



JUDICIAL COUNCIL OF CALIFORNIA

LANGUAGE ACCESS PLAN
IMPLEMENTATION TASK FORCE

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

NOTICE OF OPEN MEETING OF THE LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

THE OPEN SESSION MEETING WILL BE CONDUCTED BY ELECTRONIC MEANS.

We will provide a live audiocast of the meeting, as well as closed captioning
(in English and Spanish), on the Language Access webpage:

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

Meeting Date: January 27, 2016
Time: 11 a.m. – 4 p.m.

Location: Ronald M. George State Office Complex
William C. Vickrey Judicial Council Conference Center
Malcolm M. Lucas Board Room, Third Floor
455 Golden Gate Avenue, San Francisco, California 94102

**Public Call-In
Number:** 1-877-820-7831 / Pass code: 6949075 (Listen Only)

In accordance with California Rules of Court, rule 10.75(k)(1), public notice is hereby given that the Language Access Plan Implementation Task Force will hold a meeting on January 27, 2016, from 11 a.m. to 4 p.m. at the Judicial Council Conference Center, 455 Golden Gate Avenue, 3rd Floor, San Francisco, California 94102. A copy of the agenda for this meeting is available on the advisory body web pages on the California Courts website listed above.

Public Comment

In accordance with California Rules of Court, rule 10.75(k)(2), members of the public may directly address the advisory body about agenda items during the January 27, 2016, open session. 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.

Note: Members of the public requesting to speak during the public comment portion of the meetings 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 30 minutes prior to the open meeting start time.

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 LAP@jud.ca.gov or mailed or delivered to Language Access Plan Implementation Task Force, c/o Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102 attention: Douglas Denton. We will only provide written comments received by Tuesday, January 26, 2016, 9:00 a.m. to advisory body members.

Audio Recording

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

ADA Accommodations/Spoken Language Services

To request special accommodations in accordance with the Americans with Disabilities Act, please contact the advisory body at LAP@jud.ca.gov at least three business days before the meeting. If spoken language services and listening equipment are required, please email us your request at: LAP@jud.ca.gov no later than Friday, January 15th.

Posted on: December 18, 2015



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LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE OPEN MEETING AGENDA

Open to the public unless indicated as closed

We will record the open portion of this meeting

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

We have numbered agenda items for identification purposes only, and we will not necessarily consider them in the indicated order or listed times.

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

11:00 a.m. Call to Order and Roll Call

11:05 a.m. Approval of Minutes

Approve Minutes of Open Meeting from June 17, 2015, Language Access Plan (LAP) Implementation Task Force (ITF) in-person business meeting.

Approve Minutes of Open Meeting from October 20, 2015, Community Outreach Meeting (Only Task Force members who were in attendance at the meeting).

11:10 a.m. ITF Chairs Update
The Chairs will provide Task Force updates and describe progress made on implementation of the LAP.

Presenters: Justice Mariano-Florentino Cuéllar (Chair) and Judge Manuel J. Covarrubias (Vice Chair)

11:20 a.m. Subcommittee Chairs Update
The Subcommittee Chairs will provide a brief update regarding progress to date on 2015 Annual Agenda projects.

Presenters: Judge Steven K. Austin, Justice Terence L. Bruiniers, Judge Janet Gaard, and Justice Laurie D. Zelon

II. DISCUSSION AND POSSIBLE ACTION ITEMS

11:35 a.m. ITF Product Highlight: *Toolkit Version 1.0*
The Translation, Signage and Tools for Courts Subcommittee will discuss the language access living tool-kit for the web.

Presenter: Justice Laurie D. Zelon

11:45 a.m. ITF Product Highlight: *Model Notice for LEP Court Users*
The Translation, Signage and Tools for Courts Subcommittee will discuss the development of language for a model notice for limited English proficient (LEP) court users regarding the availability of language access services. The subcommittee recommends that the Task Force approve recommending this language to the Judicial Council for its adoption at its business meeting on February 25-26, 2016.

Presenter: Justice Laurie D. Zelon

11:55 a.m. ITF Product Highlight: *Video Remote Interpreting Pilot Project*
The Technological Solutions Subcommittee will discuss the development of a request for proposal (RFP) for a video remote interpreting (VRI) pilot project, which will test technology solutions and equipment, preapprove vendors where appropriate, and finalize statewide technical guidelines. The subcommittee recommends that the Task Force approve recommending that the Judicial Council approve moving forward with a RFP for the VRI pilot project.

Presenter: Justice Terence L. Bruiniers

12:00 p.m. National Center for State Courts Presentation

The National Center for State Courts will provide a brief update regarding their coordinated efforts with the ITF and its subcommittees to accomplish several Language Access Plan initiatives and activities.

Presenter: Ms. Jacquie Ring, Program Manager, Court Consulting Services,
National Center for State Courts

III. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75 (C)(2))

12:10 p.m. 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 30 minutes prior to the 11:00 a.m. open 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

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12:40 PM LUNCH AND SUBCOMMITTEE BREAKOUT GROUPS

(Not open to the public per Cal. Rules of Court, rule 10.75(b)(1)).

IV. DISCUSSION AND POSSIBLE ACTION ITEMS

3:00 p.m. Priorities for 2016 Annual Agenda

The ITF will regroup and the subcommittee chairs/co-chairs will give a brief report regarding subcommittee priorities and projects for the coming year.

Presenters: Judge Steven K. Austin, Justice Terence L. Bruiniers, Judge Janet Gaard, and Justice Laurie D. Zelon

V. ADJOURNMENT

4:00 p.m. Adjourn

Agenda updated 1/20/2016



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MINUTES OF OPEN MEETING

June 17, 2015

11:00 a.m. to 4:00 p.m.

In-Person Business Meeting

Advisory Body Members Present: Hon. Mariano-Florentino Cuéllar, Chair, Hon. Manuel Covarrubias, Vice-Chair, Ms. Naomi Adelson, Hon. Steven Austin, Mr. Kevin Baker, Hon. Terence Bruiniers, Hon. Michelle Williams Court, Hon. Janet Gaard, Ms. Susan Marie Gonzalez, Hon. Dennis Hayashi, Ms. Janet Hudec, Ms. Oleksandra Johnson, Ms. Joann Lee, Hon. Miguel Márquez, Hon. Jonathan Renner, Mr. Michael Roddy, Ms. Jeanine Tucker, Mr. José Varela, Hon. Brian Walsh, Ms. Leah Wilson, and Hon. Laurie Zelon

Advisory Body Members Absent: Ms. Tracy Clark, Hon. Jonathan Conklin, and Ms. Ivette Peña

Others Present: Ms. Dianne Bolotte, Ms. Carmen Castro-Rojas, Mr. Steven Chang, Ms. Debbie Chong-Manguiat, Ms. Diane Cowdrey, Ms. Valeria DaSilva-Sasser, Mr. Douglas Denton, Ms. Charlene Depner, Ms. Lucy Fogarty, Ms. Diana Glick, Ms. Donna Hershkowitz, Ms. Bonnie Hough, Mr. Bob Lowney, Ms. Anne Marx, Ms. Jenny Phu, Ms. Catharine Price, Mr. Victor Rodriguez, Mr. Usamah Salem, Ms. Virginia Sanders-Hinds, Ms. Sonia Sierra Wolf, Ms. Renea Stewart, Ms. Elizabeth Tam-Helmuth, and Mr. Zlatko Theodorovic

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 11:00 a.m. Justice Mariano-Florentino Cuéllar welcomed all to the second open meeting (first in-person meeting) of the Language Access Plan (LAP) Implementation Task Force (ITF or Task Force) and underscored the energy and enthusiasm in the room.

Justice Cuéllar introduced Chief Justice of California Tani G. Cantil-Sakauye, who provided opening remarks. She recognized the exemplary and symbolic work of Justice Maria Rivera, Judge Manuel Covarrubias, Judge Steven Austin, and members of the Joint Working Group that put together the *Strategic Plan for Language Access in the California Courts*. The Chief Justice spoke about diversity and the strength of California, and how language bonds us and is the gateway to all the promises our democracy holds. She stressed how our actions today and the work of the Task Force will do great things for all Californians. Lastly, she stated that the “celestial heavens were aligned” when she selected Justice Cuéllar and Judge Covarrubias to

chair the Task Force and looks forward to receiving updates and seeing the great work that will bond 38 million Californians and ensure meaningful access.

Roll call

All Implementation Task Members were present, except for: Ms. Tracy Clark, Hon. Jonathan Conklin, and Ms. Ivette Peña.

Approval of Minutes

The Task Force unanimously approved the April 29, 2015 meeting minutes.

O V E R V I E W

Justice Cuéllar provided a brief overview of the Task Force subcommittee structure and goals for the day. He indicated that the focus of the meeting was to develop concrete steps to implement Phase 1 recommendations of the Language Access Plan, and identify immediate priorities for the coming year. The 47 recommendations in Phase 1 have been assigned to the following four Subcommittees: 1. **Budget and LAP Monitoring** – Chaired by Judge Steve Austin, who is also Chair of the Court Interpreters Advisory Panel; 2. **Technological Solutions** – Chaired by Justice Terence Bruiniers, who is also Chair of the Court Technology Advisory Committee; 3. **Translation, Signage, and Tools for Courts** – Co-Chaired by Justice Laurie Zelon (Co-Chair, Advisory Committee on Providing Access and Fairness) and Jose Varela, who were both members of the Joint Working Group for California’s Language Access Plan; and 4. **Language Access Education and Standards**, Co-Chaired by Judge Janet Gaard (member CJER Governing Committee) and Ana Maria Garcia (member, Advisory Committee on Providing Access and Fairness). The Court Interpreters Advisory Panel also has been assigned some of the LAP recommendations that relate to court interpreter issues.

Justice Cuéllar also discussed the make-up of the Task Force, which includes representatives of the key stakeholders in the provision of language access services in the trial courts, including but not limited to, judicial officers, court administrators, court interpreters, legal services providers, and community leaders. The Task Force will also integrate individuals with special expertise who can assist in accomplishing the Task Force’s goals. In addition, the Task Force will be conducting community outreach meetings, soliciting input from community members regarding implementation of the Language Access Plan.

P U B L I C C O M M E N T

There were no public comments presented.

DISCUSSION ITEMS

Item 1: 2016–2017 Budget Change Proposals

Justice Cuéllar provided a brief update regarding Fiscal Year 2016–17 Budget Change Proposal (BCP) concepts regarding language access. At our April 29 meeting, the Task Force approved six BCP concepts to be submitted for approval. At the May 18 Trial Court Budget Advisory Committee (TCBAC) meeting, Judge Covarrubias and Ms. Donna Hershkowitz, Director of Court Operations at the Judicial Council, presented during the TCBAC open meeting, emphasizing four of the BCP concepts in requesting General Fund Augmentation to the Trial Court Trust Fund: 1. Interpreter Services in Civil Matters; 2. Training and Signage Grant Program for Trial Courts; 3. On-Site Trial Court Support for Language Access; and 4. Video Remote Interpreting Pilot Project. The Task Force requested a range amount of \$7.69 million to \$19.69 million. The TCBAC approved the requested BCP concepts, which will now move forward in the Judicial Council’s consideration process. The Task Force, working with Judicial Council staff, plans to submit to the Judicial Council for approval a BCP to secure FY 2016–17 Judicial Council funding for translation of Judicial Council forms, creation of multilingual videos to assist LEP court users, and the work of the Task Force to conduct both business and community meetings, including provision of interpreters and translated materials to provide access to LEP individuals [Note: FY 2015–16 Judicial Council funding to support the work of the Task Force has already been approved].

Item 2: Subcommittees Work Plans for 2015 – 2016

Justice Cuéllar charged each of the Subcommittees with the development of a work plan that: 1. Focuses initially on important tasks that could be completed or meaningfully advanced within a year (i.e., June 2015 to June 2016); and 2. Produce some defined/demonstrable deliverable or end product.

SUBCOMMITTEE BREAKOUT GROUPS

Not open to the public, per Cal. Rules of Court, rule 10.75 (b)(1)

SUBCOMMITTEE UPDATE

Summary of Subcommittee Reports, regarding priorities and projects for 2015–16 to help form the ITF’s Annual Agenda:

Budget and LAP Monitoring, Chaired by Judge Steve Austin

Highest priority: LAP Recommendations #8 (Expansion of court interpreters to all civil proceedings); #6 (Expansion of language services cost reporting); #56 (Advocacy for sufficient funding); #57 (Use of data for funding requests); #25 (Designation of language access office or representative); #62 (Single complaint form); #63 (Complaints at local level regarding language

access services); and #67 (Adoption of Language Access Plan by the California Courts of Appeal and California Supreme Court).

Next priority: #10 (Provision of qualified interpreters in all court-ordered/court-operated proceedings); #28 (Recruitment of bilingual staff); and #61 (Compliance and monitoring system).

Later priority: #58 (Pursuit by the Judicial Council of other funding opportunities); and #59 (Pursuit by courts of other funding opportunities).

Technological Solutions, Chaired by Justice Terence Bruiniers

Highest priority: LAP Recommendation #16 (Pilot for video remote interpreting).

Next priority: #12 (Preference for in-person interpreters); #13 (Remote interpreting in the courtroom); #14 (Remote interpreting minimum technology requirements); and #15 (Use of video for remote interpreting).

Later priority: #1 (Language access needs identification); #2 (Requests for language services); and #3 (Protocol for justice partners to communicate language needs).

Translation, Signage, and Tools for Courts, Co-Chaired by Justice Laurie Zelon and Jose Varela

Highest priority: Create a living tool-kit and meaningful website available to all on the California Courts public web page, including resources such as I-Speak cards and multilingual signs and templates. See LAP Recommendations #4 (Mechanisms for LEP court users to self-identify); #5 (Information for court users about availability of language access services); #37 (Statewide multilingual samples and templates); #52 (Benchcards on language access); and #66 (Statewide repository of language access resources).

Next priority: Develop and share translation protocols. See LAP Recommendations #36 (Establishment of translation committee); #38 (Posting of translations on web); and #40 (Translation of court orders).

Later priority: #34 (Use of bilingual volunteers).

Language Access Education and Standards, Co-Chaired by Judge Janet Gaard and Ana Maria Garcia

Potential priorities (not yet ranked):

- LAP Recommendation #18 (Creation of multilingual standardized videos; create inventory of existing products);

- Develop education tools, including collaboration with the Translation Subcommittee to develop a benchcard; relates to LAP Recommendations #19 (Verifying credentials of interpreters); #22 (Avoiding conflicts of interest); and #23 (Appointment of minors to interpret);
- Training for court interpreters. See LAP Recommendations #44 (Online orientation for new interpreters; review existing course and add content as appropriate); #45 (Training for prospective interpreters; Note: long-term multi-phase effort and not able to complete in Phase 1; identify success and progress milestones); and #46 (Training for interpreters on civil cases and remote interpreting);
- #26 (Identification of critical points of contact);
- #47 (Language proficiency standards for bilingual staff) and #48 (Standards and online training for bilingual staff); and
- #50 (Judicial branch training regarding Language Access Plan – compare existing judicial and staff courses with LAP and augment courses accordingly).

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 3:45 p.m.

Approved by the advisory body on enter date.



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MINUTES OF COMMUNITY OUTREACH MEETING

October 20, 2015

10:00 a.m. to 4:00 p.m.

Ronald Reagan State Building - Auditorium
300 South Spring Street, Los Angeles, California

Advisory Body Members Present: Hon. Mariano-Florentino Cuéllar, Chair, Hon. Manuel Covarrubias, Vice-Chair, Hon. Steven Austin, Mr. Kevin Baker, Ms. Tracy Clark, Hon. Michelle Williams Court, Ms. Ana María García, Hon. Dennis Hayashi, Ms. Joann Lee, Hon. Miguel Márquez and Ms. Ivette Peña.

Advisory Body Members Not Present: Ms. Naomi Adelson, Hon. Terence Bruiniers, Hon. Jonathan Conklin, Hon. Janet Gaard, Ms. Susan Marie Gonzalez, Ms. Janet Hudec, Ms. Oleksandra Johnson, Hon. Jonathan Renner, Mr. Michael Roddy, Ms. Jeanine Tucker, Dr. Guadalupe Valdés, Mr. José Varela, Hon. Brian Walsh, Ms. Leah Wilson, and Hon. Laurie Zelon.

Others Present: Ms. Dianne Bolotte, Ms. Claritza Callaci, Mr. Douglas Denton, Ms. Bonnie Hough, Ms. Cristina Llop, Ms. Catharine Price, Ms. Jacquie Ring, Mr. Victor Rodriguez, Mr. Peter Shervanick, Ms. Elizabeth Tam-Helmuth and Hon. Juan Ulloa.

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

WELCOME AND INTRODUCTION

Justice Mariano-Florentino Cuéllar of the California Supreme Court and Chair of the Language Access Plan (LAP) Implementation Task Force (ITF) introduced his Vice-Chair, Judge Manuel Covarrubias from the Ventura County Superior Court. Justice Cuéllar welcomed and thanked everyone for joining the first of two scheduled community meetings. The second community outreach meeting will be held on March 22, 2016, in San Francisco.

PANEL ONE – EXPANDING ACCESS TO INTERPRETERS IN CIVIL PROCEEDINGS

Moderator: Judge Manuel Covarrubias

Panelists: Judge Steve Austin, Ms. Tracy Clark, Ms. Ivette Peña and Judge Juan Ulloa

Initially, the Judicial Council's intent with sponsored legislation (Assembly Bill 1657, Stats. 2014, ch. 721) was to simply expand reimbursement to civil matters with minor changes to existing statutes. However, the Legislature felt it would be helpful to establish a prioritization (including fee waiver eligibility) in situations where funding was limited. That prioritization has

proven to be useful for courts, giving them a structure within which to incrementally expand interpreter services for civil matters.

Funding is key, so there will be regular requests for increases of funding. The ITF is also looking at cost-savings of providing interpreters more effectively and efficiently. The issue of funding has some challenges. Courts need to be comfortable that they will be reimbursed for the services they do provide, so the ITF may need to figure out formulas and ways to reimburse courts in better ways.

The Los Angeles County Superior Court has done a lot because they were so hard hit by the budget cutbacks. It had already reduced court locations, so it was able to concentrate interpreter matters. There are 224 languages spoken in LA County, not counting dialects, with over 25,000 people going through court each day throughout the current 38 locations.

Starting in January 2015, the Los Angeles County Superior Court began providing interpreters to all unlawful detainer parties, irrespective of fee waiver eligibility. The court expanded slowly because it did not want to offer a service that it could not later sustain. As of June 2015, the court provided interpreters at no charge in unlawful detainer, civil harassment, conservatorship, guardianship, elder abuse, family law and small claims matters. The court has also created a portal for unlawful detainer litigants to request an interpreter for their hearing. Once the upcoming case management system is instituted, early notification will be easier to put in place. The court also has a complaint process and form, which has been on the court website since 2014. The court does not get a lot of complaints but it does respond to them rather quickly.

Since expansion, interpreter resources are the most affected, especially in languages other than Spanish (OTS). There are not enough interpreters in OTS languages to meet the need. Los Angeles Superior Court will be looking at potential uses of technology to provide interpreter services. For example, at clerk counters and other non-courtroom locations, it will consider utilizing audio remote interpreting services. The court is also looking at language access materials, including I-speak cards and other language phrases, bench cards for judges, and language resource guides for judicial assistants. Currently, there is an online interactive traffic assistant in English and Spanish, and the court hopes to expand into other languages. It is also working on kiosks (in place by end of 2016) that will assist court users in five languages.

In terms of remaining challenges, providing interpreters free of charge for everyone in civil unlimited matters will be one of the biggest. The diversity of the demand — 80 or 90 percent of need is in Spanish, with the other 10 to 20 percent in OTS languages — is incredibly challenging. Also, the sheer size of the county and number of locations makes it very difficult to make interpreters available.

Through the Binational Justice Project, the Imperial County Superior Court has made many advances in collaboration with the Mexican courts, partly as result of the budget crisis. The court systems of Imperial County and Mexico have worked together to learn how each other functions, and they have developed protocols for service of process essential to resolving court disputes. These collaborative efforts are also taking place with Guatemala and Costa Rica. In addition, partnerships have helped courts provide services leveraging the Mexican consulate's mission to protect the interests of Mexican citizens in the U.S. For example, in San Diego, the consulate office is fostering and facilitating actual services in Spanish for their citizens. The Mexican

consulate also provides classes, such as anger management, in a culturally appropriate manner. These services are very hard to locate otherwise, and courts can take advantage of them to better serve Limited English Proficient (LEP) court users. More efforts are needed on the part of the Imperial County Superior Court to facilitate linking court users with needed services. The court needs a government-to-government relationship with Mexico in order to better provide services to court users residing there (such as may arise as part of probation or other case). The court also needs staffing and resources in order to provide those links and resources.

The civil expansion laws and labeling of priorities has helped the court marshal its resources. It needs to be smarter in allocation of services and ensure that a qualified interpreter is provided when needed and appropriate, such as for court hearings and interpreting court orders. The court has been working on becoming more flexible and more proactive, with early identification at the filing window, calendaring more efficiently, and using translated Judicial Council forms.

For the Ventura County Superior Court, the LAP adoption has resulted in a statewide policy that makes scheduling and being proactive much better, and it is a part of doing business well. Ventura County Superior Court already had a very cooperative relationship with interpreters and now is using interpreters more, especially in family law cases, and it's meeting all priorities except for unlimited civil. OTS languages are a small percentage, but they take so much more time to organize, schedule, and bring in interpreters for those languages, so that's where the court will need more cooperative work.

The big change with civil expansion is the high numbers of self-represented litigants. The Ventura County Superior Court is finding errors that prevent a case from moving forward, e.g., proof of service being done wrong, etc., and meanwhile, the court already spent money to bring in a certified interpreter. So the court is working with staff to find out a couple of days ahead of time to make sure the case can move forward or get other assistance.

The LAP allows Ventura County Superior Court to use strategies in which the court couldn't use a couple of years ago, such as coordinating with another county (like Los Angeles County Superior Court) to get an interpreter for a court user and permit her to have her or his day in court.

PUBLIC COMMENT FOR PANEL ONE

Members from the public noted they would like to see more court interpreters involved in this process and on the ITF. Commentators also commended the Los Angeles County Superior Court for their efforts in expansion, as it is a high volume court. Throughout the state, however, commentators noted that individual trial courts' ability to provide interpreters in civil matters is still inconsistent.

PANEL TWO – STRENGTHENING EDUCATIONAL INITIATIVES AND DEVELOPING A TOOL-KIT FOR LANGUAGE ACCESS

Moderators: Judge Manuel Covarrubias and Ms. Ana María García

Panelists: Ms. Claritza Callaci, Judge Michelle Williams Court, Ms. Ana María García, Ms. Bonnie Hough, and Ms. Joann Lee

The ITF’s Language Access Education and Standards Subcommittee had a recent New Judge’s Orientation with over 100 judicial officers participating. The new judicial training included issues related to the LAP, new obligations regarding the expansion of interpreter provision into civil, and the requirements for finding certified or registered interpreters. The feedback was positive and is being analyzed. Non-judicial members are also reviewing the training to make sure it addresses training needs for all, not just judicial officers.

From the legal services and self-help perspective, it is our duty to provide access to LEP users in a way that’s respectful so interactions with the court are positive. Studies show that people care about procedural fairness (being heard and understood), and that fact is critical. Education must be provided throughout the courts, including security, clerk’s offices, and judicial assistants. We must work to ensure a court system that works for all people, not just those that can afford a lawyer. Satisfaction and public trust will improve as we meet these goals.

There are three facets to judicial education that are very important. First, it is crucial that bench officers understand the role of interpreters in the courtroom, but also what it takes to do that job. Manuals or pamphlets for training are fine, but they do not fully educate judges and provide the needed understanding of the interpreter’s job the way an in-person practical training can. Second, the training curriculum must address cultural competency and related issues — not just an awareness that there may be differences in the communication or the words being communicated, but also differences in body language, etc. An LEP person’s gestures may be conveying something different than the bench officer assumes. Third, the training curriculum should include the real perspectives of an LEP litigant going through the court system.

The Los Angeles County Superior Court has its own “new judge’s orientation” where language access curriculum may be used. There is also an annual seminar in LA. In addition, there are other local and statewide opportunities to train judicial officers on these issues.

With regard to Legal Aid Foundation of Los Angeles (LAFLA) and its work to educate its clients with regard to language access services in the Los Angeles Superior Court, expansion has been critical to LAFLA’s clients. Advocates make it very clear to their clients, especially self-represented persons, about what to expect and how to request an interpreter. Public notices issued by the court have often been issued in several languages so many are better informed. The court has undertaken a lot of expansion. The Judicial Council translated the LAP Executive Summary. All these efforts are very important because many courts are still working out the process for requesting interpreters and may not yet have protocols or staff may not yet be fully trained.

Self-help centers use volunteers and paid staff, including qualified bilingual staff to provide one-on-one assistance. Although interpreters are critical, we also need bilingual staff to explain issues

to LEP users, something which is unreasonable to expect interpreters to do in addition to having to perform their job as interpreters. Interpreting is a very challenging job, and they have to be supported in doing that job in the courtroom and beyond.

In addition to self-help programs, there is a statewide self-help website with a Spanish mirror site which is a great resource. It also allows the self-help provider to have confidence in the materials because they can be simultaneously looking at the English version of something they hand out.

One of major developments of the ITF's Translation, Signage and Tools for Courts Subcommittee is the development of the online toolkit, intended at providing resources and documents to help LEP court users to access court resources. It will include translated materials, court forms, and helpful resources. It will also have resources and training for court staff, such as information on court policies, cultural competence, how to work with interpreters, etc.

Currently, the plan is to host the toolkit on the California Courts website. We are pulling together all the currently existing resources, which are now located in different places (Equal Access, California Online Self-Help, Court Interpreters Program page, or the Language Access page). The Translation, Signage and Tools for Courts Subcommittee is also working with Stanford University to hold focus groups to determine where staff would want the information. Actual court users will access it through the self-help website to get those resources, since there are currently over four million users.

Interpreters would most benefit from free access to reliable resources, so they can do research and be prepared for their daily tasks. Other resources that would be helpful include free dictionaries and glossaries, and the penal and civil codes of other countries. This would be a project that can be shared, and interpreters can continue to add terms as they go forward. It is also important that interpreters be part of any training efforts. In Los Angeles, the court has an educational unit that provides Court Interpreter Minimum Continuing Education (CIMCE) for in-house interpreters.

For consumers of interpreter services (such as LEP court users, attorneys, court staff, and judicial officers) it would be helpful to have instructions for attorneys to provide appropriate notice to their clients concerning the need for an interpreter. We also need to train bailiffs and all of the players in court to identify an interpreter need well in advance. We need to ensure judges inform interpreters when they (judges) learn that an interpreter will be needed, which can happen when judges prepare for the cases for the next day. Courts should include a notice in any packets handed out to court users when first coming into contact with the court, letting them know of their rights to free interpreter services. The information should walk them through what's going to happen and include Q&A in other languages regarding the reason they are coming to the court.

From the bench officer's perspective, we should focus on tools that improve access for everyone. Examples include fact sheets that are translated so everyone has the same baseline understanding of how the court works; multilingual signage so a LEP litigant doesn't have to sit in the back of the courtroom only to find out they should have gone elsewhere; I-speak cards; cards for litigants about how to use an interpreter similar to bench cards; and finally, prominent and clear notices about availability of interpreter services so litigants know as early as possible in the court process how to request services.

It is critical to have bilingual staff to help identify a need for an interpreter or other services, and also to have information in multiple languages available for litigants to use without having to talk to court staff. A lot of people come to courts without having to enter courtrooms. There are processes people can follow and handle on their own without a lawyer.

PUBLIC COMMENT FOR PANEL TWO

Members from the public provided comments on the need to revamp the statewide CIMCE system and to improve the state exam; for example, the current exam (Spanish) does not include testing of translation skills. Further comment was made on the usage of bilingual staff that are not formally trained and are not certified to be interpreters. A suggestion was made on the need to use a unified vocabulary. Vocabulary needs to be standardized. Becoming a professional interpreter and/or translator requires specialized knowledge, including qualities such as language skills, cultural awareness, and both passive and active knowledge.

A member who works with an organization that provides a self-help conservatorship clinic in various courthouses in Los Angeles wants to see more educational materials in the areas of conservatorship for parents in different types of cases. Members from the indigenous community (for example, Mixteco from Oaxaca, Mexico) spoke about the need for government offices and hospitals to provide interpreters (interpreting indigenous languages to Spanish to English) who can understand indigenous LEP court users, not just to interpret but to educate them about the court system so they can feel more comfortable.

PANEL THREE – MONITORING PROGRESS OF LANGUAGE ACCESS PLAN, IMPLEMENTATION AND BUDGET INITIATIVES

Moderators: Judge Steve Austin

Panelists: Mr. Kevin Baker, Ms. Tracy Clark, Judge Dennis Hayashi and Justice Miguel Márquez

The Judicial Council has prepared a Fiscal Year 2016-17 Budget Change Proposal (BCP) for the Governor's consideration. The BCP covers six concepts:

- Expanding interpreter services into all civil proceedings;
- Providing training for interpreters on civil cases and remote interpreting, as well as signage in courthouses in multiple languages;
- Providing on-site trial court support for language access;
- Implementing a pilot program for video remote interpreting (VRI);
- Translation of Judicial Council forms and creation of multilingual videos to assist LEP court users; and
- Continued work of the ITF to ensure appropriate and timely implementation of recommendations to improve access to justice for the seven million LEP Californians and promote efficiency for the courts.

In general, the Legislature is well disposed toward the goal of language access. Three previous attempts between 2006 and 2009 to expand language access were ultimately unsuccessful, but

they had bipartisan support in the Legislature. Many important members of the Legislature understand this issue.

To secure additional funding, it is critical that the courts actually use the Program 45.45 surplus that is available. If the Department of Finance sees unspent money, the argument for more funding won't be persuasive. Also, it is important legislators hear from judges from all corners of the state. Presiding judges and local trial judges should be involved in the effort. And courts should immediately take down outdated language access policy statements and documents posted online.

The ITF's Budget and LAP Monitoring Subcommittee is charged with developing a single statewide complaint form and process for handling those complaints. Los Angeles County Superior Court has a complaint form to address language access issues. The subcommittee may need to look at other states and jurisdictions and how they have handled these issues.

There is a lot of information available online for those wishing to monitor progress made by the ITF. The California Courts Language Access web page (www.courts.ca.gov/languageaccess.htm) contains a link to the LAP, progress reports, updates on news and related activities of the ITF, and links to the ITF web page to learn more about past or upcoming meetings. Once the living toolkit is established, it will be linked to the Language Access page. The ITF page (www.courts.ca.gov/LAP.htm) includes ITF membership and activities, and notices, agendas, etc. for upcoming ITF meetings.

Several courts' websites also provide critical language access information for LEP users. The Los Angeles County Superior Court's website (www.lacourt.org) has a [language access information](#) page with resources for LEP litigants (and interpreters) in their top five languages. The website has the Google Translate capability in LA's top five languages. The [Traffic Division](#) homepage has an online, animated avatar that provides audio assistance to guide users through the traffic pages in English and Spanish and will soon also be available in Korean, Chinese, Vietnamese, and Armenian. The Contra Costa County Superior Court (www.cc-courts.org) has an entire [self-help site](#) in Spanish, with extensive information on family law, evictions, small claims, domestic violence, etc. Many other courts have posted Interpreter Request forms online, and have added Google Translate capabilities.

The LAP recommends that courts designate language access offices or representatives. As discussed, implementation of these language access issues is complex. For example, Los Angeles has 25,000 users a day, 224 languages, and 38 locations, a shortage of OTS-language interpreters that are shared with other southern California counties, and a need for indigenous languages interpreters. Having someone trained, knowledgeable, and with resources available to handle those issues at every court is critical. The Budget and LAP Monitoring Subcommittee is already working on written guidance for this designated office or representative. In addition, the BCP asked for 12 positions for the state's four regions to provide assistance for language access. These language access specialists would be housed at one or more courts in each region to assist courts with language access issues. The language access specialist will be able to help coordinate statewide efforts and assist courts regarding various recommendations included in the LAP to improve and expand language access in California's courts.

Justices Jonathan Renner and Maria Rivera are looking at the recommendations in the LAP to implement at the Court of Appeal, especially interpreters on demand and translation of key documents.

In terms of technology, it is critical that we do not make any big commitments because technology changes all the time, very quickly. We need to think about the minimum requirements for the infrastructure that will allow us to use whatever technology is out there. What you learn from Silicon Valley is to let innovators innovate and bring us the technology that is available. Also, some private companies may be willing to help the courts innovate (likely because they see a future financial interest for themselves). E-filing systems are an example of this. But we first need to make sure we can use the technology and that minimum requirements are met.

Expanding VRI from American Sign Language (ASL) to spoken languages has proven challenging because of the need to have control on both ends over the quality of the technology. Ideally, to use VRI, the court would control the technology at both ends, and users would have IT support from the court. In terms of cost, it has changed so much. There is a lot available off the shelf. Thus, estimating cost of implementing certain technologies is very hard. Courts need to be open, test things out, and have training on both ends so everyone can anticipate problems. It has to be a collaborative process.

The Judicial Council staff has developed a monitoring database to track progress and that will produce reports regarding implementation of the LAP. Quarterly reports will be posted on the Language Access webpage.

PUBLIC COMMENT FOR PANEL THREE AND GENERAL COMMENTS

Members from the public indicated that qualified court interpreters are available to assist with future training efforts focused on civil matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:00 p.m.

Approved by the advisory body on enter date.

Judicial Council of California’s *Strategic Plan for Language Access in the California Courts:* Phase One Implementation Products for Immediate Development (as of September 2015)

As part of the Language Access Plan Implementation Task Force’s ongoing efforts to implement the Judicial Council’s *Strategic Plan for Language Access in the California Courts*, we will be working, over the next few months, to complete development of the following products. We expect that these products will help trial courts throughout the state as they pursue their own efforts to improve language access. The Task Force will also continue to support implementation through its outreach activities, the work of its subcommittees, and efforts to secure additional resources.

Language Access Plan (LAP) Product Phase One	Description
Identification of Living Tool-Kit Components	Living Tool-Kit components will include a list of materials for use by court staff, judicial officers, and court interpreters. The materials will also assist limited English proficient (LEP) court users better understand and access a court’s language access services.
Survey of the Courts on Language Access Services	We will collect and analyze survey results to assist in our comprehensive assessment of the trial courts’ existing language access resources.
Statewide Complaint Form and Procedures	We will develop a statewide complaint form and complaint procedure to allow court users and interested persons to submit concerns regarding language access services provided by the Judicial Council or trial courts.
Notice to Court Users Regarding Availability of Language Access Services	We will develop a standardized multilingual sample notice for court users, in plain language, to inform them of their local court’s language access services.

**Judicial Council of California’s *Strategic Plan for Language Access in the California Courts:*
Phase One Implementation Products for Immediate Development (as of September 2015)**

Language Access Plan (LAP) Product Phase One	Description
Bench Cards	<p>We will develop sample bench cards to assist judicial officers when LEP persons are involved in courtroom proceedings. Bench cards will address: instructions on how to work with an interpreter; the process for provisionally qualifying non-credentialed interpreters per the California Rules of Court; and information and instruction regarding appropriate events for video remote interpreting.</p>
Bench Guide	<p>We will develop a sample bench guide outline to assist with the development of a full bench guide to help judicial officers conduct proceedings with LEP court users. The outline will address: language access services; the responsibilities of bench officers and other court staff in identifying the need for language access services; tools for courtroom management when language access services or professionals are involved; overview of remote technologies; and cultural competence when working with LEP court users.</p>
Training Curricula	<p>We will develop outlines and sample materials for training curricula to cover items identified in LAP Recommendation #50. The curricula outlines developed will include: the qualifications, role and ethics of court interpreters; the provisional qualification processes for interpreters and related California Rules of Court; legal obligations to provide language access services under the California LAP, local language access policies, and relevant U.S. Department of Justice guidance documents; discussion of different mechanisms available to assist in providing language access and their particular roles and limitations; barriers and obstacles for LEP court users and the LEP population in general; and cultural competence when working with LEP court users.</p>

**Judicial Council of California’s *Strategic Plan for Language Access in the California Courts:*
Phase One Implementation Products for Immediate Development (as of September 2015)**

Language Access Plan (LAP) Product Phase One	Description
Translation Protocol	<p>We will develop a translation protocol that includes: required translator qualifications; quality control measures; guidance on prioritization of materials for translation; a process for identifying language thresholds for translation; and strategies for reaching low literacy populations and speakers of non-written languages.</p>
Translation of Materials	<p>We will support identification and prioritization of materials for translation. We will also make targeted recommendations on the use of technologies for translation and for providing linguistically accessible services. We will generate recommendations on the statewide sharing of translations and strategies for the efficient use of resources for translation.</p>
Development Plan for Remaining Materials	<p>We will develop a plan for the Judicial Council’s development of remaining materials identified in the <i>Strategic Plan for Language Access in the California Courts</i>.</p>



Translation, Signage & Tools for Courts Subcommittee

- Language Access Toolkit
- Model Notice for LEP Court Users

**Presentation to Implementation Task Force
January 27, 2016**



JUDICIAL COUNCIL
OF CALIFORNIA

Language Access Toolkit

The branch's one-stop online site for
language access resources

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



JUDICIAL COUNCIL OF CALIFORNIA



Strategic Plan for Language Access in the Courts

- 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.
- 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.
- 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.



Evaluating our existing resources

The branch's one-stop online site for language access resources for court personnel will contain tools, resources and documents that:

- Are based on the most recent version of the relevant statute or court rule
- Are of statewide utility in California
- Have been professionally translated
- Have been effective in practice and viewed positively by court staff, and where input is available, by the LEP court user community





Building a user-friendly interface

- Stanford d.school design work
- Focus group with local court employee participation
- Content analysis



Next Steps

- Develop a budget and plan for full scalability and ongoing maintenance of website
- Add resources as developed in accordance with the Language Access Plan
 - Sample Notice of Available Language Access Services
 - Best practices and protocols for the use of bilingual volunteers
 - Bench cards and bench guides
- Use feedback from beta/testing period to improve the website interface
- Scale up content to serve other website users, including bench officers, LEP court users, court interpreters and other stakeholders
- Address the unique challenges of providing information and resources in languages other than Spanish





Model Notice for LEP Court Users: Purpose

Strategic Plan 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.



Model Notice for LEP Court Users: Process

- The National Center for State Courts (NCSC) developed several samples for review by the Translation, Signage & Tools for Courts Subcommittee. The subcommittee provided feedback.
- After Judicial Council approval of the notice, it will be formatted and translated.
- The notice will be available for printing in several different sizes to accommodate various signage needs.
- The notice will be posted on the Language Access Toolkit, as a tool for courts.





Model Notice for LEP Court Users: Recommendation

The Translation, Signage & Tools for Courts Subcommittee recommends that the Language Access Implementation Task Force approve recommending the Model Notice to the Judicial Council for its adoption at the Council's business meeting on February 25-26, 2016.



Recommended Statewide Model Notice – Note: Once the below text is approved, the notice will be formatted and translated into the top 8 non-English languages. Courts will be able to insert the appropriate room number, telephone number, and/or email address into the model notice template.

Need help in your language?

For **free** help with:

- Interpreters for many cases
- Court forms and information in your language
- Bilingual staff



Go to Room _____. Or:

- Call: [Tel]
- Email: [URI]

The Language Access Plan Implementation Task Force:

Video Remote Interpreting Pilot Project

Executive Summary

The Language Access Plan Implementation Task Force proposes to pilot technology solutions for Video Remote Interpreting (VRI) for the Trial Courts of California. A request for proposals (RFP) has been developed in order to obtain equipment for testing, validation, and to finalize technical guidelines. The pilot project will provide important foundational building blocks in developing a long term VRI strategy for the California judicial branch.

Given the state's size and population, appropriate uses of video remote technology that allow for remote sessions while protecting due process remains one of the most critical recommendations of the Strategic Action Plan. Identifying suitable and cost-effective video remote interpreting equipment is a critical step in the Task Force's Technological Solutions Subcommittee's efforts to create a VRI Pilot Project, per LAP's Recommendation No. 16, which states:

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. (Phase 1)

The goal of the pilot project is to define statewide technical standards, validate programmatic guidelines, and to preapprove acceptable vendors so courts have an appropriate method to expand access to interpreters to limited English proficient litigants. Among the benefits of remote interpreting is the facilitation of prompt availability of language access for litigants by providing certified and registered interpreter services with less waiting time and fewer postponements; this saves both the court user's and the court's valuable time. In addition, having qualified interpreters more readily available through remote interpreting can decrease the use of less qualified interpreters, can decrease dismissals for failure to meet court deadlines, and can decrease the frequency of attorneys or parties waiving interpreter services or proceeding as if the LEP person is not present, in order to avoid delays. By decreasing interpreter travel time between venues and increasing the number of events being interpreted by individual interpreters, remote interpreting allows more LEP litigants to be served, in more areas, utilizing the same personnel and financial resources, thereby greatly expanding language access.

The proposed VRI pilot for spoken language pilot would not preclude trial courts from identifying and implementing alternative solutions which are consistent with technical requirements as approved by the Judicial Council, and which meet the programmatic guidelines as established in the Language Access Plan (LAP).

The pilot will be at zero cost to the court, with the vendor(s) providing and supporting the equipment for evaluation for a period of up to six months. The hope is to engage up to three vendors who are experienced and capable of executing an efficient project. The project seeks to pilot vendor equipment in up to 3 courtrooms in at least 1, or as many as 2, court jurisdictions for both consecutive and simultaneous interpretation, and using California certified and registered interpreters employed by, or contracting with, California courts.

The courts, vendors and the judicial council will collaborate in data collection and evaluation of the solutions, as appropriate.

Once the Judicial Council has approved the project, the Task Force, working with Judicial Council staff, will finalize the VRI Pilot Project RFP. A working draft has already been developed. The RFP will be posted on the Judicial Branch public website. Vendor submissions will be evaluated and scored. The pilot project will last up to six months once vendors have been selected and equipment has been installed or otherwise deployed. It is anticipated that the VRI pilot will launch in one or more courts, utilizing equipment provided for evaluation at no cost, and will include provision of technical support to courts. The participating court(s) and judicial council staff will collaborate to collect data and evaluate the project, as appropriate. Judicial Council staff will then draft proposed technical standards for statewide use of VRI, and evaluate the effectiveness of the programmatic guidelines already developed in the LAP.

The VRI pilot will enable the Judicial Council to collect data, determine best practices, promote efficiencies and cost savings for courts (including, potentially when sharing interpreter resources between courts), increase court user satisfaction, and address and remedy any due process concerns. The 2011-12 American Sign Language (ASL) pilot was effective for the judicial branch to develop recommended guidelines, which provide assistance to court and judicial staff to help identify appropriate use of VRI for ASL interpreted events. The anticipated VRI pilot, which will include spoken language, will similarly establish appropriate technical guidelines, serve to validate LAP programmatic guidelines, and will assist trial courts and judicial staff in establishing appropriate use cases and best practices for VRI more broadly.

The U.S. Department of Justice specifically mentions VRI as an efficient tool that can improve and increase language accessibility for LEP court users for the California courts.¹ The National Center for State Courts (NCSC), in conjunction with the Conference of State Court Administrators (COSCA), launched their own RFP related to remote interpreting in 2015, creating technical guidelines that the Subcommittee has leveraged as a starting point for minimum standards. VRI technology is also already being used in several in-state counties, including Fresno, whose technical guidelines and best practices are also being leveraged for this RFP.

Long-term expansion of the VRI pilot will require supplemental funding for equipment and operational costs. One possible source of such funding may be from Court Innovations Grants, as proposed in the Governor's proposed 2016-17 Budget.

¹ See Attachment C, May 22, 2013 letter from the U.S. Department of Justice, at p.9, attached to California's Language Access Plan: Status Report, Item J for the October 25, 2013 Judicial Council business meeting, available at www.courts.ca.gov/documents/jc-20131025-itemJ.pdf.

National Center for State Courts
Language Access in the California Courts
Staff Bios

Konstantina Vagenas, the NCSC’s Project Director, has over fifteen years of experience as an attorney, starting as a prosecutor in the courts of Essex County, Massachusetts, where a large number of litigants were limited English proficient individuals and required interpreters. Most recently, before moving to the NCSC, she served as Chief Counsel and Associate Director of the American Bar Association Justice Center. Nearly her entire legal career has been focused in the public interest arena and specifically on access to justice issues, ranging from judicial independence and the public’s perception of the courts to the underfunding of our state courts and finally to, most recently, issues relating to language access in the courts. She currently holds the position of Director and Chief Counsel of Access to Justice Initiatives at the NCSC. Since working at the NCSC, she has assisted in the redrafting of the ABA Language Access Standards and provided legal support to the team responsible for taking the standards to the American Bar Association House of Delegates where they were unanimously approved. She graduated magna cum laude with a Phi Beta Kappa key from Boston College then earned her law degree at Suffolk University Law School. She has also worked for the U.S. State Department in the Political Section of the U.S. Embassy in Athens, Greece.

Jacque Ring, a member of the NCSC project team, is a Program Manager in the Language Access Services Section at the NCSC. Ms. Ring provides oversight on all state and federal court interpreter testing activities, and provides project management assistance for language access policy work for state and national initiatives. Ms. Ring has over ten years of experience working with language-specific programs in commercial and government settings. Her professional experience includes managing the development and maintenance of court interpreter test content and testing standards; overseeing statewide court interpreter activities, including recruitment, certification, and continuing education efforts; and providing oversight on language related data collection, research, and reports. Prior to her work with the NCSC, Ms. Ring served as a Senior Court Services Analyst and a Supervising Analyst for the California Court Interpreters Program of the Judicial Council. Additional work includes project management for language testing and training initiatives with a major language testing firm, the development and instruction of language curriculum abroad and in the states, and program development for immigrant populations. Ms. Ring holds a Master’s Degree in social work and community organization from Hunter College in New York, and a B.A. from Sarah Lawrence College.

Cristina Llop, a member of the NCSC project team, is an attorney working on issues of access to justice. She was the lead consultant for the Judicial Council's Strategic Plan for Language Access in the California Courts, and consults on an ongoing on issues related to access and legal information for self-represented litigants and limited-English speaking communities. She is currently also working with the NCSC to provide language access policy work for several states. Ms. Llop became a federally and California-certified court interpreter in 2009 and routinely interprets in state and federal courts. Prior to becoming a consultant, Ms. Llop was the director of the ACCESS self-help center of the San Francisco Superior Court and she worked as a legal aid attorney before joining the courts.

Richard Schauffler, a member of the NCSC project team, is Director of Research Services at NCSC. At the NCSC, he directs the Court Statistics Project which collects and analyzes state court data to develop a national perspective on the work of the state courts. He is also project director for State Court Organization, the key reference work on state courts, published online in 2012. In addition, he directs the National Instant Criminal Background Check System State Records Estimates Development and Validation Project. He also works on the CourTools project, working to develop and assist states and courts to implement performance measures. His third area of concentration is workload assessment projects for judges, clerks, staff, and public defenders. Previously, he served as Assistant Division Director at the California Administrative Office of the Courts, where he was responsible for statewide policy research and judicial branch strategic planning. Prior to his work at the California AOC, he was a private investigator in complex civil litigation cases throughout the western U.S. Mr. Schauffler holds a bachelor's degree from the School of Criminology, University of California at Berkeley, and an M.A. in sociology from Johns Hopkins University.

Scott Graves, Ph.D., a member of the NCSC project team, is a Court Research Associate in the Research Division at NCSC. Prior to NCSC, he worked as faculty in the political science department of Georgia State University, specializing in judicial politics and research methodology. He has conducted research on judicial selection and retention methods, economic and technology issues in courts, litigation and case processing, and judicial ethics and recusal. He is the author or co-author of articles on state criminal justice, election litigation, antitrust in the courts, and a book about judicial recess appointments.

John Doerner, a member of the NCSC project team, is a Principal Court Management Consultant for the NCSC. He has substantial experience in financial and managerial positions in the judiciary, including 25 years with the Colorado Judicial Branch, where he served as Manager of Audit and Operations Support for the Colorado Judicial Branch, and Clerk/Court Administrator for the Colorado Court of Appeals. While working as Internal Audit Manager for the Colorado Judicial Branch, Mr. Doerner served as project manager for development of the financial components of the Colorado Judicial Information Management System. Mr. Doerner has developed an excellent in-depth knowledge of both the financial and operational components of judicial systems, including the appellate courts. He is also a Colorado licensed CPA and possesses a unique combination of educational qualifications, effective communication skills, and the ability to analyze organizations.

Kevin O’Connell, a member of the NCSC project team, is a research and data consultant and owner of O’Connell Research Inc., focusing on data driven policy analysis to improve justice system decision-making, outcomes, and governance. Mr. O’Connell brings extensive experience in justice system research, data visualization, as well as project management and group facilitation in outcome measurement. He has worked on court analysis and needs assessment as a consultant with the NCSC in four states around language access and technology, especially Video Remote Interpreting. He has worked directly with counties on justice systems analysis, program evaluation models, and delivering training curriculum on data driven decisions targeting county and court leaders, as well as county analytic staff. As a technical assistance provider for Pew’s Results First initiative, he works with five California counties in developing a cost benefit model to assist in evaluating returns on investment for justice system choices. Prior to this work, Mr. O’Connell worked for the California Judicial Council on projects such as implementing a funding formula for probation evidence-based practices under Senate Bill 678, criminal case-flow management consulting, court processing standards and workload estimation, training on court performance measures, and piloting the use of risk assessment tools in criminal sentencing in three California counties.

**National Center for State Courts
Language Access in the California Courts
Status Update – Contract Deliverables**

Deliverable Description	Status
1. Contractor will develop and implement a comprehensive timeline, including identifying immediate product requirements.	Completed
2. Contractor to facilitate a community outreach meeting with the Judicial Council’s LAP Implementation Task Force and LAP stakeholders.	Completed
3. Contractor must develop and submit a comprehensive LAP implementation work-plan to the Project Manager. The proposed work-plan must include a forecasted quarterly budget that outlines anticipated costs and expenses associated with implementing the LAP’s recommendations and activities.	In progress
4. Contractor must conduct comprehensive needs assessment of California’s Superior Court’s language access resources.	In progress
5. Contractor to meet onsite and assist Judicial Council staff with an Implementation Task Force presentation to the Judicial Council to review LAP implementation progress, including contractor’s progress and materials produced to date.	In progress
6. Contractor to meet with the Judicial Council’s LAP Implementation Task Force onsite for its in-person meeting to review contractor’s progress and materials produced to date.	In progress
7. Contractor must review and update the Judicial Council’s Limited English Proficiency (LEP) model template and related materials.	In progress
8. Contractor must develop a statewide complaint process and applicable forms to be used by statewide Judicial Branch Entities.	In progress

**National Center for State Courts
Language Access in the California Courts
Status Update – Contract Deliverables**

<p>9. Contractor to submit implementation materials to Project Manager that are required by the LAP recommendations. Materials must include bench cards, bench guides, training material curriculum, training material scripts, a translation protocol for Judicial Council translations of forms, written materials, and audiovisual tools and a development plan for remaining materials.</p>	<p>In progress</p>
<p>10. Contractor to facilitate a second community outreach meeting with the Judicial Council’s LAP Implementation Task Force and LAP stakeholders.</p>	<p>In progress</p>
<p>11. Contractor to meet with the Judicial Council’s LAP Implementation Task Force onsite for its in-person meeting to review contractor’s progress and materials produced to date.</p>	<p>Planning phase</p>
<p>12. Contractor must develop and submit to the Project Manager a report recommending specific guidelines to local courts regarding the number of languages, and population thresholds, for which they should provide translation for key documents.</p>	<p>In progress</p>
<p>13. Contractor to meet with the Project Manager and Judicial Council staff onsite to review contractor’s progress and materials produced to date.</p>	<p>Planning phase</p>
<p>14. Contractor to submit a final report to the Project Manager. The final report must include all ongoing adjustments and improvements that must be made to the LAP implementation work-plan, including all necessary and recommended LAP improvements to assist with the ongoing implementation efforts.</p>	<p>Planning phase</p>

Language Access Plan Implementation Task Force



JUDICIAL COUNCIL
OF CALIFORNIA

LANGUAGE ACCESS PLAN
IMPLEMENTATION TASK FORCE

Recommendations Progress Report for January 25, 2016

Number of Phase 1 Recommendations: 47

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 is evaluating a case management system, which is deployed in 25 California courts, to potentially provide early identification and tracking of LEP needs for parties and witnesses.

Date of Last Update: 10/16/2015

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 **Phases 1, 2**

Progress Update: The subcommittee is evaluating a case management system, which is deployed in 25 California courts, to potentially provide early identification and tracking of LEP needs for parties and witnesses.

Date of Last Update: 10/16/2015

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: The subcommittee is evaluating a case management system, which is deployed in 25 California courts, to potentially provide early identification and tracking of LEP needs for parties and witnesses.

Date of Last Update: 10/16/2015

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: Partially implemented **Phase 1**

Progress Update: On December 31, 2015, the Language Access Toolkit went live on the Language Access section of the California Courts website. The Toolkit currently provides resources for court employees, such as "I-speak" cards to help LEP litigants self-identify and request assistance.

Date of Last Update: 1/25/2016

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: Partially implemented **Phase 1**

Progress Update: In December, the subcommittee provided feedback on a draft Notice of Available Language Access Services. Once the language of the notice is approved by the Judicial Council, the document will be formatted and made available in eight languages.

Date of Last Update: 1/25/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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 that is identified in LAP Recommendation No. 6.

Date of Last Update: 1/15/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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 **Phases 1, 2**

Progress Update: Judicial Council staff is working on updating a civil status chart showing the status of civil expansion in all 58 trial courts. A FY 2016-17 Budget Change Proposal (BCP) re: LAP implementation was submitted to the Department of Finance in September 2015. The Governor's proposed budget for 2016-17 includes an additional \$7 million ongoing for trial courts to continue expanding access to interpreters in civil proceedings. Development of future funding requests will be ongoing.

Date of Last Update: 1/15/2016

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

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

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: Partially implemented **Phases 1, 2**

Progress Update: Judicial Council staff sent comprehensive guidance to courts regarding the amendments to the provisional qualifications statute that were effective January 1, 2015. The courts were advised that pending amendment of Rule 2.893, they should follow existing procedures for criminal and juvenile cases in other matters.

Date of Last Update: 10/15/2015

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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 **Phases 1, 2, 3**

Progress Update: The NCSC is currently developing cost estimates for full LAP implementation, including cost estimates for provision of qualified interpreters in all court-ordered/court-operated programs, services, and events. We will likely request funding to support this expansion effort in a future BCP. To further support funding requests, NCSC sent a survey to trial courts in January 2016. The intent of the survey is to gather 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: 1/25/2016

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: Partially implemented **Phase 1**

Progress Update: Courts should refer to the text of the LAP recommendation for guidance.

Date of Last Update: 10/1/2015

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: Appendix B requires that minimum technology requirements for remote interpreting are met. The subcommittee has gathered technology requirements from various sources (NCSC/COSCA & Fresno Superior Court) as a starting point for minimum technical requirements that would be implemented, tested, and improved upon as necessary through a pilot project. A draft request for proposal to identify a vendor or vendors to support this pilot project has been developed and the concept will be brought to the full Task Force on January 27, 2016.

Date of Last Update: 1/25/2016

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: The subcommittee will also be referencing Fresno's technical guidelines in addition to the NCSC / COSCA guidelines. This is dependent on the approval of a VRI pilot program RFP/Project. See Recommendation 16.

Date of Last Update: 1/25/2016

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: This is dependent on the approval of a VRI pilot program RFP/Project. An RFP has been drafted. See Recommendation 16.

Date of Last Update: 1/19/2016

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 subcommittee has developed an RFP in order to obtain equipment for testing, validation, and to finalize technical guidelines. The pilot program will provide important foundational building blocks in developing a long term VRI strategy for the California judicial branch. The project will be part of the LAP agenda for council review in February 2016.

Date of Last Update: 1/25/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

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: Progress on this recommendation is pending the results of the Language Access Plan survey that was released to the trial courts in early January 2016.

Date of Last Update: 1/20/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

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: Partially implemented **Phase 1**

Progress Update: This recommendation, along with #22 and #23 are initially being addressed in a video that is being taped on January 26, 2016. The video will outline qualification and appointment procedures that are required for all case types.

Date of Last Update: 1/25/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

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: Partially implemented **Phase 1**

Progress Update: This recommendation is initially being addressed in a video that is being taped on January 26, 2016. The video will outline qualification and appointment procedures that are required for all case types.

Date of Last Update: 1/25/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

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

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

Progress Update: This recommendation is initially being addressed in a video that is being taped on January 26, 2016. The video will outline qualification and appointment procedures that are required for all case types.

Date of Last Update: 1/25/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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: Partially implemented **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.

Date of Last Update: 1/25/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

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: Partially implemented **Phase 1**

Progress Update: Progress on this recommendation is pending the results of the Language Access Plan survey that was released to the trial courts in early January 2016.

Date of Last Update: 1/20/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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.

Date of Last Update: 1/15/2016

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: The subcommittee is working to draw upon best practices and existing models setting forth guidelines for the appropriate use of bilingual volunteers to create a document appropriate for the California courts to use in the development of local volunteer-based programs.

Date of Last Update: 10/2/2015

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 is serving as and fulfilling the translation committee function for Phase 1 of LAP implementation. The subcommittee and Task Force Chairs will recommend to the council at a future date whether an ongoing and separate translation committee should be established. The subcommittee is collaborating with NCSC to develop protocols for official translations of court documents and a rubric for determining what documents require and are most appropriate for translation.

Date of Last Update: 1/25/2016

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: Partially implemented **Phase 1**

Progress Update: On December 31, 2015, the Language Access Toolkit went live on the Language Access section of the California Courts website. The Toolkit currently provides resources for court employees, such as "I-speak" cards to help LEP litigants self-identify and request assistance. In development is a Notice of Available Language Access Services, which will also be available for download through the Toolkit. This document is meant to be adapted by local courts.

Date of Last Update: 1/25/2016

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: Partially implemented **Phase 1**

Progress Update: The subcommittee is currently reviewing a draft of the Translation Protocol and the Action Plan for Translation and will work with NCSC to provide feedback. Once finalized and approved by the Judicial Council, these documents will be available to courts online through the Language Access Toolkit.

Date of Last Update: 1/25/2016

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: Partially implemented **Phase 1**

Progress Update: The subcommittee is currently reviewing a draft of the Translation Protocol and the Action Plan for Translation, and will work with NCSC to provide feedback. These documents will recommend criteria for setting translation priorities on a statewide and local court level. Once finalized and approved by the Judicial Council, these documents will be available to courts online through the Language Access Toolkit.

Date of Last Update: 1/25/2016

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

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

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: Partially implemented **Phase 1**

Progress Update: CIAP is continuing in its role regarding the development of quality standards including voting to implement the Farsi Grace Period.

Date of Last Update: 10/5/2015

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: Bob Lowney

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: Partially implemented **Phase 1**

Progress Update: Review of the course outline is to be undertaken in the near future.

Date of Last Update: 1/20/2016

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: Bob Lowney

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: Partially implemented **Phase 1**

Progress Update: A partial list of state providers has been compiled, including Arizona, New Mexico, and Utah. Course content, contact information, and some pricing details are included.

Date of Last Update: 1/19/2016

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: Bob Lowney

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: LAP recommendations were incorporated into the recently revised spoken language interpreter course and will be incorporated into all other education products as appropriate.

Date of Last Update: 10/5/2015

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: Bob Lowney

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: Partially implemented **Phase 1**

Progress Update: Progress on this recommendation is pending the results of the Language Access Plan survey that was released to the trial courts in early January 2016.

Date of Last Update: 1/25/2016

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: Bob Lowney

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: Progress on this recommendation is pending the results of the Language Access Plan survey that was released to the trial courts in early January 2016.

Date of Last Update: 1/20/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

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: Partially implemented

Phase 1

Progress Update: A revised course on spoken language interpreters, including training materials, was launched at the 2015 Witkin Judicial College. This content will be leveraged with other education products, such as videos and bench aids, for experienced judges and court staff. An educational video on the procedures required and best practices recommended for judges appointing interpreters will be sent out to the courts in the near future.

Date of Last Update: 1/22/2016

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: 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: Partially implemented **Phase 1**

Progress Update: Sample bench cards have been developed by NCSC and submitted for review by the Language Access Education and Standards Subcommittee (moving forward, the Education subcommittee is taking the lead on review of the bench cards). Once the language of the bench cards is approved by the Judicial Council, this resource will be available to courts through the Language Access Toolkit.

Date of Last Update: 1/25/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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: The subcommittee has convened a strategy group to help advance the FY 2016-17 BCP re LAP implementation and inform policymakers and stakeholders about its importance. Future BCPs ongoing.

Date of Last Update: 10/15/2015

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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: Partially implemented **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 No. 6. The Judicial Council, in collaboration with trial courts, will continue to improve on data collection. The goal is to continue to collect reliable data that will assist and support funding requests.

Date of Last Update: 1/15/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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 has convened a strategy group to help advance the BCP and inform policymakers and stakeholders about its importance. Future BCPs ongoing.

Date of Last Update: 10/1/2015

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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 has convened a strategy group to help advance the FY 2016-17 BCP re LAP implementation and inform policymakers and stakeholders about its importance. The subcommittee will consider whether to provide written guidance to courts about pursuit of other funding opportunities.

Date of Last Update: 10/16/2015

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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. The NCSC, in consultation with the subcommittee, is developing a comprehensive LAP work plan, including a cost analysis, budget and estimates re full LAP implementation.

Date of Last Update: 10/16/2015

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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, which provides quarterly progress reports regarding the implementation status of the LAP recommendations. The progress reports are available of the Task Force's web page (<http://www.courts.ca.gov/LAP.htm>).

Date of Last Update: 1/15/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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: NCSC is assisting the subcommittee with producing a single complaint form and complaint processes.

Date of Last Update: 10/1/2015

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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: A preliminary draft complaint form and draft process has been developed by NCSC and reviewed by the subcommittee. Revisions are being made for consideration by the subcommittee. The subcommittee will partner with the Professional Standards and Ethics Subcommittee of CIAP, as appropriate, to sync any complaint form and process with CIAP's review of interpreter competency as required by California Rules of Court, Rule 2.891.

Date of Last Update: 1/25/2016

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: On December 31, 2015, the Language Access Toolkit went live on the Language Access section of the California Courts website. The Toolkit currently provides resources for court employees, such as "I-speak" cards to help LEP litigants self-identify and request assistance. The Phase 1 work on the repository is complete, and additional resources will be added as developed in future phases.

Date of Last Update: 1/25/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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: Partially implemented **Phase 1**

Progress Update: The subcommittee developed and sent a short survey to the Courts of Appeal and the Supreme Court. Survey responses will help determine which recommendations of the LAP may be appropriate (with modification) for adoption by the Courts of Appeal and the Supreme Court.

Date of Last Update: 1/15/2016

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

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

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: Partially implemented **Phase 1**

Progress Update: Judicial Council staff has provided interim guidance on good cause, but CIAP’s Language Access subcommittee has not begun its formal review of what “good cause” should be required for any differences between criminal/juvenile and civil matters.

Date of Last Update: 10/16/2015

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

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

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: Partially implemented **Phase 1**

Progress Update: Preliminary work undertaken by CIAP’s Language Access subcommittee on technical changes needed to Rule 2.893. But substantive policy-level review must be undertaken and completed including, for example, whether the good cause required should be different between criminal/juvenile and civil matters.

Date of Last Update: 10/16/2015

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

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

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 next Annual Agenda (for 2016).

Date of Last Update: 10/5/2015
