet the Intermediate Mid standard.</p> <p>*When activities move beyond basic information, paperwork, and referrals to nuanced conversations about resolution, child support, spousal support, and the like, then these organizations should be encouraged to use certified or registered interpreters.</p>
<p>Courtroom</p> <ul style="list-style-type: none"> • Hearings and trials • Onsite/informal mediation and ADR • Interactions with courtroom staff <p>Court-ordered programs (in court)</p> <ul style="list-style-type: none"> • Mediation (e.g., child custody and visitation) • Investigations (e.g., juvenile, guardianship, adoption) • Mandatory settlement conferences • Other mandated ADR 	<p>Qualified interpreters in court</p>	<p>Qualified (certified or registered) interpreters must pass the bilingual interpreting exam. Registered interpreter candidates must now take an OPE in English and their non-English languages. Court interpreter status may also apply to day-of-court mediation/ADR. For more information regarding interpreting exams, see www.courts.ca.gov/2695.htm.</p>
<p>Court-ordered programs (outside of court)</p> <ul style="list-style-type: none"> • Mediation (e.g., child custody and visitation) • Investigations (e.g., juvenile, guardianship, adoption) • Mandatory settlement conferences • Other mandated ADR 	<p>Qualified interpreters outside of court</p>	<p>Qualified (certified or registered) interpreters must pass the bilingual interpreting exam. Registered interpreter candidates must now take an OPE in English and their non-English languages. Court interpreter status may also apply to day-of-court mediation/ADR. For more information regarding interpreting exams, see www.courts.ca.gov/2695.htm.</p>

TECHNOLOGICAL OPTIONS FOR PROVIDING AND
SHARING COURT LANGUAGE ACCESS SERVICES
OUTSIDE THE COURTROOM
JANUARY 2018



JUDICIAL COUNCIL
OF CALIFORNIA

LANGUAGE ACCESS PLAN
IMPLEMENTATION TASK FORCE

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Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom was prepared under the direction of the Language Access Plan Implementation Task Force.

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**TECHNOLOGICAL OPTIONS FOR PROVIDING AND SHARING COURT
LANGUAGE ACCESS SERVICES OUTSIDE THE COURTROOM
JANUARY 2018**

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I. INTRODUCTION

California is unique among the states in its cultural and linguistic diversity. Fully 27% of its residents were born outside of the United States¹, which is twice the national average. Californians speak more than 200 languages, while nearly seven million report speaking English "less than very well."² In response to the language needs of its residents, the California Courts have undertaken a multi-year effort to implement the recommendations of the Strategic Plan for Language Access (LAP).³ The LAP sets forth a vision of a state court system that provides equal access to justice to all court users, regardless of language status. In order to achieve this vision, the LAP contains 75 distinct recommendations, addressing all levels of court operations and points of contact between limited English proficient (LEP) court users and the legal system.

One recurring theme of the LAP is the importance of recognizing that the need for language access extends beyond the confines of the courtroom and formal legal proceedings. While the presence of an interpreter in legal proceedings is critical for protecting the rights and interests of LEP court users, there are a panoply of transactions that occur between courts and court users that often begin before an individual arrives at the courthouse building and take place before and after formal court appearances. Local court websites provide information about court proceedings, courthouse locations and filing legal documents. Many courts also have begun employing technology to provide interactive features on their websites that allow court users to complete a variety of transactions online, including responding to a jury summons, paying a traffic ticket and locating case information. Once a court user arrives at the courthouse, interactions involving language may include anything from communication about security protocols, to asking for directions to a department, to the many types of transactions that occur at a clerk's office or a payment window. Successful communication in these events is also a critical part of access to justice for LEP court users.

To address the criticality of language access outside of the courtroom, the LAP contains several recommendations aimed at ensuring language access in court-mandated services such as parenting classes, mediation and batterer intervention courses. The recommendations include a prohibition on requiring participation in a court-ordered program without appropriate language support⁴ and

¹ Immigrants in California, Public Policy Institute of California, citing the American Community Survey and Decennial Census Data. Available at: <http://www.ppic.org/publication/immigrants-in-california/>.

² US Census Bureau. American Community Survey 2009-2013 Language Tables, at <http://www.census.gov/data/tables/2013/demo/2009-2013-lang-tables.html>.

³ The *Strategic Plan for Language Access in the California Courts* was adopted by the Judicial Council in January 2015. The report is available at: http://www.courts.ca.gov/documents/CLASP_report_060514.pdf.

⁴ Recommendation #11: "An LEP individual should not be ordered to participate in a court-ordered program if that program does not provide appropriate language accessible services. If a judicial officer does not order participation in services due to the program's lack of language capacity, the court should order the litigant to participate in an appropriate alternative program that provides language access services for the LEP court user. In making its findings and orders, the court should inquire if the program provides language access services to ensure the LEP court user's ability to meet the requirements of the court." *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

a charge to the court to determine that providers of these services can provide language services before making an order or referral to participate in them.⁵

The demographics of California, coupled with the commitment of the courts to meeting the language needs of court users, have a direct impact on day-to-day court functions. Courts face continual budget challenges and struggle to hire and retain both bilingual court staff and courtroom interpreters. Court clerks and other frontline staff in some courts encounter LEP court users on a regular basis, and must be prepared to provide assistance in any number of languages with a variety of transactions. Certified or registered interpreters, who are specially trained to provide legal interpretation, are in high demand and many courts have not been able to source sufficient interpreter support to meet their courtroom interpretation needs. In addition, courtroom interpreters may be asked to assist in other settings throughout the courthouse when there is no bilingual staff to provide in-language services to LEP court users. Interpreters working in the courts may find that they are stretched thin, while bilingual staff may feel as though they are asked to assist with transactions that exceed their language capabilities.

In recognition of the shared goal of providing language access services outside of the courtroom, while acknowledging the resource challenges experienced by courts, an additional recommendation of the LAP is aimed at assisting courts in obtaining and coordinating language services by using technology to maximize human resources and provide services remotely. Recommendation No. 30 states: "The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings."⁶

The purpose of this document is to highlight existing practices, both in California and around the country, and propose new possibilities for the use of technology to both coordinate bilingual human resources and provide language assistance for services and programs that take place outside of the courtroom. This descriptive survey is organized around four broad categories: videoconference technology, telephone-based initiatives, online applications and interpreter database software. Each type of technology is available from multiple private vendors and this document does not make any recommendations regarding a preferred or specific service provider. Those decisions are best left to the courts and will depend on capacity, budget and other local considerations.

Each section of this guide contains a general description of the technology and information on how it has or could be used in a court setting to enhance language access. There are brief highlights of successful court-based implementations of the various types of technology, when appropriate. Finally, each section concludes with a set of concrete suggestions on next steps for those court employees interested in exploring the technology to enhance language access in their own courts.

⁵ Recommendation #33: "In matters with LEP court users, courts must determine that court-appointed professionals, such as psychologists, mediators, and guardians, can provide linguistically accessible services before ordering or referring LEP court users to those professionals. Where no such language capability exists, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters." *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

⁶ *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

II. VIDEOCONFERENCE TECHNOLOGY

Introduction

Videoconference technology is a popular solution for business and government communications and is increasingly easy to obtain and use. Videoconference calls allow employees to have "unified communications" (both audio and video) and both functions have improved in quality with the advent of broadband connectivity and the increasing number of web-based applications available on the market.⁷ Surveys of technology use in the United States indicate that 19% of American adults have used video calling, video chat or teleconferences.⁸

In California, courts have employed videoconference technology for meetings, trainings and conferences. In addition, early experiments with video technology have shown its potential to enhance the delivery of language access services in courts, both inside and outside of the courtroom. The two key applications of videoconferencing technology for language access outside of the courtroom are 1) allowing bilingual employees to provide in-language remote assistance to multiple court sites; and 2) video remote interpreting, wherein an interpreter is linked by videoconference into an encounter between an LEP court user and monolingual English staff or justice partners.⁹

Videoconference Technology to Connect Bilingual Employees

Government Code mandates the use of a certified court interpreter for in-court proceedings, and bilingual court employees are not permitted to serve in this role except in exigent and extremely limited circumstances.¹⁰ By contrast, many courts already rely on talented bilingual staff members to assist LEP court users with a variety of courthouse encounters outside of the courtroom. Bilingual staff members provide assistance with orientation, wayfinding and direct service provision at clerk's filing desks and payment counters. Several courts have incorporated into their LEP plans the use of bilingual employees at key areas of courthouse service, and at least one has established a systematic way to identify bilingual employees, allowing them to be called upon when needed.¹¹ Some courts also have established differentials in their pay scales to account for

⁷ Tae Yoo, "3 Ways Broadband Internet Is Improving Health Care and Education," HuffPost The Blog, April 20, 2015. Available at: http://www.huffingtonpost.com/tae-yoo/broadband-internet-improves-healthcare-education_b_7072130.html.

⁸ Rainie & Zickuhr, Video calling and video chat, *Pew Internet & American Life Project*, October 13, 2000. Available at <http://www.pewinternet.org/2010/10/13/video-calling-and-video-chat/>.

⁹ In addition to court and legal settings, hospitals have also made use of Video Remote Interpreting. For more information on VRI in the medical setting, see Appendix C of *Wayfinding and Signage Strategies for Language Access in the California Courts*, available at <http://www.courts.ca.gov/documents/LAP-Wayfinding-and-Signage-Strategies-Language-Access-in-the-CA-Courts.pdf>.

¹⁰ Cal. Govt. Code §68561.

¹¹ Superior Court, County of Los Angeles LEP Plan, available at: <http://www.lacourt.org/generalinfo/courtinterpreter/pdf/LASCLEPPlan2016.pdf>; *The Provision of Court Interpreter Services in Civil Cases in California: An Exploratory Study*, National Center for State Courts, available at: <http://www.courts.ca.gov/documents/ncsc-report.pdf>.

bilingual employees.¹² These pay differentials acknowledge the value to courts of employees who can communicate with LEP court users and are often based on testing or other criteria used to establish that an employee has the proficiency required to provide this service to the court and court users.

The use of videoconferencing technology in this context provides an added dimension to the value of bilingual employees. The ability to connect a bilingual employee in one court location with LEP court users in another location means that language assistance can be provided in multiple courthouses without incurring the time and expense of moving human resources among sites. In addition to using videoconferencing technology for ad hoc encounters, family law facilitators and self-help centers can deliver informational workshops in a non-English language from a single location and broadcast the workshop to additional locations via videoconferencing. This allows LEP court users to access workshops at a location that is more convenient to them. The technology that broadcasts that information also allows for bidirectional communication between sites, facilitating questions and answers in real time, thereby preserving all the benefits of an in-person workshop.

The use of videoconferencing technology for informational workshops is particularly beneficial in those counties with geographically disperse courthouse locations and in dense population centers where travel time, even between locations that are physically close, is complicated by traffic. This approach makes efficient use of the court's human capital and increases language access for LEP court users in remote locations.

Connecting Bilingual Employees Across Three California Counties

The Self-Help Assistance and Referral Program (SHARP) provides self-help services to residents of Butte, Glenn and Tehama Counties. In addition to traditional forms of service, such as in-person workshops and telephone assistance, SHARP has implemented a remote service delivery model based on the use of videoconferencing technology. This remote service initiative includes the delivery of workshops by videoconference to multiple locations. In addition, the technology that SHARP employs allows for an open videoconference line that continuously links their sites. This allows for quick consultations among staff and allows for a bilingual employee who is housed at one location to have instant interactions with LEP court users at other locations within the SHARP family of courts.

More information about the use of videoconferencing technology by the SHARP program can be found here: [SHARP VideoConferencing](#)

Video Remote Interpreting for Out-of-Court Services

Video Remote Interpreting (VRI) has been widely viewed as a solution to specific language access issues, including interpreter coverage in geographically remote locations and locating professional interpreters for languages of lesser diffusion. The use of VRI also allows for more agility in scheduling and reduces travel costs for interpreters. The Language Access Plan Implementation Task Force is currently overseeing a pilot project to implement VRI in a number of courtrooms

¹² https://www.seiu721.org/contracts/inland_superior_court_county_of_san_bernardino_mou_2015-07-01_through_2019-09-30_scan_searchable.pdf (see Article 8).

and evaluate the effectiveness and quality of interpretation services provided as well as the technological performance and agility of three different VRI providers.¹³ The results of these pilot demonstrations are scheduled for publication in mid-2018.

While remote interpretation in the courtroom requires a detailed consideration of visual and audio communication flow among multiple participants, including the judge, jury, litigants, attorneys and witnesses, interpretation for out-of-court proceedings can be more straightforward.¹⁴ Many services mandated by the court, such as parenting classes, batterer intervention classes and anger management classes, lend themselves to interactions with a remote interpreter, who can deliver educational content to an LEP court user in the target language and be available to ask questions in English and relay the answers back to the LEP court user. Others, such as mediation, present greater challenges to the successful use of VRI.¹⁵ In addition to court-mandated services and programs that take place outside the courtroom, other points of contact within the courthouse, such as transactions at the clerk's office or filing counter, are areas for exploration of the use of VRI to achieve communication.

One of the principal challenges in using VRI is to equip sites with the appropriate technology to ensure high fidelity in the participation of the remote interpreter. Because facial expressions and the subtleties of vocal inflections are critical elements to an accurate and faithful interpretation of meaning, it is vitally important to have a stable and clear audio and video connection. This requires sufficient bandwidth and high quality software and hardware. The National Center for State Courts has published the "Remote Interpreting Guide for Courts and Court Staff," which sets forth specific recommendations and baseline technical requirements for a successful VRI implementation.¹⁶ These recommendations, which include minimum bandwidth and equipment requirements, apply to all VRI use, whether inside or outside of the courtroom.

¹³ More information on the Video Remote Interpreting pilot project available at: <http://www.courts.ca.gov/VRI.htm>.

¹⁴ See "Remote Interpreting Guide for Courts and Court Staff" Available at <http://www.courts.ca.gov/documents/COS-VRILAP-MDS-080816-attachment-7.pdf> for technical standards applicable to VRI.

¹⁵ For a detailed treatment of the benefits and challenges of VRI in mediation, see Braun, S. (2016). Videoconferencing as a Tool for Bilingual Mediation. In B. Townsley (Ed.), *Understanding Justice: An enquiry into interpreting in civil justice and mediation*. London: Middlesex University, 194-227.

¹⁶ Available at: <http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Resources%20for%20Program%20Managers/RI%20Manual%20-%20Final%20Draft%20-%20206-5-14.ashx>.

Charting the Path Forward: Videoconference Technology to Enhance Language Access

Courts may consider the following steps towards the use of videoconference technology to provide language access services:

- Identify existing bilingual employees who are able to provide language assistance for out-of-court encounters and services.
- Develop standards for qualification of bilingual employees to ensure a baseline level of language proficiency.
- Explore the use of videoconferencing technology to connect bilingual employees with LEP court users across different courthouse sites.
- If there is a live training or workshop provided in another language by bilingual court or self-help center staff, consider using videoconferencing technology to broadcast the event for participants at remote locations. Consider recording those trainings and workshops provided in any language for remote viewing at a later time by court users in all locations and online.
- Explore options to collaborate on VRI initiatives with justice partners and other entities providing court-mandated services.
- Identify out-of-court transactions and interactions that would benefit from a remote interpreting solution.

III. TELEPHONE

Introduction

A "lower-tech" but equally important strategy is the use of the telephone to provide language services. As in the case of videoconference technology, telephones also have been employed in two ways: 1) to provide Telephonic Interpretation Services (TIS), connecting interpreters over the phone to LEP court users who are conducting business with the court; and 2) to allow bilingual employees to provide in-language services to court users.

Telephonic Interpretation Services

The Language Access Plan emphasizes the importance of calling upon bilingual staff when an LEP court user presents him or herself in person at the court and needs assistance.¹⁷ However, there are times when a bilingual staff member may not be available, or the court may not have any staff members who speak a particular language. In those cases, TIS is a natural next-best option.

The Judicial Council's Language Access Plan Implementation Task Force has developed a protocol and action guide for court staff to meet the needs of LEP court users, which includes a recommendation to look first to a bilingual staff member for assistance and if one is not available, to employ other tools and resources, including TIS. The *Action Guide*, which is a condensed quick reference guide for court employees, includes a customizable section where a court can enter the phone number to their telephone interpreting service.¹⁸

In 2013, the Judicial Council entered into a leveraged procurement agreement (LPA) with a telephonic interpreter service, Language Select.¹⁹ The LPA allows judicial branch entities to contract directly with Language Select under terms negotiated by the Judicial Council. Language Select offers its contractors on-demand interpreters in 200 languages. It is unknown how many of the 58 superior courts make use of this LPA or have independent contracts with Language Select or

Joining Forces with Justice Partners in Hawai'i

In Hawai'i, individual service providers are responsible for obtaining the necessary language access services for their clients. However, the Hawai'i Courts have recognized the fiscal challenges to meeting this need and have tried to work with providers and partially subsidize the cost of an interpreter, in order to ensure that litigants are able to fully participate and benefit from the programs offered. Currently, some Hawai'i courts allow an outside service provider to use the court's telephonic interpreter service (TIS) to conduct substance abuse assessments when there is a language need. Because the service provider delivers the service onsite at the courthouse, they are able to access the court's TIS at no cost.

(Source: Response to informal NCSC survey, *Remote Interpreting for Non-Courtroom Services*, June 2017)

¹⁷ Recommendation #26: "Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations." *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

¹⁸ Protocol and Action Guide for Meeting the Needs of LEP Court Users available at: <http://www.courts.ca.gov/33865.htm>.

¹⁹ In December 2016, Language Select was acquired by United Language Group.

another vendor providing this service; however, most counties reference the use of this service or a similar one in their annual LEP Plans.²⁰

In addition to using telephonic interpreting on an informal or as-needed basis at those points of contact where an LEP court user may need assistance to communicate with court staff, TIS can also be accessed on a planned basis to help staff coordinate out-of-court services and to conduct simple transactions at the clerk's office and at self-help centers.

In-Language Telephone Support

In addition to interpretation services, the telephone can be marshalled in bilingual staff efforts to deliver in-language services directly to LEP court users.

Orange County's Criminal and Traffic Division offers a 24-hour automated phone system that provides general information on the court, and allows litigants to obtain extensions on infraction cases and pay for both criminal and traffic fines.²¹ Callers can also pay for traffic school and request extensions on traffic school deadlines. The "Automated Information and Payment Center" is available 24 hours a day and callers can choose to receive general information or conduct transactions specific to their case in English, Spanish or Vietnamese. During business hours, customer service agents are available to handle live inquiries if the caller is unable to use the automated service or needs additional assistance to complete a transaction. The Superior Court has six customer service agents, two of whom speak Spanish. The court ensures that a Spanish-speaking agent is available at all times. Because the volume of calls from monolingual Vietnamese speakers is so low, if a person who has selected "Vietnamese" in the automated system requests a live operator, they are routed to a mailbox where they can leave a message and a Vietnamese-speaking staff member will call them back the same day. This occurs with approximately 1-2 calls per month. If someone

Alaska's Family Law Helpline

The state of Alaska, with its widely dispersed population, offers a helpline for assistance with family court matters. The service is available Monday-Thursday from 7:30 am to 6 pm and receives approximately 7,000 calls per year. Initial calls are assigned to the next available staff person as they come in, with the exception of Spanish and Tagalog speakers, who are routed to one of two bilingual employees who can conduct business in these languages. Once an initial intake is conducted over the phone, the caller can call back to the staff person's direct line with additional questions. Staff will listen in on court hearings involving their callers and can then follow-up with any additional information the litigant needs. General information about family law is also available on the court's website in Spanish, Hmong, Korean, Russian, Tagalog and there is an informational video available in Yup'ik.

(Source: Alaska Court System Self-Help Center: Family Law, available at: <http://www.courts.alaska.gov/shc/family/selfhelp.htm>.)

²⁰ See Judicial Resources Network, "Limited English Proficiency (LEP) Plans", available at: <http://jrn.courts.ca.gov/programs/lap/plans.htm>.

²¹ All information on Orange County Superior Court's Automated Information and Payment Center was obtained through a phone interview on August 15, 2017 with Melissa del Rio, Manager of Criminal and Traffic Division for the West Justice Center and Manager of the Integrated Voice Response system for the Superior Court. The webpage for the system is available at: <http://www.occourts.org/directory/criminal/call-center.html>.

attempts to connect with an agent and is speaking a language other than the three offered by the system, the agents can call upon the assistance of the Language Access Services Unit to meet the needs of the LEP court user. The unit offers a remote telephonic interpreting feature to accommodate this scenario as well.

During June 2017, the Orange County court Criminal Call Center provided live phone assistance to over 4,700 unique callers in English and in Spanish. The court tracks total usage and transaction statistics of the automated phone system and the identical services on the web and reports that the total customer usage on phone and web in July 2017 was 28,259. The automated contacts resulted in the completion of 31,950 transactions. The program is widely viewed as successful both as a way to reduce the numbers of traffic and criminal litigants who need to make a personal trip to the courthouse, and as a tool for language access. The court is looking to expand the features and services available through the automated service, including possibly offering the ability to post bail and to schedule criminal hearing dates.

Charting the Path Forward: Telephone Technology to Enhance Language Access

Courts may consider the following steps towards the use of telephone technology to provide language access services:

- If your court does not yet offer telephonic interpreter services, consider the possibility of contracting with such a service, either through the Judicial Council's LPA or by direct contract.
- If your court currently offers interpretation through a telephonic interpreter services provider, consider making this service available to agencies, professionals and organizations that provide out-of-court services to court users.
- Depending on the demographics of your court community, consider coordinating the availability of bilingual staff to offer in-language phone assistance to LEP court users.
- If there is demand for this service in a region that encompasses several counties, consider the possibility of entering into MOUs with other counties to pool bilingual employee resources in offering in-language phone assistance.
- If your court offers any recorded messages or automated payment processing via phone, consider translating the script for this information and having messages recorded in other languages, based on your local community needs.

IV. WEBSITE-DELIVERED SERVICES

Introduction

In response to the growing use of the internet for all transactions, and the expectation that many issues can be handled on a smartphone, courts are increasingly making efforts to place a variety of services on the web and optimize their mobile interface for access on hand-held devices. These services include responding to jury summonses, providing education and information about legal processes, and requesting an interpreter.

Bilingual Mirror Sites with Legal and Procedural Information

One advantage of using the internet to present legal information is the ability to display the information in more than one language. Since 2002, the Judicial Council has offered the self-help content available on the California Courts website in both English and Spanish. Whenever new content is developed, it is translated into Spanish by a professional translator and both versions are posted simultaneously in order to ensure the consistency of information in both languages.

The image below shows the landing page for "The California Courts Self-Help Center," which includes three ways to click over to the Spanish version of the content: the link in the central description, "En Español", the green box on the right column of the screen titled "Centro de Ayuda: Información en español," and finally, a link on the right side of the screen underneath the title with a red flag and the word "Español." This latter link repeats on all the English language pages of the self-help center content.

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Judicial Branch Home

Courts

Self-Help

Forms & Rules

Opinions

Programs

Policy & Administration

News & Reference

Self-Help



THE CALIFORNIA COURTS SELF-HELP CENTER

Print Español

Find Help

Click on your topic below. For topics not listed, use the search box or the A-Z index. [En español.](#)
[More languages.](#)

CENTRO DE AYUDA
INFORMACIÓN EN ESPAÑOL

Search here ...

SEARCH

IMMIGRATION
RESOURCES

When the "Español" link is clicked, the user is taken to the following page, which provides a translation into Spanish of the self-help content (menu options for the other features of the California Courts website are not translated). The link next to the red flag now reads "English" and will return the user to the English version of the page with a click.

The screenshot shows the website header with the text "CORTES DE CALIFORNIA LA RAMA JUDICIAL DE CALIFORNIA" in the top right. A navigation menu includes "Judicial Branch Home", "Courts", "Centro de ayuda", "Forms & Rules", "Opinions", "Programs", "Policy & Administration", and "News & Reference". The "Centro de ayuda" section is active, displaying the title "CORTES DE CALIFORNIA CENTRO DE AYUDA" with a flower icon. Below the title, there is a search bar with the placeholder "Buscar en el Centro de ayuda" and a "BÚSQUEDA" button. A "ENLACES RÁPIDOS" (Quick Links) box contains three items: "Abogados y ayuda legal", "Encuentre ayuda en su corte", and "Índice de A a Z del Centro de ayuda". A language switcher shows a red flag icon and the text "English". At the bottom right, there is a "Pregunte al bibliotecario" (Ask the librarian) button with a small profile picture.

The flag and language link are available on all pages of the self-help center and this approach provides users the ability to switch back and forth as necessary. In addition, because all Spanish is translated by a professional translator, any errors that might occur with machine translation are avoided and the Spanish is consistent across case types.

The Judicial Council's Information Technology group has made available two "widgets" that can be placed on local court websites that provide an attractive visual and will take the user directly to the state's self-help center in either English or Spanish:



Multilingual Web Portals

In addition to providing legal information, courts are able to offer administrative and legal transactions online in multiple languages. Los Angeles County Superior Courts offers an "Interpreter Request Portal," which allows users to receive information and request an interpreter in Spanish, Vietnamese, Chinese, Korean or Armenian²². The user first selects a language and then receives information about interpreter requests in various areas of law. Next, the user selects the case type, which can be one of the following:

- Eviction (Unlawful Detainer)
- Small Claims
- Limited Jurisdiction Civil (Collections and non-collections)
- Traffic
- Family Law
- Probate

Once the user has selected a language and an area of law, they are taken to a page with a series of fillable fields, which collects details about the hearing date, time and location, and asks for the requester's role in the case.

There are several access points on the website for the portal; the court has incorporated multi-language links on the pages of the court's division landing pages, including Family, Probate and Traffic. The translations of "Request an Interpreter for Your [Family Law, Probate, etc.] Case" appear alternately in Armenian, Chinese, Korean, Spanish and Vietnamese. Selecting one of the languages will send users to the Interpreter Request Portal where they can enter the appropriate information.

REQUEST AN INTERPRETER FOR YOUR FAMILY LAW CASE

为您的家庭法的案件申请一名传译员

- English
- Հայերեն
- 中文
- 한국어
- español
- Tiếng Việt

Multilingual Live Chat

Another approach to connecting court users with live support is through an internet-based "live chat" service. The California Law Librarians offer such a service, called "Ask a Law Librarian," which allows a user to enter a question and get an online response during working hours. Despite the fact that law librarians cannot provide legal advice or interpret legal information, they can still provide helpful information for self-represented litigants who are researching a particular area of law and can point users toward additional resources to find the information and support they need.

A "chat" feature on a court website can be leveraged in a variety of ways, including connecting users to volunteer attorneys, or self-help center employees who could provide more specific assistance with legal processes and forms. In addition, the electronic interface allows a bilingual

²² Interpreter Request Portal, available at: <http://www.lacourt.org/irud/ui/index.aspx>.

person who is staffing the effort to provide responses in-language, should an LEP court user contact the service for assistance.

The Arizona courts offer a Live Chat service, which is accessed through the "AZ Court Help" website. The website is hosted by the Arizona Bar Foundation and the Live Chat service is provided through the state's law libraries. The opportunity to "chat" with a law librarian is available on weekdays during variable hours. When a user accesses the webpage, they will see a blue box with "Chat now" on it, when a law librarian is available. After clicking on the box, the user is asked to enter a name, email address, language and question. The language field is a drop down box with English plus 15 additional language options, including Spanish, Arabic, Urdu, Romanian and Vietnamese. If the user enters any language except English, they will receive a pre-drafted message in their language, instructing them to call a special number. Once they call, they will be placed on hold while the chat operator, who knows the language needed contacts a telephonic interpreter service and requests a phone interpreter in the language needed. The chat operator will quickly brief the interpreter on the nature of the call and will then conference in the LEP court user who is waiting on the other line. The program's coordinators indicate that this process should take less than one minute to complete.²³

Document Assembly in Multiple Languages

Document assembly programs are interactive, online interviews that ask the user a series of questions and populate the answers provided on specific form sets. In California, these programs have been developed during the last ten years for self-help center attorneys and other legal nonprofit agencies to assist self-represented litigants with forms completion. Most of the document assembly programs were created with a specific workshop in mind: they are used for forms completion during or immediately after a workshop providing instructions on the guardianship petition process, or how to begin the divorce process. In the past three years, there has been a growing interest in making document assembly programs available directly to self-represented litigants through www.courts.ca.gov or on local court websites. In addition, there is an interest in providing document assembly interviews in multiple languages. While California and most states require that all documents filed with the court be in the English language, it is still possible to collect information such as name, county and case number in another language and populate the answers appropriately on an English form. To the extent that the user must answer yes/no questions or select an answer from a drop-down box, this also facilitates asking interview questions in another language and still producing English language forms at the end of the process.

Document assembly programs can have a variety of language assistance features that provide access to LEP users. First, a program can be fully translated into the second language. As long as it is made clear to the user that any narrative information entered into the program must be in English, the program can ask questions in another language and still populate and produce form sets for filing in English.

²³ Email exchange with Kathy Sekardi regarding Arizona's Live Chat service. The service is available at: <http://azcourthelp.org/live-chat>.

Michigan Legal Help offers a variety of programs in Spanish, using the HotDocs and A2J Author proprietary software applications, which are accessed from the LawHelp Interactive platform.²⁴ Form sets produced by Michigan Legal Help using a Spanish language interface include the petition for divorce, answer and countersuit for divorce, and petition for a personal protective order.²⁵

The New York State Courts also have developed document assembly solutions with language access features, primarily using A2J Author software.²⁶ A2J Author contains a variety of features that enhance language access, including the ability to insert supplemental information in "pop-up" windows and the ability to attach audio files to the interview flow, which can be produced in multiple languages.²⁷ Program developers are also able to link to video resources, which enhances the ability to provide context and education around a particular area of law. The audio feature in particular is helpful because it allows the court to reach users who may have low levels of literacy or who may only *speak* their native language and not necessarily read and write in that language. Developing programs using these features in A2J Author has allow the New York courts to provide language assistance in several different areas of law, including name change, parentage, consumer debt and housing issues, in Spanish, Chinese, Vietnamese, French and Polish.²⁸

Whether foreign language content is provided in a standalone program, is combined with an English program, or is provided in an audio format or as pop-up information, the language will need to be accounted for in a document assembly maintenance plan to ensure that all programs are up-to-date with the latest statute, rule and form changes.

²⁴ More information about LawHelp Interactive available at: <https://lawhelpinteractive.org/>.

²⁵ Michigan Legal Help self-help tools and resources available at: <https://michiganlegalthelp.org/self-help-tools>.

²⁶ Rochelle Klempner, *The Case for Court-Based Document Assembly Programs: A Review of the New York State Court System's "DIY" Forms*, Fordham Urban Law Journal, Vol. XLI 2014, 1189-1226.

²⁷ *Id.* at 1201.

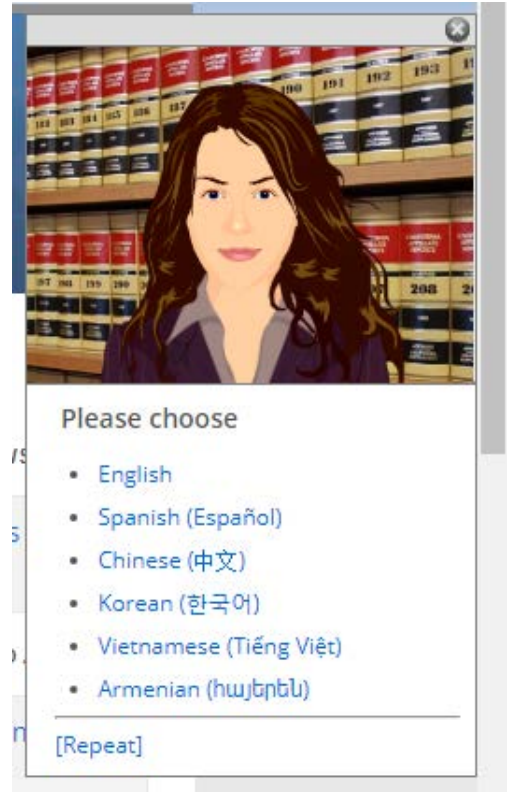
²⁸ *New York State Courts Access to Justice Program: Working Toward 100% Meaningful Access to Justice*, Report to the Chief Judge and the Chief Administrative Judge of the State of New York, 2016.

Multilingual avatars

In response to the needs of a very linguistically-diverse population, the Los Angeles County Superior Court developed an online "avatar," which provides information and the ability to conduct business with the traffic court in English, Spanish, Chinese, Korean, Vietnamese and Armenian.

The avatar, which was launched in 2015 and is affectionately referred to as "Gina," takes the visual form of a young woman who speaks directly to the user, guiding him or her through the program toward helpful information about traffic cases in the Los Angeles courts. Gina offers users the ability to pay for a traffic ticket or request traffic school. Gina can also help users request an extension for traffic school or for payment of fines and schedule a court date for their traffic matter.²⁹ The court has indicated that approximately 4,800 persons interact with Gina on a weekly basis.³⁰ Of these 4800, approximately 250 interact with Gina in Spanish, 35 in Chinese, 10 in Korean and 5 each in Armenian and Vietnamese.³¹

Because so many court users have been able to complete a transaction without coming to the courthouse in person, Gina has been successful in reducing overall wait times for traffic services and reduced workload pressure on court clerks.³²



²⁹ Gina is available on the court's Traffic landing page: <http://www.lacourt.org/division/traffic/traffic2.aspx>.

³⁰ Email communication dated 8/21/2017 with Snorri Ogata, Chief Information Officer for Los Angeles County Superior Court.

³¹ *Id.*

³² Cristina Llop, "Gina – LA's Online Traffic Avatar Radically Changes Customer Experience (News 2016)," available at: <https://www.srln.org/node/1186/gina-las-online-traffic-avatar-radically-changes-customer-experience-news-2016>.

Charting the Path Forward: Website Services to Enhance Language Access

Courts may consider the following steps towards the implementation of services on their court websites that are accessible to LEP court users:

- Ensure that your self-help pages have the widget link to the California Courts Self-Help Center to make use of the statewide informational content available in English and Spanish.
- If your court offers a "chat" function, consider offering chat services in the most frequently spoken non-English languages in your court community.
- Consider the development of an online services portal that makes use of avatar technology to deliver content in multiple languages.
- Explore the most cost-effective tools for allowing court users to request an interpreter—whether by using the INT-300 provided by the Judicial Council as an optional form, developing an online request process.

V. INTERPRETER MANAGEMENT SOFTWARE

Introduction

There are a variety of software applications on the market that are designed to assist courts with calendaring and coordinating the schedules of interpreters working in the courts. Interpreter management software also can be used to track training certifications and contracts for interpreters, and when appropriate can facilitate invoicing and payment processes. In addition, scheduling software could be integrated with online interpreter request systems and used to track the availability of both interpreters and bilingual staff members to provide language assistance in a variety of courthouse contexts. There are also possibilities for integrating interpreter management software with a court case management system and with the court user e-filing interface, in order to track language need in individual cases from the earliest point of contact between an LEP litigant and the court.

Interpreter Scheduling

New York's Unified Court System employs over 300 interpreters who speak 20 languages, including American Sign Language; in addition, the courts draw from a pool of approximately 700 per diem interpreters who provide services in more than 100 languages.³³ Since 2006, the New York State Courts have used an electronic interpreter scheduling program. Before the implementation of the electronic system, courts were provided a paper "Registry of Interpreters," which was produced and maintained by their court administrative office. Local courts also maintained supplemental lists of interpreters they could call upon locally for interpreter assignments. The courts note that, "The paper system was inefficient. More importantly, it provided no mechanism for ensuring that only qualified interpreters were used."³⁴ The current electronic system now allows a court to enter a date, time and language for which an interpreter is needed and the program will identify an interpreter who is available at that time "...and, most importantly, who is fully qualified, having passed the required examinations and completed the mandatory training."³⁵

An electronic scheduling program could be used to assign interpreters and possibly bilingual staff members to events that occur outside of the courtroom as well. For example, internal court departments, such as a clerk's office and the self-help center, could be given permission to enter a request for assistance and be assigned either an interpreter or a bilingual employee to assist with a scheduled encounter. In addition, courts could explore the possibility of integrating their scheduling software program with an online interpreter request, which allows litigants and court users to make the request themselves. There may also be opportunities to integrate the functions of a Case Management System (CMS) that tracks language need at the individual case level with electronic interpreter assignment programs, which would allow technology to do the tracking and assignment over the life of a case that has been flagged as being one with one or more parties with

³³ New York State Unified Court System, *Ensuring Language Access: A Strategic Plan for the New York State Courts*, March 2017, at page 5.

³⁴ *Id.* at 7.

³⁵ *Id.*

a need for language assistance. If seamlessly integrated with authorized Electronic Filing Service Providers (EFSPs) for the court, the need for language assistance by a filing party could be information that is fed into the CMS from the initial contact with the court. The information about the need for an interpreter and the language required would then trigger an event with the interpreter scheduling system, which could process an automatic request each time a hearing was set for the case. This type of integration would satisfy the LAP Recommendation that calls for obtaining language need information early and incorporating that information into the court's CMS.³⁶

Interpreter Database Management

The ability to automate interpreter coordination functions also serves as a leverage point for finding economies of scale by establishing a pool of interpreters that can be drawn upon by more than one agency. This is the approach taken by Alaska's Language Interpreter Center (ALIC), which was established in 2007 by the Alaska Institute for Justice.³⁷ The solution is one that was designed to address the specific needs of the Alaskan community and a variety of agencies that serve the public, including those related to the courts, health/medicine and education. Representative stakeholders from these realms came together to establish ALIC, which supplies available and qualified interpreters when an agency requests interpreter support. The Center serves as a resource for aspiring interpreters as well, providing education and information about becoming an interpreter, in addition to testing, training and certification. In addition to interpretation services, the Center also keeps a list of available translators and connects them to agencies in need of translation services.³⁸

While the training and certification of California interpreters are managed at the state level and interpreter compensation is set at a regional level, some variations on the Alaska approach may merit consideration by smaller courts that do not receive regular requests for language assistance, based on low overall population numbers or very low numbers of LEP court users. It may be possible to combine forces with other courts within the same interpreter region and employ electronic means to track the certification, location and availability of interpreters for court proceedings. In addition, courts may be able to collaborate with justice partners that also have a need for interpreters, in establishing a database of available professionals. Finally, a database of language professionals could be expanded to include bilingual employees who are available to courts to provide in-language support to LEP court users during interactions occurring outside of the courtroom. This type of cross-court and cross-agency collaboration has the potential to increase the availability of language assistance in out-of-court services by increasing the visibility and access to qualified professionals.

³⁶ "Courts will identify the language access needs for each LEP court user, including parties, witnesses, or other persons with a significant interest, at the earliest possible point of contact with the LEP person. The language needs will be clearly and consistently documented in the case management system and/or any other case record or file, as appropriate given a court's existing case information record system, and this capability should be included in any future system upgrades or system development." *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

³⁷ Wanda Romberger, *Language Access Centers: A Win-Win Idea*, Future Trends in State Courts, 2008.

³⁸ ALIC Website available at: <http://www.akijp.org/language-interpreter-center/>.

Charting the Path Forward: Interpreter Management Software

Courts may consider the following steps towards the use of technological solutions for interpreter management:

- Explore technological options for interpreter scheduling if you are in a court with sufficient volume to justify a software solution.
- Smaller courts can consider cross-court and cross-agency collaborations for interpreter scheduling, other interpreter management functions and establishing a pool of available language professionals.
- Consider making interpreter request functionality available to self-help centers, clerk's offices and other departments, as appropriate.

VI. CONCLUSION

The ever-changing landscape of technological tools available to courts makes this an exciting time for those courts interested in leveraging technology to offer remote language services. Technology allows courts to make the most efficient use of their human resources and deploy them remotely to maximize coverage in a single or multiple courts. Technology allows for the delivery of content in multiple languages in a variety of formats, including live and recorded audio content, live and recorded video content and multilingual web interfaces. Technology increases the forms of communication available between courts and court users, thereby increasing the likelihood of getting questions answered and more successful self-representation. Technology also offers opportunities for cross-county and cross-agency collaboration, allowing smaller entities to attain economies of scale and ensure high quality service and consistent coverage. Each of these features can be easily leveraged to deliver information and achieve communication in multiple languages, thus reaching more Californians and ensuring equal access for LEP court users.

This document highlights successful implementations of technology to enhance language access, particularly with regard to non-courtroom services and programs, and provides concrete steps for consideration for those courts interested in implementing similar initiatives. Courts that are actively working on technology initiatives to enhance services for their court users will want to examine the language needs of their service areas and consider how their initiatives can be built with the needs of their LEP court users in mind.



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FACT SHEET

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Video Remote Interpreting (VRI) Pilot Project

Video Remote Interpreting (VRI) uses videoconferencing technology to provide court users with a qualified interpreter, when an onsite interpreter is not readily available. In June 2016, the Judicial Council approved a VRI pilot project to evaluate and test VRI technology in the courts, pursuant to recommendations in the Judicial Council's *Strategic Plan for Language Access in the California Courts* (the Language Access Plan, or LAP). This pilot project aims to expand language access within the California courts by testing different VRI equipment solutions. The VRI pilot will include input from the public and court stakeholders to help the branch evaluate how and when VRI may be appropriate for different types of case events (short matters). On an individual basis, the court will determine if each case event is appropriate for VRI. Both the LAP, and the Judicial Branch Technology Tactical Plan, recommend piloting VRI in the California courts.

Planning for this VRI Pilot Project has included several phases:

- *Technology:* Equipment to be assessed in the field during the pilot was selected through a competitive zero dollar Request for Proposals (RFP) process, and resulted in the selection of vendors including Connected Justice, and Paras and Associates.
- *Workstream:* A workstream has been established to guide the pilot project. Judicial officers, court interpreters, and technology experts from across the state are involved.
- *Courts:* Numerous courts expressed interest in the pilot. Based on the technology capacity of each court, and interpreter needs and resources, the following three Superior Courts of California have been selected: Merced, Sacramento and Ventura.

How does VRI work in court?

- The local interpreter coordinator will determine if VRI is appropriate for a court event when a limited-English-proficient (LEP) court user needs an interpreter to communicate in court. These are typically court events that are limited in nature (e.g., short, non-complex, uncontested).¹
- The court interpreter will be offsite but able to see and hear what is going on in the courtroom.
- The LEP person and the interpreter will be able to see and hear one another through the VRI equipment. Appropriate others in the courtroom will be able to hear and see the interpreter.
- The equipment uses encrypted communication to protect privacy. Each of the technological solutions will be able to accommodate confidential attorney-client communication.

Why use VRI?

- Increases the number of LEP parties, and case types, courts can serve with qualified court interpreters within existing statewide resources, currently \$103 million.
- Increases access to credentialed (certified and registered) interpreters, especially in language of lesser diffusion.
- Helps ensure that qualified *in-person* interpreters are scheduled for high stake or lengthy matters when needed.
- Decreases the wait time, and number of rescheduled court events, due to difficulty securing the in-person services of a qualified interpreter; preventing additional missed work by LEP parties.

Pilot Evaluation

- The three pilot courts will be testing solutions from different equipment vendors over a period of six months.

¹ See Prerequisites, Considerations, and Guidelines for Remote Interpreting in Court Proceedings, LAP, Appendix B, at http://www.courts.ca.gov/documents/CLASP_report_060514.pdf. The LAP also includes Suggested Language for the Judicial Officer When Considering Objections Related to Remote Interpreting (Appendix C), and Visual/Auditory Issues, Confidentiality, and Modes of Interpreting When Working Remotely (Appendix D).

VRI Pilot Project

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- The VRI Pilot will be evaluated by San Diego State University Research Foundation, a third-party, independent evaluator.
- Data collection will take place during the course of the pilot, and the pilot evaluation will include a two-week intensive observation period.
- In addition to effectiveness of equipment solutions, one component of the VRI pilot evaluation is to assess communication effectiveness of VRI, a critical component of due process.
- Feedback data will be solicited from court users, judges, and court interpreters.
- Justice partners (Public Defenders and District Attorneys) will also be able to provide feedback.
- Following conclusion of the VRI pilot, findings and recommendations will be developed for the Judicial Council, including any need to update the LAP's VRI programmatic guidelines, and to establish minimum technical VRI guidelines for the courts.

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Additional resources:

- <http://www.courts.ca.gov/VRI.htm>
- <http://www.courts.ca.gov/LAP.htm>
- <http://www.courts.ca.gov/languageaccess.htm>