



JUDICIAL COUNCIL OF CALIFORNIA

LANGUAGE ACCESS PLAN
IMPLEMENTATION TASK FORCE

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LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

MINUTES OF OPEN MEETING

May 6, 2016

12:00 p.m. to 1:00 p.m.

Business Meeting, via Conference Call

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; Ms. Tracy Clark; Hon. Jonathan Conklin; Hon. Janet Gaard; Ms. Ana Maria Garcia; Ms. Janet Hudec; Ms. Joann Lee; Hon. Miguel Márquez; Ms. Ivette Peña; Hon. Jonathan Renner; and Ms. Jeanine Tucker

Advisory Body Members Absent: Hon. Michelle Williams Court, Ms. Susan Marie Gonzalez, Hon. Dennis Hayashi, Ms. Oleksandra Johnson, Mr. Michael Roddy, Dr. Guadalupe Valdés, Mr. José Varela, Hon. Brian Walsh, and Hon. Laurie Zelon

Others Present: Mr. Patrick Ballard, Mr. Douglas Denton, Mr. Mark Dusman, Ms. Linda Foy, Ms. Diana Glick, Ms. Leah Rose-Goodwin, Ms. Bonnie Hough, Ms. Olivia Lawrence, Ms. Cristina Llop, Mr. Bob Lowney, Ms. Anne Marx, Ms. Jenny Phu, Ms. Jacquie Ring, Mr. Victor Rodriguez, and Ms. Elizabeth Tam-Helmuth.

OPEN MEETING

Call to Order and Roll Call

The Task Force Chair, Supreme Court Associate Justice Mariano-Florentino Cuéllar, called the meeting to order at 12:00 p.m. and welcomed everyone to the meeting of the Language Access Plan (LAP) Implementation Task Force (ITF or Task Force), including individuals from the public listening in. Roll was taken.

Approval of Minutes

The Task Force unanimously approved the January 27, 2016 meeting minutes. In addition, those Task Force members who were present at the March 22, 2016 Community Outreach meeting unanimously approved the March 22nd meeting minutes.

POSSIBLE LANGUAGE ACCESS PLAN IMPLEMENTATION PRIORITIES FOR A BUDGET CHANGE PROPOSAL FOR FISCAL YEAR 2017-18 [POSSIBLE ACTION ITEM]

Justice Cuéllar shared that the Governor's proposed budget for 2016-17 includes an additional \$7 million, ongoing, to support interpreter expansion into all civil matters. Additional funding is

still needed for the Task Force to adequately fulfill statewide expansion of language access services.

The process for the Budget Change Proposal (BCP) for Fiscal Year 2017-18 has begun. The LAPITF staff is working with the Task Force subcommittee chairs and lead staff to develop possible draft general concepts for consideration for the BCP. We appreciate all of the input from Task Force members and other stakeholders. Many of those suggestions have gone into the preparation of the draft BCP budget concept document that was sent out to Task Force members this week.

Due to internal deadlines, including submission of our Task Force concepts to the council's Finance Office on May 10, we need to review and discuss the draft concepts for the FY 2017-18 BCP. In the coming months, there will be sufficient time to review and refine whichever FY 2017-18 concepts we decide today to move forward with, and our Task Force staff will work to develop each and every one of these concepts into the full BCP for FY 2017-18 (which, following approval by the Judicial Council in August 2016, is submitted to the Department of Finance in September 2016).

In response to member feedback, Justice Cuéllar identified eight budget concept items and recommended prioritizing them in the following order: (1) a statewide recruitment initiative for qualified bilingual staff and court interpreters; (2) administrative support and non-VRI equipment to help support language access expansion; (3) a training and signage grant program; (4) standards development and training for bilingual staff and court interpreters; (5) video remote interpreting (VRI) pilot implementation and support; (6) form translation and multilingual videos; (7) development and maintenance of a living toolkit; and (8) monies for the Implementation Task Force.

Judge Austin noted that he is impressed with the development of the BCP concepts at the subcommittee and Task Force level. At this time, the Task Force's Budget and LAP Monitoring Subcommittee does not recommend that the Task Force submit a FY 2017-18 request for additional court interpreter monies for the Trial Court Trust Fund (TCTF) Program 0150037 fund (previously identified as Program 45.45 fund), due to the current surplus and the anticipated additional \$7 million funding submitted by the Governor for FY 2016-17. The additional FY 2016-17 funds are to help the courts with interpreter costs due to the ongoing civil expansion. Judge Austin suggested that we wait one year to determine progress in expansion efforts and assess how quickly TCTF Program 0150037 funds are spent. By next year, we can re-evaluate if additional money in the fund is needed.

Each of the possible draft BCP concept items for FY 2017-18 were explained, in order of prioritization, by Judge Austin, Judge Covarrubias and Justice Cuéllar:

1. Statewide Recruitment Initiative for Qualified Bilingual Staff and Court Interpreters.

- Funding is requested for pipeline development of court interpreters and bilingual staff.

- We will develop curriculum and internship programs. Workshops will be conducted for near-passers of certification exams, and for experienced interpreters from other interpreting fields.
- Proposed amount: The Judicial Council requests \$670,000 in funding (\$460,000 in ongoing monies) in fiscal year 2017-18, and an additional \$620,000 (including \$460,000 ongoing) in fiscal year 2018-19.

2. Administrative support and equipment (non-VRI) to help support courts' language access expansion

- This funding would support courts' added costs related to the administration of approximately \$102,768,000 in court interpreter services anticipated for FY 2016-2017 in the TCTF Program 0150037.
- Funding would pay for services such as court interpreter supervision, coordination or scheduling of staff, translation, bilingual pay-differentials, signage, or language access-related equipment.
- Proposed amount: \$4,346,000, of which \$696,000 is one-time, to cover costs for all 58 courts.

3. Training and Signage Grant Program for Trial Courts

- This funding would support training for interpreters on civil cases and remote interpreting, and appropriate signage and way finding throughout the courthouses.
- Interpreter training is a priority, including a potential need to request funding to develop a statewide civil training course for interpreters.
- Proposed amount: \$1.5 million ongoing.

4. Standards and Training for Bilingual Staff and Court Interpreters

- Funding will be used for assessing and training bilingual court staff and court interpreters.
- A contractor will create an online training program for bilingual staff and update the existing online orientation training for existing court interpreters.
- Proposed amount: \$148,500 (approximately \$132,500 in one-time funds and \$16,000 ongoing).

5. Video Remote Interpreting (VRI) Spoken Language Pilot Implementation and Support.

- The funding will support the implementation and evaluation of a VRI pilot project.
- While total funding has not yet been determined, a staffing allocation is necessary for the success of a pilot project.
- Proposed amount: \$347,488 for the establishment of 2.9 FTEs to provide VRI program management and technology support.

6. Form Translation and Multilingual Videos

- Funding will support the translation of forms and notices and the creation of multilingual standardized videos for high volume case types.
- Proposed amount: \$646,675 for FY 2017-18; \$406,450 for FY 2018-19.

7. Development and Maintenance of Language Access Toolkit

- Funding is requested for the development and maintenance of the Language Access Toolkit, including adding sections for the top eight languages in California.
- Proposed amount: The Judicial Council requests \$129,051 in funding; \$24,075 in one-time funding for contractor assistance to build out the site; and \$104,976 in ongoing monies.

8. Implementation Task Force

- Funding would support the efforts of the Task Force, including monies for one or more consultants to assist the Task Force.
- Proposed amount: The Judicial Council is requesting a General Fund augmentation of \$328,000 for fiscal year 2017-18 and fiscal year 2018-19 to support the ongoing efforts of the ITF.

We discussed the need to request separate funding to develop and implement a civil course for court interpreters. (Staff shared that an estimated \$95,000 in one-time funding can be requested to develop curriculum and tools and provide introductory on-site workshops for the current interpreter pool.) Staff will add and include a separate request for funding for this item with the other items to be included in the draft BCP concept package.

Action Taken: Motion and second to accept and approve the eight budget concept items in the order of prioritization for a FY 2017-18 BCP. The Task Force members present were unanimously in favor; none opposed.

(Note: Following this meeting, the eight concepts will be submitted to the Judicial Council Finance Office, before submittal to internal committees for review and approval.)

CLOSING AND ADJOURNMENT

The LAPITF staff will prepare the draft budget concepts and share a list of the revised budget concepts with the Task Force. Over the next several months, we will shepherd the concepts through the Judicial Council's approval process. If Task Force members have any questions about the BCP process, they should feel free to contact the chairs or Judicial Council staff.

There being no further business, the meeting was adjourned at 1:00 p.m.

Approved by the advisory body on [insert date once approved].

Executive Summary

I. Introduction

Following the adoption of the [Strategic Plan for Language Access in the California Courts](#) (LAP) on January 22, 2015, the California Judicial Council and the Language Access Plan Implementation Task Force contracted with the National Center for State Courts (NCSC) to assist with a number of implementation efforts for Phase One of the Language Access Plan’s recommendations. As part of the work conducted, the NCSC prepared a short survey for local California courts to assist in gathering information on current language services provided, trends in local court language needs, types of proceedings or court services with the most need for language services, and any innovative programs, practices, or strategies utilized to meet local language access needs.

Survey questions were designed in collaboration with the Judicial Council staff and with input from the subcommittees of the Implementation Task Force. The final online survey instrument (Attachment 1) was distributed to all 58 superior courts in January 2016, and included thirty-three individual questions grouped into eight different areas that address the goals of the LAP:

- I. Demographics, Funding, and Court Policy
- II. Specific Language Access Services Provided
- III. Interpreter Services and Information Regarding Interpreter Services/Requests
- IV. Language Access Services Provided Outside of Courtroom Proceedings
- V. Translation, Signage, and Other Tools
- VI. Complaint Procedures
- VII. Technology
- VIII. Language Access Education and Standards

A total of fifty of the fifty-eight California superior courts (86%) responded to the survey. Survey participation included small, small/medium, medium, and large courts¹ representing the various regions² of California, including metropolitan and rural areas.

¹ For the purposes of this survey, “court size” correlates to information provided by Judicial Council staff and pertains to the following classifications in accordance with court judgeships: small (2-5 judges); small/medium (6-15 judges); medium (16-47 judges); and large (48 or more judges).

² Regions refer to the four court interpreter collective bargaining regions (see Attachment 2).

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II. Findings and Recommendations

Section I. Demographics, Funding, and Court Policy Questions

Findings:

- ❖ Spanish continues to be the primary language for interpreter requests, with most courts in all regions of the state reporting that Spanish requests make up 75%–100% of all requests.
- ❖ In order to meet the needs of limited English proficient (LEP) court users, courts responded that continued recruitment efforts are needed for Spanish interpreters (thirty-six counties) as well as interpreters in other languages, such as Punjabi (thirteen counties); Tagalog (eleven counties); Hmong (ten counties); American Sign Language (eight counties); Arabic (seven counties); Lao (six counties); and Cantonese (four counties).
- ❖ Two-thirds of responding courts use general funds/trial court budget funds to supplement the Trial Court Trust Fund (TCTF) Program 0150037 Fund (formerly known as Program 45.45 Fund, the statewide fund which reimburses courts for court interpreter services) in order to pay for additional language access expenses.
- ❖ The actual estimates provided by respondents for additional annual funds that will be needed for the various aspects of full expansion varied greatly. Where provided, estimate ranges mapped somewhat to overall court size, with smaller courts indicating estimates that started in the lower ranges and larger courts generally indicating estimates starting in the higher ranges. For example, in response to additional annual funds needed for full expansion of interpreter services, smaller courts reported needing additional funding ranging from \$5,000 to slightly over \$170,000, while larger courts reported needing \$710,000 to 4.2 million, with one court approximating a need of 8.6 million.
- ❖ Several respondents answered “unknown” under the various question categories pertaining to funding, particularly regarding estimates for court-ordered, court-operated programs and full expansion.
- ❖ Courts currently have systems in place for handling language access issues, whether it is a centralized language access office or a dedicated person to serve the needs of LEP court

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users. At this time, duties primarily deal with interpreter requests and interpreter coordination.

Recommendations:

- ❖ Future statewide recruitment efforts for interpreters should focus on Spanish and other languages identified as most in need in the state.
- ❖ Additional statewide funds should be sought by the Judicial Council to support expanded language access services in the courts, including court administrative costs not covered by the TCTF Program 0150037 Fund.
- ❖ To assist courts in estimating costs for expanded language access services, the Judicial Council should provide additional clarifying information regarding the elements that constitute a court-ordered, court-operated program, as well as more detailed information regarding all the elements of full language access expansion under the LAP.
- ❖ Follow-up survey questions pertaining to cost estimates in the courts should be developed as close-ended, quantitative questions so that the Judicial Council can ensure that courts are responding in the same manner.
- ❖ The Judicial Council should identify and recommend a statewide title for the individual or office responsible for language access services in each court (e.g., Language Access Representative or Language Access Office). The title should be inclusive of all language access services (and not just interpreter services and coordination).

Section II. Specific Language Access Services Provided

Findings:

- ❖ Courts have some strategies in place to communicate services to LEP court users, but communication methods tend to be limited and, when available, primarily in Spanish only.
- ❖ Less than half of the respondents reported having multilingual content on their websites. Additional research conducted separately on this issue indicates that multilingual content may

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primarily point to the use of Google Translate and/or links to the current Judicial Council self-help site in Spanish.

- ❖ Over half of the respondents collect some form of data regarding language services provided.

Recommendations:

- ❖ The model notice of available services developed by the Implementation Task Force and approved by the Judicial Council in February 2016, which is being translated into ten languages, should be shared widely with courts when available.
- ❖ Courts should continue to grow the multilingual content on their websites, both in breadth of content, as well as the number of languages with which content is provided. Courts may need guidance regarding appropriate language access-related web content to assist LEP courts users, and to ensure statewide consistency.
- ❖ The Judicial Council should develop statewide efforts that will make data collection easier and more efficient, including the development of templates and/or models for various data pieces that will support language access planning.
- ❖ Data collected should be shared on a regular basis so as to inform statewide activities with regard to recruitment, testing initiatives, and decisions regarding translation and the creation of multilingual videos and content.

Section III. Interpreter Services and Information Regarding Interpreter Services/Requests

Findings:

- ❖ Almost half of the respondents reported providing interpreters in all civil case types. However, in some responses, courts stated that they covered all or many civil case types, but then qualified those statements with additional details indicating that this was only done when interpreters were available, if the cases were in Spanish, or if the judicial officer requested an interpreter.

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- ❖ Courts rely greatly on verbal communication to provide information about language access services to LEP court users, and they appear to focus on those court locations with high contact such as clerk’s offices, self-help centers, and courtrooms.
- ❖ Almost 60% of respondents do not have a local form to request an interpreter.

Recommendations:

- ❖ Follow-up surveys and/or standardized reporting templates should be designed with close-ended questions to help courts respond and indicate their current interpreter provision for specific case types and services, and to identify all languages for which services are provided.
- ❖ For verbal communication efforts, courts should ensure that bilingual individuals with the requisite skills are used in court locations with high contact with LEP court users.
- ❖ Communication efforts regarding a court’s available language access services should incorporate other mechanisms beyond reliability on verbal communication by select court staff. Other methods should include written information, signage, and multilingual videos.
- ❖ The recently-adopted Judicial Council model form, “Request for Interpreter (Civil)” (form INT-300, effective July 1, 2016) should be adopted by those courts that do not have an existing form or wish to replace their existing form.

Section IV. Language Access Services Provided Outside of Courtroom Proceedings

Findings:

- ❖ Responding courts indicated that language services are being provided in out-of-courtroom locations, primarily through bilingual staff, interpreters when available, and telephonic interpreting services.
- ❖ Some respondents indicated that language services in settings outside of the courtroom were largely provided in Spanish. Most respondents did not specify what languages were provided.

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- ❖ A large majority of courts reported American Sign Language (ASL) services in place for deaf or hard of hearing court users.
- ❖ Larger courts and courts in metropolitan areas reported providing more linguistically accessible resources when ordering or referring LEP court users to outside programs, while smaller courts and courts located in rural areas reported having fewer available resources in their courts' communities.

Recommendations:

- ❖ The Judicial Council and courts should continue to collect data regarding specific services provided outside the courtroom and the languages requested for these services to assist with decisions pertaining to the recruitment of bilingual staff and other language access providers.
- ❖ Courts should look to the consistent statewide use of the Americans with Disabilities Act (ADA) Coordinator as a contact person for requesting services for deaf or hard of hearing individuals (and other court users with disabilities) as a model to follow when instituting designated language access staff and/or offices.
- ❖ To ensure that LEP court users are referred to linguistically accessible programs, courts should collaborate with justice partners. The Judicial Council can encourage such collaboration by highlighting sample successful partnerships that ensure the provision of linguistically accessible resources and share these models with courts statewide.

Section V. Translations, Signage and Other Tools

Findings:

- ❖ Over half of all responding courts report having local forms translated, with most courts reporting that translations are available upon request and some courts reporting that translations are provided online.
- ❖ The translations offered appear to be primarily in Spanish.

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- ❖ In a few instances, translations available in languages other than Spanish (OTS) include languages that are not listed in the top ten languages statewide, such as Armenian, Lao, and Thai, which is likely representative of demographic needs at the local level.
- ❖ Courts do not report a wide use of multilingual DVDs, online videos, or other audio-visual tools, and for those that do, the language options are limited.
- ❖ Courts appear to be using multilingual signage primarily at the clerk's office, self-help centers, and courthouse entrances.

Recommendations:

- ❖ The Judicial Council should assist courts with the development of translated web content and translated information for statewide use.
- ❖ The Judicial Council should continue to add content to the Language Access Toolkit developed by the Implementation Task Force, and share all information with courts statewide.
- ❖ The Judicial Council should continue to research and develop other technological approaches to assist LEP court users, such as multilingual videos or other audio-visual tools, and document assembly programs.

Section VI. Complaint Procedures

Findings:

- ❖ Only 20% of respondents have a complaint process for language access-related issues.
- ❖ For those with complaint forms, very few have the forms translated into other languages.

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Recommendations:

- ❖ The Judicial Council should continue to move forward with the preparation of a single model complaint form and model complaint procedures to be provided to courts statewide for their adaptation and use at the local level. The model form to be created by the Implementation Task Force, and to be translated into ten languages, should greatly assist courts with monitoring their local provision of language access services.
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Section VII. Technology Questions

Findings:

- ❖ The majority of courts use telephonic interpreting for courtroom and non-courtroom events, and some courts use telephonic interpreting for bilingual (non-interpreting) assistance at various points of contact.
- ❖ While courts have adopted the use of the telephone for remote interpreting for certain situations, the use of video remote interpreting (VRI) is largely non-existent outside of its use for ASL.
- ❖ Document assembly programs currently play a very minimal role in the provision of language access.

Recommendations:

- ❖ The Judicial Council and Implementation Task Force should use results from the future pilot of VRI to assist courts with making decisions regarding appropriate use of remote interpreting.
 - ❖ The Judicial Council should continue to develop English and translated document assembly programs for various case types and processes.
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VIII. Language Access Education and Standards

Findings:

- ❖ A small percentage of courts provide language access training to new staff or judicial officers, and an even fewer number report making such training mandatory for any staff.
- ❖ Few courts also report having training provided on a regular basis (at least yearly) and only a handful of courts offer convenient online tools for training.

Recommendations:

- ❖ The Judicial Council should develop statewide training resources that could be adapted to reflect local processes, policies and needs.
- ❖ All court staff and judicial officers should have access to basic language access training, with detailed trainings offered to court staff at critical points of contact with LEP court users. The Language Access Toolkit is likely the appropriate statewide repository for language access education resources.
- ❖ Judicial branch training should be available in a number of formats, including in-person and online.

III. Conclusion

California superior courts are providing a wide range of language access services, and they are making strides in fulfilling the seventy-five recommendations of the *Strategic Plan for Language Access in the California Courts*. Many courts are moving forward with efforts to expand court interpreters to cover all case types, with expansion occurring at varying rates. Continued statewide support through additional funding and statewide recruitment efforts of language services providers should greatly assist the courts in their efforts.

As with the expansion of interpreter services, courts would benefit from additional statewide tools and language-access related initiatives. The development and deployment at a statewide level of translated

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forms, translated web content, multilingual videos, and signage should increase language access assistance statewide. Additionally, information gathered from a statewide pilot of VRI will inform future decisions regarding video remote interpreting.

Finally, as expansion efforts continue to move forward and the Implementation Task Force and Judicial Council continue to fulfill the recommendations outlined in the LAP, education and training for court staff on policies, procedures and service delivery will be essential. The statewide development and delivery of standardized training that can be customized at the local level will support the courts in ensuring that court staff understand the various responsibilities of the LAP and that implementation at the local level is carried out in accordance with recommended policies. Together with robust complaint and monitoring mechanisms, these practices will advance effective language access expansion throughout the state.

Survey of California Superior Courts - Language Access Services

The National Center for State Courts (NCSC), in collaboration with the Judicial Council's Language Access Implementation Task Force (ITF), is conducting this survey to learn more about existing language access needs, as well as language access services currently provided in the California superior courts. We anticipate that your responses will also support efforts to seek additional funding for expanded language access services statewide.

The survey should take roughly 45 minutes to complete. A PDF version of all survey questions has also been included as an attachment.

Please complete this survey by February 15, 2016. Survey results will be transmitted directly to NCSC for analysis and a summary of findings and trends will be provided to the Judicial Council and the ITF. Your individual responses will be confidential. None of the summary findings reported will be directly attributable to any court.

Thank you in advance for your participation.

Survey of California Superior Courts - Language Access Services

I. Demographics, Funding, and Court Policy Questions

1. The languages below represent the ten most interpreted spoken languages statewide, as reported in the 2015 Language Need and Interpreter Use Study. Please mark the percentage of requests for interpreter services in each language in your court on an annual basis. If other languages are represented in the top ten languages in your court, please specify in the lines marked "other" below.

	More than 75%	50% - 75%	25% - 50%	Less than 25%
Spanish	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vietnamese	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Korean	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mandarin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Farsi	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cantonese	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Russian	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tagalog	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Arabic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Punjabi	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify):

2. Has your court experienced a change in language access requests (e.g. increase or decrease in interpreter requests; significant change in languages for which interpreters are requested; change in types of language services requested) over the last five years?

Yes

No

2a. If yes, please explain the nature of the change(s):

3. In what languages does your court have the greatest need for the recruitment of new certified and registered interpreters?

4. Does your court use funds in addition to Program 45.45 (court interpreter funds) to provide language access services (for example, funding for translations, interpreter or language service coordination, bilingual pay differential for staff, multilingual signage, or funds for language access-related equipment or technology)?

- Yes
- No
- Not Sure

4a. If yes, what is the source of those funds?

4b. If yes, approximately how much did your court spend in addition to 45.45 funds on language access services (including translations, interpreter or language service coordination, multilingual signage, or for language access – related equipment or technology) during the following timeframes:

FY 2013 – 2014 (prior to the enactment of AB 1657/Evidence Code § 756)

FY 2014 – 2015 (includes the 6 months following the enactment of AB 1657/Evidence Code § 756)

Survey of California Superior Courts - Language Access Services

5. Provide your best estimate of additional resources or funding your court will need on an annual (FY) basis for the following:

For full expansion of interpreter services in accordance with Evidence Code § 756:

For interpreters at all court-ordered, court-operated programs (other than courtroom proceedings):

For other language access expenses (including translations, interpreter or language service coordination, multilingual signage, or language access-related equipment or technology):

6. Please rank the areas in which your court will need additional funding for LEP services in FY2016-2017 and thereafter, on a scale of 1-11, with "1" indicating the greatest need for funding. [Rank as many areas as appropriate]:

<input type="text"/>	Early identification of LEP court users
<input type="text"/>	Data collection and cost reporting
<input type="text"/>	Coordination of language access services with justice partners
<input type="text"/>	Program 45.45 funding (civil expansion)
<input type="text"/>	Technological solutions (including remote technology equipment)
<input type="text"/>	Training
<input type="text"/>	Signage throughout the courthouse
<input type="text"/>	Translation of documents
<input type="text"/>	Web page resources
<input type="text"/>	Recruitment efforts: additional bilingual staff
<input type="text"/>	Recruitment efforts: additional court interpreters
<input type="text"/>	Other 1: (please describe below)
<input type="text"/>	Other 2: (please describe below)
<input type="text"/>	Other 3: (please describe below)

6a. If your court needs additional funding for LEP services not identified in the list above, please specify below:

Other 1:	<input type="text"/>
Other 2:	<input type="text"/>
Other 3:	<input type="text"/>

7. Does your court have a dedicated or centralized office that oversees its language access services?

- Yes
- No
- Planned

7a. If yes, please provide the name of the office:

7b. If your court does not have a dedicated or centralized office that oversees its language access services, is there an employee who provides this service?

- Yes
- No

7c. If yes, please provide the official title of the employee:

7d. What percentage of this employee's time is dedicated to overseeing the court's language access services?

- 1%-25%
- 26%-50%
- 51%-75%
- 76%-100%
- Not sure

7e. What are the responsibilities of this office or person?: [Select all that apply]

- Handles interpreter requests
- Handles requests for other language assistance services (bilingual staff, interpreters outside courtroom, translation, etc.)
- Provides information on the court's language access services to the public
- Distributes translated materials
- Provides information on the court's language access policy to the public
- Provides information on the court's language access policy to court staff and judicial officers
- Posts relevant materials on the court's website
- Trains court staff on the court's language access policy
- Serves as the contact person for justice partners, attorneys, and other providers with regard to accessing the court's language access services
- Serves as an interpreter coordinator
- Other (please specify):

Survey of California Superior Courts - Language Access Services

II. Specific Language Access Services Provided

8. Does your court post notices of available language access services for court users (for example, on the court's website or as signs or other displays)?

Yes

No

8a. If yes, are the notices:

Translated into other languages (if so, please indicate languages below)

Available on the court's website

Posted at the courthouse entrance

Posted at all points of contact with the public (e.g. clerk's offices, self-help centers, courtrooms, ADR department, jury office, etc.)

Languages:

9. Does your court provide (as handouts) notices of available language access services for court users?

Yes

No

9a. If yes, are the notices:

Translated into other languages (if so, please indicate languages below)

Available on the court's website

Available at the courthouse entrance

Available at all points of contact with the public (e.g. clerk's offices, self-help centers, courtrooms, ADR department, jury office, etc.)

Automatically provided by court clerks or other court staff upon the filing of pleadings or other requests for information

Languages:

9b. If you have a notice posted regarding your court's interpreter and/or other language access services or a handout provided to LEP users, please submit an electronic copy, if possible, to Jacquie Ring at jring@ncsc.org.

10. Do you provide multilingual information on your court's website?

Yes

No

10a. If yes, please provide URL(s):

11. Does your court collect data regarding the number of LEP individuals who seek language assistance?

Yes

No

Survey of California Superior Courts - Language Access Services

III. Interpreter Services and Information Regarding Interpreter Services/Requests

12. Please provide examples of non-criminal case types (e.g., unlawful detainer, civil harassment, actions to terminate parental rights, guardianship matters) in which you provide court interpreters to court users with Limited English Proficiency at no cost for in-courtroom proceedings:

13. Please identify the points of contact at which LEP court users are informed of the court's available interpreter services, and how they are informed, if applicable: [Select all that apply]

- Language Access Office or Designated Staff
- Clerk's Office through a multilingual sign
- Clerk's Office through an English sign
- Clerk's Office through a verbal statement by the clerk
- Clerk's Office through a multilingual handout
- Clerk's Office through an English handout
- Courtrooms through a multilingual sign
- Courtrooms through an English sign
- Courtrooms through a verbal statement by the clerk
- Courtrooms through a verbal statement by the judicial officer
- Courtrooms through a multilingual handout
- Courtrooms through an English handout
- Self-Help Center or Family Law Facilitator through a multilingual sign
- Self-Help Center or Family Law Facilitator through an English sign
- Self-Help Center or Family Law Facilitator through a verbal statement by staff
- Self-Help Center or Family Law Facilitator through a multilingual handout
- Self-Help Center or Family Law Facilitator through an English handout
- Court website (please specify URLs below)
- Other (please specify):

13a. If provided online, please specify URL(s):

14. Please identify the points of contact at which LEP court users are informed of the court's procedure for requesting an interpreter, and how they are informed, if applicable: [Select all that apply]

- Language Access Office or Designated Staff
- Clerk's Office through a multilingual sign
- Clerk's Office through an English sign
- Clerk's Office through a verbal statement by the clerk
- Clerk's Office through a multilingual handout
- Clerk's office through an English handout
- Courtrooms through a multilingual sign
- Courtrooms through an English sign
- Courtrooms through a verbal statement by the clerk
- Courtrooms through a verbal statement by the judicial officer
- Courtrooms through a multilingual handout
- Courtrooms through an English handout
- Self-Help Center or Family Law Facilitator through a multilingual sign
- Self-Help Center or Family Law Facilitator through an English sign
- Self-Help Center or Family Law Facilitator through a verbal statement by staff
- Self-Help Center or Family Law Facilitator through a multilingual handout
- Self-Help Center or Family Law Facilitator through an English handout
- Court website (please specify URLs below)
- Other (please specify):

14a. If provided online, please specify URL(s):

15. Does your court have a local form that court users can utilize when requesting an interpreter?

- Yes
- No

15a. If your court has a local form, is it translated?

Yes

No

15b. If yes, please list the languages into which the form is translated:

Survey of California Superior Courts - Language Access Services

IV. Language Access Services Provided Outside of Courtroom Proceedings

16. Please provide examples of out-of-courtroom court locations or programs (e.g., clerk's office, self-help center, family court services mediation, jury office) in which you provide interpreter or other language access services at no cost to court users with Limited English Proficiency.

17. Please indicate what American Sign Language (ASL) resources are available at your court: [Select all that apply]

- Staff who can communicate using ASL
- Ability to request ASL assistance at all points of contact
- ADA Coordinator available to all points of contact
- Notice of available ASL services
- Other (please specify):

18. Please indicate your court's ability to take into consideration the availability of linguistically accessible services and programs in issuing orders for LEP persons to participate in outside programs, such as parenting education, anger management, counseling, etc.: [Select all that apply]

- The court has a list of linguistically competent service providers to whom LEP parties are referred, which is made available to all relevant court staff and LEP users.
- The court only or primarily enters into contracts with providers with language access capabilities.
- The resources in the court's communities are limited in their ability to provide linguistically accessible services.
- Other (please specify):

Survey of California Superior Courts - Language Access Services

V. Translations, Signage and Other Tools

19. Does your court have translated informational materials available to the public, other than those provided by the Judicial Council?

Yes

No

19a. If yes, please indicate below how these materials are made available:

On the website

At all points of contact with the public

Upon request by an LEP court user

Other (please specify):

19b. If materials are online, please provide URL(s):

19c. If yes, what are the top languages into which materials are translated?

Spanish

Vietnamese

Korean

Mandarin

Farsi

Cantonese

Russian

Tagalog

Arabic

Punjabi

Other (please specify):

20. Does your court use DVDs, online videos, or other audio-visual tools in languages other than English to inform LEP users about court programs, services, or other relevant information?

Yes

No

20a. If yes, please specify the languages:

Spanish

Vietnamese

Korean

Mandarin

Farsi

Cantonese

Russian

Tagalog

Arabic

Punjabi

Other (please specify):

20b. If provided online, please specify URL(s):

21. Please provide examples of multilingual signage at your court (e.g., courthouse entrance, clerk's office, self-help centers, courtrooms, jury office):

22. Please indicate any other tools your court uses for the provision of language access services to LEP court users: [Select all that apply]

- I-speak cards at relevant points of contact in the court
- Glossaries of legal terms in various languages
- Translated web pages
- Machine translation programs, such as Google Translate or Microsoft Translator
- Online document assembly programs in other languages
- Other (please specify):

Survey of California Superior Courts - Language Access Services

VI. Complaint Procedures

23. Has your court developed a complaint procedure for filing complaints about interpreter services and/or other language access services?

Yes

No

23a. If yes, please indicate the areas covered in the complaint process: [Select all that apply]

Failure to provide an interpreter or other language access service

Quality of interpretation

Quality of assistance provided by bilingual staff person

Quality of court-provided translations

General language accessibility of court services

24. Does your court have a complaint form?

Yes

No

24a. If yes, please specify languages into which these forms have been translated:

- Spanish
- Vietnamese
- Korean
- Mandarin
- Farsi
- Cantonese
- Russian
- Tagalog
- Arabic
- Punjabi
- Other (please specify):

24b. If it is available online, please provide URL:

Survey of California Superior Courts - Language Access Services

VII. Technology Questions

25. Please indicate whether your court is currently using any of the following technologies to provide language access: [Select all that apply]

- Video remote interpreting (VRI) for spoken language interpreted courtroom proceedings
- Video remote interpreting (VRI) for non-courtroom proceedings (e.g. mediation, general courtroom announcements, self-help center or other assistance at public points of contact)
- Video remote assistance by bilingual staff outside the courtroom
- Telephonic interpreting for courtroom proceedings
- Telephonic interpreting for non-courtroom proceedings
- Telephonic assistance from bilingual staff at other locations
- Electronic Document Assembly programs in other languages
- Other (please specify):

26. If your court is using video remote interpreting, for what 3 case types is it most often used?

1.

2.

3.

N/A, not using VRI

27. If your court is using video remote interpreting (VRI), for what languages is it most often used?

N/A - Not using VRI

Spanish

Vietnamese

Korean

Mandarin

Farsi

Cantonese

Russian

Tagalog

Arabic

Punjabi

Other (please specify):

Survey of California Superior Courts - Language Access Services

VIII. Language Access Education and Standards

28. Please check all that apply with regard to your court's language access training and education efforts.

FOR COURT STAFF

	Yes	No	Planned	Unsure
Language access training is provided to all new staff.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training is mandatory for all existing staff.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training is offered at least once a year.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training is offered online or in a format that allows individuals to take it whenever needed or convenient.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes the judicial branch's language access policies and procedures, such as the Strategic Plan for Language Access in the California Courts, relevant California Rules of Court, your court's local LEP Plan, etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes information regarding the various types of language access services available.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes information on how to best work with LEP court users.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes information on how to work with an interpreter.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes a review of strategies for managing a courtroom when LEP court users are participants.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes cultural competence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

29. FOR JUDICIAL OFFICERS

	Yes	No	Planned	Unsure
Language access training is provided to all new judicial officers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training is mandatory for all existing judicial officers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training is offered at least once a year.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training is offered online or in a format that allows individuals to take it whenever needed or convenient.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes the judicial branch's language access policies and procedures, such as the Strategic Plan for Language Access in the California Courts, relevant California Rules of Court, your court's local LEP Plan, etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes information regarding the various types of language access services available.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes information on how to best work with LEP court users.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes information on how to work with an interpreter.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes a review of strategies for managing a courtroom when LEP court users are participants.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Language access training includes cultural competence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

30. Do you have a training curriculum or materials you could share with the Judicial Council?

- Yes
- No

31. What would be most helpful for your court to train court staff and judicial officers on language access policies, working with LEP users, language access services and cultural competence: [Select all that apply]

- Online courses developed in part or fully by the Judicial Council
- Online courses developed by your local court
- In-person courses with curriculum provided by the Judicial Council
- In-person courses with curriculum developed locally by the court
- Mandatory training for all staff and judicial officers
- Other (please specify):

32. Please fill out the following:

Date:

Name:

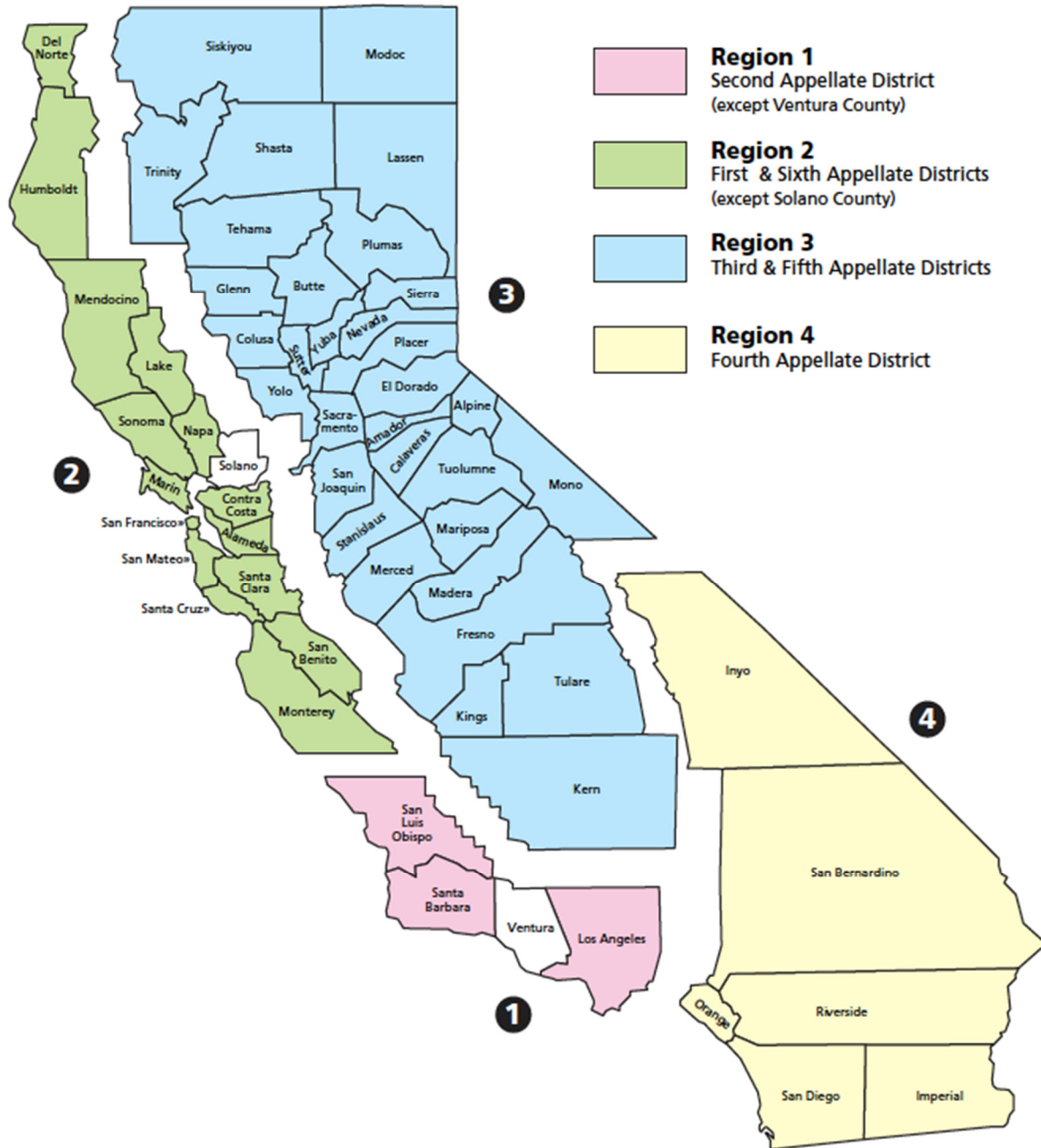
Title:

Courthouse:

Contact Information:

* 33. County / Region:

California Court Interpreter Collective Bargaining Regions
Attachment 2



Draft LAP Products for Language Access Plan Implementation Task Force to Review and Approve at its May 20, 2016 Meeting

Tab Description

1. Translation Protocol
(Reviewed by Translation, Signage and Tools for Courts Subcommittee)
2. Translation Material Action Plan
(Reviewed by Translation, Signage and Tools for Courts Subcommittee)
3. Benchcard: Working with Interpreters in the Courtroom
(Reviewed by Language Access Education and Standards Subcommittee, CJER Judicial Workgroup, and Translation, Signage and Tools for Courts Subcommittee)
4. Bench Guide Outline
(Reviewed by Language Access Education and Standards Subcommittee and CJER Judicial Workgroup)
5. Training Curricula Outlines: Judicial Officers and Court Staff
(Reviewed by Language Access Education and Standards Subcommittee and CJER Judicial Workgroup; staff curriculum to also be reviewed by CJER Staff Workgroup)
6. Development Plan for Remaining Materials
(Reviewed by Language Access Education and Standards Subcommittee, and Translation, Signage and Tools for Courts Subcommittee)

Translation Protocol

Judicial Council of California

The Judicial Council of California is the policymaking body of the California judicial branch. It is responsible for the provision of statewide judicial branch information in a manner that ensures meaningful access to the information for all Californians. The Council is responsible for the development and online publication of Judicial Council forms, the [California Courts](#) website and all of its content, statewide informational publications, and other written and audiovisual resources of statewide applicability.

The Council is committed to providing quality language access services to limited English proficient (LEP) individuals in California, including the translation of statewide materials into the languages most commonly spoken in the state. This Translation Protocol sets forth comprehensive policies and procedures regarding the identification of resources for translation, languages into which designated information will be translated, quality standards for translations, translation processes, and the availability and dissemination of translated materials.

This Translation Protocol addresses the following:

- I. [Policy Guidelines and Directives](#)
- II. [Identification of Documents for Translation](#)
- III. [Determination of Languages for Translation](#)
- IV. [Qualifications of Translation Providers](#)
- V. [Consideration of Translation Costs](#)
- VI. [Machine Translation](#)
- VII. [Translation Glossaries](#)
- VIII. [The Translation Process](#)
- IX. [Posting and Dissemination of Translated Materials](#)
- X. [Contact Information for Translation Requests and Issues](#)
- XI. [Appendices](#)

Policy Guidelines and Directives

The [Strategic Plan for Language Access in the California Courts](#) (LAP) requires, under Recommendation #36, that the Judicial Council “develop and formalize a translation protocol for Judicial Council translations of forms, written materials and audiovisual

tools.”¹ The same recommendation discusses the inclusion in the protocol of required qualifications for translators, the prioritization and coordination of the materials to be translated, and oversight of any translation efforts.

Once the protocol is established, the LAP encourages individual courts to establish similar procedures for the development and translation of local forms, as well as written and audiovisual materials (including web-based information). Other recommendations in the LAP address the posting of Judicial Council translated materials for the public, as well as the creation of samples and templates of informational materials to share with local courts for their adaptation to meet local needs and resources.

In accordance with the Language Access Plan as well as existing federal guidelines and best practices, this Translation Protocol is predicated on the following policy determinations:

1. The Judicial Council will establish a standing Translation Advisory Committee in charge of administering this Translation Protocol and all translation processes and quality-assurance mechanisms established herein. This committee will be charged with implementing a standardized translation process for all Judicial Council translations, including providing oversight of translation requests from local courts, Judicial Council departments, and the public. The Translation Advisory Committee will also be in charge of the continued monitoring, maintenance, and updating of existing translations.
2. Every translation service provider contracting with the Judicial Council must meet minimum qualification requirements as established in the Translation Protocol.
3. Statewide standardization of forms, informational and educational materials, and other tools to increase access is central to the cost-efficient deployment of translation resources. Creating statewide translations that can be adapted by local courts with no or minimal cost will reduce costs at the local level while ensuring that translation initiatives are successful in providing access to court users throughout California.

¹ While not written documents, audio or video information, resources, and instructions are based on written scripts, which themselves must be translated. As encouraged in the LAP and this Translation Protocol, alternative ways of delivering educational information to the public, especially to low literacy populations and speakers of languages that do not have a written component, are key for successful language access strategies. Therefore, for purposes of this Translation Protocol, the term “documents” and “written materials” includes written content that may be delivered through audiovisual means, not just in printed or text form. It is also intended to include signage at the various Judicial Council locations.

4. The prioritization of translations must be based on a number of factors as delineated in the Translation Protocol, including need, frequency of use, and usability of the document by its intended user. Plain language documents addressing high-volume case types and processes will be prioritized.
5. Steps taken in the prioritization process will identify “vital documents” as defined under federal and LAP guidelines and should address the most effective manner (from the LEP user’s perspective) of delivering the information in other languages. While full translation of a vital document may often be appropriate, the translation assessment process will include usability and other factors to determine if other strategies for delivering the information to LEP users are more appropriate.
6. While the LAP recommends that translation efforts target up to 5 languages other than English,² Judicial Council translations of materials with statewide applicability should target as many languages as feasible, with at minimum enough languages to address the top 5 languages in every jurisdiction in the state. The determination of the number of languages into which a particular document will be translated must include an analysis of factors such as criticality of the document, frequency of use (including use by particular LEP populations), statewide applicability of the information, and others as laid out in the Translation Protocol.
7. Standardized multilingual glossaries are critical to ensuring consistent and high-quality translations. Glossaries should be available not only in all languages for which translations are provided, but also for those languages for which translation resources do not yet permit full document translation. The Translation Advisory Committee will establish mechanisms for obtaining input on glossary terms from language experts such as translators, court interpreters and other experienced linguists.
8. Automatic machine translation programs should not be used as the sole mechanism for translating Judicial Council information and materials. When their use is determined to provide adequate language access where none would otherwise be available, clear disclaimer language must be provided to users to alert them about the lack of quality control with machine translation. These disclaimer messages must be in the user’s primary language, translated by qualified translation providers.

² See definition of “Language threshold,” at LAP, p. 27.

Identification of Documents for Translation

The Judicial Council has a significant volume of written information and resources it provides to court users and legal professionals, primarily via the [California Courts](http://www.courts.ca.gov/)³ website. The information provided to the public varies significantly, not only with regard to the intended audience for the documents (such as lawyers, litigants, jurors, court staff, judicial officers, etc.), but also subject matter, scope, and intent of the information provided (e.g., educational, historical, instructional, etc.).

Because the goal of this Translation Protocol is to establish a process for ensuring that LEP court users have meaningful access to the California judicial branch, the protocol focuses on those vital documents⁴ regularly encountered by LEP persons accessing Judicial Council information. In particular, this protocol primarily addresses:⁵

- [Judicial Council forms](#);
- The [California Courts Online Self-Help Center](#) and all its informational, instructional and educational written and audiovisual content; and
- Judicial Council educational or outreach communications intended at informing the public of their legal rights and obligations, language access services, and language access complaints.

The Translation Advisory Committee will, at all times, have the responsibility of ensuring that the list of possible written resources to translate is updated regularly to include any additional vital documents under the purview of the Judicial Council that should be considered for translation.

Determination of Vital Documents – Factors to Consider

There are several factors that should be taken into consideration when determining if a particular document or other tool is vital for the purposes of translation:

- The criticality of a document to a particular process (e.g., a summons, which is used when initiating a case and to inform the parties of the commencement of the action and their rights and responsibilities);

³ At <http://www.courts.ca.gov/>.

⁴ See Appendix A for DOJ and other guidance regarding what constitutes a “vital” document.

⁵ Because the Judicial Council itself is not involved in individual cases filed with the courts of the state, this protocol does not address translation issues related to individual case-specific documents.

- The criticality of the information provided to an LEP court user's access to the court system (e.g., information about availability of self-help services, legal relief, court locations, language services available, etc.);
- The criticality of a document from an informational or educational perspective (e.g., instructions to complete a critical form; instructions for complying with a court order);
- The overall frequency of use of a document by all litigants, either because the document is common to all or many case types (e.g., fee waiver forms, which are common to all civil cases and used by a significant number of litigants) or because it is a required document for all filings in a particularly common case type (e.g., petition for divorce/legal separation/nullity, which is a required first step in all divorce filings).
- The frequency of use by self-represented litigants given that, without a lawyer, LEP self-represented litigants face additional obstacles to obtaining access to the court system;
- The frequency of use by LEP litigants in particular, such as in cases that regularly require interpreters (e.g., Special Immigrant Juvenile Status petitions);
- The practicality of translating a form or document that may be, in its original English format, not accessible from a readability perspective or would, when translated, be inaccessible from the perspective of a particular LEP group;
- The intent and effect of the document. Possible questions to consider include:
 - Does the document help court users address safety concerns, such as protection from abuse, harm to a child, or protection for victims or vulnerable adults?
 - Does that document include information regarding possible loss of liberty (incarceration)?
 - Does the document address matters involving children (e.g., paternity, custody and parenting time; removal from home)?
 - Does the document address possible loss of real or personal property (eviction) or loss of a license or other benefit?
- The consistency or longevity of the document—will the document remain consistent for a considerable amount of time? If not, can translation of updates be done in ways that minimize expense?

Given limited resources and the significant expense of translation efforts, it is important to prioritize the translations to be undertaken, in order to ensure that those documents that are most in demand and will be most useful to the LEP population are addressed first. Before significant resources are invested in translation work, the Translation

Advisory Committee should develop a priority ranking of documents for translation (possibly through a translation rubric or other tool), based on the factors discussed.

In addition to utilizing the factors above to assess if a document is “vital” for purposes of translation, DOJ guidance specifically cites the following as vital documents:

- Educational or outreach communications intended to inform the public of their legal rights and obligations,
- Information regarding language access services,
- Language access complaints,
- Written notices of rights and responsibilities,
- Letters that require the LEP person to respond, and
- Information delivered on court websites.

To the extent Judicial Council forms include the type of information and notices addressed in this specific DOJ guidance, they may be considered to be vital documents for purposes of translation. An effective strategy already utilized by the Judicial Council on a number of its forms is to target particularly critical documents that contain important warnings to parties regarding their rights and obligations (e.g., a summons), and translate them in a bilingual format (English and the other language side by side, or one above the other). In the example of the summons, this bilingual format ensures that upon service of the summons, LEP users are immediately informed that the action filed can affect their legal rights and obligations. Existing examples of these strategies are the *Summons – Family Law* ([Form FL-110](#)) and *Summons* ([Form SUM-100](#)).

In certain instances, a document may contain vital information but not be considered vital in its totality, or it may simply be too large to translate entirely. In those situations, it may be more cost-efficient and effective to only translate the critical information, as contemplated by DOJ Guidance. It may also prove more effective to produce shorter texts with the critical information and have those translated.⁶ Other strategies to address the provision of critical notices in additional languages or to warn litigants of the importance of a document, as well as the inclusion of notices and locations of available translations, should be explored to expand the accessibility of vital materials in as many languages as feasible.

⁶ For example, the California LAP, which though highly relevant to LEP court users, is over 100 pages. In this situation, the Judicial Council translated only the Executive Summary into the top 10 languages spoken in the state. See Appendix A for a more in-depth discussion of DOJ Guidance in this respect.

Once the initial identification and assessment of documents for translation are completed, the Translation Advisory Committee will create a plan to phase in additional documents and languages over time, especially as new materials are developed. Any additional documents targeted for translation should undergo the evaluation process regarding criticality and appropriateness of translation as set forth in this protocol.

Tools for Reaching Low Literacy Populations or Speakers of Oral Languages

As acknowledged in the Language Access Plan and elsewhere in this protocol, the development of translated materials is not limited to content delivered in printed or written form. In efforts to reach all Californians, including low literacy English speakers, low literacy LEP persons, and speakers of languages with no written component, it is critical that alternative methods of delivering information be instituted. Short, simple, and user-friendly video and audio recordings must be included in all translation efforts as the Judicial Council, in accordance with LAP Recommendation #18, continues its efforts to create standardized videos for court users.

Some strategies utilized by the Judicial Council to provide multilingual information in non-written form range from the simple audio recording of the reading of critical Judicial Council information forms⁷ to more in-depth videos on the mediation process in various case types.⁸ Local courts have developed audiovisual PowerPoint presentations to assist litigants with completing Judicial Council forms, as well as extensive tutorials and orientation videos.⁹ To the extent feasible, the Judicial Council should continue to employ these methods and coordinate with courts already working on these tools, to provide standardized information for statewide use and easily adaptable by all courts. Whenever these tools are developed in plain English, they should be designated for translation and undergo the translation process as delineated in this protocol. Additionally, for videos and other audiovisual information, translation initiatives should incorporate sign language interpreters on the screen to interpret the narration to deaf and hard of hearing viewers. Any interpreters used for this purpose should be certified by the Judicial Council and qualified to interpret the material in question.¹⁰

⁷ See available recordings of domestic violence information forms at <http://www.courts.ca.gov/1271.htm#acc15131> and Spanish at <http://www.courts.ca.gov/1271.htm#acc15131?rdeLocaleAttr=es>.

⁸ AT <http://www.courts.ca.gov/20614.htm>.

⁹ Contra Costa Superior Court's Virtual Self-Help Center has these tools and more. See for e.g., <http://basic.cc-courthelp.org/index.cfm?fuseaction=Page.viewPage&pageId=3138&parentID=2999&stopRedirect=1>

¹⁰ Best practices in the production of videos for use by the general public, including any special considerations for the use of non-spoken language professionals, should be followed.

Determination of Languages for Translation

Once written and audiovisual tools are identified for translation, the Judicial Council must determine the languages into which materials should be translated. The LAP addresses the language threshold for translations as “[i]n 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.”¹¹

In the case of the Judicial Council, which provides materials and forms for statewide use, the languages for translations should, at minimum, include the top 5 languages other than English spoken in every county in the state, which in practicality may mean translating beyond the top 5 languages other than English statewide. The *Language Need and Interpreter Use Study*,¹² carried out by the Judicial Council every 5 years, can provide the demographic information needed to determine the languages that meet an established threshold for translation. In addition, efforts undertaken by the Judicial Council, in response to LAP recommendations addressing expansion of data sources to more accurately identify changing language needs throughout the state,¹³ will provide the Translation Advisory Committee information regarding emerging trends to determine if the languages delineated for translation should be updated and modified with more frequency than the five-year period in between language need and interpreter use studies.

These language threshold numbers are minimum requirements only; it is the intent of this protocol that, whenever possible, as many languages as practicable be included, particularly for critical documents and information. To that end, the Translation Advisory Committee will coordinate with the above-referenced implementation efforts under the LAP regarding the improvement and augmentation of data collection efforts to determine whether certain critical materials should be translated into additional languages.¹⁴ Where translation costs become prohibitive, alternatives, such as those

¹¹ [LAP](#) at 27.

¹² The most recent study was concluded in 2015, and is available at <http://www.courts.ca.gov/documents/lr-2015-Language-Need-and-Interpreter-Use-Study.pdf>.

¹³ See LAP Recommendations #6 and #7, addressing data collection expansion and the need to look at sources of data beyond the more traditional U.S. Census and ACS data.

¹⁴ The Judicial Council should consider enhancing the scope of the *Language Need and Interpreter Use Study* to capture data that may be particularly useful in making translation decisions.

discussed elsewhere in the Translation Protocol and Translation Action Plan,¹⁵ should be explored to provide at least critical information and informational resources in more languages.

Qualifications of Translation Providers

As the LAP reiterates throughout its provisions, to ensure meaningful language access the Judicial Council and the courts must provide high-quality language access services. Therefore, all Judicial Council translations must be performed by highly qualified translators.

The LAP recommends that translators be accredited by the American Translators Association (ATA)¹⁶ and have a court or legal specialization; in the alternative, translators must have been determined to be qualified based on experience, education, and references.¹⁷ Generally, when not ATA certified, translators should possess a degree or certificate from an accredited university (if in the USA), or the equivalent (in a foreign country) in translation and/or linguistic studies, or equivalent experience as a translator.

Key factors to consider when choosing a qualified translator include:¹⁸

- Language match: Ensure the translator's language match is the appropriate one required for the job. ATA certification, for example, is provided not only for a particular language pair (such as English and Spanish) but also in a particular direction, such as *from* English *to* Spanish (or vice versa, or both). The translator chosen should be certified or otherwise qualified in both the relevant language pair and the appropriate direction.
- Level of qualification: The translator's level of qualification, education, experience and specialization should be carefully examined given the level of complexity of Judicial Council forms, and the specialized nature of the

¹⁵ A Translation Action Plan for prioritization of translations during Phases 1 and 2 of the LAP Implementation has been created as a complement to this Translation Protocol. It includes overall document categories for prioritization and strategies for creating cost-efficient and effective translations.

¹⁶ At www.atanet.org.

¹⁷ Though a credentialed court interpreter may also be a qualified translator, the skills required for competency in translation are very different from those required of interpreters. Therefore, not all certified interpreters are qualified to perform translation of legal documents, and therefore should only be used as translators when also qualified, through education and/or experience, to translate.

¹⁸ See discussion in [Guide to Translation of Legal Materials](#), National Center for State Courts (April 2011).

information provided in Judicial Council informational and educational materials and tools.

- Membership in a professional body: As recommended by the LAP, translators used should be certified by the American Translators Association (ATA), which has a translation certification exam (currently available in more than 25 language pairs), Code of Ethics, continuing education requirements, and disciplinary power over its members. For languages for which there are no certified translators, the Judicial Council should employ a translator who is an ATA member, and has therefore agreed to adhere to the ATA's Code of Ethics.
- Access to translation technology tools: Most professional translators have advanced translation software and technologies that enable them to work more efficiently and effectively. Translation memory software, for example, uses stored memory to reuse already-translated content in subsequent translations, obviating the need to re-translate the same text over and over again and making translations more standardized, efficient, and cost-effective.

In addition, qualified translation providers should incorporate into their services a quality assurance process and review by a second, similarly certified and qualified translator. It is necessary, then, that qualifications of both primary and secondary translators be closely examined before entering into a translation contract.

Consideration of Translation Costs

Translation work consists of a great deal more than the standard "per word" charge (or "per hour" depending on the translation provider), which itself can vary widely between translators and languages to be translated. In addition to charges per word of original text or per hour of work, other common costs to expect as part of a translation contract (or to ensure are included in the quoted "per word" or "per hour" charge) include:

- Editing, including tailoring language to readers; ensuring smoothness of text; checking syntax and idioms, style, spelling, typography, and punctuation; and copyediting and proofreading for consistency.
- Reviewing, which ensures that the translated text accurately reflects the original text, meets the readability criteria appropriate for the text in question, and is culturally competent. The reviewer must compare the source text with the translation, making corrections and editorial improvements where necessary.

- Proofreading, which is the final check for any typographical, spelling, or other errors. It does not address the accuracy of the translation, which should already be complete and accurate.
- Formatting, which results in uniformity in the presentation, organization and arrangement of the document, as well as its layout and style. Formatting may also include the redesign of a document so that a bilingual format can be followed, as opposed to the more standard monolingual format.¹⁹

For translation of texts that are delivered via tools other than print or web, such as audio scripts or videos, some of these costs may be different. For example, whereas formatting of a document may not be critical for a video script, the translation vendor may have to assist with adaptation of the captions, fitting the images/video provided, particularly for languages for which the Judicial Council does not already have staff that can assist with those steps. Similarly, some translation vendors may offer voice talent services for recording of audio or video voiceover in the various languages into which the material has been translated.

Translation Glossaries

Translation, like interpretation, is not an exact science. In their work, translators focus primarily on translating the meaning of a given text, not on a word-by-word rendition of content. In addition, different translators may prefer different word choices for their translations. Having inconsistent terminology used on Judicial Council forms and materials can be very confusing for consumers of court information, whether in English or in any other language. It is essential that court users, already facing an unfamiliar and complex court system, be provided with user-friendly, understandable and consistent information throughout their encounter with the system.

¹⁹ As briefly discussed above, a bilingual (or multilingual) format displays the English and the non-English translation side by side or one above the other on the document. An example of a bilingual format (English/Spanish) is the *Summons – Family Law* ([Form FL-110](#)). With monolingual formatting, one language appears on the document; the document is essentially a “mirror” to the English. Bilingual formats allow all participants to have a clear understanding of the information, since the same form contains all the same information. Other advantages: It allows English-speaking staff to assist LEP persons with form completion; providing the text in English next to the foreign language text reduces the risk of using a form in error and increases the likelihood that the form will be filled out in English. However, bilingual formatting presents challenges with formatting of the original English document, as space for the English text is severely reduced and the form can become overwhelming and confusing with text in various languages.

In order to ensure that all the terminology used in Judicial Council translations is standardized and consistent, the Judicial Council should develop and maintain glossaries in all languages supported by the Judicial Council, including plain English. The Council has already developed a plain language [English](#) glossary and an [English-Spanish glossary](#) that provide consistent legal terminology in English and Spanish. Other possible current sources of standardized legal terminology that may form the basis for glossaries in other target languages include the Superior Court of Sacramento's [12 foreign language glossaries](#) and the NCSC's [legal terminology glossaries in four languages](#) on its public website. Several state court interpreter programs have also developed legal glossaries in a number of languages. In addition to creating glossaries for those languages addressed by Judicial Council translations, the Judicial Council should strive to create glossaries in other languages in order to provide them as a resource to speakers of those languages. They should also be available to courts that may need to target those languages for additional translation to address local LEP court user needs so that they may benefit from standardization and consistency.

As detailed below in the steps of the translation process, the Judicial Council should make available any existing glossaries to its translation vendors and require those glossaries to be used. Where glossaries have not yet been developed, part of the translation contract should include the requirement that translation agencies and translators build legal terminology glossaries. Translation contracts should clearly specify that the glossaries are to be the property of the Judicial Council and made freely available to the public, the courts throughout the state, and all other translation vendors employed by the Judicial Council.

The work of glossary development and maintenance involves close collaboration with translation contractors to continually add to and refine the glossary based on new documents translated. The Translation Advisory Committee will develop a process for obtaining feedback and suggestions from court interpreters in the field on changes and improvements to the various glossaries. Similarly, subject matter experts, bilingual in the various languages targeted by the Council, should be engaged to assist in legal review of translated terminology and to ensure accuracy of developed glossaries.

Machine Translation

Machine translation, the process of translation of text by a computer, with no human involvement, is increasingly in use by businesses, government agencies, courts, and others to make content (primarily web content) accessible in other languages. Although machine translations can be fast and cost-effective, they often include inaccuracies,

especially with regard to complex text such as legal content. Not only are words and phrases mistranslated, the systems and rules used by the technology cannot solve ambiguity or translate nuances since they are unable to utilize experience and cultural or content expertise in the manner that a translator can. In the legal system, these translation errors can have dire consequences for LEP persons.

Machine translation can help with an initial translation of text, to expedite the process, as long as a qualified human translator then carefully and fully reviews and edits the translation as needed. Where machine translation features are used on the Judicial Council website to give LEP users multi-lingual access to information beyond the languages the Judicial Council is able to support through the work of qualified translation providers, users of the machine translation features should be notified of the possibility for errors and misinformation, as a result. Disclaimer language regarding the potential for mistranslation when using machine translation should be available in the user's primary language.

The Translation Process²⁰

Step 1: Review and Prepare Document Prior to Translation

Before a document is sent out for translation, the English version must itself be of high quality. This means the document must be:

- Reviewed for grammatical and typographical issues, having undergone the type of rigorous copyediting generally performed for Judicial Council publications;
- Written in plain language,²¹ with no or minimal (if necessary) use of legalese, in the active voice, with simple sentences, short paragraphs, no jargon, no abbreviations, and no use of acronyms.
- Within readability goals for the intended population, which for instructional and educational materials should be aimed at a fifth-grade reading level.
- Formatted as to allow for variances in other languages, such as longer text (many languages can expand the required space for text by up to 30% for the same content as in English), direction of text, etc.
- Checked for the use of consistent terminology within the document and consistency with other documents in the same or related case types.
- Written with language that is general enough that it applies across courts and counties, avoiding room numbers, locations, office designations, or other

²⁰ See Appendix B for an overview of the translation process.

²¹ See Appendix D for a discussion of plain language principles.

specific language that changes from court to court. (This is particularly important for documents that the Judicial Council intends to provide as templates or as samples for local court adaptation.)

- Culturally competent, avoiding idiomatic expressions or colloquialisms (expressions that do not have the same meaning in other languages and cultures). If certain text is unavoidable, then special consideration should be given to finding the best possible translation.

In addition to ensuring that the English document to be translated is of a high quality, there are other steps in the preparation of the document that can assist the translation process, particularly in terms of identifying efficiencies and cost savings. There may be similar documents for which translation is needed that have only slight differences. Repetitive language can be streamlined so that it can be translated only once. For example, language that appears on most Judicial Council forms and has already been translated can be provided to the translator (e.g., oaths, signature lines, warnings, etc.). Additionally, repetitive language on form sets (such as divorce forms) need only be translated once. Identification of these instances, before submitting a document or set of documents for translations, will contribute to making the translation work most cost-effective.

As the Judicial Council expands its efforts to develop information in alternative formats to increase accessibility, such as audio or video recordings of generally applicable information or other materials, particular care must be taken in the development of the source English script. Script preparation and translation will have to consider cultural and linguistic elements that might affect how the spoken word should be presented. For example, a spoken word presentation might be in a different register than a form or an information sheet.

Step 2. Select and Contract with Translation Vendor

As discussed above and recommended in the LAP, the Judicial Council should select a professional translator, certified by the American Translators Association in the language(s) in which they work, with a court or legal specialization. For languages that are less common or for which there is a smaller market of professionals, a translator may demonstrate competence through experience, education, and references.

When selecting and contracting with a translation agency or professional translator, the agency or translator should agree to provide the initial translation and commit to using any existing glossaries (or develop new ones) as described above, in order to ensure

consistency and standardization of translated terms. The translation agency or translator should also commit to having a second independent professional translator review the translation before delivering it to the Judicial Council. The qualifications of the second translator should meet the requirements established in this protocol for all translators. This secondary translator should also perform a cultural competency review for the material being translated, to ensure it is appropriate for the intended LEP population(s). After delivery to the Judicial Council, the agency or translator should be willing to make corrections based on any concerns regarding the communication of legal concepts and any errors found in the work of the translator or agency.

To best ensure the quality, accuracy and consistency of translations, the Judicial Council should provide the translator or translation vendor with the following:

- Background on the purpose of the document, the audience, and other relevant information,
- Any existing legal terminology glossaries already developed by the Judicial Council,
- Instructions for consistent naming and identification of documents, so that all translated documents include a footer with the name of the document, the date of translation, and the language of translation, and
- A contact person to whom to direct inquiries regarding the translation process, product, or subject matter questions regarding the English source material.

Depending on the material to be translated, the Judicial Council may request that the translation contract include document formatting. If so, the contractor must adhere to Judicial Council formatting standards and the final copy of the document must be housed with, and be the property of, the Judicial Council. If the translation vendor is approached by another entity requesting use of the material, the vendor must refer that entity to the Judicial Council for permission to utilize the content and delineation of how material may be used and/or modified, if at all.

Step 3. Legal Review of Translation

Once the final translation is received from the translation vendor, the Judicial Council should conduct a legal review of the translation to ensure that all legal concepts have been accurately communicated and no meaning has been lost in the translation. Although highly qualified translators with legal or court specialization may be able to adequately produce technical translations, professional translators are often not attorneys and may miss legal nuances or distinctions that could significantly alter the meaning of a document, especially court forms, which can be highly technical.

Therefore, it is critical that this additional review process be built in to any translation projects. Attorneys on staff with the Judicial Council, bilingual and with near-native fluency in the non-English language, may conduct this legal review. If no staff is available for this task, the Judicial Council may have to hire an independent contractor to conduct the review.

If errors are found through the legal review process, the Judicial Council will send the edited documents to the translation vendor for correction and finalization. As detailed above in the discussion on selecting and contracting with translation providers, this additional step should be part of any translation contract.

Step 4. Finalization of Translated Documents by the Judicial Council

If formatting of the translation was not part of the deliverable by the translation provider, the Judicial Council's Editing and Graphics Group should format and finalize the documents for posting and distribution. Documents that will be made available to the public by the Judicial Council should be formatted according to the standards of the agency. As discussed earlier, formatting can play a critical role in overall readability of a document, so any formatting or graphics completed outside of the work of the translation provider should be reviewed again in final format by a near-native speaker of the language to ensure that readability has been maintained.

Step 5. Posting and Dissemination of Translated Documents

When a document is formally finalized, it may be made publicly available on the Judicial Council's website and/or on local court websites. A document may also be directly provided to the local courts, justice partners, and community-based organizations throughout the state, depending on the type of document and its intended use.

As provided for in several LAP recommendations, it is critical that there be communication regarding the availability of multilingual information and the dissemination of materials aimed at LEP court users. Recommendation #38 requires Judicial Council staff to post on the California Courts website written translations of forms and other materials for the public as they become available; Recommendation #54 recommends the use of multilingual videos and audio recordings in court outreach efforts; and Recommendation #67 recommends the creation of a statewide repository of language access resources.

Step 6. Monitoring of Existing Translations, Updates Needed, and Identification of Additional Materials for Translation

Statutes, court rules, policies and procedures change, as do court forms, instructions and informational guides. While minor edits are generally easy to make on English documents, those changes must be reflected on translated documents as well. Edits and updates to existing translations should be completed by qualified translators, edited and reviewed as previously described. While typically the fees charged for such updates are much lower than the original translation, it is important to budget for these costs so that translated forms and documents continue to be made available to LEP court users.

The Translation Advisory Committee will track these needed updates and ensure completion, preferably at the same time or soon after changes are made to the English source document. In order for updates to occur in a timely manner, the Translation Advisory Committee will have to actively coordinate internally with the various Judicial Council departments and committees in charge of developing forms and other educational information.

In addition to ensuring all existing translations are maintained and up to date, the Translation Advisory Committee will apply an approved evaluation rubric to identify additional vital documents for translation as they are developed in English. Any database or other system for maintaining records of translations shall be routinely updated to reflect latest document versions, languages translated, and prospective translations to be undertaken. The database should contain the following information about each document:

- Name
- Date of creation of original document
- Author/Source of document
- Current location/URL for document
- Date of translation/language of translation
- Date of most recent update
- Translator/Reviewer
- Legal Reviewer, if any
- Any date-sensitive information (i.e., a particular piece of legislation or reference that may change over time)

To ensure that the translation efforts of the Judicial Council result in actual improvements in language access for LEP users throughout the state, any monitoring efforts should include periodic reviews of the documents and their usage. Continued review of the usability and accessibility of translated documents should be conducted by

holding focus groups of LEP court users, community-based agencies, and justice partners and through surveys of courts and other providers. This data will help inform further translation efforts by the Council.

Posting and Dissemination of Translated Materials

Once print and audio-visual materials are translated and finalized, the Judicial Council will make them available to all local courts, justice partners and the public at large. Those materials appropriate for inclusion in the online living tool kit will be immediately posted in any of the tool kit sections for which they may be relevant. To the extent the Judicial Council establishes other online repositories of translated information and resources, multilingual materials will also be shared and made available on those repositories as early as feasible.

Judicial Council staff will notify local courts and justice partners of the availability of these translations via any established avenues of communication, including existing listservs. Communications to courts and justice partners will encourage those agencies and organizations to share the materials with community service providers in their area and ensure dissemination of the information to LEP court users and the California public at large.

Contact Information for Translation Requests and Issues

To request a translation, to report errors in existing translations, and for translation policy questions, contact the Judicial Council's Language Access Coordinator. Complaints related to existing Judicial Council translations or failure by the Judicial Council to provide translations of vital documents may be submitted using the Complaint Form and Process available at _____ or by requesting the Complaint Form from the Language Access Coordinator at the contact information below.

Email: languageaccesscoordinator@jud.ca.gov

Tel: 415.865-5555

Address: 455 Golden Gate Ave.
San Francisco, CA 94102

Appendix A: Guidance on What Constitutes “Vital” Documents

The Department of Justice (DOJ) has issued guidance on the translation of documents by recipients of federal funds (which includes courts and the Judicial Council). Under DOJ guidance, written materials that are considered vital should be translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity, in this case the Judicial Council. Per the DOJ, a document is vital if it contains information that is critical for obtaining services or providing awareness of rights, or is required by law.²² Some examples of vital documents under DOJ guidance applicable to the Judicial Council context include: notices of rights; notices advising LEP persons of the availability of free language services; complaint forms; and letters or notices that require a response from the LEP court user. DOJ guidance discusses the factors to take into account when deciding if a particular document is “vital” for purposes of translation, with the overall consideration that vital documents are those that ensure an LEP person has “meaningful access” to a particular program or service.²³

When documents contain both vital and non-vital information, such as documents that are very large, or when a document is sent out to the general public and cannot reasonably be translated into many languages, DOJ guidance provides that it may be reasonable to simply translate the vital portion of the information. Programs may also decide to provide multilingual information regarding where a LEP person might obtain an interpretation or translation of the full document.²⁴

The [ABA Standards for Providing Language Access in Courts](#) (ABA Standards) provide best practices for determining whether a document is vital for purposes of translation. The ABA Standards divide vital documents into 3 categories: (1) court information, (2) court forms, and (3) individualized documents. Since the Judicial Council does not deal with case-specific information, as cases are handled at the local court level, only the first two categories are applicable for purposes of this Translation Protocol. Local courts developing their own translation protocols will want to address the handling of case-specific documents, standards for translation of those materials, and admissibility of the translations per statutory and rule of court requirements.

²² *Commonly Asked Questions and Answers Regarding Limited English Proficient (LEP) Individuals*, at <http://www.lep.gov/faqs/faqs.html#OneQ9>.

²³ 67 Fed. Reg. 41455, 41463 (June 18, 2002).

²⁴ *Ibid.*

Under the ABA Standards, written information about court services or programs, including the use of written information to provide audio or video information, is critical to meaningful access for LEP court users. Judicial Council web and printed materials and videos, primarily posted in the Online Self-Help Center and also provided in other areas of the California Courts site, provide information for court users about court processes, rights, responsibilities, and how to seek relief. The ABA Standards go on to list educational guides, self-help materials, and instructions as documents that should be translated and widely distributed. Other documents to prioritize are those related to the protection and safety of a litigant or a child. A court's website content, to the extent it is informational in nature, should be considered for translation as well and include plans for regular updates and multilingual content development.

Court forms, per the ABA Standards, are vital to accessing the courts and protecting rights. The Standards discuss pleading forms used to initiate or respond to a case as vital. Although discussed in the context of case-specific documents, the ABA Standards also address court orders as vital documents, critical to enforceability of court orders and the administration of justice. While case-specific documents are not under the purview of this protocol, Judicial Council forms, including court order forms, are, and would likely be considered, vital documents for purposes of translation. Local courts would then be responsible for translating any additional orders and findings not printed on the Judicial Council form itself.

Appendix B – Overview of the Translation Process

Step 1: Review and Prepare Document Prior to Translation

When submitting a document for translation, the English version must be of high quality. The document must be: (1) copyedited and free of errors; (2) in plain language; (3) accessible from a readability perspective; (4) properly formatted; (5) consistent with regard to terminology and other related documents; and (6) culturally competent.

Step 2. Select and Contract with Translation Vendor

The Judicial Council should select a professional translator, certified by the American Translators Association in the language(s) in which they work with a court or legal specialization. For languages that are less common or for which there is a smaller market of professionals, a translator may demonstrate competence through experience, education, and references. The contract with the translation provider should include: (1) initial translation by a qualified translator; (2) use of a glossary of common terms; (3) review by a second independent professional translator; and (4) formatting, if requested.

Step 3. Legal Review of Translation

Once the final translation is received from the translation provider, the Judicial Council should conduct a legal review of the translation through a bilingual attorney, or similarly qualified subject matter expert, to ensure that all legal concepts have been accurately communicated and no meaning has been lost in the translation.

Step 4. Finalization of Translated Documents by the Judicial Council

If formatting of the translation was not part of the deliverable by the translation provider, the Judicial Council's Editing and Graphics Group should format and finalize the documents for posting and distribution.

Step 5. Posting and Dissemination of Translated Documents

When a document is formally finalized, it will be made publicly available on the Judicial Council's website and/or on local court websites. It may also be directly provided to the local courts, justice partners, and community-based organizations throughout the state, depending on the type of document and its intended use.

Step 6. Monitoring of Existing Translations, Updates Needed, and Identification of Additional Materials for Translation

The Translation Advisory Committee will track any needed updates to translated forms and materials in a timely fashion. In addition to ensuring that all existing translations are maintained and up to date, the Translation Advisory Committee will apply an approved evaluation rubric to identify vital documents as needed and as translation resources become available.

Appendix C: Glossary of Terms

Bilingual or Multilingual Format—Formatting a translated document so that the English and the foreign language text are provided together on one document. The non-English translation is positioned directly under or after each English word, sentence or paragraph, or side by side with the English content.

Local Court Forms—Forms created by a superior court specifically for use in that court, when a Judicial Council mandatory form does not exist or a court’s procedures require additional information not provided on the statewide form.

Mandatory Judicial Council Forms—Judicial Council forms that have been adopted for mandatory statewide use, as opposed to optional forms, which, as their name implies, are statewide forms that may be used by court users but are not required as the only means for filing a particular pleading.

Monolingual Format—Developing the translated version using the same format, font and size as the original English document (a “mirror image”).

Optional Judicial Council Forms—Judicial Council forms that have been approved for optional statewide use, as opposed to mandatory forms. As their name implies, optional forms may be used by court users but are not required as the only means for filing a particular pleading.

INFO Court Forms—Judicial Council forms provided for informational purposes only. They describe a particular process to the court user, usually applicable to a particular court proceeding. Examples are [FL-107-INFO](#), describing the overall process of a divorce or legal separation in California, [DV-500-INFO](#), describing domestic violence restraining orders, and many more. They are usually designated by the suffix “INFO”.

Appendix D: Plain Language

Plain language is communication that the intended audience can understand the first time they read or hear it. Plain language principles include:

- Text at the reading level of the average user
- Useful headings
- Addressing the reader directly (e.g., “you”)
- Use of the active voice
- Short, simple sentences
- No excess words
- Concrete, familiar words
- Use of “must” to express requirements; avoiding “shall”
- Consistent, accurate punctuation
- Short paragraphs and bullet lists
- Placing words carefully (avoiding large gaps between the subject, verb and object; putting exceptions last; placing modifiers correctly)
- Avoiding foreign words, jargon, acronyms, colloquialisms, idioms, and abbreviations
- Saving longer or complex words for when they are essential
- Presenting information intuitively
- Testing of draft document on sample users

Content can be checked for readability to determine if the material is written at a level that the intended audience can understand. Microsoft Word allows for an author to check a document using its readability testing tools, including the Flesch and Flesch-Kincaid tests. Accessing these tools may vary between different versions of Microsoft Word, including the Mac versus PC versions. To use these tools, users can look for preferences or options related to spelling and grammar, and make sure the feature called “Show readability statistics” is enabled. After the grammar and spell check are completed, a screen titled “Readability Statistics” will appear, giving the author information regarding the accessibility of the material. Currently, web material aimed at self-represented litigants in California on the Online Self-Help Center is aimed at a fifth-grade reading level, to ensure that most audiences in the state can fully understand the material.

For more information and tools for plain language writing, see *The Plain Language Act of 2010*, H.R. 946, 111th Cong. (2010). The Act is applicable to executive branch federal agencies, but the Act and the www.plainlanguage.gov site provide information regarding the usefulness and movement toward plain language documents.

In the next two pages, see samples of Judicial Council form DV-110 before plain language translation and after plain language translation, as prepared by Transcend.

Before:

PERSON SEEKING ORDER (name):	CASE NUMBER:
PERSON TO BE RESTRAINED (name):	

NOTICE REGARDING ENFORCEMENT OF THIS ORDER

This order is effective when made. It is enforceable anywhere in California by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

Violation of this restraining order may be punished as a contempt of court; a misdemeanor, punishable by one year in jail, a \$1,000 fine, or both; or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both.

This order is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction. Violations of this order are subject to state and federal criminal penalties.

If you travel across state or tribal boundaries with the intent to violate the order (including committing a crime of violence causing bodily injury), you may be convicted of a federal offense under VAWA (section 2261(a)(1)). You may also be convicted of a federal offense if you cause the protected person to cross a state or tribal boundary for this purpose (section 2262(a)(2)).

NOTICE REGARDING FIREARMS

Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. At the hearing on this matter, the court will order that the person subject to these orders shall relinquish any firearms and not own or possess or purchase or receive or attempt to purchase or receive any firearms during the period of the restraining order. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.

WHAT FORMS YOU SHOULD FILE IN RESPONSE AND WHEN TO FILE THEM

You do not have to pay any fee to file responsive declarations in response to this *Order to Show Cause* (including a completed *Income and Expense Declaration* or *Financial Statement (Simplified)*) that will show your finances). The original of the *Responsive Declaration* must be filed with the court and a copy served on the other party at least ten court days before the hearing date (unless the judge has shortened time; see item 13 above in this *Order to Show Cause and Temporary Restraining Order*).

NOTICE REGARDING CHILD SUPPORT

If you have children from this relationship, the court is required to order payment of child support based on the income of both parents. The amount of child support may be large and normally continues until the child is 18. You should supply the court with information about your finances. Otherwise the child support order will be made without your input.

CLERK'S CERTIFICATE

[SEAL]

I certify that the foregoing *Order to Show Cause and Temporary Restraining Order (CLETS)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

RGL: 12, Word Count: 584

After:

Case Number:

Protected person's name: _____

- 17 Warning!** If you have been served with a restraining order, you must obey all orders. Read the Notices on this page carefully.
- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
 - If you travel to another state or to tribal lands, or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime under the Violence Against Women Act.



18 Guns



If **9** is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun until this order ends. If you do, you can go to jail and pay a \$1,000 fine.

If the court approves the restraining orders at a hearing, you must sell to a gun dealer or turn in to police any guns, firearms, or ammunition that you have or control. The judge will ask you for proof that you did so.

If you do not obey this order, you can be charged with a crime.

19 What to do after you have been served with a Restraining Order:

- Obey all the orders.
- If you want to answer, fill out Form FL-820. Take it to the court clerk with the forms listed in **20b** below.
- File FL-820 and have all papers served on the protected person by the date indicated in **16** of this form.
- You do not have to pay to file Form FL-820 or other forms needed to answer.
- At the hearing, tell the judge if you agree to or disagree with the orders requested.

20 Child Custody, Visitation, and Child Support:

- a. Child Custody and Visitation: If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- b. Child Support: The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money and usually you have to pay until the child is 18. File and serve a *Financial Statement* (FL-155) or an *Income and Expense Declaration* (FL-150) so the judge will have information about your finances. Otherwise, the court will make support orders without hearing your side.

Flesch-Kincaid Grade Level	7.6
Word Count	389



Appendix E: Translation Resources

[ABA Standards for Language Access in Courts](#), American Bar Association (Feb. 2012).

[Equal Access as it Relates to Interpretation and Translation Services](#), National Association of Judiciary Interpreters and Translators (NAJIT) (May 2006).

[Guide to Translation of Legal Materials](#), National Center for State Courts (NCSC) (April 2011).

[Language Access Planning and Technical Assistance Tools for Courts](#), U.S. DOJ (Feb. 2014).

[PlainLanguage.Gov](#)

[Translation Getting it Right: A guide to buying translation](#), American Translators Association (ATA) (2011).

[Useful Resources and Links About Court and Legal Interpreting and Translation](#), with links to several state and local translator associations, educational institutions, and more.

Translation Action Plan

This Translation Action Plan is intended to complement the Judicial Council's Translation Protocol and provide recommendations as to the prioritization of materials to be translated by the Judicial Council in Phases 1 and 2 of LAP implementation. This action plan utilizes the policies and guidance established in the Translation Protocol with regard to the identification of documents for translation, as well as recommendation plans for the translation process and the dissemination of final materials.¹

1. Identification and prioritization of materials to be translated

As delineated in the Translation Protocol, the Judicial Council should make a case-by-case determination as to the written information it provides for the public (via court forms, informational and educational materials, website, etc.) to assess if the materials provided constitute "vital documents" for purposes of translation. The Protocol discusses a number of factors to be considered when making that determination.² Additionally, NCSC is in the process of developing an interactive translation analysis tool³ that will assist the Judicial Council and individual courts with decisions regarding translations. The online tool will have functionality to estimate language needs and document filings by case type; rank documents based on a number of factors to help assess their viability and prioritization for translation; and estimate costs for translation of actual documents based on language, number of words, and formatting or other desired features.

The materials that may be selected for translation vary widely, from Judicial Council forms to informational pamphlets and brochures, from video scripts to web-based information. Any analysis for purposes of translation should take into account the statewide applicability, usability (including focus groups and user testing), and accessibility of the information provided, to determine whether translation of the document itself is the most effective and efficient way of providing access for LEP court users to the information contained therein. Monitoring efforts should also include periodic reviews of the actual usage of translated documents by LEP court users, in order to ensure that the Judicial Council's translation efforts are effective in improving language access throughout the state. This analysis will help inform future translation initiatives

¹ The materials recommended for translation in this action plan do not include those already slated for development and translation under the Judicial Council's contract with the NCSC, such as the notice of availability of language services and the complaint form and procedure.

² See Translation Protocol (in DRAFT form) pp. 3-4.

³ The Translation Analysis Tool is currently in draft form but will be finalized as projected under the NCSC contract.

by the Council, as well as strategies for dissemination and community education regarding the availability of translations.

A careful determination of the actual usefulness of translated forms should be conducted. Consideration should be given to the overall complexity of the form, even in the original English, and/or whether legal concepts included may have equivalents in other languages. If possible, the analysis should also consider literacy levels in the non-English language of the LEP court users who would be using the form. While having a particular form translated in 10 languages may appear to provide equal access to speakers of those languages, if the forms are particularly inaccessible in those languages or to particular LEP court users, the translation of forms may not help to ensure or address actual access. Therefore, where forms are proposed for translation in this action plan, plain language forms are addressed as a priority. For those critical forms that are not (yet) in plain language, alternative strategies for providing language access to the form are suggested.

For example, the following approaches can be used, either alone or combined, in order to ensure LEP court users' ability to access the content on a form that is otherwise determined to be impractical to translate due to its complexity, cost, or lack of usability:

- Bilingual formatting for documents and forms, where key information is provided side-by-side in 2 or more languages. This approach can be particularly efficient for limiting translation to important warnings and notices appearing on forms.⁴
- Translating instructions (whether separate from the forms, or on the forms themselves as shown in [Appendix A](#)). Providing multilingual instructions on an English form may be more effective from both a language access and cost-effectiveness standpoint.
- Creating plain language multilingual (including English) summaries of the most critical portions of court forms, so users can understand the form's content in plain language. Any efforts to provide summary or explanatory language directly on, or explicitly related to, a court form should clearly specify that where the language used in the summary or explanation is different from the form, the language and terms on the form are controlling; summaries and explanations are provided as an aid but are not intended to replace or alter the meaning of the form itself.

⁴ As discussed in the Translation Protocol, the use of bilingual or multilingual formatting may also be an effective translation strategy generally, for any form or document lending itself to the format. For example, translations of plain language forms and court orders may be determined to be more accessible by LEP users when a bilingual format is utilized and users can see the content of the form in the original English and their primary language side-by-side. In the summons forms for which it is currently applied, the bilingual format is applied to (non-plain language) forms that provide important warnings to court users about their case.

- Use of multilingual “Babel notices,” or tag lines, which consist of a brief important message or short description of a document translated on the same page into several languages. A page with Babel notices to alert court users to the significance of the document can be attached to the English document (for example, a summons form or a court order), alerting users in their primary language of the content or importance of the document and where to seek help or additional information.⁵
- Creation of [Quick Response \(QR\) codes](#). QR codes can be placed on forms, Babel notices, and other materials to allow users to be directed to a webpage or online document with translated information. Informational documents, even forms, can be formatted to allow for inclusion by local courts of QR Codes or other localized information for securing language access services and other key instructions.
- Development of document completion and document assembly programs, discussed in more detail below.⁶ These programs allow users to complete court forms by answering questions (which can be provided in their primary language) without having to directly interact with the forms themselves.

As materials are prioritized, a determination will also have to be made as to the languages that will be targeted for translation. Some of the more vital documents identified may have already been translated into Spanish and, in fewer cases, into other languages. In those situations and as long as translation resources are limited, the determination to target additional languages for translation will have to include an assessment of the accessibility (from a user-friendly perspective) of the document, the frequency of document use, and the criticality of the document, to determine whether it should be prioritized for translation into additional languages over initial translation efforts for other materials that currently exist in English only (or over creating new simplified materials that may be more accessible to all users generally).⁷

Recommendations for Prioritization of Translation in Phases 1 and 2

Based on the factors listed in the Translation Protocol and the analysis tool, it is recommended that among the documents to be translated, the Judicial Council prioritize materials within a number of distinct categories. While the overall categories are enumerated based on the

⁵ See a sample Babel notice at <http://www.dol.gov/oasam/programs/crc/Babel-Notice-Samples-UI.pdf>.

⁶ See [Recommendations for providing multilingual services using technology](#) in this Action Plan.

⁷ For example, several Judicial Council forms have been translated into Chinese, Korean, Spanish and Vietnamese. A careful analysis of language needs and efficient allocation of resources should be performed in order to determine whether the Judicial Council should target additional languages for translation for those same forms in order to meet language thresholds established in the LAP and in the Translation Protocol (which addresses as a priority to translate materials into as many languages as possible, either in full or through the use of more cost-effective strategies), or should instead identify other forms for initial translation efforts.

factors established in the Translation Protocol, in particular the decision to prioritize the most accessible and information-rich documents in the most common and critical case types and processes affecting LEP court users, the intent of this action plan is that decisions on translation efforts remain flexible and responsive to the needs of court users and to allocated translation resources. The more critical materials from each category should be targeted as appropriate, without a need to exhaust one category of documents before addressing the next.

The categories of documents⁸ for translation prioritization during Phases 1 and 2 of the Language Access Plan Implementation are as follows:

1. Judicial Council “INFO” forms⁹ provided for litigants to understand requirements for case filing, particular processes, or other critical information.
 - Information or “INFO” forms provided by the Judicial Council to inform court users and provide instructions for different case types or processes are optimum targets for translation resources. They also allow for flexibility in the inclusion of resources and referrals, as well as links to educational content on court websites.
 - INFO forms are often written in plain language, using accessible formats, defining legal terminology, and addressing the more important aspects of a case type or legal process, such as service of process (e.g., [SC-104b](#)), filing steps for a restraining order (e.g., [CH-100-INFO](#)), overview of the steps in a divorce or legal separation ([FL-107-INFO](#)), or the process for requesting a fee waiver ([FW-001-INFO](#)).
 - See Table 1 in [Appendix B](#) for a sample of suggested INFO forms for translation prioritization under this category.
2. Judicial Council court order and judgment forms for high-volume case types, particularly mandatory order/judgment forms and those in which important rights and responsibilities are determined, as well as forms that are used for cases for which significant numbers of self-represented litigants are involved.¹⁰

⁸ While tables with suggested documents are provided in the appendix items related to each category, the documents should not be seen as an exhaustive list. This documents listed here have been provided to illustrate the types of documents intended by the recommendations and to assist with the process of prioritizing and identifying key materials currently in existence.

⁹ Not all informational forms have been renamed to include “INFO” in the form number, so some of the recommended “INFO” forms for translation may not, at first glance, appear to be informational in nature.

¹⁰ Targeting court order and judgment forms is consistent with LAP Recommendation #40, which reads: “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.*” (emphasis added)

- a. Within this category, plain language Judicial Council order and judgment forms should be prioritized for translation in the format deemed most appropriate for the document and its content.
 - b. Non-plain language Judicial Council order and judgment forms that meet the factors below should be made linguistically accessible through the use of alternative approaches as discussed above and in the Translation Protocol, such as: bilingual formats for critical segments of order forms; translated instructions on or attached to the form (see [Appendix A](#) as an example); plain language multilingual summaries¹¹ of critical content on the order/judgment forms; and Babel notices with links to translated informational material on court self-help sites and other resources.
- Case types and court order forms to target include:
 - Civil restraining orders (temporary and “permanent”), including domestic violence, civil harassment, elder and dependent adult abuse;
 - Guardianship and conservatorship order forms (temporary and “permanent”);
 - Unlawful detainer judgment, stipulation for judgment, and writ of possession (same form as a writ of execution, so it has cross-case type applicability);
 - Family law, in particular judgment forms for dissolution, parental relationship, and parental obligation, and order forms regarding child custody/parenting time, child support, and spousal support, including wage/earnings assignment instructions and orders;
 - Small claims judgment forms; and
 - Earnings withholding orders and instructions, applicable to civil cases.
 - A number of these court order/judgment forms (particularly in family law, restraining orders, and guardianship/conservatorship matters) have already been translated into Spanish (and into additional languages in the case of domestic violence and civil harassment restraining orders, and many juvenile dependency and delinquency forms).
 - See Table 2 in [Appendix B](#) for a sample of suggested forms for translation prioritization under this category. Plain language forms to prioritize are identified for easy reference.

¹¹ As specified above, summary or explanatory language on or related to a court form should specify that the language and terms on the form are controlling and that summaries provided are not intended to replace or alter the meaning of the form itself.

3. Judicial Council forms containing notices advising litigants of critical rights and responsibilities (in addition to court orders/judgments described above).
 - a. Within this category, plain language Judicial Council forms should be prioritized for translation. Although none of these forms currently exist in a plain language format, several have been simplified to some degree.
 - b. Non-plain language Judicial Council forms that meet the factors below should be made linguistically accessible through the use of alternative approaches as discussed above and in the Translation Protocol, such as: bilingual formats for critical notices and warnings; translated instructions on or attached to the form (see [Appendix A](#) as an example); plain language multilingual summaries¹² of critical content on the order/judgment forms; and Babel notices with links to translated informational material on court self-help sites and other resources.
 - Certain Judicial Council mandatory forms such as summonses, orders to show cause, advisement and waiver of rights forms, notices of rights and responsibilities, etc. may contain critical information that a court user must know in order to protect his or her rights. Where possible, these forms should be translated or at least include, in a bilingual or multilingual format, information in other languages alerting the court user that important rights are at stake.
 - All the Judicial Council summons forms contain, either in full or in part, translated text in Spanish advising the reader of important rights or the need to take action. Translation into additional languages should be prioritized.
 - See Table 3 in [Appendix B](#) for a sample of suggested forms for translation prioritization under this category. Those forms that have been simplified to a degree that makes them good candidates for complete translation are identified for easy reference.
4. Judicial Council informational video and audio recordings.
 - There are a number of videos on the California Online Self-Help Center, including the “[Resolve Your Case](#)” series hosted in the ADR program section of the California Courts’ website, that provide useful information to court users regarding their rights and responsibilities in various case types.
 - Several of the videos have been translated into Spanish (and the “[Resolve Your Case](#)” series has been recorded in additional languages). These videos have wide

¹² See footnote 11.

applicability and usability statewide and are used by local courts to provide information to court users.

- Audio recordings may also be provided in multilingual formats at a relatively low cost. For example, INFO forms translated into Spanish and other languages can be made into audio recordings with native speakers (Judicial Council staff or hired voice talent) reading the forms aloud. Examples of audio recordings in English and Spanish that are currently available on the California Online Self-Help Center can be found at: <http://www.courts.ca.gov/1271.htm#acc15131>.
- In instances for which dubbing of videos in other languages is not feasible, captioning should be available. Although YouTube and other video platforms may provide captioning using automatic machine translation, it is advisable that the actual scripts be translated by qualified translation providers, per the Translation Protocol, so that the captioning provided is guaranteed to be accurate and complete.
- For development and production of new video and audio tools, the Translation Protocol's guidance on the drafting of plain language scripts that take into consideration the format for delivering information (oral vs. written), should be followed for the English script and, accordingly, all translations undertaken.
- See Table 4 in [Appendix B](#) for a sample of suggested videos and audio recordings for translation prioritization under this category.

5. Information on the California Online Self-Help Center.

- Although the California Online Self-Help Center has a parallel Spanish site for all of its web-based information, there are very few existing resources in other languages. Those that exist primarily consist of existing translated forms and outdated guides.
- Web analytics should be analyzed to identify the most-visited pages on the Online Self-Help Center. In addition, a review of the online center will help single out pages providing clear, plain language information regarding particular case processes or general case information, step-by-step instructions, and other useful tools for self-represented litigants. Those pages, or more concise versions of them where appropriate, should be targeted for translation into additional languages.
- See Table 5 in [Appendix B](#) for a sample of suggested web resources for translation prioritization under this category.

6. Judicial Council mandatory case initiation forms for high volume case types, forms required for protection and safety, and forms required to secure language access services or to inform litigants of language access services.¹³
- a. Within this category, plain language Judicial Council forms should be prioritized for translation.
 - b. Non-plain language Judicial Council forms that meet the factors below should be made linguistically accessible through the use of alternative approaches as discussed above and in the Translation Protocol, such as: bilingual formats for key information; translated instructions on or attached to the form (see [Appendix A](#) as an example); plain language multilingual summaries¹⁴ of critical content on the order/judgment forms; translated document completion programs; and Babel notices with links to translated informational material on court self-help sites and other resources.
- Forms (not addressed above) to consider for translation under this category include:
 - mandatory case initiation and related forms for all protective orders,
 - case initiation and response forms for high volume case types with significant percentages of self-represented litigants (e.g., petitions and responses for divorce, parental relationship, and child custody and support; small claims plaintiff's claims and defendant's claims; unlawful detainer complaints and answers; answer forms for debt collection matters; etc.),
 - forms that must be used by court users for all case types, particularly if they include provisions for obtaining language access services, such as fee waiver forms, and
 - forms that are already in plain language format and address relatively simple processes affecting court users generally, such as name change forms and gender change forms.
 - As advised above, given the volume of forms fitting these categories and the likely expense of translation, it is particularly important that alternative strategies for providing language accessibility to these forms be explored, such as multilingual instructions, bilingual formats, translated INFO forms, document completion programs, and others.

¹³ The DOJ guidance and ABA standards address certain court forms as vital documents, such as case initiation forms, forms related to the protection and safety of a litigant or a child, and forms advising litigants of their rights. Many of these are addressed in the recommendations above regarding court order forms, summonses, and notices of rights.

¹⁴ See footnote 11.

- See Table 6 in [Appendix B](#) for a sample of suggested forms for translation prioritization under this category. Plain language forms to prioritize are identified for easy reference.

As advised above, the suggestions for prioritization provided in this action plan provide a starting point. Each category, as well as the individual documents listed in each category, should be considered holistically with other categories and language resources to comprehensively ensure access to the most important information for court users. Instead of exhausting each category before moving on to the next, a determination of which materials will be targeted for translation should include the most vital and critical documents within each category, in the most requested languages and formats.

In addition to the recommendations in this plan for the translation of existing materials, any efforts to develop new materials (including new or revised court forms) should include a plan for translation. When tools recommended in the LAP are developed (e.g., sample informational or wayfinding signage, generalized notices for court users, new videos, language access information, document completion and assembly programs, etc.), translation of those tools may take precedence over any of the materials identified in this action plan if indicated under the Translation Protocol's guidelines for prioritization of translations.

Recommendations for providing multilingual services using technology

Technological approaches to the provision of multilingual information should be part of any efforts to provide linguistically accessible services to court users. As discussed in the Language Access Plan and the Translation Protocol, alternatives to the written delivery of information are essential for ensuring meaningful language access by LEP court users. To that end, audio recordings and videos of court processes, legal rights, and information of general applicability throughout the state are the target of LAP recommendations and of development under the Translation Protocol. Recommendations for initial prioritization of video and audio tools are provided in this plan.

Document completion and document assembly programs should also be targeted for translation since they can provide an important role in the provision of language access. These programs use an interview format to elicit information from court users in order to complete court forms. They allow users to complete form sets by answering questions only once, assemble forms, and, in some cases, electronically submit those forms to the appropriate court. Because the court user interfaces with the program through a set of questions (and not through the forms themselves), document completion programs can obviate the need to translate the forms, which can be very costly and ineffective. Instead, the interviews can be translated in a

culturally and linguistically competent manner, allowing the user to focus on the relevant information without becoming overwhelmed by large numbers of court forms with often complicated language and format. Where necessary for compliance with interstate treaties or the Hague Convention, forms may need to be translated, but the LEP user is able to complete the English forms for filing as required without having to actually interact with the form itself.

The provisions and recommendations stated in the Translation Protocol should be followed with regard to these tools and the role they play in providing language access. Plain language scripts and interviews, usability, and accessibility all play a critical role in ensuring that technology can in fact be a viable solution, at least in part, to improving language access in the courts.

Posting and dissemination of translated materials for statewide use by local courts

As provided for in the Translation Protocol, once materials are translated and finalized, the Judicial Council will make them available to all local courts, justice partners and the public at large. For usability, ease of access, monitoring and updating of materials, posting in one online publicly available location is preferable. If needed, materials can be cross-referenced from different sites or web pages, but maintained and updated in one location only. In Recommendation #66, the LAP addresses a statewide repository of language access resources to include all the materials and tools identified and/or created in response to the plan.

While there is not (yet) one clear location to host all of the materials that may in fact be developed and translated, the online living toolkit, already in existence in its first iteration, will be a natural repository for posting many of the translated materials and existing resources. As the toolkit evolves, it is possible it may be able to hold all of the information and tools envisioned under the plan. However, in order to ensure that the toolkit remains accessible to court users, court staff, interpreters, and others, toolkit designers should ensure that documents are organized and easy to locate and access as resources continue to be added.

In addition to the toolkit, materials specifically aimed at LEP court users statewide should also be posted and disseminated through the California Online Self-Help Center, which provides a contextual repository for information and instructions (in print and audio/visual formats) for the public at large under relevant sections and legal topics. Materials that may be more appropriate for legal services providers, from self-help centers to legal aid to other court staff, may also be posted on the [Equal Access](#) program page on the California Courts' site, either by cross-referencing the toolkit (particularly if the toolkit is designed as the statewide repository) or by duplicating content (less desirable given the need to update materials on both locations). The type of information that may be most relevant for sharing on the Equal Access page

includes templates or samples of instructions, information, educational material, notices, and other materials that have been developed at the statewide level or by local courts but need tailoring to local needs or resources.

In addition to ensuring access to materials on the various online resources, Judicial Council staff should notify local courts, justice partners, and community-based organizations of the availability of these translations, using listservs, established networks, and media.

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Appendix A – Screenshot of Fee Waiver Form with Instructions in Spanish

FW-001 Request to Waive Court Fees

If you are getting public benefits, are a low-income person, or do not have enough income to pay for household's basic needs and your court fees, you may use this form to ask the court to waive all or part of your court fees. The court may order you to answer questions about your court fees. If you do not answer the questions, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

1 Your Information (person asking the court to waive the fees):

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

2 Your Job, if you are employed:

Name of employer: _____

Employer's address: _____

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

Superior Court (See Instructions)
 Supreme Court, Court of Appeal, or Court of Appellate Court Fees

5 Why are you asking the court to waive your court fees?

a. I receive (check all that apply) public benefits (check one): IHSS (In-home Supportive Services) IHSS (In-home Supportive Services) IHSS (In-home Supportive Services)

b. My gross monthly household income is less than the amount shown in the table below. (If your previous gross monthly household income was more than \$3,330.21, you must check 5b.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$422.92 for each extra person.
1	\$1,215.63	3	\$2,061.46	5	\$2,907.30	
2	\$1,638.55	4	\$2,484.38	6	\$3,330.21	

c. I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to (check one): waive all court fees waive some of the court fees let me make payments over time (Explain): _____

6 Check here if you have a pending request for a fee waiver. (If your previous request was denied, you must check here.)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____ Escriba la fecha de hoy

_____ Escriba su nombre completo en letra de molde

_____ **Firme aquí**

Print your name here Sign here

CONFIDENTIAL

SÓLO PARA MUESTRA

No llene este formulario

Escriba la dirección de la corte aquí.

Fill in case number and name:

Case Number: _____
Escriba el número de su caso aquí

Case Name: _____
Escriba el nombre del caso aquí

Judicial Council of California, www.courts.ca.gov
 Revised February 20, 2014, Mandatory Form
 Government Code, § 68633 Cal. Rules of Court,
 rules 3.51, 8.26, and 8.818

Request to Waive Court Fees

FW-001, Page 1 of 2

Appendix B: Tables for Sample Document Prioritization

The tables provided below suggest sample documents to be prioritized under each of the categories identified in this translation action plan. As stated above, these tables are not exhaustive lists. They contain only some of the more critical and frequently used materials. A careful analysis should be conducted of all materials beyond those offered here. In addition, please note the following:

- A number of forms belong to a set applicable to a particular procedure (e.g. forms required to file and obtain a domestic violence restraining order, fee waiver application and order forms, etc.). The tables below may single out a form that belongs to a form set due to its particular priority (such as a court order form, for example), but an analysis for purposes of translation may conclude that translating the entire form set is more effective (there may be cost savings in the translation of form sets, in part, because of the repetitive language found across forms).
- Certain form sets may be good candidates for document completion and assembly programs instead of translation of all the individual forms.
- Juvenile forms have been left out of these sample lists because many critical forms and instructions have already been translated into several languages. See <http://www.courts.ca.gov/forms.htm?filter=JV>.

Table 1- JC INFO Forms	
Documents for Translation	Existing translations
Information Sheet on Waiver of Superior Court Fees and Costs (Form FW-001-INFO)	Yes: Spanish, Tagalog
Can a Restraining Order To Prevent Elder or Dependent Adult Abuse Help Me? (Form EA-100-INFO)	No
How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders? (Form EA-120-INFO)	No
Can a Civil Harassment Restraining Order Help Me? (Form CH-100-INFO)	No
How Can I Respond to a Request for Civil Harassment Restraining Orders? (Form CH-120-INFO)	No

Legal Steps for a Divorce or Legal Separation (FL-107-INFO)	Yes: Spanish, Chinese, Korean, Vietnamese
How Do I Turn In, Sell, or Store My Firearm? <i>For all of the protective orders (800-INFO forms) for civil harassment, elder abuse, firearms, and domestic violence</i>	Yes: the domestic violence form has been translated to Spanish, Chinese, Korean and Vietnamese. Translation of the CH, EA and GV form should be very cost-effective given repetitive language.
What Is "Proof of Personal Service"? <i>For all of the protective orders (200-INFO forms) for civil harassment, elder abuse, firearms, and domestic violence</i>	Yes: the DV and civil harassment forms have been translated to Spanish, Chinese, Korean and Vietnamese. Translation of the EA & GV form should be cost-effective given repetitive language.
Information Sheet for Request for Order (Form FL-300-INFO)	No
Income Withholding for Support (Instructions) (Form FL-196)	No
Child Custody Information Sheet—Recommending Counseling (Form FL-313-INFO)	Yes: Spanish, Chinese, Korean, Tagalog, Vietnamese
Child Custody Information Sheet—Child Custody Mediation (Form FL-314-INFO)	Yes: Spanish, Chinese, Korean, Vietnamese
Information Sheet – Simplified Way to Change Child, Spousal or Family Support (Form FL-391)	No
How to Adopt a Child in California (Form ADOPT-050-INFO)	No
Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home) (Form NC-400-INFO)	No

Summary Dissolution Information (Form FL-810) (<i>Given length of booklet, good candidate for multilingual document completion/assembly program</i>)	Yes: Spanish
Information Sheet for Proof of Personal Service (Form FL-330-INFO)	No
Information Sheet for Proof of Service by Mail (Form FL-335-INFO)	No
What Is “Proof of Service”? (Small Claims) (Form SC-104B) and How to Serve a Business or Public Entity (Small Claims) (Form SC-104C)	No
Employee Instructions (Form WG-003) (Instructions for Earnings Withholding Order, Form WG-002)	No
Instructions to Defendant (Trial by Written Declaration) (Form TR-200)	No
Information on Appeal Procedures for Infractions (Form CR-141-INFO)	No
Instructions – Defendant’s Statement of Assets (Form CR-117)	No
Instructions for Victim Restitution Order (Form CR-112)	No

Table 2- JC Forms for Judgments & Orders (some stipulation and order forms are included in more common case types with SRLs given their frequent use)		
Documents for Translation	Plain Language	Existing translations
Civil Harassment Restraining Order After Hearing (Form CH-130) (many civil harassment forms are translated but the entire form set should be analyzed)	Yes	No
Temporary Restraining Order (CLETS-TCH) (Form CH-110)	Yes	No

Elder or Dependent Adult Abuse Restraining Order After Hearing (CLETS-EAR or EAF) (Form EA-130) (the elder/dependent abuse form set should be analyzed and the main forms likely targeted for translation)	Yes	No
Temporary Restraining Order (CLETS-TEA or TEF) (Form EA-110)	Yes	No
Restraining Order After Hearing (CLETS-OAH) (Form DV-130)	Yes	Yes: Spanish, Chinese, Korean, Vietnamese
Temporary Restraining Order (CLETS-TRO) (Form DV-110)	Yes	Yes: Spanish, Chinese, Korean, Vietnamese
Notice of Entry of Judgment (Small Claims) (Form SC-130)	No (but simple form)	Yes: limited Spanish in bilingual format.
Judgment for Dissolution and Notice of Entry of Judgment (Form FL-825) (may be best to include all forms for Summary Dissolution, or document assembly program for efficiency)	No (but simple form)	No
Findings and Order After Hearing (Form FL-340)	No (but simple form)	No
Judgment—Unlawful Detainer (Form UD-110)	No	No
Stipulation for Entry of Judgment (Unlawful Detainer) (Form UD-115)	No	No
Judgment (Family Law) (Form FL-180)	No	Yes: Spanish
Judgment (Uniform Parentage—Custody and Support) (Form FL-250)	No	Yes: Spanish
Temporary Emergency Court Orders (Form FL-305)	No	No
Child Custody and Visitation (Parenting Time) Order Attachment (Form FL-341)	No	Yes: Spanish

Child Support Information and Order Attachment (Form FL-342)	No	No
Spousal, Partner, or Family Support Order Attachment (Form FL-343)	No	No
Stipulation to Establish or Modify Child Support and Order (Form FL-350)	No	Yes: Spanish
Stipulation and Order for Custody and/or Visitation of Children (Form FL-355)	No	Yes: Spanish
Special Immigrant Juvenile Findings (Form FL-357)/ Request (Form FL-356) should also be included, as well as the guardianship version, GC-220 and GC-224	No	Yes: Spanish
Judgment Regarding Parental Obligations (Governmental) (Form FL-630)	No	No
Order Appointing Guardian of Minor (Form GC-240) and other related forms, such as Letters of Guardianship, for enforcement.	No	No
Order Appointing Probate Conservator (Form GC-340) and other related forms, such as Letters of Conservatorship, for enforcement.	No	No
Writ of Execution (Writ of Possession) (Form EJC-130)	No	No
Earnings Withholding Order (Form WG-002)	No	No
Earnings Withholding Order for Support (Wage Garnishment) (Form WG-004)	No	No
Criminal Protective Order—Domestic Violence (CLETS - CPO) (Form CR-160)	No	Yes: Spanish
Order for Victim Restitution (Form CR-110)	No	No

Table 2 additional notes:

- The civil harassment and elder abuse order forms identified are part of larger form sets which may be prioritized under other categories in this action plan, so translation initiatives may conclude that the complete form set should be targeted for translation.

- The domestic violence temporary and permanent restraining order forms have been translated into Spanish, Chinese, Vietnamese and Korean but were included in this list for prioritization if analysis yields the need to prioritize additional languages.
- There are a series of additional forms related to child custody and parenting time orders, including abduction orders, that may also be considered for translation but are not as widely used.

Table 3- JC Forms with Notices Advising Litigants of Critical Rights and Responsibilities		
Documents for Translation	Plain Language	Existing translations
Summons (Family Law) (Form FL-110)	No (but simple in part)	Yes: Spanish in bilingual format
Summons (Parental Relationship) (Form FL-210)	No (but simple in part)	Yes: Spanish in bilingual format; Chinese in bilingual format.
Advisement and Waiver of Rights re. Establishment of Parental Relationship (Form FL-235)	No (but simple in part)	Yes: Spanish
Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) (FL-192)	No (but simple in part)	Yes: Spanish
Duties of Guardian (Form GC-248)	No (but simple in part)	Yes: Spanish
Notice of Conservatee's Rights (Form GC-341)	No (but simple in part)	No
Summons—Unlawful Detainer (Form SUM-130)	No	Yes: Spanish in bilingual format
Summons (Form SUM-100)	No	Yes: Spanish in bilingual format
Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Form FL-600) (<i>and if chosen, then should translate Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)</i>) (Form FL-610)	No	Yes: Limited Spanish in bilingual format

Child Support Case Registry Form (Form FL-191)	No	Yes: Spanish
Order to Show Cause and Affidavit for Contempt (Form FL-410)	No	Yes: Limited Spanish in bilingual format
Plea Form, With Explanations and Waiver of Rights-Felony (Criminal) (Form CR-101)	No	No
Domestic Violence Plea Form With Waiver of Rights (Misdemeanor) (Form CR-102)	No	No

Table 4- JC Videos and Audio Recordings	
Materials for Translation	Existing translations
DV INFO Forms audio recordings, in English at http://www.courts.ca.gov/1271.htm#acc15131	Yes: Spanish
Family Court Services Orientation Video at http://www.courts.ca.gov/1189.htm	Yes: Spanish
Juvenile Dependency Court Orientation Video at http://www.courts.ca.gov/selfhelp-childabuse.htm	Yes: Spanish
Juvenile Delinquency Orientation Video at http://www.courts.ca.gov/selfhelp-delinquency.htm	Yes: Spanish
Families Change Parenting After Separation Online Course at http://parenting.familieschange.ca.gov/	Yes: Spanish
Traffic Amnesty video at http://www.courts.ca.gov/trafficamnesty.htm	No
Resolve Your Case: Small Claims at http://www.courts.ca.gov/20129.htm (additional languages may be identified and provided via captioning)	Yes: Chinese, Korean, Russian, Spanish and Vietnamese
Resolve Your Case: Civil Harassment at http://www.courts.ca.gov/20131.htm (additional languages may be identified and provided via captioning)	Yes: Chinese, Korean, Russian, Spanish and Vietnamese

Resolve Your Case: Debt Collection at http://www.courts.ca.gov/24610.htm <i>(additional languages may be identified and provided via captioning)</i>	Yes: Chinese, Korean, Russian, Spanish and Vietnamese
Resolve Your Case: Eviction at http://www.courts.ca.gov/20130.htm <i>(additional languages may be identified and provided via captioning)</i>	Yes: Chinese, Korean, Russian, Spanish and Vietnamese

Table 5- California Courts Online Self-Help Center Pages

Materials for Translation	Existing translations
Lawyers and Legal Help at http://www.courts.ca.gov/1001.htm	Yes: Spanish
Family Law Facilitator Quick Reference Guide at http://www.courts.ca.gov/documents/ENFLQuickRefGuide.pdf	Yes: Spanish
Fee Waiver instructions (or simplified version) at http://www.courts.ca.gov/selfhelp-feewaiver.htm	Yes: Spanish
Excerpts of “Going to Court” at http://www.courts.ca.gov/1094.htm	Yes: Spanish
Additional translations of How to Work with an Interpreter at http://www.courts.ca.gov/documents/Tri-CutUseInterpreter.pdf	Yes: Spanish, Chinese, Vietnamese, Russian, and Tagalog
Small Claims Checklist – Suing someone at http://www.courts.ca.gov/1007.htm	Yes: Spanish
Small Claims Plaintiff’s Post-Trial Checklist at http://www.courts.ca.gov/1111.htm	Yes: Spanish
Small Claims Checklist – Being sued at http://www.courts.ca.gov/1010.htm	Yes: Spanish
Small Claims Defendant’s Post-Trial Checklist at http://www.courts.ca.gov/1116.htm	Yes: Spanish
Demand letter program at http://www.courts.ca.gov/11145.htm	No

Demand letter asking for security deposit at http://www.courts.ca.gov/11150.htm	No
Small Claims –Going to Court at http://www.courts.ca.gov/1013.htm	Yes: Spanish
Simplified (one page) information re. Small Claims Collection, beginning at http://www.courts.ca.gov/1178.htm	Yes: Spanish
Simplified (one-page) information re. Small Claims Paying the Judgment, beginning at http://www.courts.ca.gov/1015.htm	Yes: Spanish
Summarized version of Special Immigrant Juvenile Status at http://www.courts.ca.gov/selfhelp-sijs.htm	Yes: Spanish
Alternatives to Guardianship at http://www.courts.ca.gov/1210.htm	Yes: Spanish
Duties of a Guardian at http://www.courts.ca.gov/1211.htm	Yes: Spanish
Summarized version of Becoming a Guardian at http://www.courts.ca.gov/1212.htm	Yes: Spanish
Simplified versions of requesting custody/parenting time orders at http://www.courts.ca.gov/1185.htm	Yes: Spanish
Simplified versions of requesting child support orders at http://www.courts.ca.gov/1194.htm	Yes: Spanish
Simplified information on Parental Relationship at http://www.courts.ca.gov/selfhelp-parentage.htm	Yes: Spanish
Simplified version of Filing for Divorce or Legal Separation at http://www.courts.ca.gov/1229.htm	Yes: Spanish
Simplified guide for Summary Dissolution instructions at http://www.courts.ca.gov/1241.htm	Yes: Spanish
Making a Safety Plan (abuse cases) at http://www.courts.ca.gov/1263.htm	Yes: Spanish
Eviction process for Tenants at http://www.courts.ca.gov/27798.htm	Yes: Spanish

Summary of Security Deposit Issues at http://www.courts.ca.gov/1049.htm	Yes: Spanish
Summarized version of Name Change and Gender Change at http://www.courts.ca.gov/22489.htm and http://www.courts.ca.gov/genderchange.htm	Yes: Spanish
A to Z index at http://www.courts.ca.gov/29044.htm and Glossary at http://www.courts.ca.gov/selfhelp-glossary.htm	Yes: Spanish

Table 6- JC Forms for Case Initiation, Protective Orders, Plain Language Frequently Used Forms		
Documents for Translation	Plain Language	Existing translations
Request to Waive Court Fees (Form FW-001) (additional relevant fee waiver forms may be targeted)	Yes	Yes: Spanish, Tagalog
Request to Waive Court Fees (Ward or Conservatee) (Form FW-001-GC) (additional relevant fee waiver forms for guardianships/conservatorships may be targeted)	Yes (in part)	Yes: Spanish
Request for Civil Harassment Restraining Orders (Form CH-100)	Yes	No
Response to Request for Civil Harassment Restraining Orders (Form CH-120)	Yes	No
Request for Elder or Dependent Adult Abuse Restraining Orders (Form EA-100)	Yes	No
Response to Request for Elder or Dependent Adult Abuse Restraining Orders (Form EA-120)	Yes	No
Domestic violence case initiation (DV-100), response (DV-120), and several other critical forms	Yes	Yes: Spanish, Chinese, Korean and Vietnamese
Other civil harassment forms	Yes	Yes: Spanish, Chinese, Korean and Vietnamese

Other elder and dependent adult abuse forms	Yes	No
Plaintiff's Claim and Order to Go to Small Claims Court (Form SC-100)	Yes	Yes: limited Spanish in bilingual format
Defendant's Claim and ORDER to Go to Small Claims Court (Small Claims) (Form SC-120)	Yes	Yes: limited Spanish in bilingual format
Petition for Appointment of Guardian of The Person (Form GC-210(P))	Yes	Yes: Spanish
Complaint—Unlawful Detainer (Form UD-100)	No	No
Answer—Unlawful Detainer (Form UD-105)	No	No
Name change and gender change group of forms at http://www.courts.ca.gov/forms.htm?filter=NC	No	No
Petition for Appointment of Guardian of Minor (Form GC-210)	No	No
Petition for Appointment of Probate Conservator (Form GC-310)	No	No
Petition (Marriage/Domestic Partnership) (Form FL-100)	No	Yes: Spanish
Response (Marriage/Domestic Partnership) (Form FL-120)	No	Yes: Spanish
Petition to Establish Parental Relationship (Form FL-200)	No	Yes: Spanish
Response to Petition to Establish Parental Relationship (Form FL-220)	No	Yes: Spanish
Petition for Custody and Support of Minor Children (Form FL-260)	No	Yes: Spanish
Response to Petition for Custody and Support of Minor Children (Form FL-270)	No	Yes: Spanish
Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (Form FL-105), also Form GC-120.	No	Yes: Spanish

Answer (Contract) (Form PLD-C-010), which may be used to defend debt collection case.	No	No
Claim of Exemption (Enforcement of Judgment) (Form EJC-160) and Claim of Exemption (Wage Garnishment) (Form WG-006)	No	No

Table 6 notes:

- Domestic violence restraining order forms and several civil harassment forms are included in this list although they have already been translated to Spanish, Chinese, Vietnamese and Korean. Translation into additional languages, given their criticality and the fact that they are in plain language, may be considered a priority.
- The translation of petition/response forms for all restraining order forms, including elder abuse and civil harassment, may best be addressed when translating the orders (recommended in Table 1), given the amount of repetitive language, or through document completion/assembly programs so that the forms themselves do not have to be translated.

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Judicial Council of California

Bench Card: Working with Court Interpreters

Who can get an interpreter?

LEP party, witness or person with significant interest or involvement in a case or with legal decision-making authority, or whose presence or participation in the matter is necessary or appropriate as determined by a judicial officer.

Examples: Victims, legal guardians or custodians of a minor or an adult involved as a party, witness or victim.

Waiver of an interpreter by the LEP user must be:

- Knowing, intelligent & voluntary
- After consultation with counsel, if represented
- Approved by judicial officer, in his/her discretion
- Entered on record or other writing
- Revocable by party or judicial officer at any time.

Who cannot serve as interpreter?

- Minors, with no exception
- Persons with conflict of interest
- Bilingual staff

How Do I Determine if a Person Needs an Interpreter?

- Interpreter was needed at prior proceeding
- Limited English proficient (LEP) person requests interpreter
- Attorney requests an interpreter
- When person not able to communicate because of an apparent language barrier
- Court staff determines there is a need

Sample questions to assess understanding of English:

(Ask on the record. Avoid questions easily answered with yes or no replies.)

- What is your name?
- How did you come to court today?
- What kind of work do you do?
- How did you learn English?
- What is the reason for you being in court today?
- You have the right to a free interpreter to help you communicate and understand the proceedings today. Would you like the help of an interpreter?

What To Do if I Determine a Person Needs an Interpreter?

1. Before the proceeding, request a certified or registered interpreter.
2. If no certified or registered interpreter is available after diligent search ([Form INT-120](#)), may for good cause appoint provisionally qualified ([Form INT-110](#)) interpreter for proceeding. [CRC Rule 2.893](#); [Gov. Code § 68560 et seq.](#)
3. If interpreter NOT provisionally qualified, may appoint to prevent burdensome delay (or other unusual circumstance) only for brief, routine matter and indicate on record:
 - a. Party waives certified/registered and provisionally qualified interpreter,
 - b. Good cause to appoint non-certified/non-registered, non-provisionally qualified interpreter,
 - c. Interpreter is qualified to interpret the proceeding.

See forms [INT-100-INFO](#), [INT-110](#), and [INT-120](#) for provisional qualification process.

Sample voir dire questions to assess non-credentialed interpreter qualifications:

- What training or credentials do you have as an interpreter?
- How did you learn English?
- How did you learn your other language?
- What is your experience interpreting in court? What types of cases?
- Describe your familiarity with legal terminology.
- Do you know any of the parties in this case? If so, how?
- Are you able to remain neutral and impartial?
- Do you understand you are only here to facilitate communication and should not give advice or your opinion?
- **To the parties:** Does either party have any questions for the interpreter?

Required Statements Establishing an Interpreter's Credentials on the Record

For certified/registered interpreters (Gov. Code, § 68561(g)):

1. Name of interpreter (as listed on court interpreter certification or registration)
2. Current certification/registration no.
3. Statement that identification verified with badge or certification/registration documentation and photo ID
4. Language to be interpreted
5. Statement that oath administered or on file with court

For non-certified/non-registered interpreters (Gov. Code, § 68561(f)):

1. Certified/registered interpreter not available (form INT-120)
2. Name of qualified interpreter
3. Statement that good cause exists and required procedures and guidelines followed (forms INT-110, INT-120)
4. Statement that oath administered pursuant to required procedures and guidelines

Communicating Through Interpreters

Before the proceeding begins:

- Allow the interpreter to converse briefly with the LEP person to ensure understanding of accents, dialect or pronunciation differences.
- Whenever possible, allow the interpreter to review the court file prior to the hearing, to become familiar with names, dates and technical vocabulary.
- If you anticipate a long proceeding (one hour or more), consider appointing two or more interpreters.

During the proceeding:

- Instruct all participants to speak loudly and clearly, and to speak one at a time.
- Speak directly to the LEP person, not to the interpreter.
- Speak/read slowly and clearly, avoiding compound questions, double negatives, jargon and legalese.
- Pause during consecutive interpretation (witness testimony) so the interpreter can keep the pace.
- Don't ask the interpreter to independently explain or restate anything said by the party.
- Take into account the fatigue factor. Allow for breaks or alternate interpreters every 30 minutes.
- Monitor the interpreter so that side conversations with the LEP person do not take place.
- Check in periodically with LEP person to make sure s/he understands. Do so with substantive questions, not just a simple "yes" or "no".
- Recognize that court proceedings can be confusing and intimidating for a non-English speaker since other countries' legal systems and concepts often vary from those of the U.S.

Sample language to explain the interpreter's role

For the Party/Witness:

The court interpreter is a neutral person who is here only to interpret the proceedings and allow us to communicate. The interpreter will interpret only what is said, without adding, omitting, or summarizing anything. The interpreter will say in English everything you say in your language, so do not say anything you do not want everyone to hear.

When speaking, please speak directly to the attorney or to me. Do not ask the interpreter for advice. If you do not understand the interpreter, then tell me. If you need a question or answer repeated, please tell me. Wait until the entire question has been interpreted before you answer, even if you understand some English. And speak only in your language to avoid confusion. Do you have any questions?

For the Jury:

You may hear languages other than English during this trial. You must only consider the evidence provided through the official court interpreter. Some of you may understand the non-English language used, but it is important for all jurors to consider the same evidence. Therefore, you must base your decision on the evidence presented in the English interpretation. You must not rely in any way on your own interpretation of the witness' words.

Providing Language Access in California Courts

Benchguide OUTLINE

Chapters:

1. [The Need for Language Access](#)
2. [Language Access Laws & Policies](#)
3. [Understanding Language Access Service Providers](#)
4. [Working with Court Interpreters in the Courtroom](#)
5. [Remote Interpreting \(RI\)](#)
6. [Cultural Competence](#)

Overview of Benchguide Outline

This Benchguide Outline consists of 6 chapters, each addressing a different component of the provision of language access in the California Courts of particular relevance and concern to judicial officers. Each chapter is outlined below. Where appropriate, a textbox at the beginning of a chapter provides suggestions for the addition of graphics, tables, or other references to highlight the topic discussed. In addition, at the end of every chapter outline, there are resources for further reading for those interested in obtaining more information, or to assist in full development of the benchguide. Where applicable, a list of possible appendix items to be considered for supplementing a chapter is also provided.

Although the topics addressed in the benchguide outline largely correspond to those provided for the training curriculum for judicial officers, the delivery, format, and depth of the material should be handled differently. The benchguide can provide more in-depth information that can be referenced by bench officers whenever needed. The use of design features, such as graphics or special formatting of certain information will help deliver information effectively. Appendix A includes suggestions for graphics or formatted language to break up text in the benchguide and deliver important information concisely.

Note -the topic of cultural competence may warrant a benchguide of its own, or be incorporated as another tool separate from language access. Although it overlaps with language access, it is a much broader topic of great applicability to courts and all court staff and judicial officers. There are numerous publications discussing cultural competence within the court system, in addition to national experts that lead trainings and develop materials on this topic. However, if a brief overview and exposure to the topic is appropriate, the chapter outline included below will help provide that more cursory introduction to raise awareness as it relates to language access.

Chapter 1 Suggestions for Benchguide Graphics or Other Tools:

- Consider using graphs/tables to demonstrate language diversity in California (see, as samples only, graphics used by Judicial Council staff and the LAP, and a table from New Judge's College PPT, provided in Appendix A, [Chapter 1--Graphics](#)). Note that graphics may need to be updated or verified.
- [2015 Language Need and Interpreter Use Study](#) is a source of tables which may also be useful for inclusion in this chapter. Examples include:
 - Page 25, Table 15 and 16: LEP Populations, ACS and Projected, by Language Spoken at Home;
 - Study at page 7, Table 4, showing 30 most interpreted spoken languages in California;
 - Table 5, page 9 showing the breakdown by year (showing a significant increase for some of the languages from year to year).

Chapter 1. The Need for Language Access

1. California as a diverse state

- a. Linguistic diversity: California is the most linguistically diverse state in the country.
 - Approx. 7 million LEP persons in the state
 - LEP: speak English "less than very well"
 - 27% (over 10 million) are foreign born
 - Over 43% speak a language other than English at home
 - Over 200 languages spoken throughout state
 - Including Latin American indigenous languages whose speakers are often not educated to read and write in their languages and languages with no written form
 - 10% linguistically isolated households
 - Linguistic isolation: households where every member 14 or older is LEP.
 - 185 languages in LA alone (2nd only to NY with 192)
 - 10 most-interpreted languages in California trial courts:
 - Spanish (71.9%); Vietnamese (3.9%); Korean (2.4%); Mandarin (2.2%); Farsi (1.8%); Cantonese (1.7%); Russian (1.6%); Tagalog (1.4%); Arabic (1.4%); Punjabi (1.2%).
- b. Cultural diversity:
 - 38.6% Latino
 - 37% foreign-born; 83% of Mexican origin; 17% non-Mexican origin
 - 38.5 % White (non-Hispanic)
 - 14.4% Asian

- Highest percentages among foreign born: China, Philippines, Vietnam, India, Korea
 - 6.5 % Black or African-American
 - 1.7 % Native American
 - 0.5% Native Hawaiian or Pacific Islander
 - 3.2% LGBT
 - Great socio-economic diversity. E.g. 11 out of 15 most diverse cities in the U.S. are in California¹
 - Socio-economic diversity among all ethnic, immigrant and other groups.
- c. Geographic diversity:
- Rural vs. urban counties
 - Diversity within counties themselves, with mix of urban, rural, and large distances to travel to nearest courthouse or nearest services
 - Second largest city in the U.S. (City of Los Angeles)
- d. Court diversity—58 trial courts with different needs, resources, court cultures, and diverse communities
- Alpine: 2 judges; 1 courthouse; 1,159 people; 743 square miles
 - Los Angeles: over 500 judges, 38 courthouses, 10 million people; 4,272 square miles
 - San Francisco: Approx. 54 judges, 4 courthouses, 837,000 people; 49 square miles
2. LEP persons encounter barriers to access to the court system.
These barriers include:
- Literacy, lack of education, low income
 - Geographic and linguistic isolation
 - Distrust in government, courts & fear of law enforcement
 - Immigration status & fear of deportation
 - Lack of knowledge of US legal system, legal rights, legal assistance
 - Different cultural attitudes and beliefs
 - Limited availability of services that are linguistically and culturally appropriate
3. Language access is critical to access to justice.
Language access:
- a. Ensures effective communication, and
 - b. Allows all Californians to have access to the system that exists to protect and enforce their rights.
 - c. Lack of access generates lack of trust in the system.

¹ See *2015's Cities with the Most & Least Economic Class Diversity* at <https://wallethub.com/edu/cities-with-the-most-least-economic-class-diversity/10321/#highes-lowest>.

- Misunderstandings, frustration, anger and confusion
- Conflicts may escalate
- Issues may not get resolved
- [Trust and Confidence in the California Courts](#) –Survey of the Public and Attorneys
 - Recent immigrants tend to have low levels of contact, and of familiarity, with the courts
 - “African-Americans and Latinos significantly less positive about outcome fairness than Asian-Americans or whites.”
 - “Outcomes are seen by all respondents as least fair for persons who are low-income or who do not speak English.”

Chapter 1—Further Reading:

- [2015 Language Need and Interpreter Use Study](#)
- [Language Barriers to Justice in California \(2005\)](#)
- [Trust and Confidence in the California Courts \(2005\)](#)
- John Martin, et al., [What Does the Intersection of Language, Culture, and Immigration Status Mean for Limited English Proficiency Assistance in State Courts?](#) (October 2, 2012)

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Chapter 2 Suggestions for Benchguide Graphics or Other Tools:

- Consider inserting graphic on case type prioritization per Evidence Code 756 in CJER's "Using a Court Interpreter: The Basics" used for the New Judge's College (included below in Appendix A, [Chapter 2--Graphics](#). Graphic showing 8 goals of the LAP also provided.
- Consider use of some of the graphics at <http://www.courts.ca.gov/languageaccess.htm> or developed by EGG for the [Strategic Plan for Language Access in the California Courts](#).
- See appendix items suggested at end of Chapter outline, including relevant statutory authority, DOJ guidance, and other rules relevant to this chapter.

Chapter 2. Language Access Laws & Policies

1. California Language Access Plan (LAP)

a. Background to LAP development

- DOJ guidance for recipients of federal funding (e.g. courts)
- Language access efforts such as:
 1. Robust system for credentialing court interpreters,
 2. Individual LEP Plans in all 58 counties,
 3. Translated Judicial Council forms,
 4. Bilingual (English-Spanish) California Courts Online Self-Help Center, and
 5. Individual courts' efforts, online and in print materials, together with bilingual staffing.
- Joint Working Group formation, leadership and task
- Stakeholder involvement, including judicial officers and court executive officers on working group and listening sessions, in addition to extensive public comment and involvement.
- Judicial Council approved LAP in Jan. 2015, and appointed Implementation Task Force to begin process of implementation and oversight of the LAP.

b. Overview of LAP:

- LAP provides for full language access by 2020, with all 75 recommendations being implemented over a 5-year period, in 3 different phases.
- The plan sets out 8 goals for providing comprehensive language access:
 1. Improve Early Identification of and Data Collection on Language Needs
 2. Provide Qualified Language Access Services in All Judicial Proceedings

3. Provide Language Access Services at All Points of Contact Outside Judicial Proceedings
 4. Provide High Quality Multilingual Translation and Signage
 5. Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers
 6. Provide Judicial Branch Training on Language Access Policies and Procedures
 7. Conduct Outreach to Communities Regarding Language Access Services
 8. Identify Systems Funding and Legislation Necessary for Plan Implementation and Language Access Management
- Addresses all points of contact between LEP court users and the court, such as:
 1. Clerk’s offices and cashier windows
 2. Alternative dispute resolution programs
 3. Self-help centers
 4. Telephone lines (and recorded messages) accessed by the public when contacting the court
 5. Websites
 - Delineates provision of services for LEP parties, witnesses and persons with significant interest.
 - “Persons with significant interest”: “[P]ersons with a significant interest or involvement in a case or with legal decision-making authority, or whose presence or participation in the matter is necessary or appropriate as determined by a judicial officer.”²
 - Addresses the various language access providers: (1) Qualified³ interpreters at no cost; (2) Qualified translators; and (3) Qualified bilingual staff.
- c. How the LAP affects a judicial officer’s job—Recommendations most directly relevant to judicial officers: *[[May be included in a table, in summary form. Most relevant ones will be discussed in depth in other chapters]]*
- Rec. # 4: Establishes the affirmative duty for judicial officers to ascertain a court user’s language needs if no self-identification.
 - Rec. # 8: By 2017, qualified court interpreters in all courtroom proceedings (discuss Evidence Code §756 below) and Family Court Services mediation/child custody recommending counseling.

² Strategic Plan for Language Access in the California Courts, p. 30, FN. 12.

³ The term “qualified” as used throughout this benchguide is to follow the definitions as delineated in the Language Access Plan. LAP p. 27 defines “qualified interpreters;” LAP Recs. #47 & 48, establish standards (and direct for further development of standards) for qualified bilingual staff; LAP Rec. #36 establishes qualifications of translators.

- Rec. #9: Pending CRC amendment, provisional qualification requirements must be followed in civil matters as well, in manner akin to Rule 2.893.
- Rec. #10: By 2020, qualified interpreters for all court ordered, court operated programs, services and events.
- Rec. #11: LEP should not be ordered to program if program not linguistically accessible. Should order appropriate alternative program. Court should inquire if programs provide services when making findings and orders.
- Rec. #12-15: In person interpreter preferred but several recommendations re. video remote interpreting in the courtroom.
- Rec. #19: Interpreter qualifications on the record (Govt. Code §68561(g) and (f)).
- Rec.# 22-24: Cannot appoint as interpreters: minors (#23), persons with conflict of interest absent exigent circumstances (#22); bilingual staff, unless exigent circumstances and provisionally qualified (#24).
- Rec. #25: Each court will designate an office or person as language access resource for all court users and court staff/judicial officers.
- Rec. #33: Judge must determine court appointed professionals can provide language access before ordering or referring LEP.
- Rec. #40: Sight translation of court orders by qualified court interpreters, and written if possible (at least JC order/judgment form if translation available).
- Rec. #50: Judicial branch training
- Rec. #61-65: Establishment of complaint mechanism and procedures re. language access services.

2. California Statutes Related to Language Access/Interpreters

- a. Government Code 68092—Payment of court interpreters
 - Court interpreters and translator fees must be paid by the court in criminal cases.
 - By litigants in civil cases, as court may direct (but see Govt. Code §68092.1 and Evidence Code §756, below)
- b. Government Code 68092.1—Provides for court interpreters in civil cases at no cost
 - Imperative that courts provide interpreters to all parties who require one.
 - Notwithstanding 68092 or any other, court may provide interpreter in civil cases at no cost to the parties, regardless of income. Until sufficient funds, priority established in Evidence Code §756.
- c. Evidence Code §756—Establishes priority order for interpreters in civil matters
 - Interpreters continue in proceedings where previously mandated: Criminal, traffic, juvenile delinquency and dependency, mental competency, hearings with appointed counsel, other mandated civil.

- Priority order in civil matters, including fee waiver eligibility
 - *[Handout used by CJER's New Judge's College training with graphics re. priorities, included in Chapter 2-Graphics below]*
 - Can deviate from priority if: qualified interpreter present and available at location AND no higher priority action taking place at same location during time for which interpreter already compensated.
- d. Government Code §68561—Requirement regarding use of qualified interpreters and establishing interpreter credentials on the record *[[Discussed in more in depth with outline instructions in chapter 4 under “Establishing an interpreter’s credentials on the record (Govt. Code 68561 (f) and (g))”]]*
- Must use certified or registered interpreters in court proceedings, unless good cause.
 - New (2015)—Sets forth requirements for:
 - Establishing unavailability of credentialed interpreter and good cause for appointing non-credentialed; and
 - Establishing a certified or registered interpreter credentials on the record.
3. Other California authority related to the appointment of court interpreters.
- a. California Rule of Court 2.893- Appointment of noncertified interpreters in criminal and juvenile delinquency proceedings.
- Requires provisional qualification of non-credentialed interpreters. *[[Discussed in more in depth with outline instructions in chapter 4 under “Appointing a qualified interpreter”]]*
 - LAP Rec. #9 requires similar procedure for civil matters, pending amendment of CRC.
- b. Standard of Judicial Administration 2.10
- Establishes the procedures for determining the need for an interpreter and a pre-appearance interview. *[[Discussed in more in depth with outline instructions in chapter 4 under “Examination of party or witness to determine need—Std. of Judicial Administration 2.10”]]*
4. Federal law and guidance regarding language access:
- a. Title VI of the Civil Rights Act of 1964: prohibits discrimination on the basis of race, color, or national origin in any program, service or activity receiving financial assistance from the federal government.

- b. Executive Order 13166 (2000) regulations, established that denying access to federally funded programs to LEP individuals violates Title VI.
 - Corresponding implementing regulations (28 C.F.R. Part 42, Subpart C)
 - Department of Justice (DOJ) guidance documents

Suggested appendix items to include in Chapter 2:

- [Evidence Code §756](#) and Priority List Graphic Document (in resources for New Judge's College curriculum by CJER, if not included in actual Chapter text itself), unless included as a graphic in Chapter 2.
- [Government Code §68092](#)
- [Government Code §68092.1](#)
- [Government Code §68561](#)
- [California Rule of Court 2.893](#)
- [Standard of Judicial Administration 2.10](#)
- [Executive Summary – California Language Access Plan](#)

Chapter 2—Further Reading:

- [Strategic Plan for Language Access in the California Courts](#) (2015)
- [AB 1657- Courts: interpreters.](#)
- [Title IV of the Civil Rights Act of 1964](#)
- [Executive Order 13166 implementing regulations](#)
- [Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency.](#) (Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.)
- [Attorney General's Letter to Chief Justices/State Court Administrators \(August 2010\)](#)

Chapter 3 Suggestions for Benchguide Graphics or Other Tools:

- Consider using graphics such as samples provided in Appendix A, [Chapter 3—Graphics](#).
- Consider adding videos to the Further Reading list, such as those provided in [Videos on Working with Interpreters](#) and those used in New Judges' College.

Chapter 3. Understanding Language Access Service Providers

A. The Role of Qualified Court Interpreters in Language Access

1. What court interpreters do:

- Interpret an oral communication from a source language (language of the speaker) to the target language (language of the listener)
- Enable LEP person to understand the proceedings and to communicate effectively with the court.
- Enable judicial officers, attorneys and court personnel to communicate with and understand the LEP person.
- Act as a linguistic conduit and accurately convey the meaning from the source language into the target language.

2. Knowledge, skills, and training required of court interpreters.

a. Interpreting requires a high degree of language proficiency, skills, training, and experience. Critical abilities for an interpreter include:

- High level proficiency in both languages,
- Mastery of English and foreign language equivalent to educated native speaker,
- Ability to understand and follow different regional accents, dialects, and rates of speech,
- Strong comprehension skills and ability to perform quick analysis of meaning,
- Concentration, processing information quickly, short term memory, and accuracy,
- Ability to self-monitor and self-correct,
- Ability to read (and sight-translate) a broad range of texts, quickly, with little or no preparation, and
- Training and practice in: memory building and note-taking skills for consecutive interpretation; sight translation techniques; simultaneous interpretations skills; and interpreter ethics.

b. Interpreters must also possess:

- Knowledge and awareness of cultural aspects that affect language.
- Knowledge, and continued learning of social, technological, and legal changes that affect language.

3. Credentialing of court Interpreters by Judicial Council

a. Certification of court interpreters. Interpreters can be certified in 15 designated languages:

- Arabic, Cantonese, Eastern Armenian, Japanese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, Vietnamese, Western Armenian and American Sign Language (ASL)

i. To become certified, must:

- Pass the English-only written exam.
- Pass the bilingual oral interpreting exam in English and the designated language demonstrating proficiency in the 3 modes of interpretation (see description of modes below).
- Enroll with the Judicial Council & pay the annual fee.
- Attend a Code of Ethics Workshop.

ii. For ongoing certification, must:

- Complete ongoing continuing education requirements of 30 approved hours every two years.
- Comply with Professional Standards and Ethics for Court Interpreters.
- Complete 40 professional interpreting assignments every two years.
- Pay Judicial Council annual fee.

b. Registration of court interpreters: Credentialing for spoken languages for which there is no certification

i. To become registered must:

- Pass the English written and English oral proficiency exams.
- Pass the oral proficiency exam in second language, where available (currently available for 70 languages).
- Enroll with the Judicial Council & pay the annual fee.
- Attend a Judicial Council Code of Ethics Workshop.
- Attend a Judicial Council Orientation Workshop.

ii. For ongoing registration, must:

- Complete ongoing continuing education requirements of 30 approved hours every two years.
- Comply with Professional Standards and Ethics for Court Interpreters.
- Complete 40 professional interpreting assignments every two years.
- Pay Judicial Council annual fee.

2. How interpreters do what they do—There are three modes of interpretation:

- a. Simultaneous: The interpreter interprets at the same time the speaker is speaking (lagging slightly behind).
- Usually used in courtrooms when LEP person only listening and not expected to respond.
 - It is highly demanding. Studies show that after 30 minutes interpreter accuracy decreases and does so exponentially, even with the most qualified and experienced interpreters. Team interpreting is therefore a best practice (see discussion in Chapter 4).
 - Also after approximately 30 minutes, ability to self-monitor and self-correct diminishes (while errors increase).
 - Greater potential for mistakes and less time to correct them.
- b. Consecutive: The interpreter begins interpreting after the speaker finishes speaking.
- Used for testimony on the record, interviews, and much of the work outside of the courtroom.
 - Often considered most accurate because allows interpreter to capture the entire message before delivering it in the other language.
 - Allows interpreter to adjust for manners of speech and make a more accurate judgment about the meaning of the message and make better choices re. how to render it into the other language.
 - Requires excellent memory and note-taking skills, developed through training.
 - Accuracy is also affected by fatigue in consecutive interpretation, and team interpreting is recommended for lengthy witness testimony.
- c. Sight translation: The interpreter renders an oral interpretation of a document or text.
- Given the wide range of texts that may have to be sight translated, interpreters should be given an opportunity to read and review the text and look up necessary terminology if necessary.

3. All credentialed interpreters must follow Professional Standards & Code of Ethics for Court Interpreters.

- a. Nine Canons (California Rule of Court 2.890)
- 1) Accurate representation of qualifications
 - 2) Complete and accurate interpretation
 - 3) Impartiality and avoidance of conflicts of interest
 - 4) Confidentiality of privileged communications
 - 5) Not giving legal advice

- 6) Impartial professional relationships
- 7) Continuing education and duty to the profession
- 8) Assessing and reporting impediments to performance
- 9) Duty to report ethical violations

b. Complete & accurate interpretation includes:

- Complete interpretation of all communications, on and off the record (including slang, idioms, obscenities, comments/questions)
- No additions or embellishments
- No omissions or editing
- No paraphrasing, summarizing or simplifying
- Same register
- Same meaning
- Same tone/emotion

c. Assessing and reporting impediments to performance includes interpreter intervening when:

- i. Needed to preserve accuracy and completeness
 - Speaker talking too quickly, too noisy, no pauses, need break
 - To look up terminology
- ii. Message must be clarified:
 - To clear up a misunderstanding
 - When interpreter does not understand a question/statement or slang/regionalism
 - When no linguistic equivalent exists and must explain
- iii. Needed to clear up a cultural misunderstanding (limited)
 - To explain commonly known things (e.g., names, dates, holidays)
 - Interpreters can only provide objective, factual and relevant information
 - Cannot act as a cultural expert.

4. Dangers of using untrained interpreters

a. Untrained interpreters are not qualified because:

- Lack of language proficiency (English or other)
- Unfamiliar with interpreting techniques, ethical standards, and legal process
- Unable to provide a complete and accurate interpretation
- Conflicts of interest
- Minors
- Difficulty understanding and interpreting legal terminology
- Fluency/proficiency does NOT equal ability to interpret in court

- b. Problems with untrained interpreters:
 - Between 23% to 53% of words incorrectly interpreted
 - Omissions, substitutions and mistakes distort the message
 - Frustration, confusion, and anger (for all participants, including bench officer), can result in escalation of conflict
 - LEP person and other participants (judge, lawyers, jury, etc.) lack skills to judge accuracy of interpreting and may not realize miscommunication is taking place.
 - c. Consequences of bad interpretation
 - Barriers to access
 - Loss of legal protections and legal recourse
 - Dissatisfaction with court process/justice system
 - Inaccurate record created & possible challenges to proceedings/rulings
5. Payment for court interpreters
- a. Per the LAP, full expansion for interpreter provision timeline:
 - Qualified interpreters to be provided in all court proceedings, at no cost to the parties, by 2017.
 - Qualified interpreters to be provided, at no cost, in all court-ordered, court-operated events by 2020.
 - b. Explanation of Program 45.45.
 - Under Program 45.45, courts pay for interpreters in all previously mandated cases: criminal, traffic, juvenile, mental competency, domestic violence in family court.
 - Under Program 45.45, if funds available, courts pay for interpreters in civil matters according to priority list under Evidence Code §756. Court, through its designated person or office, to determine which case types it can pay for.
 - c. Pending full expansion:
 - Courts are authorized to provide interpreters at no cost to parties in civil matters regardless of fee waiver eligibility, if court chooses to allocate other funding for interpreter services not covered by Program 45.45.
 - Parties pay for court interpreter costs in civil matters for which the court does not provide court interpreters.
 - d. Several recommendations in the LAP address seeking additional funding for provision of comprehensive language access (See. LAP Recs. #56-59).

B. The Role of Qualified Translators in Language Access

- 1. What translators do:
 - a. Render a written communication from a source language to the target language, utilizing the appropriate style and terminology in the target language.

2. Knowledge, skills, and training required of translators:
 - Proficiency in reading English and the foreign language,
 - Mastery of foreign language equivalent to educated native speaker,
 - Knowledge of formal writing, common grammar, syntax and dialectical aspects in both English and foreign language,
 - Knowledge of legal writing and legal terminology in both languages,
 - Knowledge and awareness of cultural aspects that affect language, and
 - Knowledge, and continued learning of social, technological, and legal changes that affect language.

A credentialed or otherwise qualified interpreter is not automatically a qualified translator. Interpreting and translating require different skills.

3. Credentialing/establishing qualifications of translators
 - American Translators Association (ATA): Certifies translators for a particular language pair (such as English and Spanish) and in a particular direction, such as *from* English *to* Spanish (or vice versa, or both).
 - For court translations, court may want to also require a court or legal specialization.
 - When not ATA certified, translators should possess a degree or certificate from accredited university (if in the US), or equivalent in a foreign country, in translation and/or linguistic studies, or equivalent experience as a translator and translating legal and/or court documents.
3. Judicial Council Translation Protocol requirements *[[Not in place yet]]*

C. The Role of Qualified Bilingual Staff in Language Access

1. Bilingual staff play a critical role in making courts linguistically accessible
 - a. They assist LEP court users in their native/preferred language directly (as opposed to interpreting between a court user and other court staff).
 - b. They help courts ensure multilingual capacity at the more critical points of contact with the court.
2. Bilingual staff may be in the courtroom, clerk's office, court information kiosks or offices, cashiers, or any other court department or office.
 - Examples include bilingual attorneys or paralegals in self-help offices; bilingual mediators; bilingual courtroom clerks; bilingual filing clerks; etc.
3. Bilingual staff must meet language proficiency requirements for their position.
 - Rec. #47: The LAP provides for objective measure of a bilingual staff's proficiency in all working languages, suggesting a base proficiency of "Intermediate Mid" as

defined under the American Council on the Teaching of Foreign Languages (ACTFL). Existing Oral Proficiency Interview available through CLASP may be used.

- Staff member's self-evaluation is not sufficient.
4. Different points of contact with the public will require higher levels of proficiency (See LAP Rec. #48).
- Bilingual staff at those points of contact should demonstrate higher proficiency levels to be determined in a standardized objective manner.
 - Example: Self-help centers where instructions to litigants can be complex and detailed, will likely require higher proficiency than a cashier's window.
5. Limitations of bilingual staff with respect to interpretation and translation:
- Bilingual staff should not be used to interpret or translate unless otherwise credentialed or found to meet the necessary qualifications by provisional qualification (for interpreters) or by standards established by the relevant translation protocol.
 - Even when provisionally qualified, calling on bilingual staff to provide interpreting or translation services may cause them to compromise their professional standards or could create a conflict of interest.
 - E.g., bilingual staff may have assisted a litigant in a self-help center and learned certain facts which may be contradicted when that same staff person is acting as an interpreter for litigant, putting staff in difficult situation.

Chapter 3—Further Reading:

- [Compliance Requirements for Court Interpreters](#)
- [Search for Court Credentialed Interpreter](#)
- [California Rule of Court, Rule 2.890](#)
- [Professional Standards and Ethics for California Court Interpreters](#)
- [ACTFL Oral Proficiency Interview](#)
- [Knowledge, Skills and Abilities Essential for Court Interpretation](#)
- *Judicial Council's Translation Protocol (if available)*

Chapter 4 Suggestions for Benchguide Graphics or Other Tools:

- Consider using graphics such as samples provided in Appendix A, [Chapter 4—Graphics](#).
- Consider adding videos to the Further Reading list, such as those provided in [Videos on Working with Interpreters](#) and those used in New Judges' College.
- Consider inclusion of the Interpreter forms referenced in the chapter as appendix items, for convenience and easy reference.

Chapter 4. Working with Court Interpreters in the Courtroom

1. Determining the need for an interpreter

a. Request by the LEP user

- LEP user may be party, witness, or person with significant interest in the case
- “Persons with significant interest”: “[P]ersons with a significant interest or involvement in a case or with legal decision-making authority, or whose presence or participation in the matter is necessary or appropriate as determined by a judicial officer.”⁴
 - Examples: victims, legal guardians or custodians of a minor involved as a party, witness or victim; legal guardians or custodians of an adult involved as a party, witness or victim; adult children of family law litigants.

b. Request by the LEP user’s attorney or advocate

c. Indication in court file or case management system of need for interpreter

d. Judicial officer concludes that need to appoint interpreter to ensure communication and understanding by LEP court user, courtroom participants, and jury

e. Examination of party or witness to determine need—Std. of Judicial Administration 2.10

- Examination required when a party or attorney requests, or
- When appears to court that party may not understand English well enough to participate fully (or, for witness, when cannot speak English so as to be understood by attorneys, court and/or jury)
- Examination of party/witness – SJA 2.10(c), with conclusion on the record.

f. Waiver of interpreter by LEP user—LAP Rec. #75 asks the Council to develop a policy to address waivers. Policy must ensure that waiver is:

- Knowing, intelligent and voluntary
- Made after consultation with counsel, if represented

⁴ Strategic Plan for Language Access in the California Courts, p. 30, FN. 12.

- Approved by judicial officer, in his/her discretion
- Entered on the record or other writing
- Revocable by party or judicial officer at any time
- When accepting a waiver on the record, judicial officer should ensure LEP person fully understands ability to revoke waiver at any time.
[Note that policy has not yet been developed, so benchguide may need to be updated to reflect actual policy for waivers, and not just the recommendations in the LAP. Policy may address with more specificity how to handle waivers with self-represented litigants who are unable to consult with counsel]

2. Appointing a qualified interpreter

- a. Preference for certified/registered in-person interpreter.
 - See [Remote Interpreting](#) section for appropriateness of appointing remote interpreter.
 - Certified interpreter required for court proceedings in 14 designated languages.
 - Registered interpreters are required for other languages.
 - An in-person interpreter is preferred.

- b. When no certified or registered interpreter available after diligent search, court may continue the matter or appoint a provisionally qualified interpreter. *[[Note: Full “How-to” instructions to be fleshed-out in benchguide content as it is developed]]*
 - 1) Rule 2.893 for criminal and juvenile delinquency proceedings
 - 2) Pending rule amendment, must follow same procedure for civil matters (LAP Rec. #9)
 - 3) Judicial Officer in proceeding makes findings related to good cause based on process described in, and review of, following Judicial Council Forms:
 - *Procedures and Guidelines to Appoint a Noncertified or Nonregistered Interpreter in Criminal and Juvenile Delinquency Proceedings*, [INT-100-INFO](#),
 - *Qualifications of a Noncertified or Nonregistered Interpreter*, [INT-110](#),
 - *Certification of Unavailability of Certified or Registered Interpreter*, [INT-120](#) and
 - *Foreign Language Interpreter’s Duties—Civil and Small Claims*, [INT-200](#)

- c. Restrictions on appointment of noncertified, nonregistered interpreters under LAP:
 - 1) No minors (Rec. #23), without exception.
 - 2) No persons with conflict of interest (Rec. #22) absent exigent circumstances.
 - 3) No bilingual staff (Rec. #24) unless provisionally qualified and exigent circumstances.

3. Provisional qualification of an interpreter:

- 1) Court staff responsible for assigning interpreters performs diligent search for certified or registered interpreter, and signs *Certification of Unavailability of Certified or Registered Interpreter* (Form INT-120)
- 2) Noncertified/nonregistered interpreter is provisionally qualified by PJ or judicial designee after review of proposed interpreter's *Qualifications of a Noncertified or Nonregistered Interpreter* (Form INT-110)
- 3) Judge at proceeding finds good cause to use noncertified/nonregistered interpreter
- 4) Judge finds noncertified/nonregistered interpreter is provisionally qualified (may review Form INT-110 and may conduct additional examination or require additional information of interpreter, if desired).
- 5) If judge at the proceeding finds that interpreter NOT provisionally qualified, may use interpreter if brief, routine matter and judge, on the record:
 - i. Indicates defendant or minor waives certified/registered and provisionally qualified interpreter,
 - ii. Finds good cause to appoint noncertified/nonregistered non-provisionally qualified interpreter, and
 - iii. Finds interpreter is qualified to interpret the proceeding.
- 6) Requirements for the record on Form INT-100-INFO, p. 3.

4. Establishing an interpreter's credentials on the record (Govt. Code 68561 (f) and (g))

- a. For certified and registered interpreters, on the record:
 - 1) Name of interpreter (as listed on credentials)
 - 2) Current certification or registration number
 - 3) Statement that identification verified by court with interpreter badge issued by the Judicial Council or other similar documentation
 - 4) Language to be interpreted
 - 5) Statement that oath administered or that it's on file with court
- b. For provisionally qualified interpreters, on the record:
 - 1) Finding that certified or registered interpreter not available
 - 2) Name of provisionally qualified interpreter
 - 3) Statement that required procedures and guidelines followed
 - 4) Statement that oath administered

5. Handling challenges to interpretation

- 1) Address as a side bar (include interpreter in side bar or otherwise inform interpreter of substance of challenge)
- 2) Have court reporter read back question & answer
- 3) Request basis for objection and proposed interpretation

- 4) Determine if relevant and material
- 5) Ask interpreter if s/he accepts challenged interpretation
 - Allow interpreter to clarify with witness
 - Allow interpreter to use dictionary/resources
 - Interpreter states basis for interpretation (initial one, or agreement with proposed)
- 6) If proposed interpretation accepted, instruct jury to disregard earlier and re-ask question.
- 7) If interpreter does not accept proposed interpretation, burden on challenging party.
- 8) Judicial officer to make determination.

4. Courtroom management in interpreted events—Best practices

a. Pre-appearance interview and preparation

- 1) SJA 2.10 provides, for good cause: authorization of pre-appearance interview between interpreter and LEP person.
- 2) Good cause: If interpreter needs “clarification on interpreting issues, including colloquialisms, culturalisms, dialects, idioms, linguistic capabilities and traits, regionalisms, register, slang, speech patterns or technical terms.” (SJA 2.10)
- 3) Best practices:
 - Provide interpreter relevant case information before assignment, including nature of proceeding, possible technical terms or concepts, emotionally charged content, etc.
 - Access to police reports and written pleadings in advance or at the time of hearing helps interpreter prepare more completely.
 - Provide for pre-appearance (or pre-session) interview so interpreter may ensure adequate communication and language compatibility.
 - Interpreters are neutral officers of the court and must maintain confidentiality as part of their code of ethics, so privacy should not be an issue here. Having more information and context greatly improves the quality and accuracy of the interpretation.

b. Explanation of interpreter role to all courtroom participants—Best practices:

- Judge should explain the role of the interpreter to all courtroom participants, and make sure LEP person has understood.
 - May be done by video/script before calendar call to ensure consistent and accurate information.
 - Possible strategies are: having interpreters interpret the video as it plays (using headsets) since presumably the interpreters have already been secured; or having the video recorded in various languages and participants can wear headsets for their particular language.

- Explain interpreter is impartial. S/he is not the interpreter for one side or another; interpreter interprets for the court.
- Explain interpreter is a highly qualified language professional and is certified (or registered) based on demonstrated skills and knowledge (does not apply when using provisionally qualified interpreters).
- If jury, explain to jurors that, even if they speak the LEP person's language, they must rely on the interpreter's rendition to English only, as that is the official record.
 - [California Criminal Jury Instruction \(CalCrim\) 121](#), California Jury Instructions Criminal (CALJIC) 1.03, [California Civil Jury Instructions \(CACI\) 5008](#)
 - If juror believes interpreter committed error, should let judge know by writing a note (CALCRIM 121)

- Interpreter cannot, and should not be asked to, offer opinions.
- Explain participants must address LEP person directly.
- Interpreter will refer to him/herself, if needed, in the third person.
- Ensure all participants understand interpreter is conduit only.
- Interpreter must interpret everything that is said out loud.
- Interpreter cannot interpret non-verbal communications.
- Interpreter may have to intervene to notify the court if s/he does not understand or needs a slower pace or repetition.
- Explain interpreter may position him/herself slightly behind the LEP person, or in a location that improves audibility, and that interpreter may be using equipment and LEP person will be wearing headphones.
- Explain interpreter may need to pause interpretation to clarify, look terminology up, or for some other reason to comply with ethics.

c. Managing all court participants—Best practices:

1) General practices:

- Ensure proper direct address of LEP person by all participants.
- Ensure all speakers talk slowly, loudly and clearly, and pause to give interpreter opportunity to interpret (especially if consecutive mode).
 - In addition to initial instruction, enforce the practice and remind participants if not following the instruction.
- Before getting underway, establish ground rules for challenge to interpretation to be handled as sidebar.
 - Party challenging the interpretation has burden to show it was inaccurate.
 - Interpreter should be involved during conversation.

2) Instruction for LEP persons

- Inform LEP persons using an interpreter to inform you (judge) if they do not understand the interpreter.
- Check in with LEP person periodically to ensure s/he understands. Check for understanding with substantive questions, not just a simple “yes” or “no”
 - Though judges, if they do not speak the LEP person’s language, may not be able to monitor the accuracy of the actual interpretation, they can monitor the LEP person’s understanding.
- Instruct LEP witnesses to wait for question to be interpreted in full before answering and answer in their language only, and not go back and forth between English and their language, even if they speak some English.
 - Instruct LEP witnesses to listen to the question as interpreted, not in English, even if they speak some English.
 - You may have to remind LEP person of this repeatedly, since it is common for someone who understands some English to answer before the interpretation is complete.
 - Keep in mind that even if the LEP person does at times seem to understand or speak English (and does so), it does not mean he or she is not LEP or does not require the assistance of an interpreter.

3) Managing the proceeding

- Ensure courtroom noise is kept at a minimum. Remove distractions.
- Allow only one speaker at a time.
- Ask simple, not compound, questions.
- Avoid double negatives.
- Avoid idioms, regionalisms, jargon, acronyms, and jokes
- Avoid legalese and “short-hand” talk.
- Allow interpreter to interpret objections before ruling.
- Instruct attorneys to allow interpret to finish interpretation before asking the next question.
- Ensure most appropriate positioning for interpreter, in consultation with interpreter and LEP person.

4) Awareness of the interpreter

- Be aware interpreter may have to interrupt, intervene, look up terminology, to comply with ethical guidelines and ensure accurate communication.
 - Remain patient
 - If you deem interpreter is interrupting more than customary, consider pausing proceeding to ascertain problem.
 - Interpreter may be having challenges understanding the LEP person.
 - LEP person may not, even in native language, be forming complete sentences or thoughts.

- Interpreter may not be qualified for particular assignment (if so, obtain another interpreter or continue the matter to another date).
 - Assure interpreter that, if so requested, unheard testimony or statements can be repeated.
 - If asking LEP person to review a written document, give interpreter time to quickly review the writing before asking him/her to sight translate.
 - Whenever possible, provide interpreter with written materials such as jury instructions to facilitate lengthy interpretation.
 - Allow interpreter to use note pad for taking notes while interpreting.
 - Be aware of needing to give interpreter breaks (if no team interpreting). Ask interpreter.
- d. Team interpreting and interpreter appointment considerations
 - 1) Interpreting is highly demanding and interpreter fatigue (and errors) set in after approx. 30 minutes of sustained simultaneous interpreting.
 - 2) For long proceedings, appoint a team of interpreters so interpreters take turns and ensure accurate interpretation.
 - 3) Appoint a different interpreter for LEP witnesses than for parties.
 - 4) Appoint different interpreters for opposing parties, if possible.
 - 5) Ensure no conflict in using interpreter. If interpreter interpreted for a party in preparation for trial (e.g., in his/her attorney's office), that interpreter may be perceived as biased if interpreting at the court proceeding.
 - If must use interpreter, inform parties interpreter is bound by confidentiality, is under oath, and acts as a neutral party and not advocate for either side.

Chapter 4—Further Reading

- *Court Interpreting* articles provided below under [Additional Resources for Language Access Benchguide](#)
- [ABA Standards for Language Access in Courts](#)
- *Determining Need for an Interpreter* (from CJER New Judge's College)
- *Interpreter Information and Judge's Scripts* (from CJER New Judge's College)
- *10 Tips for Working with Interpreters* (provided as part of CJER New Judge's College, by Mary Lou Aranguren)
- [Working with Court Interpreters](#), adapted from *Bench Orientation: Working with Interpreters* developed by the Superior Court of California, Contra Costa County (2004)
- See list of videos provided in [Videos re. Working with Court Interpreters](#)
- Bench cards developed by NCSC, when available
- Tool-kit once developed by Translation subcommittee may also provide one location for resources helpful to judicial officers when working with LEP court users.

Chapter 5 Suggestions for Benchguide Graphics or Other Tools:

- Consider using graphics such as samples provided in Appendix A, [Chapter 5—Graphics](#).

Chapter 5. Remote Interpreting (RI)

1. What is remote interpreting?

- Remote Interpreting allows the interpreter to appear remotely to interpret in a courtroom proceeding.
 - Video-remote interpreting (VRI) allows for interpreter to interpret via video.
 - Telephonic remote interpreting provides for the interpreter to interpret via phone only (no video).
- Several LAP recommendations include pilot projects to explore VRI. VRI is still new and evolving.
- LAP Rec. #14 requires the Language Access Implementation Task Force to establish minimum technological requirements for RI, including requirements for both simultaneous and consecutive
- If using RI, courts should use video for courtroom interpretations (LAP Rec. #15)
- Rec. #16 establishes a pilot project for using VRI in courtroom proceedings.

2. Appointment of remote interpreter for courtroom proceedings

- a. In-person, certified and registered court interpreters preferred for courtroom proceedings (LAP Rec. #12)
- b. LAP allows courts to “consider the use of remote interpreting where appropriate for a particular event.”
- c. Guidelines will be developed regarding recommendations for the use of video remote interpreting.

3. Guidelines for use of VRI in the courtroom

Courts must satisfy, as feasible, guidelines on Appendix B of LAP. Summarized as:

- a. Minimum technology requirements for high quality communications
- b. Training for all persons who will be involved in the RI event, related to:
 - Equipment
 - Interpreting protocols
 - Interactions with LEP persons
- c. In determining appropriateness of RI for court event, examine:
 - Length and complexity of event (and communications involved)
 - Relative convenience/inconvenience to the LEP court user
 - Whether matter uncontested

- Whether proceeding is of immediate nature (e.g. arraignment, bail reduction, TROs)
- Whether LEP party present in courtroom
- Number of court users to receive interpretation from same interpreter during event
- Efficient deployment of court resources
- Whether relay interpreter is required

d. During the court proceeding:

- Need to interrupt or clarify, or suspend and reschedule
 - Interpreter may need to interrupt, clarify. Judge should acknowledge this at start of proceeding and provide a mechanism in advance to allow for this.
 - Judge should check in with LEP party frequently to ensure he/she is hearing and understanding.
 - Judge may need to suspend and reschedule for variety of reasons (e.g. technology, interpreter finds it ineffective, etc.)
- VRI and RI Challenges
 - Particular challenges for interpreters, which may include increased fatigue and stress (and lead to decreased accuracy).
 - May need shorter sessions and more breaks.
- Participants who must have access
 - Remote interpreter must be heard and must be able to hear all speakers.
- Visual/Auditory Issues, Confidentiality and Modes of Interpreting
 - VRI preferred over telephone.
 - Auditory/visual issues and confidentiality must be considered when implementing RI. All parties must understand in advance what procedure and technical set up will be used to allow for confidential communications as needed.
- Documents and Other Information
 - Ensure availability of technology to communicate written information to interpreter
- Professional Standards and Ethics
 - All interpreters bound by same standards and ethics.
 - Interpreters are required to interpret everything completely and accurately.

- Interpreters are required to report impediments to performance.
- Data Collection
 - Monitor effectiveness of technology and satisfaction of participants, including LEP persons and interpreters, during the proceeding and through evaluations.
 - Track benefits and problems experienced on ongoing basis.
- 4. Objections Related to RI
 - a. When explaining RI event, ask if parties and attorneys have objections.
 - b. If no objections, state so on the record.
 - c. If objections:
 - If overrule objection, state so on the record.
 - If uphold objection, state so on the record and continue the matter to have an in-person interpreter present.

Suggested appendix items to include in Chapter 5:

- Appendix items B, C, D in [Strategic Plan for Language Access in the California Courts \(2015\)](#)
- *Technological Solutions Subcommittee of the Implementation Task Force*
- *Sample bench card developed by NCSC*

Chapter 5—Further Reading:

- [Recommended Guidelines for Video Remote Interpreting for ASL-Interpreted Events \(Judicial Council of California\)](#)

Chapter 6 Suggestions for Benchguide Graphics or Other Tools:

- Consider using graphics such as samples provided in Appendix A, [Chapter 6—Graphics](#).
- Consider adding videos to the Further Reading list that address cultural competence in the state courts. E.g. San Joaquin county video.

6. Cultural Competence

1. Why culture is important in the state courts

a. Great diversity of cultures represented in state courts

- There are ethnic/national cultures (groups whose members have a common affiliation defined by reference to ethnicity or nation); professional culture (groups with affiliations defined by occupation or profession, e.g. lawyers, judges); organizational culture (groups interactive within a particular unit or agency, e.g. courts, district attorneys), and more.
- Vast differences in behaviors, values, fundamental beliefs and the assumptions of court users (and court staff and judicial officers) with regard to the court system and court culture.
- Great diversity within cultures as well. Culture is not monolithic. Even members of the same culture will have great diversity in perceptions, behavior, interactions with the court etc. based on socio-economics, geographic location, educational levels, age, gender, individual characteristics, personal background and experiences, etc.
- For LEP persons, having a country in common does not guarantee similar notions, perspectives, etc.
 - Diversity of dialects, regionalisms, local languages, immigration status, time in the U.S., level of acculturation, as well as other factors already addressed.

b. Individuals often are part of various cultural groups. In the court context, culture affects:

- Court users
- Court staff
- Judicial officers
- Justice partner agencies interacting with the court
- Public at large in its perception of the justice system

2. How might culture affect a court user?

Culture may:

- Impact their perception of the court system.
- Impact their understanding of the legal process.
- Influence their definition of justice and conflict.

- Affect their willingness to identify as LEP.
- Affect how they describe events that occurred (e.g., may have different concepts of past, present and future).
- Impact their views of authority figures in legal proceedings.
- Affect their willingness to seek help or accept help when offered.
- Affect their expectations of “free” help (that it is “lesser than” paid/contracted for).
 - May affect their willingness to accept free interpreter, appointed counsel, self-help services, or legal aid.
- Affect their expectations (of the court, the judge, the law).
- Affect their behavior in court.
 - Their relationship to authority may cause them not to speak up, or contradict a lawyer or judicial officer, or assent in understanding but not in agreement.
 - May act submissive, or aggressive.
 - May say they understand when they don’t.
- Influence their motivations and strategies.
- Affect their perspectives or understanding on compliance with court orders.

3. What is cultural competence?

- Responding to people in ways that recognize, value, and respect their cultures, languages, classes, races, ethnic backgrounds, religions and other factors.
- Cultural competence requires that organizations have a defined set of values/principles, and demonstrate behaviors, attitudes and policies that allow them to work cross-culturally.
- It does not mean assuming all individuals appearing to belong to a given culture will behave the same, understand the same, and relate in the same manner to the court and its participants.

4. Steps to cultural competence

- Awareness of own cultural background (including ethnic/national, professional and organizational), and how one’s culture may influence own worldview, behaviors, thoughts, ways of communicating, and, while on the bench, the perspectives one has and decisions made.
- Awareness of own biases
 - Implicit bias and Implicit Association Tests
 - Examine how your own implicit biases may affect the decisions you make on the bench with regard to credibility, punishment, outside services ordered, etc.
- Be aware that LEP person’s culture may impact their perception of the court system, their understanding of legal process, etc.

- Do not assume that by understanding an LEP person’s identified culture you understand their perceptions, views, behavior, etc.
 - Listen closely.
 - Be open.
 - Be patient.
 - Continue learning.
5. How does cultural competence make a difference?
- Better communication
 - Increased procedural fairness
 - Increased and more meaningful participation
 - Better compliance with court orders by improving information for making orders and ensuring orders and communication is culturally appropriate as well as tailored to the individual’s needs, without blanket cultural assumptions
 - Increased public trust and confidence
 - Improved access to justice

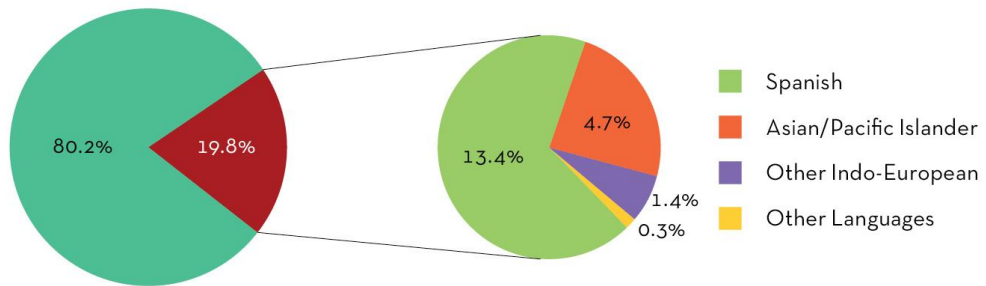
Chapter 6—Further Reading:

- [Implicit Association Test](#)
- “Tools for Cross Cultural Communication” excerpt from [Handling Cases Involving Self-Represented Litigants, a Benchguide for Judicial Officers](#) (2008)
- www.ethnomed.org/culture: Univ. of Washington website that provides “cultural profiles” of immigrant and linguistic groups in Seattle area.
- [Cultural Competence in Legal/Judicial Services](#)
- [Cultural Orientation Resource Center](#)
- [National Center for Cultural Competence](#)
- [Comparisons between two legal systems \(Mexico and U.S.\)](#) (Superior Court of California, County of Imperial)
- [Borderland Justice: Working With Culture in Courts Along the US/Mexico Border](#) by John A. Martin, Jose Guillen and Diane Altamirano (March 16, 2007)
- [Additional Resources for Language Access Benchguide on Cultural Competence](#)

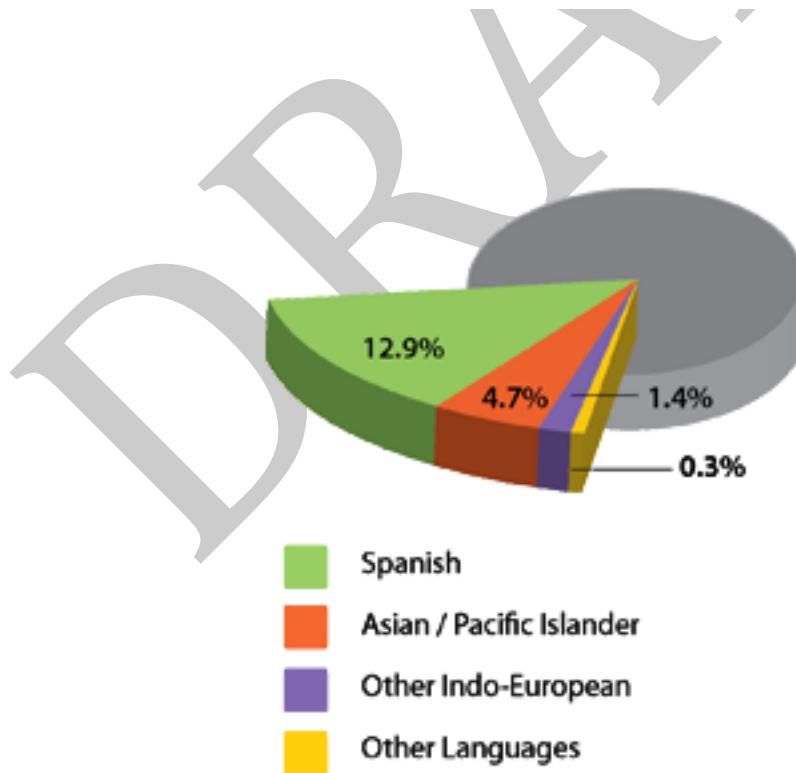
Appendix A: Possible Graphics or Other Tools for Inclusion in various chapters

Chapter 1—Graphics

LIMITED ENGLISH PROFICIENCY IN CALIFORNIA
19.8% (n=6,792,119) speak English less than very well



OR



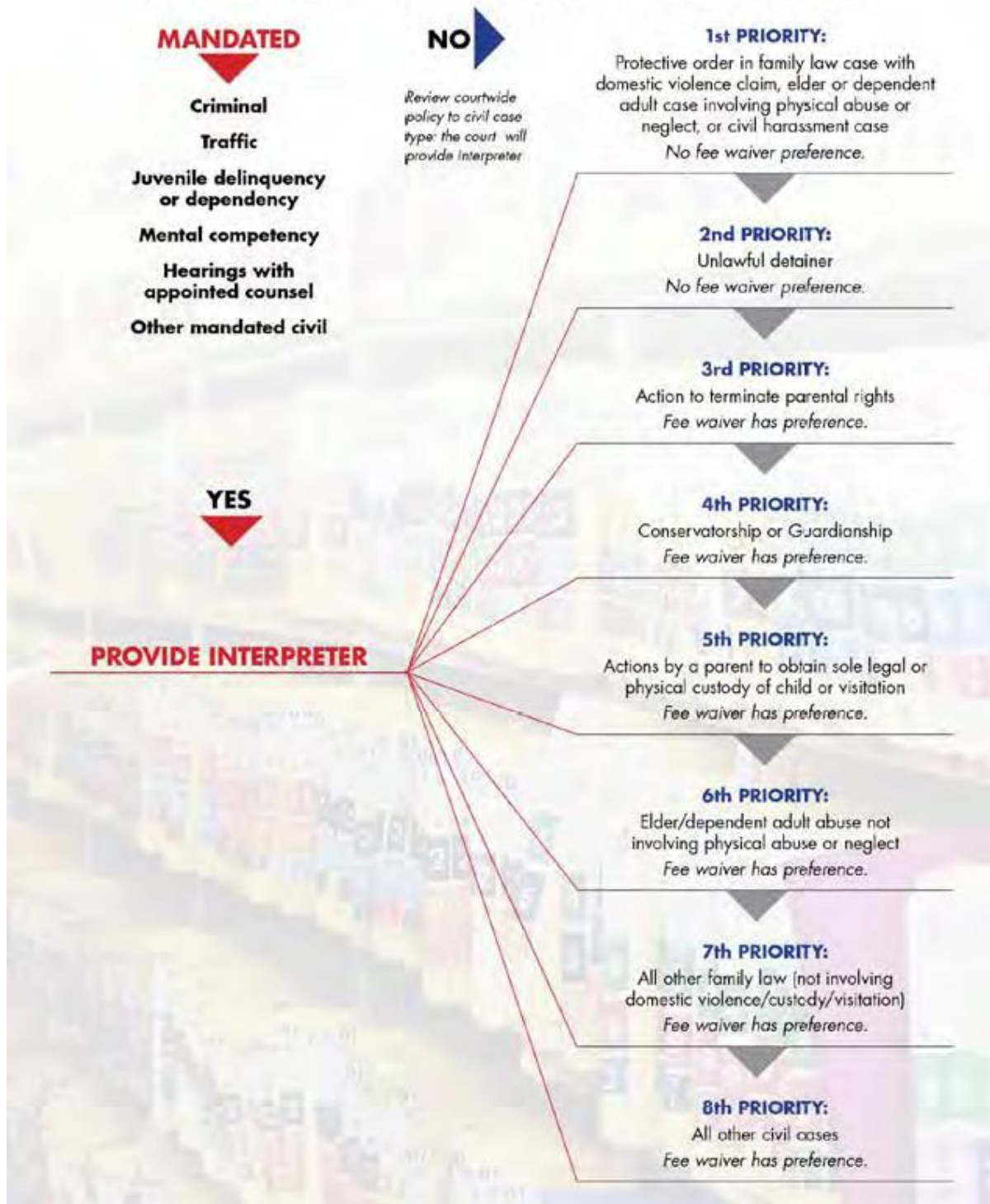
Location	Spoke a language other than English at home	Language spoken of those who speak a language other than English at home:		
		Spanish	Asian/ Pacific Islander	Other
Los Angeles, Long Beach, Santa Ana	54%	67%	21%	12%
Salinas	54	88	8	4
Fresno	44	76	16	8
Riverside, San Bernardino, Ontario	41	82	11	7
San Francisco, Oakland, Fremont	41	41	41	18
San Diego, Carlsbad, San Marcos	38	66	21	13
Sacramento, Arden-Arcade, Roseville	28	46	30	24
San Jose, Sunnyvale, Santa Clara	51	38	43	18
California	44			
United States	21			

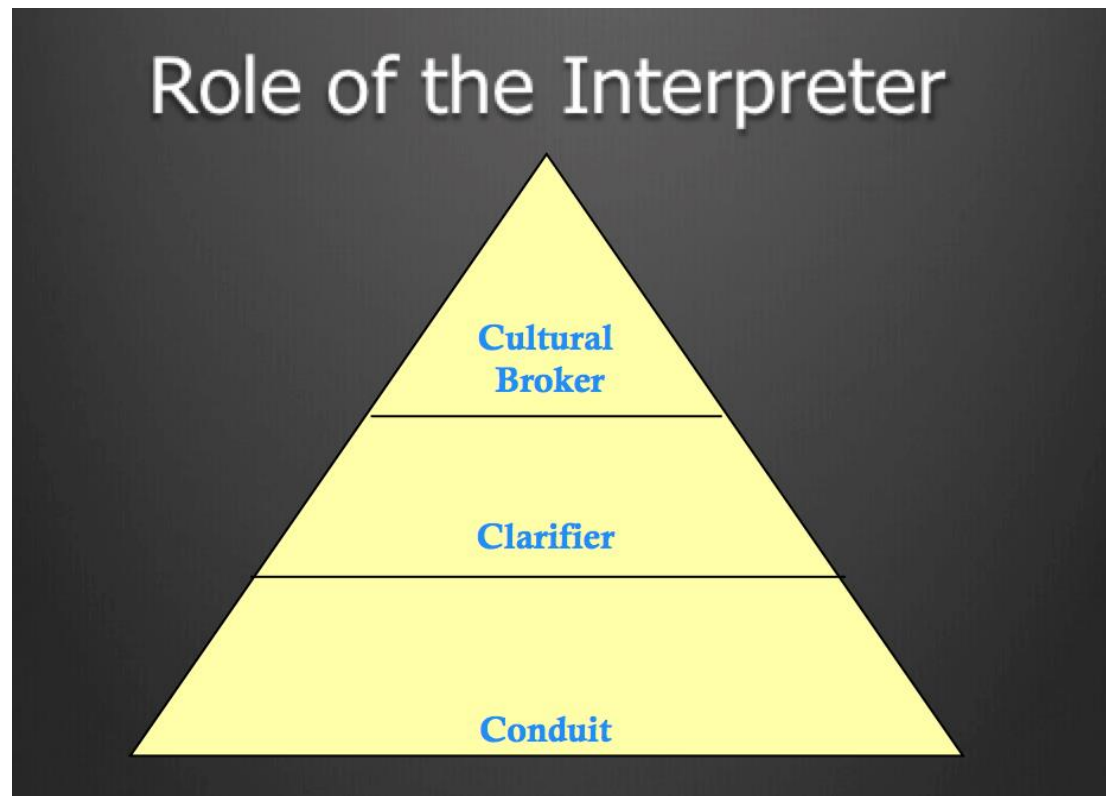
Chapter 2—Graphics

California Language Access Plan

- Goal 1:** Improve Early Identification of and Data Collection on Language Needs
- Goal 2:** Provide Qualified Language Access Services in All Judicial Proceedings
- Goal 3:** Provide Language Access Services at All Points of Contact Outside Judicial Proceedings
- Goal 4:** Provide High Quality Multilingual Translation and Signage
- Goal 5:** Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers
- Goal 6:** Provide Judicial Branch Training on Language Access Policies and Procedures
- Goal 7:** Conduct Outreach to Communities Regarding Language Access Services
- Goal 8:** Identify Systems Funding and Legislation Necessary for Plan Implementation and Language Access Management

CASE TYPE PRIORITY ORDER PARTY INTERPRETER





Code of Ethics for Court Interpreters

1. Accurate representation of qualifications
2. Complete & accurate interpretation
3. Impartiality & avoidance of conflicts of interest
4. Maintain confidentiality
5. Must not give legal advice
6. Impartial professional relationships
7. Continuing education
8. Assess & report impediments to performance
9. Duty to report ethical violations



Chapter 4—Graphics

Sample questions to assess understanding of English:

(Ask questions on the record. Avoid questions easily answered with yes or no replies.)

- What is your name?
- How did you come to court today?
- What kind of work do you do?
- How did you learn English?
- What is the reason for you being in court today?
- You have the right to a free interpreter to help you communicate and understand the proceedings today. Would you like the help of an interpreter?

Who cannot serve as interpreter?

- Minors, without exception
- Persons with conflict of interest (absent exigent circumstances)
- Bilingual staff (unless provisionally qualified and under exigent circumstances).

How Do I Appoint an Interpreter?

1. Appoint a certified or registered court interpreter.
2. If no certified or registered interpreter available after diligent search, may for good cause appoint provisionally qualify an interpreter for proceeding.
[CRC Rule 2.893](#)
3. If interpreter NOT provisionally qualified, may use if brief, routine matter and indicate on record:
 - a. Party waives certified/registered & provisionally qualified interpreter,
 - b. Good cause to appoint non-licensed, non-provisionally qualified interpreter,
 - c. Interpreter is qualified to interpret the proceeding.

See forms [INT-100-INFO](#) and [INT-110](#) for provisional qualification process.

Sample voir dire questions to assess interpreter qualifications:

- What training or credentials do you have as an interpreter?
- How did you learn English?
- How did you learn your other language?
- Are you familiar with the Professional Standards and Ethics for California Court Interpreters? What are its main points?
- What is your experience interpreting in court? What types of cases?
- Describe your familiarity with legal terminology.
- Do you know any of the parties in this case? If so, how?
- Are you able to remain neutral and impartial?
- Do you understand you are only here to facilitate communication and should not give advice or your opinion?
- **To the parties:** Does either party have any questions for the interpreter?

Establishing an Interpreter's Credentials on the Record

For certified/registered interpreters:

1. Name of interpreter
2. Current certification/registration no.
3. Statement that identification verified with badge or similar documentation
4. Language to be interpreted
5. Statement that oath administered or on file with court

For provisionally qualified interpreters:

1. Certified/registered interpreter not available
2. Name of qualified interpreter
3. Statement that required procedures and guidelines followed
4. Statement that oath administered

Communicating Through Interpreters

Before the proceeding begins:

- Allow the interpreter to converse briefly with the LEP person to ensure understanding of accents, dialect or pronunciation differences.
- Whenever possible, allow the interpreter to review the court file prior to the hearing, to become familiar with names, dates and technical vocabulary.
- If you anticipate a long proceeding (1 hour or more), consider appointing 2 or more interpreters.

During the proceeding:

- Instruct all participants to speak loudly and clearly, and to speak one at a time.
- Speak directly to the LEP person, not to the interpreter.
- Speak/read slowly and clearly, avoiding compound questions, double negatives, jargon & legalese.
- Pause during consecutive interpretation (witness testimony) so the interpreter can keep the pace.
- Don't ask the interpreter to independently explain or restate anything said by the party.
- Take into account the fatigue factor. Allow for breaks or alternate interpreters every 30 minutes.
- Monitor the interpreter so that side conversations with the LEP person don't take place.
- Check in periodically with LEP person to make sure s/he understands. Do so with substantive questions, not just a simple "yes" or "no".
- Recognize that court proceedings can be confusing and intimidating for a non-English speaker since other countries' legal systems and concepts often vary from those of the U.S.

Chapter 5—Graphics

VRI May Be Considered When:

- In person certified or registered interpreter not reasonably available.
- The interpreter coordinator has conducted analysis of legal and linguistic demands of the case, in consultation with potential remote interpreter.
- All minimum technology requirements are met.
- All persons involved in the VRI event are trained.
- All parties consent on the record.

The court has the discretion to determine if remote interpreting is appropriate.

Courtroom Checklist for the Judge

- ☑ Make sure court clerk has the equipment in place.
- ☑ Have equipment operator test equipment with interpreter.
- ☑ Indicate when interpreter should begin.
- ☑ Confirm visibility and audibility of both the LEP person and the interpreter.
- ☑ Establish consent to using a remote interpreter, on the record.
- ☑ Ask everyone to inform you immediately if there are any technical difficulties.
- ☑ If court documents have not been shared with remote interpreter ahead of time, provide a brief introduction of the case.
- ☑ Be prepared to assist if a confidential attorney-client communication is requested. Describe the reason for any long silences or interruptions in the proceedings so that the remote interpreter knows what is going on.
 - Example: “Attorney Smith is looking for information in the defendant’s deposition transcript before asking his next question.”
- ☑ Make sure the court clerk speaks into an amplifying microphone that can be heard by the interpreter when administering oaths and when calendaring hearings.
- ☑ Indicate when interpreter is released.
- ☑ Indicate when equipment and connection may be disconnected.

Chapter 6—Graphics

The Iceberg Concept of Culture

Like an iceberg, the majority of culture is below the surface.

Surface Culture

Above sea level

Emotional load: relatively low

food ▪ dress ▪ music ▪
visual arts ▪ drama ▪ crafts
dance ▪ literature ▪ language
celebrations ▪ games



Deep Culture

Unspoken Rules

Partially below sea level

Emotional load: very high

Unconscious Rules

Completely below sea level

Emotional load: intense

courtesy ▪ contextual conversational patterns ▪ concept of time
personal space ▪ rules of conduct ▪ facial expressions
nonverbal communication ▪ body language ▪ touching ▪ eye contact
patterns of handling emotions ▪ notions of modesty ▪ concept of beauty
courtship practices ▪ relationships to animals ▪ notions of leadership
tempo of work ▪ concepts of food ▪ ideals of childrearing
theory of disease ▪ social interaction rate ▪ nature of friendships
tone of voice ▪ attitudes toward elders ▪ concept of cleanliness
notions of adolescence ▪ patterns of group decision-making
definition of insanity ▪ preference for competition or cooperation
tolerance of physical pain ▪ concept of “self” ▪ concept of past and future
definition of obscenity ▪ attitudes toward dependents ▪ problem-solving
roles in relation to age, sex, class, occupation, kinship, and so forth



**“We do not see things as they
are, we see things as we are.”
- The Talmud**

Additional Resources for Language Access Benchguide

Overall Language Access Training

[Language Access Basic Training](#), New Mexico Center for Language Access

Court Interpreting

Elena M. de Jongh, [Court Interpreting: Linguistic Presence v. Linguistic Absence](#), Florida Bar Journal, Vol. 82, No. 7 (July/August 2008).

Holly Mikkelson, [Evolving Views of the Court Interpreter’s Role: Between Scylla and Charybdis](#) (2008)

Holly Mikkelson, [Verbatim Interpretation: an Oxymoron](#) (1999)

Holly Mikkelson, [Interpreting Is Interpreting—Or is it?](#) (1999)

Holly Mikkelson, [Awareness of the Language of the Law and the Preservation of Register in the Training of Legal Translators and Interpreters](#)

[Equal Access as it Relates to Interpretation and Translation Services](#), NAJIT Position Paper (2006)

[Team Interpreting in the Courtroom](#), NAJIT Position Paper (2007)

[Modes of Interpreting: Simultaneous, Consecutive, and Sight Translation](#), NAJIT Position Paper (2006)

[Telephone Interpreting in Legal Settings](#), NAJIT Position Paper (2009)

Cultural Competence

John Martin, et al., [What Does the Intersection of Language, Culture, and Immigration Status Mean for Limited English Proficiency Assistance in State Courts?](#) (October 2, 2012)

[A Community of Contrasts: Asian Americans in the United States: 2011](#), published by Asian American Center for Advancing Justice.

William Y. Chin, [Multiple Cultures, One Criminal Justice System: the Need for a “Cultural Ombudsman” in the Courtroom](#), 53 Drake L. Rev. 651 (2005)

Katherine Frink-Hamlett, [The Case for Cultural Competency](#), New York Law Journal (2011)
Shiv Narayan Persaud, [Is Color Blind Justice Also Culturally Blind?](#) 14 Berkeley J. Afr.-Am. L. & Pol'y 23 (2012)

John Martin, et al., [Becoming a Culturally Competent Court](#), The Court Manager, Vol. 22, Issue 4.

Gail S. Tusan & Sharon Obialo, [Cultural Competence in the Courtroom: A Judge's Insight](#), 15 Georgia Bar Journal 39 (Dec. 2009) *reprinted in* Precedent, 2010.

Laurie Olsen et al., [Cultural Competency What It Is and Why It Matters](#) (2007)

Jim McCaffree, *Language: A Crucial Part of Cultural Competency*, 108 Journal of the American Dietetic Association 611 (2008)

Ratna Sarkar, [Namaste or Assalaam-Alaikum? Cultural Difference Begins with Hello](#), Proteus Vo. XIV, No. 2 (Summer 2005)

Maria Cristina Castro, [Effective Communication with Non-English Speaking Litigants](#). Discusses differences between some of the unique characteristics of the US legal system, comparing it and other cultural aspects with that of other countries.

Victoria Kim, [American Justice in a Foreign Language](#), Los Angeles Times (February 21, 2009)

Implicit Bias and the Courts

[Implicit Bias in the Courtroom](#), 2012 Article, UCLA Law Review, Professor Jerry Kang, Judge Mark Bennett, et. al.

[Helping Courts Address Implicit Bias – Resources for Education](#), National Center for State Courts

- a. NCSC: [Implicit Bias – A Primer for State Courts](#), 2009 article, National Center for State Courts, Professor Jerry Kang
- b. NCSC: [Implicit Bias Project Report](#)
- c. NCSC: [Addressing Implicit Bias in the Courts](#)
- d. NCSC: [Strategies to Reduce the Influence of Implicit Bias](#)

[Dangers of Implicit Bias and Decision Fatigue – Benchcard](#), Minnesota Judicial Branch, 2015

VIDEOS on Working with Court Interpreters

Judicial Officer Training Vignettes at

https://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=410

Vignette 1—Obligation of the Interpreter to limit work to their scope of practice and of the Judge to address parties in first person

Vignette 2—Obligation of the Judge to ensure appointment of a qualified and approved Interpreter, and example of Interpreter for the deaf & hard of hearing

Vignette 3—Obligation of the Interpreter to remain impartial and to avoid conflicts of interest

Vignette 4—Obligation of the Interpreter to be accurate and complete

Vignette 5—Obligation of the Interpreter to be accurate and complete, interpreting everything that is said, and to remain within scope of practice

Vignette 6—Obligation of the Interpreter to avoid an appearance of bias

Vignette 7—Obligation of the Judge to allow Interpreter to interpret prior to ruling on objection

Federal Judiciary Channel - Youtube

<https://www.youtube.com/playlist?list=PL4bcxoLSIaXfPvX9FXws4S6XirPhUObBQ>

18 videos on court interpreting:

1. Right to a Court Interpreter
2. Court Interpreters are Officers of the Court
3. Court Interpreter Credentials
4. Example of Court Interpreter's Interview to Verify Credentials
5. Simultaneous and Consecutive Interpreting
6. Simultaneous Interpreting Usage
7. Example of Simultaneous Interpreting
8. Consecutive Interpreting Usage
9. Example of Consecutive Interpreting
10. Direct Speech Interpreting
11. Summary Interpreting
12. Example of Improper Summary Interpreting
13. Example of Inaccurate Legal Interpretation
14. Court Interpreters Can Consult Reference Materials
15. Team Interpreting
16. Correcting Interpreting Inaccuracies
17. Court Interpreters and Conflicts of Interest
18. Ethical Obligations for Court Interpreters

[UCS \[Unified Court System – NY\] Judge's Guide to Working with Court Interpreters](#) Video (18 mins)

[Ethical Challenges for Court Interpreters](#). Interpreter training 8-module video series produced in Vancouver in 2012. Although designed for interpreter training, provides scenarios you may use to illustrate the judge's role in ensuring best practices.

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Language Access Training Curriculum – Judicial Officers

Training Modules/Sections:

1. [The Need for Language Access](#)
2. [Language Access Laws & Policies](#)
3. [Understanding Language Access Service Providers](#)
4. [Working with Court Interpreters in the Courtroom](#)
5. [Remote Interpreting \(RI\)](#)
6. [Cultural Competence](#)

Recommendations for Training

Overall recommendations:

1. Because of the interrelation between most of the topics, it would be most efficient and effective to teach all modules at the same time. There are two possible exceptions, given the particular subject matter: Remote Interpreting and Cultural Competence.
 - The Remote Interpreting module will likely undergo significant modifications and include additional information as the Implementation Task Force’s Technological Solutions Subcommittee establishes guidelines for VRI in spoken-language settings. In the meantime, the module can be included with the rest of the training components as a more abridged version.
 - The Cultural Competence module can be a training effort of its own. Although it overlaps with language access, it is a much broader topic of great applicability to courts and all court staff and judicial officers. There are experts nationally to speak on this topic, and Judicial Council staff have worked with these trainers and/or attended these focused trainings in the past. However, if a brief overview and exposure to the topic is appropriate, the module below will help provide a more cursory introduction to raise awareness.
2. Training should be ongoing, with an initial substantive and extended training, offered once per year, and supported with online modules and ongoing updates and refresher trainings, as well as offerings for further study.

3. All judicial officers should be trained on an ongoing basis. Some of the topics may be covered in more detail in more focused and specialized trainings directly applicable to a judge's assignment.
4. In addition to a language access specific training as laid out in this sample curriculum outline, it is important that language access training be incorporated into any training efforts addressing practice areas where language access issues may arise. For example, judicial officer trainings and orientation classes regarding matters with self-represented litigants, or case types such as family law, small claims, juvenile dependency and delinquency, traffic, and criminal court generally, should include modules addressing language access, working with interpreters, and cultural competence.

Recommended Time Estimates for Training for each Module:

1. **The Need for Language Access & Language Access Laws & Policies**—1.5 hours: to allow explanation of the more relevant Recommendations under the LAP (especially if training will not include all modules at once, since other modules provide detailed information on some of the recommendations).
2. **Understanding Language Access Service Providers**—1.5 hours: to fully understand the appropriateness of language access service providers, challenges and limitations, and the importance of utilizing the language access service providers in the most appropriate manner.
3. **Working with Court Interpreters**—2 hours: most judicial officers will need to have in-depth knowledge of the courtroom interpretation process, working with qualified interpreters, and courtroom management techniques when an interpreter is needed.
4. **Remote Interpreting (RI)**—1 hour: the time allotted is for an introduction to the process to provide judicial officers with familiarity with existing recommendations and policies, and a court's particular use, if any, of remote interpreting, as well as to explore existing policies under the ASL guidelines. As stated above, once guidelines are established (or if the judicial officers trained will actually be responsible for ensuring the quality and smooth process for video remote interpreting), then much longer and focused training is necessary, which should likely include other participants in the video remote interpreting (VRI) process such as courtroom staff and technicians responsible for the equipment.

5. **Cultural Competence**—1.5 to 3 hours: depending on whether it is just covered as part of a language access training, with further more specialized trainings in the future, or whether it is intended as a stand-alone program. In the case of the latter, 3 hours would be the minimum appropriate length.

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Teaching Tips and Techniques for Module 1:

- See sample PowerPoint Slides.
- Ask participants if they speak another language, and if so, how they learned it. For those whose parents/relatives are LEP speakers, may want to engage about what experiences their relatives experienced with regard to the legal system or other government. May also want to ask if they ever had to interpret for a relative.
- Ask participants to identify on their own some possible barriers to access that LEP court users may experience.
- Ask participants why they believe language access is important for (a) the court system, (b) LEP court users, (3) their jobs.

1. The Need for Language Access

1. California as a diverse state

- Linguistic diversity:
 - Approx. 7 million LEP persons in the state
 - LEP: speak English “less than very well”
 - 27% (over 10 million) are foreign born
 - Over 43% speak a language other than English at home
 - Over 200 languages spoken throughout state
 - Including Latin American indigenous languages whose speakers are often not educated to read and write in their languages and languages with no written form
 - 10% linguistically isolated households
 - Linguistic isolation: households where every member 14 or older is LEP.
 - 185 languages in LA alone (2nd only to NY with 192)
 - 10 most-interpreted languages in California trial courts:
 - Spanish (71.9%); Vietnamese (3.9%); Korean (2.4%); Mandarin (2.2%); Farsi (1.8%); Cantonese (1.7%); Russian (1.6%); Tagalog (1.4%); Arabic (1.4%); Punjabi (1.2%).
- Cultural diversity:
 - 38.6% Latino
 - 37% foreign-born; 83% of Mexican origin; 17% non-Mexican origin
 - 38.5 % White (non-Hispanic)
 - 14.4% Asian
 - Highest percentages among foreign born: China, Philippines, Vietnam, India, Korea
 - 6.5 % Black or African-American

- 1.7 % Native American
 - 0.5% Native Hawaiian or Pacific Islander
 - 3.2% LGBT
 - Great socio-economic diversity. E.g. 11 out of 15 most diverse cities in the U.S. are in California¹
- Geographic diversity:
 - Rural vs. urban counties
 - Diversity within counties themselves, with mix of urban, rural, and large distances to travel to nearest courthouse or nearest services
 - Second largest city in the U.S. (City of Los Angeles)
 - Court diversity – 58 trial courts with different needs, resources, court cultures, and diverse communities:
 - Alpine: 2 judges; 1 courthouse; 1,159 people; 743 square miles
 - Los Angeles: over 500 judges, 38 courthouses, 10 million people; 4,272 square miles
 - San Francisco: Approx. 54 judges, 4 courthouses, 837,000 people; 49 square miles
2. Barriers to access by LEP persons
- Literacy, lack of education, low income
 - Geographic and linguistic isolation
 - Distrust in government, courts & fear of law enforcement
 - Immigration status & fear of deportation
 - Lack of knowledge of US legal system, legal rights, legal assistance
 - Different cultural attitudes and beliefs
 - Limited availability of services that are linguistically and culturally appropriate
3. Language access is critical to access to justice
- Ensures effective communication.
 - Allows all Californians to have access to the system that exists to protect and enforce their rights.
 - Lack of access generates lack of trust in the system:
 - Misunderstandings, frustration, anger and confusion
 - Conflicts may escalate
 - Issues may not get resolved

¹ See *2015's Cities with the Most & Least Economic Class Diversity* at <https://wallethub.com/edu/cities-with-the-most-least-economic-class-diversity/10321/#highest-lowest>.

- [Trust and Confidence in the California Courts](#) –Survey of the Public and Attorneys:
 - Recent immigrants tend to have low levels of contact, and of familiarity, with the courts
 - “African-Americans and Latinos significantly less positive about outcome fairness than Asian-Americans or whites.”
 - “Outcomes are seen by all respondents as least fair for persons who are low-income or who do not speak English.”

Trainer Resources:

- [U.S. Census; Pew Research Center; Migration Policy Institute](#)
- [2015 Language Need and Interpreter Use Study](#)
- [Language Barriers to Justice in California \(2005\)](#)
- [Trust and Confidence in the California Courts \(2005\)](#)

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Teaching Tips and Techniques for Module 2:

- See sample PowerPoint Slides.
- Handout with Key recommendations and notes.
- If training split up to other days, may want to cover key recommendations in more detail. If part of larger training with subsequent modules, many of key recs discussed in more depth later.
- Consider involving a member of original working group or of the Implementation Task Force to discuss development of LAP and meaning/decision-making behind recommendations.

2. Language Access Laws & Policies

1. California Language Access Plan (LAP)

a. Background to LAP development

- DOJ guidance for recipients of federal funding (e.g. courts)
- DOJ investigation of LA Superior Court and Judicial Council
- Joint Working Group formation, leadership and task
 - Stakeholder involvement, including judicial officers and court executive officers on working group and listening sessions, in addition to extensive public comment and involvement.
- LAP approved by Judicial Council in Jan. 2015, establishing Implementation Task Force
- Task Force membership and leadership; subcommittees; and mandate

b. Overview of 8 goals and 3 phases for implementation

- Full language access by 2020
- Addressing all points of contact between LEP court users and the court
- Services for LEP parties, witnesses and persons with significant interest
 - “Persons with significant interest”: “[P]ersons with a significant interest or involvement in a case or with legal decision-making authority, or whose presence or participation in the matter is necessary or appropriate as determined by a judicial officer.”²
- Various language access services: (1) Qualified³ interpreters at no cost; (2) Qualified translators; and (3) Qualified bilingual staff.

² Strategic Plan for Language Access in the California Courts, p. 30, FN. 12.

³ The term “qualified” as used throughout this curriculum is to follow the definitions as delineated in the Language Access Plan. LAP p. 27 defines “qualified interpreters;” LAP Recs. #47 & 48, establish standards

- c. Highlight recommendations most directly relevant to judicial officers: [*Many discussed in depth later*]
- Rec. # 4: Establishes the affirmative duty for judicial officers to ascertain a court user's language needs if no self-identification.
 - Rec. # 8: By 2017, qualified court interpreters in all courtroom proceedings (discuss Evidence Code §756 below) and Family Court Services mediation/child custody recommending counseling.
 - Rec. #9: Pending CRC amendment, provisional qualification requirements must be followed in civil matters as well, in manner akin to Rule 2.893.
 - Rec. #10: By 2020, qualified interpreters for all court ordered, court operated programs, services and events.
 - Rec. #11: LEP should not be ordered to program if program not linguistically accessible. Should order appropriate alternative program. Court should inquire if programs provide services when making findings and orders.
 - Rec. #12-15: In person interpreter preferred but several recommendations re. video remote interpreting in the courtroom.
 - Rec. #19: Interpreter qualifications on the record (Govt. Code §68561(g) and (f)).
 - Rec.# 22-24: Cannot appoint as interpreters: minors (#23), persons with conflict of interest absent exigent circumstances (#22); bilingual staff, unless exigent circumstances and provisionally qualified (#24).
 - Rec. #25: Each court will designate an office or person as language access resource for all court users and court staff/judicial officers.
 - Rec. #33: Judge must determine court appointed professionals can provide language access before ordering or referring LEP.
 - Rec. #40: Sight translation of court orders by qualified court interpreters, and written if possible (at least JC order/judgment form if translation available).
 - Rec. #50: Judicial branch training.
 - Rec. #61-65: Establishment of complaint mechanism and procedures re. language access services.

2. Government Code 68092

- a. Court interpreters and translator fees must be paid by the court in criminal cases.
- b. By litigants in civil cases, as court may direct (but see Govt. Code §68092.1 and Evidence Code §756, below).

(and direct for further development of standards) for qualified bilingual staff; LAP Rec. #36 establishes qualifications of translators.

3. Government Code 68092.1
 - a. Imperative that courts provide interpreters to all parties who require one.
 - b. Notwithstanding 68092 or any other, court may provide interpreter in civil cases at no cost to the parties, regardless of income. Until sufficient funds, priority established in Evidence Code §756.

4. Evidence Code §756
 - a. Establishes priority order for appointment of interpreters in civil matters.
 - b. Interpreters continue in proceedings where previously mandated: Criminal, traffic, juvenile delinquency and dependency, mental competency, hearings with appointed counsel, other mandated civil.
 - c. Priority order in civil matters, including fee waiver eligibility.
 - *[Handout used by CJER's New Judge's College training with graphics re. priorities]*
 - Can deviate from priority if: qualified interpreter present and available at location AND no higher priority action taking place at same location during time for which interpreter already compensated.

5. Government Code §68561 (Discussed in more in depth in Chapter 4 "Working with Court Interpreters" below)
 - a. Must use certified or registered interpreters in court proceedings, unless good cause.
 - b. New (2015)—Sets forth requirements for:
 - Establishing unavailability of credentialed interpreter and good cause for appointing non-credentialed; and
 - Establishing a certified or registered interpreter credentials on the record.

6. California Rule of Court 2.893- Appointment of noncertified interpreters in criminal and juvenile delinquency proceedings
 - a. Requires provisional qualification of non-credentialed interpreters. (Discussed in more in depth in Chapter 4 "Working with Court Interpreters" below.)
 - b. LAP Rec. #9 requires similar procedure for civil matters, pending amendment of CRC.

7. Standard of Judicial Administration 2.10
 - a. Establishes the procedures for determining the need for an interpreter and a pre-appearance interview. (Discussed in more in depth in Chapter 4 “Working with Court Interpreters” below.)

8. Federal Law and Guidance
 - a. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program, service or activity receiving financial assistance from the federal government.
 - b. Executive Order 13166 (2000) regulations, established that denying access to federally funded programs to LEP individuals violates Title VI.
 - Corresponding implementing regulations (28 C.F.R. Part 42, Subpart C)
 - c. Department of Justice (DOJ) guidance documents.

Trainer Resources:

- [Strategic Plan for Language Access in the California Courts \(2015\)](#)
- [AB 1657- Courts: interpreters.](#)
- [Evidence Code §756 and Priority List Graphic Document \(in resources for New Judge’s College curriculum by CJER\)](#)
- [Government Code §68092](#)
- [Government Code §68092.1](#)
- [Government Code §68561](#)
- [California Rule of Court 2.893](#)
- [Standard of Judicial Administration 2.10](#)
- [Title IV of the Civil Rights Act of 1964](#)
- [Executive Order 13166 implementing regulations](#)
- [Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency. \(Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.\)](#)

Teaching Tips and Techniques for Module 3:

- Consider having a certified or registered interpreter help teach this module (together with module on working with interpreters).
- See sample PowerPoint Slides on Court Interpreters.
- See videos provided in sample materials. May be helpful to insert in the sections discussing those issues:
 - Modes of interpreting, from the US AOC,
 - Role of the interpreter clip, from JCC CIP videos, and
 - Importance of Accuracy, from JCC CIP videos.
 - See also videos in [Videos re. Working with Court Interpreters](#) demonstrating different aspects of interpretation.
- Consider having participants do a “shadowing exercise” where they shadow an English speaker, preferably an engaging courtroom scene, in English simulating simultaneous interpretation. (US AOC video will show participants how to do this, so playing that video first will assist with exercise.)
- Consider having participants practice consecutive interpreting (from English to English) with provided sample scripts.
- Many of these tips and videos may also be very relevant to the next module on Working with Interpreters in the Courtroom, so if training done in same sitting, sections can be taught in sequence and videos and other tools spread out between both modules.

3. Understanding Language Access Service Providers

A. Court Interpreters

1. Court interpreters: *[[Video on Role of Interpreter- See Teaching Tips above]]*
 - a) Interpret an oral communication from a source language (language of the speaker) to the target language (language of the listener).
 - b) Enable LEP person to understand the proceedings and to communicate effectively with the court.
 - c) Enable judicial officers, attorneys and court personnel to communicate with and understand the LEP person.
 - d) Act as a linguistic conduit and accurately convey the meaning from the source language into the target language, and vice versa.
 - e) Interpreting requires:
 - High level proficiency in both languages,

- Mastery of English and foreign language equivalent to educated native speaker,
- Ability to understand and follow different regional accents, dialects, and rates of speech,
- Ability to interpret at high rates of speed to follow speech in real time,
- Strong comprehension skills and ability to perform quick analysis of meaning,
- Concentration, processing information quickly, short term memory, accuracy,
- Self-monitoring and self-correction,
- Ability to read (and sight-translate) a broad range of texts, quickly, with little or no preparation,
- Training and practice in: memory building and note-taking skills for consecutive interpretation; sight translation techniques; simultaneous interpretations skills; and interpreter ethics.

2. Credentialing of court interpreters by Judicial Council

a) Certified court interpreters:

- For 15 designated languages: Arabic, Cantonese, Eastern Armenian, Japanese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, Vietnamese, Western Armenian and American Sign Language (ASL)

i. To become certified, must:

- Pass the English-only written exam,
- Pass the bilingual oral interpreting exam in English and the designated language demonstrating proficiency in the 3 modes of interpretation (see description of modes below),
- Enroll with the Judicial Council & pay the annual fee, and
- Attend a Code of Ethics Workshop.

ii. For ongoing certification, must:

- Complete ongoing continuing education requirements of 30 approved hours every 2 years,
- Comply with Professional Standards and Ethics for Court Interpreters,
- Complete 40 professional interpreting assignments every 2 years, and
- Pay Judicial Council annual fee.

b) Registered court interpreters

- For spoken languages for which there is no certification

i. To become registered must:

- Pass the English written and English oral proficiency exams,
- Pass the oral proficiency exam in second language, where available (currently available for 70 languages),
- Enroll with the Judicial Council & pay the annual fee,
- Attend a Judicial Council Code of Ethics Workshop, and
- Attend a Judicial Council Orientation Workshop.

ii. For ongoing registration, must:

- Complete ongoing continuing education requirements of 30 approved hours every 2 years,
- Comply with Professional Standards and Ethics for Court Interpreters,
- Complete 40 professional interpreting assignments every 2 years, and
- Pay Judicial Council annual fee.

3. Modes of interpretation: *[[Video on Modes of Interpretation – See Tips above]*

a) Simultaneous: the interpreter interprets at the same time the speaker is speaking (lagging slightly behind).

- Usually used in courtrooms when LEP person only listening and not expected to respond.
- It is highly demanding. Studies show that after 30 minutes interpreter accuracy decreases and does so exponentially, even with the most qualified and experienced interpreters. Team interpreting is therefore a best practice (see discussion in Chapter 4).
- Studies also show that after 30 minutes, ability to self-monitor and self-correct diminishes (while errors increasing).
- Greater potential for mistakes and less time to correct them.

b) Consecutive: the interpreter begins interpreting after the speaker finishes speaking.

- Used for testimony on the record, interviews, and much of the work outside of the courtroom.

- Often considered most accurate because allows interpreter to capture the entire message before delivering it in the other language.
 - Allows interpreter to adjust for manners of speech and make a more accurate judgment about the meaning of the message and make better choices re. how to render it into the other language.
 - Requires excellent memory skills and note-taking skills, developed through training.
 - Accuracy is also affected by fatigue in consecutive interpretation, and team interpreting is recommended for lengthy witness testimony.
- c) Sight translation: the interpreter renders an oral interpretation of a document or text.
- Given the wide range of texts that may have to be sight translated, interpreters should be given an opportunity to read and review the text and look up necessary terminology if necessary.
4. Code of ethics for court interpreters—
- a) 9 Canons (California Rule of Court 2.890)
- 1) Accurate representation of qualifications
 - 2) Complete and accurate interpretation
 - 3) Impartiality and avoidance of conflicts of interest
 - 4) Confidentiality of privileged communications
 - 5) Not giving legal advice
 - 6) Impartial professional relationships
 - 7) Continuing education and duty to the profession
 - 8) Assessing and reporting impediments to performance
 - 9) Duty to report ethical violations
- b) Complete & accurate interpretation includes: *[[Video on Accuracy-See Teaching Tips above]]*
- Complete interpretation of all communications, on and off the record (including slang, idioms, obscenities, comments/questions)
 - No additions or embellishments
 - No omissions or editing
 - No paraphrasing, summarizing or simplifying
 - Same register
 - Same meaning
 - Same tone/emotion

- c) Assessing and reporting impediments to performance includes interpreter intervening when:
- i. Needed to preserve accuracy and completeness
 - Speaker talking too quickly, too noisy, no pauses, need break
 - To look up terminology
 - ii. Message must be clarified
 - To clear up a misunderstanding
 - When interpreter does not understand a question/statement or slang/regionalism
 - When no linguistic equivalent exists and must explain
 - iii. Needed to clear up a cultural misunderstanding (limited)
 - To explain commonly known things (e.g., names, dates, holidays)
 - Interpreters can only provide objective, factual and relevant information
 - Cannot act as a cultural expert.

5. Dangers of using untrained interpreters

- a) Untrained interpreters are not qualified because:
 - Lack of language proficiency (English or other)
 - Unfamiliar with interpreting techniques, ethical standards, and legal process
 - Unable to provide a complete and accurate interpretation
 - Conflicts of interest
 - Minors
 - Difficulty understanding and interpreting legal terminology
 - Fluency/proficiency does NOT equal ability to interpret in court
- b) Problems with untrained interpreters:
 - Between 23% to 53% of words incorrectly interpreted
 - Omissions, substitutions and mistakes distort the message
 - Frustration, confusion, and anger (for all participants, including bench officer), can result in escalation of conflict
 - LEP person and other participants (judge, lawyers, jury, etc.) lack skills to judge accuracy of interpreting and may not realize miscommunication is taking place.

- c) Consequences of Bad interpretation
 - Barriers to access
 - Loss of legal protections and legal recourse
 - Dissatisfaction with court process/justice system
 - Inaccurate record created & possible challenges to proceedings/rulings
6. Payment for court interpreters
 - a) Per the LAP, full expansion for interpreter provision timeline:
 - Qualified interpreters to be provided in all court proceedings, at no cost to the parties, by 2017.
 - Qualified interpreters to be provided, at no cost, in all court-ordered, court-operated events by 2020.
 - b) Explanation of Program 45.45
 - Under Program 45.45, courts pay for interpreters in all previously mandated cases: criminal, traffic, juvenile, mental competency, domestic violence in family court.
 - Under Program 45.45, if funds available, courts pay for interpreters in civil matters according to priority list under Evidence Code §756. Court to determine which case types it can pay for.
 - c) Pending full expansion:
 - Courts are authorized to provide interpreters at no cost to parties in civil matters regardless of fee waiver eligibility, if court chooses to allocate other funding for interpreter services not covered by Program 45.45.
 - Parties pay for court interpreter costs in civil matters for which the court does not provide court interpreters.
 - d) Several recommendations in the LAP address seeking additional funding for provision of comprehensive language access (See. LAP Recs. #56-59).

B. Translators

1. Role of translators
 - a. Render a written communication from a source language to the target language, utilizing the appropriate style and terminology in the target language.

b. A credentialed or otherwise qualified interpreter is not automatically a qualified translator. Interpreting and translating require different skills.

c. Translating requires:

- Proficiency in reading English and the foreign language
- Mastery of foreign language equivalent to educated native speaker
- Knowledge of formal writing, common grammar, syntax and dialectical aspects in both English and foreign language
- Knowledge of legal writing and legal terminology in both languages

2. Credentialing/Establishing Qualifications of Translators

- American Translators Association (ATA): Certifies translators for a particular language pair (such as English and Spanish) and in a particular direction, such as *from* English *to* Spanish (or vice versa, or both).
- May want to also require a court or legal specialization.
- When not ATA certified, should possess a degree or certificate from accredited university (if in the US), or equivalent in a foreign country, in translation and/or linguistic studies, or equivalent experience as a translator and translating legal and/or court documents.

3. Judicial Council Translation Protocol Requirements [[Not in place yet]]

C. Bilingual Staff

1. Bilingual staff play a critical role in making courts linguistically accessible

- Bilingual staff assist LEP court users in their native/preferred language directly (as opposed to interpreting between a court user and other court staff).
- They help courts ensure multilingual capacity at the more critical points of contact with the court.

2. Bilingual staff may be in the courtroom, clerk's office, court information kiosks or offices, cashiers, or any other court department or office.

- Examples include bilingual attorneys or paralegals in self-help offices; bilingual mediators; bilingual courtroom clerks; bilingual filing clerks; etc.

3. Rec. #47: The LAP provides for objective measure of a bilingual staff's proficiency in all working languages, suggesting a base proficiency of "Intermediate Mid" as defined under the American Council on the Teaching of Foreign Languages (ACTFL). Existing Oral Proficiency Interview available through CLASP may be used.
 - Staff member's self-evaluation is not sufficient.
4. Different points of contact with the public will require higher levels of proficiency (Rec. #48).
 - E.g. self-help centers where instructions to litigants can be complex and detailed, will likely require higher proficiency than a cashier's window.
5. Bilingual staff should not be used to interpret or translate unless otherwise credentialed or found to meet the necessary qualifications by provisional qualification (for interpreters) or by standards established by the translation protocol.
 - Even when provisionally qualified, calling on bilingual staff to provide interpreting or translation services may cause them to compromise their professional standards or could create a conflict of interest.
 - E.g., bilingual staff may have assisted a litigant in a self-help center and learned certain facts that may be contradicted when that same staff person is acting as an interpreter for litigant, putting staff in difficult situation.

Trainer Resources:

- [Court Interpreter Program](#)
- [Compliance Requirements for Court Interpreters](#)
- [Search for Court Credentialed Interpreter](#)
- [California Rule of Court, Rule 2.890](#)
- [Professional Standards and Ethics for California Court Interpreters](#)
- *Judicial Council's Translation Protocol (if avail)*
- *CJER New Judge's College Training Materials*
- [American Council on the Teaching of Foreign Languages \(ACTFL\)](#)
- [ACTFL Oral Proficiency Interview](#)
- [Guide to Translation of Legal Materials](#) (NCSC)

Teaching Tips and Techniques for Module 4:

- Best practice---Certified or registered interpreter to help teach this module.
- See videos provided in sample materials. May be helpful to insert in the sections discussing those issues:
 - See videos in [Videos re. Working with Court Interpreters](#) demonstrating different aspects of interpretation.
- Consider having participants do a role-play between judicial officer listening to an attorney ask questions of an LEP party or witness, using a fourth participant as the interpreter. Can all be done in English.
 - Encourage participant playing the interpreter role to ask for pauses, or clarification.
 - Encourage participant playing attorney role to object or rephrase often, stop mid sentence, not pause, hesitate in speech, etc.
 - Encourage participant playing LEP witness role to address interpreter directly or try to carry side conversation, or to say s/he does not understand, etc.
 - After exercise, discuss issues that arose from different distractions or issues arising during exercise.

4. Working with Court Interpreters in the Courtroom

1. Determining need for an interpreter:
 - a. LEP user's request of interpreter.
 - LEP user may be party, witness, or person with significant interest in the case.
 - "Persons with significant interest": "[P]ersons with a significant interest or involvement in a case or with legal decision-making authority, or whose presence or participation in the matter is necessary or appropriate as determined by a judicial officer."⁴
 - Examples: victims, legal guardians or custodians of a minor involved as a party, witness or victim; legal guardians or custodians of an adult involved as a party, witness or victim.
 - b. LEP user's attorney or advocate's request.
 - c. Indication in court file or case management system of need for interpreter.
 - d. Judicial officer concludes that need to appoint interpreter to ensure communication and understanding by LEP court user, courtroom participants, and jury.

⁴ Strategic Plan for Language Access in the California Courts, p. 30, FN. 12.

- e. Examination of party or witness to determine need-Std. of Judicial Administration 2.10.
- Examination required when a party or attorney requests, or
 - When appears to court that party may not understand English well enough to participate fully (or, for witness, when cannot speak English so as to be understood by attorneys, court and/or jury).
 - Examination of party/witness – SJA 2.10(c), with conclusion on the record.
- f. Waiver of interpreter by LEP user—LAP Rec. #75 to develop a policy to address waiver that states waiver is:
- Knowing, intelligent and voluntary,
 - Made after consultation with counsel,
 - Approved by judicial officer, in his/her discretion,
 - Entered on the record or other writing, and
 - Revocable by party or judicial officer at any time.
 - When accepting a waiver on the record, judicial officer should ensure LEP person fully understands ability to revoke waiver at any time.

[Note that policy has not yet been developed, so benchguide may need to be updated to reflect actual policy for waivers, and not just the recommendations in the LAP. Policy may address with more specificity how to handle waivers with self-represented litigants who are unable to consult with counsel]

2. Appointment of qualified interpreters

- a. Preference for certified/registered in-person interpreter
- See [Remote Interpreting](#) section for appropriate use of remote interpreting.
 - Certified interpreter required for court proceedings in 14 designated languages.
 - Registered interpreters are required for other languages.
 - An in-person interpreter is preferred.
- b. When no certified or registered interpreter available after diligent search, court may continue the matter or appoint a provisionally qualified interpreter.
- Rule 2.893 for criminal and juvenile delinquency proceedings
 - Pending rule amendment, same procedure for civil matters under LAP Rec. #9.

- Judicial Officer in proceeding makes findings related to good cause based on process described in, and review of, following Judicial Council Forms:
 - *Procedures and Guidelines to Appoint a Noncertified or Nonregistered Interpreter in Criminal and Juvenile Delinquency Proceedings*, [INT-100-INFO](#),
 - *Qualifications of a Noncertified or Nonregistered Interpreter*, [INT-110](#),
 - *Certification of Unavailability of Certified or Registered Interpreter*, [INT-120](#) and
 - *Foreign Language Interpreter's Duties—Civil and Small Claims*, [INT-200](#)
 - *Practice pointer*: If a prospective provisionally qualified interpreter is unable to complete the INT forms for any reason (such as lack of written literacy in English), courts may want to provide for a staff person to act as a scribe for the prospective interpreter, or have interpreter coordinator or other designee assist with form completion for purposes of compliance with provisional qualification requirements.

Procedure for provisional qualifications:

- 1) Court staff responsible for assigning interpreters performs diligent search for certified or registered interpreter, and signs *Certification of Unavailability of Certified or Registered Interpreter* (Form INT-120).
- 2) Noncertified/nonregistered interpreter is provisionally qualified by PJ or judicial designee after review of proposed interpreter's *Qualifications of a Noncertified or Nonregistered Interpreter* (Form INT-110).
- 3) Judge at proceeding finds good cause to use noncertified/nonregistered interpreter.
- 4) Judge finds noncertified/nonregistered interpreter is provisionally qualified (may review Form INT-110 and may conduct additional examination or require additional information of interpreter, if desired).
- 5) If judge at the proceeding finds that interpreter NOT provisionally qualified, may use interpreter if brief, routine matter and judge, on the record:
 - a. Indicates defendant or minor waives certified/registered and provisionally qualified interpreter,
 - b. Finds good cause to appoint noncertified/nonregistered non-provisionally qualified interpreter, and
 - c. Finds interpreter is qualified to interpret the proceeding.

6) Requirements for the record on Form INT-100-INFO, p. 3.

- c. Restrictions on appointment of noncertified, nonregistered interpreters under LAP:
- No minors (Rec. #23), without exception
 - No persons with conflict of interest (Rec. #22) absent exigent circumstances
 - No bilingual staff (Rec. #24) unless provisionally qualified and exigent circumstances. [Phase 2 recommendation]
- d. Procedure for entering interpreter credentials on the record (Govt. Code 68561 (f) and (g))
- For certified and registered interpreters, on the record:
 - 1) Name of interpreter (as listed on credentials)
 - 2) Current certification or registration number
 - 3) Statement that identification verified by court with interpreter badge issued by the Judicial Council or other similar documentation
 - 4) Language to be interpreted
 - 5) Statement that oath administered or that it's on file with court
 - For provisionally qualified interpreters, on the record:
 - 1) Finding that certified or registered interpreter not available
 - 2) Name of provisionally qualified interpreter
 - 3) Statement that required procedures and guidelines followed
 - 4) Statement that oath administered
- e. Procedure for handling challenges to interpretation
- Address as a side bar (include interpreter in side bar or otherwise inform interpreter of substance of challenge),
 - Have court reporter reach back question & answer,
 - Request basis for objection and proposed interpretation,
 - Determine if relevant and material,
 - Ask interpreter if s/he accepts challenged interpretation:
 - Allow interpreter to clarify with witness
 - Allow interpreter to use dictionary/resources
 - Interpreter states basis for interpretation (initial one, or agreement with proposed)
 - If proposed interpretation accepted, instruct jury to disregard earlier and re-ask question.
 - If interpreter does not accept proposed interpretation, burden on challenging party.
 - Judicial officer to make determination.

3. Courtroom management in interpreted events

a. Pre-appearance interview and preparation

- SJA 2.10 provides, for good cause: authorization of pre-appearance interview between interpreter and LEP person.
- Good cause: if interpreter needs “clarification on interpreting issues, including colloquialisms, culturalisms, dialects, idioms, linguistic capabilities and traits, regionalisms, register, slang, speech patterns or technical terms.” (SJA 2.10)
- Best practices:
 - Provide interpreter relevant case information before assignment, including nature of proceeding, possible technical terms or concepts, emotionally charged content, etc.
 - Access to police reports and written pleadings in advance or at the time of hearing helps interpreter prepare more completely.
 - Provide for pre-appearance (or pre-session) interview so interpreter may ensure adequate communication and language compatibility.
 - Interpreters are neutral officers of the court and must maintain confidentiality as part of their code of ethics, so privacy should not be an issue here. Having more information and context greatly improves the quality and accuracy of the interpretation.

b. Explanation of interpreter role to all courtroom participants. Best practices:

- Judge should explain the role of the interpreter to all courtroom participants, and make sure LEP person has understood.
- May be done by video/script before calendar call to ensure consistent and accurate information.
- Explain interpreter is impartial. S/he is not the interpreter for one side or another; interpreter for the court.
- Explain interpreter is a highly qualified language professional and is certified (or registered) based on demonstrated skills and knowledge (does not apply when using provisionally qualified interpreters).
- If jury, explain to jurors that, even if they speak the LEP person’s language, they must rely on the interpreter’s rendition to English only, as that is the official record.
 - [California Criminal Jury Instruction \(CalCrim\) 121](#), California Jury Instructions Criminal (CALJIC) 1.03, [California Civil Jury Instructions \(CACI\) 5008](#)
 - If juror believes interpreter committed error, should let judge know by writing a note (CALCRIM 121)

- Interpreter cannot, and should not be asked to, offer opinions.
- Explain participants must address LEP person directly.
- Interpreter will refer to him/herself, if needed, in the third person.
- Ensure all participants understand interpreter is conduit only.
- Interpreter must interpret everything that is said out loud.
- Interpreter cannot interpret non-verbal communications.
- Interpreter may have to intervene to notify the court if s/he does not understand or needs a slower pace or repetition.
- Explain interpreter may position him/herself slightly behind the LEP person, or in a location that improves audibility, and that interpreter may be using equipment and LEP person will be wearing headphones.
- Explain interpreter may need to pause interpretation to clarify, look terminology up, or for some other reason to comply with ethics.

c. Managing all court participants—Best practices

i. Overall Best Practices

- Ensure proper direct address of LEP person by all participants.
- Ensure all speakers talk slowly, loudly and clearly, and pause to give interpreter opportunity to interpret (especially if consecutive mode).
 - In addition to initial instruction, enforce the practice and remind participants if not following the instruction.
- Before getting underway, establish ground rules for challenge to interpretation to be handled as sidebar.
 - Party challenging the interpretation has burden to show it was inaccurate.
 - Interpreter should be involved during conversation.

ii. Instruction for LEP persons – Best practices

- Inform LEP persons using an interpreter to inform you (judge) if they do not understand the interpreter.
- Check in with LEP person periodically to ensure s/he understands. Check for understanding with substantive questions, not just a simple “yes” or “no”.
 - Though judges, if they do not speak the LEP person’s language, may not be able to monitor the accuracy of the actual interpretation, they can monitor the LEP person’s understanding.
- Instruct LEP witnesses to wait for question to be interpreted in full before answering and answer in their language only, and

not go back and forth between English and their language, even if they speak some English.

- Instruct LEP witnesses to listen to the question as interpreted, not in English, even if they speak some English.
- You may have to remind LEP person of this repeatedly, since it is common for someone who understands some English to answer before the interpretation is complete.
- Keep in mind that even if the LEP person does at times seem to understand or speak English (and does so), it does not mean he or she is not LEP or does not require the assistance of an interpreter.

iii. Managing the proceeding

- Ensure courtroom noise is kept at a minimum. Remove distractions.
- Allow only one speaker at a time.
- Ask simple, not compound, questions.
- Avoid double negatives.
- Avoid idioms, regionalisms, jargon, acronyms, and jokes
- Avoid legalese and “short-hand” talk.
- Allow interpreter to interpret objections before ruling.
- Instruct attorneys to allow interpreter to finish interpretation before asking the next question.
- Ensure most appropriate positioning for interpreter, in consultation with interpreter and LEP person.

iv. Awareness of interpreter

- Be aware interpreter may have to interrupt, intervene, look up terminology, to comply with ethical guidelines and ensure accurate communication.
 - Remain patient.
 - If you deem interpreter is interrupting more than customary, consider pausing proceeding to ascertain problem:
 - Interpreter may be having challenges understanding the LEP person.
 - LEP person may not, even in native language, be forming complete sentences or thoughts.
 - Interpreter may not be qualified for particular assignment (if so, obtain another interpreter or continue the matter to another date).

- Assure interpreter that, if so requested, unheard testimony or statements can be repeated.
 - If asking LEP person to review a written document, give interpreter time to quickly review the writing before asking him/her to sight translate.
 - Allow interpreter to use note pad for taking notes while interpreting.
 - Be aware of needing to give interpreter breaks (if no team interpreting). Ask interpreter.
- d. Team interpreting and interpreter appointment considerations
- Interpreting is highly demanding and interpreter fatigue (and errors) set in after approx. 30 minutes of sustained simultaneous interpreting.
 - For long proceedings, appoint a team of interpreters so interpreters take turns and ensure accurate interpretation.
 - Appoint a different interpreter for LEP witnesses than for parties.
 - Appoint different interpreters for opposing parties, if possible.
 - Ensure no conflict in using interpreter. If interpreter interpreted for a party in preparation for trial (e.g., in his/her attorney's office), that interpreter may be perceived as biased if interpreting at the court proceeding.
 - If must use interpreter, inform parties interpreter is bound by confidentiality, is under oath, and acts as a neutral party and not advocate for either side.

Trainer Resources:

- [ABA Standards for Language Access in Courts](#)
- *Determining Need for an Interpreter (from CJER New Judge's College)*
- *Interpreter Information and Judge's Scripts (from CJER New Judge's College)*
- *10 Tips for Working with Interpreters (provided as part of CJER New Judge's College, by Mary Lou Aranguren)*
- [Working with Court Interpreters](#), adapted from *Bench Orientation: Working with Interpreters* developed by the Superior Court of California, Contra Costa County (2004)
- See list of videos provided in [Videos re. Working with Court Interpreters](#)
- *Bench cards developed by NCSC, when available*
- *Tool-kit once developed by Translation subcommittee may also provide one location for resources helpful to judicial officers when working with LEP court users.*

Teaching Tips and Techniques for Module 6:

- Consider having a certified or registered interpreter, experienced in VRI, help teach this module.
- Provide a demonstration of video remote interpreting.

5. Remote Interpreting (RI)

1. Remote Interpreting allows interpreter to appear remotely to interpret in a courtroom proceeding.
 - Video remote interpreting (VRI) allows for interpreter to interpret via video.
 - Telephonic remote interpreting provides for the interpreter to interpret via phone only (no video).
 - Several LAP recommendations include pilot projects to explore VRI. VRI is still new and evolving.
 - LAP Rec. #14 requires the Language Access Implementation Task Force to establish minimum technological requirements for RI, including requirements for both simultaneous and consecutive.
 - If using RI, courts should use video for courtroom interpretations (LAP Rec. #15).
 - Rec. #16 establishes a pilot project for using VRI in courtroom proceedings.
2. In-person, certified and registered court interpreters preferred for courtroom proceedings (LAP Rec. #12).
 - LAP allows courts to “consider the use of remote interpreting where appropriate for a particular event.”
3. Concrete guidelines for the use of VRI with spoken-languages will be developed. In the meantime, when using VRI in courtroom, courts must satisfy, as feasible, guidelines on Appendix B of LAP. Summarized as:
 - a) Minimum technology requirements for high quality communications
 - b) Training for all persons who will be involved in the RI event, related to:
 - Equipment
 - Interpreting protocols
 - Interactions with LEP persons
 - c) In determining appropriateness of RI for court event, examine:
 - Length and complexity of event (and communications involved)
 - Relative convenience/inconvenience to the LEP court user

- Whether matter uncontested
- Whether proceeding is of immediate nature (e.g. arraignment, bail reduction, TROs)
- Whether LEP party present in courtroom
- Number of court users to receive interpretation from same interpreter during event
- Efficient deployment of court resources
- Whether relay interpreter is required

d) Guidelines for using RI in a court proceeding:

- Need to interrupt or clarify, or suspend and reschedule
 - Interpreter may need to interrupt, clarify. Judge should acknowledge this at start of proceeding and provide a mechanism in advance to allow for this.
 - Judge should check in with LEP party frequently to ensure he/she is hearing and understanding.
 - Judge may need to suspend and reschedule for variety of reasons (e.g. technology, interpreter finds it ineffective, etc.)
- VRI and RI Challenges
 - Particular challenges for interpreters, which may include increased fatigue and stress (and lead to decreased accuracy).
 - May need shorter sessions and more breaks.
- Participants who must have access
 - Remote interpreter must be heard and must be able to hear all speakers.
- Visual/Auditory Issues, Confidentiality and Modes of Interpreting
 - VRI preferred over telephone.
 - Auditory/visual issues and confidentiality must be considered when implementing RI. All parties must understand in advance what procedure and technical set up will be used to allow for confidential communications as needed.
- Documents and Other Information
 - Ensure availability of technology to communicate written information to interpreter.

- Professional Standards and Ethics
 - All interpreters bound by same standards and ethics.
 - Interpreters are required to interpret everything completely and accurately.
 - Interpreters are required to report impediments to performance.
 - Data Collection
 - Monitor effectiveness of technology and satisfaction of participants, including LEP persons and interpreters, during the proceeding and through evaluations.
 - Track benefits and problems experienced on ongoing basis.
4. Objections Related to RI
- a) When explaining RI event, ask if parties and attorneys have objections.
 - b) If no objections, state so on the record.
 - c) If objections:
 - If overrule objection, state so on the record.
 - If uphold objection, state so on the record and continue the matter to have an in-person interpreter present.

Trainer Resources:

- *Appendix items B, C, D in [Strategic Plan for Language Access in the California Courts](#) (2015)*
- *[Recommended Guidelines for Video Remote Interpreting for ASL-Interpreted Events](#) (Judicial Council of California)*
- *Technological Solutions Subcommittee of the Implementation Task Force*
- *Bench card developed by NCSC*

Teaching Tips and Techniques for Module 6:

- Consider having diverse perspectives teaching this module, especially staff experienced in teaching cultural competence.
- See sample PowerPoint slides.
- Engage participants throughout (ppt. slides provide some suggestions) to ensure open communication and raising awareness of the impact of implicit bias (positive and negative) and cultural assumptions in the courtroom, and in every day court interactions with the public and with other colleagues.
- Use icebreakers and other activities to address competency. See examples at:
 - [http://www.tapartnership.org/docs/CLC%20Icebreakers%20and%20Exercises%20-%20FINAL%20\(5\).pdf](http://www.tapartnership.org/docs/CLC%20Icebreakers%20and%20Exercises%20-%20FINAL%20(5).pdf)
 - <http://www.edchange.org/multicultural/activityarch.html>

6. Cultural Competence

1. Why culture is important in the state courts

a. Great diversity of cultures represented in state courts

- There are ethnic/national cultures (groups whose members have a common affiliation defined by reference to ethnicity or nation); professional culture (groups with affiliations defined by occupation or profession, e.g. lawyers, judges); organizational culture (groups interactive within a particular unit or agency, e.g. courts, district attorneys), and more.
- Vast differences in behaviors, values, fundamental beliefs and the assumptions of court users (and court staff and judicial officers) with regard to the court system and court culture.
- Great diversity within cultures as well. Culture is not monolithic. Even members of the same culture will have great diversity in perceptions, behavior, interactions with the court etc. based on socio-economics, geographic location, educational levels, age, gender, individual characteristics, personal background and experiences, etc.
- For LEP persons, having a country in common does not guarantee similar notions, perspectives, etc.
 - Diversity of dialects, regionalisms, local languages, immigration status, time in the U.S., level of acculturation, as well as other factors already addressed.

b. Individuals often are part of various cultural groups. In the court context, culture affects:

- Court users
- Court staff
- Judicial officers
- Justice partner agencies interacting with the court
- Public at large in its perception of the justice system

2. How might culture affect a court user? Culture may:

- Impact their perception of the court system
- Impact their understanding of the legal process
- Influence their definition of justice and conflict
- Affect their willingness to identify as LEP
- Affect how they describe events that occurred (e.g., may have different concepts of past, present and future)
- Impact their views of authority figures in legal proceedings
- Affect their willingness to seek help or accept help when offered
- Affect their expectations of “free” help (that it is “lesser than” paid/contracted for)
 - May affect their willingness to accept free interpreter, appointed counsel, self-help services, or legal aid
- Affect their expectations (of the court, the judge, the law)
- Affect their behavior in court
 - Their relationship to authority may cause them not to speak up, or contradict a lawyer or judicial officer, or assent in understanding but not in agreement
 - May act submissive, or aggressive
 - May say they understand when they don’t
- Influence their motivations and strategies
- Affect their perspectives or understanding on compliance with court orders

3. What is cultural competence?

- Responding to people in ways that recognize, value, and respect their cultures, languages, classes, races, ethnic backgrounds, religions and other factors.
- Cultural competence requires that organizations have a defined set of values/principles, and demonstrate behaviors, attitudes and policies that allow them to work cross-culturally.
- It does not mean assuming all individuals appearing to belong to a given culture will behave the same, understand the same, and relate in the same manner to the court and its participants.

4. Steps to cultural competence

- Awareness of own cultural background (including ethnic/national, professional and organizational), and how one's culture may influence own worldview, behaviors, thoughts, ways of communicating, and, while on the bench, the perspectives one has and decisions made.
- Awareness of own biases.
 - Implicit bias and Implicit Association Tests
 - Examine how your own implicit biases may affect the decisions you make on the bench with regard to credibility, punishment, outside services ordered, etc.
- Be aware that LEP person's culture may impact their perception of the court system, their understanding of legal process, etc.
- Do not assume that by understanding an LEP person's identified culture you understand their perceptions, views, behavior, etc.
- Listen closely.
- Be open.
- Be patient.
- Continue learning.

5. How does cultural competence make a difference?

- Better communication
- Increased procedural fairness
- Increased and more meaningful participation
- Better compliance with court orders by improving information for making orders and ensuring orders and communication is culturally appropriate as well as tailored to the individual's needs, without blanket cultural assumptions
- Increased public trust and confidence
- Improved access to justice

Trainer Resources:

- [Implicit Association Test](#)
- "Tools for Cross Cultural Communication" excerpt from [Handling Cases Involving Self-Represented Litigants, a Benchguide for Judicial Officers](#) (2008)
- Beyond the Bench Workshop Materials on [Unconscious Bias and decision-making](#) (Contact Kyanna Williams at CFCC).
- www.ethnomed.org/culture: Univ. of Washington website that provides "cultural profiles" of immigrant and linguistic groups in Seattle area.
- [Cultural Competence in Legal/Judicial Services](#)
- [Cultural Orientation Resource Center](#)
- [National Center for Cultural Competence](#)

- Comparisons between two legal systems (Mexico and U.S.) (Superior Court of California, County of Imperial)
- Borderland Justice: Working With Culture in Courts Along the US/Mexico Border by John A. Martin, Jose Guillén and Diane Altamirano (March 16, 2007)
- *Handout on the Iceberg Concept of Culture* (what we see is only 10% of what makes up an individual's culture)

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VIDEOS on Working with Court Interpreters

Judicial Officer Training Vignettes at

https://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=410

Vignette 1—Obligation of the Interpreter to limit work to their scope of practice and of the Judge to address parties in first person.

Vignette 2—Obligation of the Judge to ensure appointment of a qualified and approved Interpreter.

Vignette 3—Obligation of the Interpreter to remain impartial and to avoid conflicts of interest.

Vignette 4—Obligation of the Interpreter to be accurate and complete.

Vignette 5—Obligation of the Interpreter to be accurate and complete, interpreting everything that is said, and to remain within scope of practice.

Vignette 6—Obligation of the Interpreter to avoid an appearance of bias.

Vignette 7—Obligation of the Judge to allow Interpreter to interpret prior to ruling on objection.

Federal Judiciary Channel - Youtube—18 videos on court interpreting:

<https://www.youtube.com/playlist?list=PL4bcxoLSIaXfPvX9FXws4S6XirPhUObBQ>

- | | |
|---|--|
| 1. Right to a Court Interpreter | 10. Direct Speech Interpreting |
| 2. Court Interpreters are Officers of the Court | 11. Summary Interpreting |
| 3. Court Interpreter Credentials | 12. Example of Improper Summary Interpreting |
| 4. Example of Court Interpreter's Interview to Verify Credentials | 13. Example of Inaccurate Legal Interpretation |
| 5. Simultaneous and Consecutive Interpreting | 14. Court Interpreters Can Consult Reference Materials |
| 6. Simultaneous Interpreting Usage | 15. Team Interpreting |
| 7. Example of Simultaneous Interpreting | 16. Correcting Interpreting Inaccuracies |
| 8. Consecutive Interpreting Usage | 17. Court Interpreters and Conflicts of Interest |
| 9. Example of Consecutive Interpreting | 18. Ethical Obligations for Court Interpreters |

[UCS \[Unified Court System – NY\] Judge's Guide to Working with Court Interpreters](#) Video (18 mins)

[Ethical Challenges for Court Interpreters](#). Interpreter training 8-module video series produced in Vancouver in 2012. Although designed for interpreter training, provides scenarios you may use to illustrate the judge's role in ensuring best practices.

Language Access Training Curriculum – Court Staff

Training Modules/Sections:

1. [The Need for Language Access](#)
2. [Language Access Laws & Policies](#)
3. [Understanding Language Access Service Providers](#)
4. [Providing Language Access Services Outside the Courtroom](#)
5. [Working with Court Interpreters](#)
6. [Remote Interpreting \(RI\)](#)
7. [Cultural Competence](#)

Recommendations for Training

Overall recommendations:

1. Because of the interrelation between most of the topics, it would be most efficient and effective to teach all modules at the same time. There are 2 possible exceptions, given the particular subject matter: Remote Interpreting and Cultural Competence.
 - The Remote Interpreting module will likely undergo modifications and further development as the ITF's Technological Solutions Subcommittee establishes guidelines for VRI in spoken-language settings. In the meantime, the module can be included with the rest of the training as a more abridged version.
 - The Cultural Competence module can be a training effort of its own. Although it overlaps with language access, it is a much broader topic of great applicability to courts and all court staff and judicial officers. There are experts nationally to speak on this topic, and Judicial Council staff have worked with these trainers and/or attended these focused trainings in the past. However, if a brief overview and exposure to the topic is appropriate, the module below will help provide that more cursory introduction to raise awareness.
2. Training should be ongoing, with an initial substantive and extended training, offered once per year, and supported with online modules and ongoing updates and refresher trainings, as well as offerings for further study.
3. All court staff should be trained. Some of the information more particular to staff at the points of contact most critical to LEP court users, including bilingual staff and court staff

interpreters, may be further covered in more detailed in more focused and specialized trainings.

4. In addition to a language access specific training as laid out in this sample curriculum outline, it is important that language access training be incorporated into any training efforts addressing practice areas where language access issues may arise. For example, court staff trainings and orientation classes regarding matters with self-represented litigants, or case types such as family law, small claims, juvenile dependency and delinquency, traffic, and criminal court generally, should include modules addressing language access, working with interpreters, and cultural competence.
5. Note that the [Language Access Basic Training](#) (New Mexico Center for Language Access) may be a useful training resource for court staff, including bilingual staff.

Recommended Time Estimates for Training for each Module:

1. **The Need for Language Access & Language Access Laws & Policies**—1.5 hours: to allow explanation of the more relevant Recommendations under the LAP (especially if training will not include all modules at once, since other modules provide detailed information on some of the recommendations).
2. **Understanding Language Access Service Providers**—1.5 hours: to fully understand the appropriateness of language access service providers, challenges and limitations, and the importance of utilizing language access service providers in the most appropriate manner.
3. **Providing Language Access Services Outside the Courtroom**—1.5 hours: including providing a full understanding of tools available, how and when to use them, how working with LEP court user may present particular challenges to the work of court staff, and awareness of the criticality of language access outside the courtroom, where most LEP users will actually interact with the court system.
4. **Working with Court Interpreters**—1 hour: most court staff, except for courtroom clerks and at times line staff using an interpreter, will not need to have in-depth knowledge of the courtroom interpretation process, but should nevertheless be aware of the process to be followed, and most importantly for their work, of how to best communicate with LEP users through an interpreter.
5. **Remote Interpreting (RI)**—30 minutes: if the training is simply an introduction to the process to provide court staff with familiarity with existing recommendations and

policies, and a court's particular use, if any, of remote interpreting. As stated above, once guidelines are established (or if the staff trained will actually be responsible for ensuring the quality and smooth process for Video Remote Interpreting), then a much longer and focused training is necessary.

6. **Cultural Competence**—1.5 to 3 hours: depending on whether it is just covered as part of a larger language access training, with further more specialized trainings in the future, or whether it is intended as a standalone program. In the case of the latter, 3 hours would be the minimum appropriate length.

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Teaching Tips and Techniques for Module 1:

- See sample PowerPoint Slides.
- Ask participants if they speak another language, and if so, how they learned it. For those whose parents/relatives are LEP speakers, may want to engage about what experiences their relatives experienced with regard to the legal system or other government. May also want to ask if they ever had to interpret for a relative.
- Ask participants to identify on their own some possible barriers to access that LEP court users may experience.
- Ask participants why they believe language access is important for (a) the court system, (b) LEP court users, (3) their jobs.

1. The Need for Language Access

1. California as a Diverse State

- Linguistic diversity:
 - Approx. 7 million LEP persons in the state
 - LEP: speak English “less than very well”
 - 27% (over 10 million) are foreign born
 - Over 43% speak a language other than English at home
 - Over 200 languages spoken through out state
 - Including Latin American indigenous languages whose speakers are often not educated to read and write in their languages and languages with no written form
 - 10% linguistically isolated households
 - Households where every member 14 or older is LEP
 - 185 languages in LA alone (2nd only to NY with 192)
 - 10 most-interpreted languages in California trial courts:
 - Spanish (71.9%); Vietnamese (3.9%); Korean (2.4%); Mandarin (2.2%); Farsi (1.8%); Cantonese (1.7%); Russian (1.6%); Tagalog (1.4%); Arabic (1.4%); Punjabi (1.2%)
- Cultural diversity:
 - 38.6% Latino
 - 37% foreign-born; 83% of Mexican origin; 17% non-Mexican origin
 - 38.5 % White (non-Hispanic)
 - 14.4% Asian
 - Highest percentages among foreign born: China, Philippines, Vietnam, India, Korea
 - 6.5 % Black or African-American

- 1.7 % Native American
 - 0.5% Native Hawaiian or Pacific Islander
 - 3.2% LGBT
 - Great socio-economic diversity. E.g. 11 out of 15 most diverse cities in the U.S. are in California¹
- Geographic diversity:
 - Rural vs. urban counties
 - Diversity within counties themselves, with mix of urban, rural, and large distances to travel to nearest courthouse or nearest services
 - Second largest city in the U.S. (City of Los Angeles)
 - Court diversity – 58 trial courts with different needs, resources, court cultures, and diverse communities
 - Alpine: 2 judges; 1 courthouse; 1,159 people; 743 square miles
 - Los Angeles: over 500 judges, 38 courthouses, 10 million people; 4,272 square miles
 - San Francisco: Approx. 54 judges, 4 courthouses, 837,000 people; 49 square miles
2. Barriers to Access by LEP Persons
- Literacy, lack of education, low income
 - Geographic and linguistic isolation
 - Distrust in government, courts & fear of law enforcement
 - Immigration status & fear of deportation
 - Lack of knowledge of US legal system, legal rights, legal assistance
 - Different cultural attitudes and beliefs
 - Limited availability of services that are linguistically and culturally appropriate
3. Language Access Is Critical to Access to Justice
- Ensures effective communication.
 - Allows all Californians to have access to the system that exists to protect and enforce their rights.
 - Lack of access generates lack of trust in the system:
 - Misunderstandings, frustration, anger and confusion,
 - Conflicts may escalate,
 - Issues may not get resolved.
 - [Trust and Confidence in the California Courts](#) –Survey of the Public and Attorneys:

¹ See *2015's Cities with the Most & Least Economic Class Diversity* at <https://wallethub.com/edu/cities-with-the-most-least-economic-class-diversity/10321/#highest-lowest>.

- Recent immigrants tend to have low levels of contact, and of familiarity, with the courts.
- “African-Americans and Latinos significantly less positive about outcome fairness than Asian-Americans or whites.”
- “Outcomes are seen by all respondents as least fair for persons who are low-income or who do not speak English.”

Trainer Resources:

- [U.S. Census; Pew Research Center; Migration Policy Institute](#)
- [2015 Language Need and Interpreter Use Study](#)
- [Language Barriers to Justice in California \(2005\)](#)
- [Trust and Confidence in the California Courts \(2005\)](#)

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Teaching Tips and Techniques for Module 2:

- See sample PowerPoint Slides.
- If training split up to other days, may want to cover key recommendations in more detail. If part of larger training with subsequent modules, many of key recommendations are discussed in more depth below.
- Consider involving a member of original working group or of the Implementation Task Force to discuss development of LAP and meaning/decision-making behind recommendations.

2. Language Access Laws & Policies

1. California Language Access Plan (LAP)

a. Background to LAP development

- DOJ guidance for recipients of federal funding (e.g. courts)
- DOJ investigation of LA Superior Court and Judicial Council
- Joint Working Group formation, leadership and task
 - Stakeholder involvement, including judicial officers and court executive officers on working group and listening sessions, in addition to extensive public comment and involvement.
- LAP approved by Judicial Council in Jan. 2015, establishing Implementation Task Force
- Task Force membership and leadership; subcommittees; and mandate

b. Overview of 8 goals and 3 phases for implementation

- Full language access by 2020
- Addressing all points of contact between LEP court users and the court:
 - Points of contact include: Courthouse entrance, security screening, clerk's office, cashier's offices/windows, court administration, records offices, courtrooms, court alternative dispute resolution programs/offices, self-help centers, information kiosks.
 - Includes: offsite points of contact such as website, telephone lines, and offsite workshops and clinics operated by the court.
- Services for LEP parties, witnesses and persons with significant interest:
 - "Persons with significant interest": "[P]ersons with a significant interest or involvement in a case or with legal decision-making authority, or whose presence or participation in the matter is necessary or appropriate as determined by a judicial officer."²
 - Examples: victims, legal guardians or custodians of a minor involved as a party, witness or victim; legal

² Strategic Plan for Language Access in the California Courts, p. 30, FN. 12.

guardians or custodians of an adult involved as a party, witness or victim.

- Various language access services: (1) Qualified³ interpreters at no cost; (2) Qualified translators; and (3) Qualified bilingual staff.

c. Highlight recommendations most directly relevant to court staff by category:
Recommendations re. LEP identification and information:

Recommendations re. use of interpreters:

- Rec. # 8: By 2017, qualified court interpreters in all courtroom proceedings (discuss Evidence Code §756 below).
- Rec. #9: Pending CRC amendment, provisional qualification requirements must be followed in civil matters as well, in manner akin to Rule 2.893.
- Rec. #10: By 2020, qualified interpreters for all court ordered, court operated programs, services and events.
- Rec. #12-15 and #17: In person interpreter preferred but several recommendations re. video remote interpreting in the courtroom, for self-help services (workshops, etc.), and other court services (see recs. # 31-33, discussed below).
- Rec. #19: Interpreter qualifications on the record (Govt. Code §68561(g) and (f)).
- Rec.# 22-24: Cannot appoint as interpreters: minors (#23), persons with conflict of interest absent exigent circumstances (#22); bilingual staff, unless exigent circumstances and provisionally qualified (#24).
- Rec. #40: Sight translation of court orders, and written if possible (at least JC order/judgment form if translation available).
- Rec. #43: Continue standards for certified and registered interpreters, with regular review by CIAP.

Recommendations regarding language services outside of court proceedings:

- Rec. # 4: Addresses LEP users self-identifying (e.g., via I-Speak Cards) need for language access services at all points of contact. Establishes the affirmative duty for court staff to ascertain a court user's language needs if no self-identification.
- Rec. #5: Inform court users of available services at earliest (and all) points of contact.

³ The term "qualified" as used throughout this curriculum is to follow the definitions as delineated in the Language Access Plan. LAP p. 27 defines "qualified interpreters;" LAP Recs. #47 & 48, establish standards (and direct for further development of standards) for qualified bilingual staff; LAP Rec. #36 establishes qualifications of translators.

- Rec. #11: LEP should not be ordered to program if program not linguistically accessible. Should order appropriate alternative program. Court should inquire if programs provide services when making findings and orders.
- Rec. #25: Each court will designate an office or person as language access resource for all court users and court staff.
- Rec. #26: Courts should identify most critical points of contact for LEP users and place bilingual staff, whenever possible.
- Rec. #27: All court staff engaging with public should have language assistance tools (e.g. I-speak cards, translated resources, glossaries, etc.).
 - Rec. #51 and Tool kit discussed later will assist with this.
- Rec. #29: Courts to develop written protocols to ensure LEP court users obtain services where bilingual staff not available (e.g. on-call interpreter to assist in clerk's office or self-help center; telephonic interpreting).
- Rec. #50: Judicial branch training (all, court staff, staff interpreters and judicial officers).
- Rec. #61-65: Establishment of complaint mechanism and procedures re. language access services at every point of contact with the court, including failure to provide translated materials and help in their language, interpreters, bilingual staff, etc.

2. Government Code 68092.1

- a. Court may provide interpreter in civil cases at no cost to the parties, regardless of income. Until sufficient funds, priority established in Evidence Code §756.

3. Evidence Code §756

- a. Establishes priority order for appointment of interpreters in civil matters.
- b. Interpreters continue in proceedings where previously mandated: Criminal, traffic, juvenile delinquency and dependency, mental competency, hearings with appointed counsel, other mandated civil.
- c. Priority order in civil matters, including fee waiver eligibility
 - *[Handout used by CJER's New Judge's College training with graphics re. priorities]*
 - Can deviate from priority if: qualified interpreter present and available at location AND no higher priority action taking place at same location during time for which interpreter already compensated.

4. Government Code §68561 – Discussed in more in depth in section under “How to Work with Court Interpreter” below.

- a. Must use certified or registered interpreters in court proceedings, unless good cause.
- b. New (2015)—Sets forth requirements for:
 - Establishing unavailability of credentialed interpreter and good cause for appointing non-credentialed; and

- Establishing a certified or registered interpreter credentials on the record.
5. California Rule of Court 2.893- Appointment of noncertified interpreters in criminal and juvenile delinquency proceedings:
 - a. Requires provisional qualification of non-credentialed interpreters.
 - b. LAP Rec. #9 requires similar procedure for civil matters, pending amendment of CRC.
 6. Federal Law and Guidance:
 - a. Title VI of the Civil Rights Act of 1964 prohibiting discrimination on the basis of race, color, or national origin in any program, service or activity receiving financial assistance from the federal government
 - b. Executive Order 13166 (2000) regulations, established that denying access to federally funded programs to LEP individuals violates Title VI
 - Corresponding implementing regulations (28 C.F.R. Part 42, Subpart C)
 - c. Department of Justice (DOJ) guidance documents

Trainer Resources:

- [Strategic Plan for Language Access in the California Courts](#) (2015)
- [AB 1657- Courts: interpreters.](#)
- [Evidence Code §756 and Priority List Graphic Document](#) (in resources for New Judge's College curriculum by CJER)
- [Government Code §68092](#)
- [Government Code §68092.1](#)
- [Government Code §68561](#)
- [California Rule of Court 2.893](#)
- [Standard of Judicial Administration 2.10](#)
- [Title IV of the Civil Rights Act of 1964](#)
- [Executive Order 13166 implementing regulations](#)
- [Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency.](#) (Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.)

Teaching Tips and Techniques for Module 3:

- Consider having a certified or registered interpreter help teach this module (together with module on *Working with Interpreters*).
- See sample PowerPoint Slides on court interpreters.
- See videos provided in sample materials. May be helpful to insert in the sections discussing those issues:
 - Modes of interpreting, from the US AOC,
 - Role of the interpreter clip, from JCC CIP videos, and
 - Importance of Accuracy, from JCC CIP videos.
 - See also [Videos re. Working with Court Interpreters](#) demonstrating different aspects of interpretation.
- Consider having participants do a “shadowing exercise” where they shadow an English speaker, preferably an engaging courtroom scene, in English simulating simultaneous interpretation. (US AOC video will show participants how to do this, so playing that video first will assist with exercise.)
- Consider having participants practice consecutive interpreting (from English to English) with provided sample scripts.

3. Understanding Language Access Service Providers

A. Court Interpreters

1. Court Interpreters: *[[Video on Role of Interpreter- See Teaching Tips above]]*
 - a) Interpret an oral communication from a source language (language of the speaker) to the target language (language of the listener).
 - b) Enable LEP person to understand the proceedings and to communicate effectively with the court.
 - c) Enable judicial officers, attorneys and court personnel to communicate with and understand the LEP person.
 - d) To act as a linguistic conduit and accurately convey the meaning from the source language into the target language.
 - e) Interpreting requires:
 - High level proficiency in both languages,
 - Mastery of English and foreign language equivalent to educated native speaker,

- Ability to understand and follow different regional accents, dialects, and rates of speech,
- Ability to interpret at high rates of speed to follow speech in real time,
- Strong comprehension skills and ability to perform quick analysis of meaning
- Concentration, processing information quickly, short term memory, accuracy,
- Self-monitoring and self-correction,
- Ability to read (and sight-translate) a broad range of texts, quickly, with little or no preparation,
- Training and practice in: memory building and note-taking skills for consecutive interpretation; sight translation techniques; simultaneous interpretations skills; and interpreter ethics.

2. Credentialing of Court Interpreters by Judicial Council

a) Certified court interpreters:

- For 15 designated languages: Arabic, Cantonese, Eastern Armenian, Japanese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, Vietnamese, Western Armenian and American Sign Language (ASL)

i. To become certified, must:

- Pass the English-only written exam,
- Pass the bilingual oral interpreting exam in English and the designated language demonstrating proficiency in the 3 modes of interpretation (see description of modes below),
- Enroll with the Judicial Council & pay the annual fee, and
- Attend a Code of Ethics Workshop.

ii. For ongoing certification, must:

- Complete ongoing continuing education requirements of 30 approved hours every 2 years,
- Comply with Professional Standards and Ethics for Court Interpreters,
- Complete 40 professional interpreting assignments every 2 years, and
- Pay Judicial Council annual fee.

- b) Registered court interpreters
 - For spoken languages for which there is no certification
 - i. To become registered must:
 - Pass the English written and English oral proficiency exams
 - Pass the oral proficiency exam in second language, where available (currently available for 70 languages),
 - Enroll with the Judicial Council & pay the annual fee,
 - Attend a Judicial Council Code of Ethics Workshop, and
 - Attend a Judicial Council Orientation Workshop.
 - ii. For ongoing registration, must:
 - Complete ongoing continuing education requirements of 30 approved hours every 2 years,
 - Comply with Professional Standards and Ethics for Court Interpreters,
 - Complete 40 professional interpreting assignments every 2 years, and
 - Pay Judicial Council annual fee.

3. Modes of Interpretation: *[Video on Modes of Interpretation – See Tips above]*

- a) Simultaneous: the interpreter interprets at the same time the speaker is speaking (lagging slightly behind).
 - Usually used in courtrooms when LEP person only listening and not expected to respond.
 - It is highly demanding. Studies show that after 30 minutes interpreter accuracy decreases and does so exponentially, even with the most qualified and experienced interpreters. Team interpreting is therefore a best practice (see discussion in Chapter 4).
 - Studies also show that after 30 minutes, ability to self-monitor and self-correct diminishes (while errors increasing).
 - Greater potential for mistakes and less time to correct them.
- b) Consecutive: the interpreter begins interpreting after the speaker finishes speaking.
 - Used for testimony on the record, interviews, and much of the work outside of the courtroom.
 - Often considered most accurate because allows interpreter to capture the entire message before delivering it in the other language.

- Allows interpreter to adjust for manners of speech and make a more accurate judgment about the meaning of the message and make better choices re. how to render it into the other language.
 - Requires excellent memory skills and note-taking skills, developed through training.
 - Accuracy is also affected by fatigue in consecutive interpretation, and team interpreting is recommended for lengthy witness testimony.
- c) Sight translation: the interpreter renders an oral interpretation of a document or text.
- Given the wide range of texts that may have to be sight translated, interpreters should be given an opportunity to read and review the text and look up necessary terminology if necessary.
4. Code of Ethics for Court Interpreters—
- a) 9 Canons (California Rule of Court 2.890)
- 1) Accurate Representation of qualifications
 - 2) Complete and accurate interpretation
 - 3) Impartiality and avoidance of conflicts of interest
 - 4) Confidentiality of privileged communications
 - 5) Not giving legal advice
 - 6) Impartial professional relationships
 - 7) Continuing education and duty to the profession
 - 8) Assessing and reporting impediments to performance
 - 9) Duty to report ethical violations
- b) Complete & accurate interpretation includes: *[[Video on Accuracy-See Teaching Tips above]]*
- Complete interpretation of all communications, on and off the record (including slang, idioms, obscenities, comments/questions)
 - No additions or embellishments
 - No omissions or editing
 - No paraphrasing, summarizing or simplifying
 - Same register
 - Same meaning
 - Same tone/emotion
- c) Assessing and reporting impediments to performance includes interpreter intervening when:
- i. Needed to preserve accuracy and completeness
 - Speaker talking too quickly, too noisy, no pauses, need break
 - To look up terminology

- ii. Message must be clarified
 - To clear up a misunderstanding
 - When interpreter does not understand a question/statement or slang/regionalism
 - When no linguistic equivalent exists and must explain
- iii. Needed to clear up a cultural misunderstanding (limited)
 - To explain commonly known things (e.g., names, dates, holidays)
 - Interpreters can only provide objective, factual and relevant information
 - Cannot act as a cultural expert

5. Dangers of Using Untrained Interpreters

- a) Untrained interpreters are not qualified because:
 - Lack of language proficiency (English or other)
 - Unfamiliar with interpreting techniques, ethical standards, and legal process
 - Unable to provide a complete and accurate interpretation
 - Conflicts of interest
 - Minors
 - Difficulty understanding and interpreting legal terminology
 - Fluency/proficiency do NOT equal ability to interpret in court
- b) Problems with untrained interpreters:
 - Between 23% and 53% of words are incorrectly interpreted.
 - Omissions, substitutions and mistakes distort the message.
 - Frustration, confusion, and anger (for all participants, including court staff and judicial officer), can result in escalation of conflict.
 - LEP person and other participants (judge, lawyers, jury, etc.) lack skills to judge accuracy of interpreting and may not realize miscommunication is taking place.
- c) Consequences of Bad interpretation:
 - Barriers to access
 - Loss of legal protections and legal recourse
 - Dissatisfaction with court process/justice system
 - Inaccurate record created & possible challenges to proceedings/rulings

B. Translators

1. Role of Translators

- a. Render a written communication from a source language to the target language, utilizing the appropriate style and terminology in the target language.
- b. A credentialed or otherwise qualified interpreter is not automatically a qualified translator. Interpreting and translating require different skills.
 - a) Translating requires:
 - Proficiency in reading English and the foreign language
 - Mastery of foreign language equivalent to educated native speaker
 - Knowledge of formal writing, common grammar, syntax and dialectical aspects in both English and foreign language
 - Knowledge of legal writing and legal terminology in both languages

2. Credentialing/Establishing Qualifications of Translators

- American Translators Association (ATA): Certifies translators for a particular language pair (such as English and Spanish) and in a particular direction, such as *from* English *to* Spanish (or vice versa, or both).
- May want to also require a court or legal specialization.
- When not ATA certified, should possess a degree or certificate from accredited university (if in the US), or equivalent in a foreign country, in translation and/or linguistic studies, or equivalent experience as a translator and translating legal and/or court documents.

3. Judicial Council Translation Protocol Requirements [[*Not in place yet*]]

C. Bilingual Staff

1. Bilingual staff play a critical role in making courts linguistically accessible
 - Bilingual staff assist LEP court users in their native/preferred language directly (as opposed to interpreting between a court user and other court staff).
 - Bilingual staff help courts ensure multilingual capacity at the more critical points of contact with the court.

2. Bilingual staff may be in the courtroom, clerk's office, court information kiosks or offices, cashiers, or any other court department or office.
 - Examples include bilingual attorneys or paralegals in self-help offices; bilingual mediators; bilingual courtroom clerks; bilingual filing clerks; etc.
3. Rec. #47: The LAP provides for objective measure of a bilingual staff's proficiency in all working languages, suggesting a base proficiency of "Intermediate Mid" as defined under the American Council on the Teaching of Foreign Languages (ACTFL). Existing Oral Proficiency Interview available through CLASP may be used.
 - Staff member's self-evaluation is not sufficient.
4. Different points of contact with the public will require higher levels of proficiency (Rec. #48).
 - E.g. self-help centers where instructions to litigants can be complex and detailed, will likely require higher proficiency than a cashier's window.
5. Bilingual staff should not be used to interpret or translate unless otherwise credentialed or found to meet the necessary qualifications by provisional qualification (for interpreters) or by standards established by the translation protocol.
 - Even when provisionally qualified, calling on bilingual staff to provide interpreting or translation services may cause them to compromise their professional standards or could create a conflict of interest.
 - E.g., bilingual staff may have assisted a litigant in a self-help center and learned certain facts that may be contradicted when that same staff person is acting as an interpreter for litigant, putting staff in difficult situation.
6. Bilingual staff should be knowledgeable of terminology likely to arise in course of their work, in their particular position or department.
 - Resources available include multilingual glossaries, translated Judicial Council forms, California Online Self-Help Center, translated brochures and other information, community college terminology classes and terminology training provided by interpreter educational providers and organizations.
 - [See sample PowerPoint slides with resources for bilingual staff to improve language skills in different areas of law/court system]

7. Bilingual volunteers subject to same limitations/expectations as bilingual staff.

- Must only be used where appropriate, per court’s policy or procedures.
- Must be properly trained.
- Must be properly supervised.
- Must not be used as interpreters.

Trainer Resources:

- [Court Interpreter Program](#)
- [Compliance Requirements for Court Interpreters](#)
- [Search for Court Credentialed Interpreter](#)
- [California Rule of Court, Rule 2.890](#)
- [Professional Standards and Ethics for California Court Interpreters](#)
- *Judicial Council’s Translation Protocol (if avail)*
- *CJER New Judge’s College Training Materials*
- [American Council on the Teaching of Foreign Languages \(ACTFL\)](#)
- [ACTFL Oral Proficiency Interview](#)
- [Guide to Translation of Legal Materials](#) (NCSC)

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Teaching Tips and Techniques for Module 4:

- Consider having a knowledgeable and experienced court staff help teach this module (especially if particularly familiar with court user points of contact, and challenges faced by staff and bilingual staff in particular, when assisting LEP court users). Bilingual self-help center court staff with intimate knowledge of clerk's office as well, may work well.
 - If Language Access Office created at the court level, that staff person may also be a good trainer on these issues, particularly when training done at local court level.
- See PowerPoint sample slides showing staff how to use some existing web resources to help LEP court users.
- Consider having group do exercises such as "Sample Scenarios When Working with LEP Court users" [included in curricula sample materials] to explore different mechanisms and possible "scripts" to help staff handle challenging situations.

4. Providing Language Access Services Outside the Courtroom

1. Awareness of points of contact outside the courtroom

- [*Mentioned earlier*] Points of contact include (but different courts may have additional ones, or different ones): Courthouse entrance, security screening, clerk's offices/counters, cashier's offices/windows, court administration, records offices, courtrooms, court alternative dispute resolution programs and offices, self-help centers, information kiosks.
- Includes: Public telephone access lines, offsite workshops and clinics operated by the court, and community outreach events conducted by the court. Court websites and court-issued documents, forms and materials are also possible points of contact with the court for purposes of providing language access services.

2. Knowledge of and access to language access services available at your court

- i. Existence/contact information of language access office or designated person.
- ii. Tools available to court staff. E.g.:
 - Language Identification cards
 - Intranet resources
 - Language access contact person
 - Interpreter coordinator/on-call interpreters
 - Telephone interpreters and services such as LanguageLine or other
 - Bilingual staff listings
 - Multilingual information (written, web, audio/visual)

- iii. Availability of online tool-kit for court staff, LEP court users, court interpreters, judicial officers, etc.

3. Identifying LEP court users and the need for language access services

- a. Mechanisms to allow LEP court users to learn of language access services and self-identify available at all points of contact:
 - i. Notices re. availability of language access services
 - ii. Multi-lingual signage throughout courthouse
 - iii. Language Identification cards (I-Speak Cards) – at each staffed location—These cards allow LEP court user to point to primary language to enable court staff to identify and secure the necessary language access services
 - iv. Mailed court notices, educational/informational court brochures
 - v. Website information
- b. Court staff has affirmative duty to ascertain language need of court user
 - i. If court user appears to have difficulties communicating in, or understanding, English, inquire if would prefer to communicate in another language.
 - ii. If court user communicating via a third person with you (and they communicate in another language), inquire if they would like assistance in their language.
 - iii. Inform court user of the availability of language access services at the court.
 - If relevant and available, provide multilingual materials to assist LEP person with understanding process in case/proceeding or program/service need.
 - iv. Use tools available to assist LEP court user in his/her language.
 - v. Ascertain, whenever relevant, the language access needs of any other anticipated participants in a case or event. E.g.:
 - Inquire if opposing party or any witnesses will require language access services.
 - Inquire if other persons with significant interest in the case (as defined in LAP and by particular court) will require language access services.
- c. Ensuring effective tracking of an LEP court user's language needs
 - i. Understand court's mechanisms for recording in case management system or other case record an LEP litigant's need for language access services.
 - ii. Designate, whenever appropriate, an LEP person's language need in relevant records.

4. When court staff do not speak the LEP person's language:

- a. Identify language needed.
- b. Identify whether court has resources to address such as:
 - Available bilingual staff person to assist
 - Available interpreter to assist
 - Telephone interpreting service
 - Relevant information in the requested language
- c. Depending on the criticality of the service to be provided, determine if service may proceed without language access provider.
 1. Per LAP Rec. #39, courts must develop procedures to provide language access when bilingual staff not available (Phase 2). In meantime, each court, based on existing resources, may have different procedure for handling situations when no bilingual assistance available at the requested moment. Staff should know existing protocols/procedures.
 2. May be able to proceed if request is straight forward and relatively language neutral: E.g. simple cashier transaction, requesting basic directional information or particular court form.
 3. May be able to rely on person accompanying LEP person (if in fact accompanied) to relay basic information.
 4. May need to ask LEP person to return at a different time/day in order to secure appropriate language access services.
 5. May be able to direct LEP court user to community providers or services (including web-based) to help provide needed information.
 6. If can assist partially in English:
 - Avoid references which may be confusing to a non-English speaker, such as cultural references (e.g. to TV shows or media), idiomatic expressions, U.S. –specific holidays.
 - Do not make assumptions based on nonverbal cues which may differ from what you are most familiar with, nor make cultural generalizations about another's culture based on what you may have heard or learned.
 - Be patient. You may get frustrated or stressed trying to communicate. Try to take a step back and stay open and helpful. Understand that your frustration is not the court user's fault, and if possible, get help from an interpreter or bilingual staff member.
- d. If an interpreter is needed, note language access needs in any court records or case management system.

5. When court staff speaks LEP person's language:

- a. Communicate directly with LEP person, even if s/he brought assistance to communicate.
- b. Be aware of existing court resources, including available translated materials and forms for LEP person.
- c. If referring LEP person to another office or department, ensure destination will have language capabilities (and indicate for LEP person the language he or she will require).
 - If referral destination does not have language capacity, follow court's protocol for ensuring language access.
- d. Self-monitor ability to communicate in other language. If communication exceeds language ability or lack knowledge of some terminology, identify issue to supervisor in order to find most appropriate solution.
- e. Speaking the LEP person's language may exacerbate some concerns that all staff have in maintaining professionalism and upholding ethical standards, such as avoiding the appearance of impropriety and remaining neutral and unbiased at all times.
 - In small linguistic communities, you may cross paths with potential, or actual LEP court users more often.
 - LEP users, upon finally finding someone they can communicate with, may ask more of you than of an English-speaking colleague, including questions beyond the scope of your work or even their business with the court.
 - Whereas an English speaking litigant may generally be able to write out information requested, etc., an LEP person may need your assistance in writing information intended for the court in English.
 - Depending on your duties at the court, you may be able to act as a "scribe" only to assist the court user.
 - Make sure you know your department's procedures for addressing these instances.
 - LEP user may identify you as a member of their culture and treat you differently, or have different expectations of you that may be in conflict with your duties as court staff.
 - At all times, follow your ethical duties as a court employee.
 - Have strategies ahead of time for handling difficult situations.
 - Talk to your supervisor or court administrator for guidance and approved procedures for handling difficult situations.
- f. Consistently work on improving language skills
 - Use internet, glossaries, translated forms, and other study aids to acquire terminology in all working languages.
 - Build your own glossary relevant to your work, ongoingly.

- Practice your language skills in various registers (formal, colloquial, etc.).
- Identify areas of improvement and seek training.
- Ask local court interpreters about available interpreter training seminars on terminology.

Trainer Resources:

- [Language Identification Cards](#)
- Tool kit, when available
- Court LanguageLine (or other) instructions/policies
- Multilingual notice of available language access services, when available
- Multilingual court signage that may have been created or mocked up by JC court construction or other staff

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Teaching Tips and Techniques for Module 5:

- Best practice—Certified or registered interpreter to help teach this module.
- See videos provided in sample materials. May be helpful to insert in the sections discussing those issues.
 - See also [Videos re. Working with Court Interpreters](#) demonstrating different aspects of interpretation.
- Consider having participants do a role-play between court staff and LEP user, using a third participant as the interpreter. Can all be done in English, replicating a common interaction at a clerk’s office or other point of contact the participants choose given their particular assignment. After exercise, discuss issues like positioning, pausing to allow interpretation, dealing with noise or interruptions, or person playing the LEP role not knowing how to address interpreter, etc. May use Consecutive Interpreting Exercises provided.
- Show video from New Jersey Legal Aid “[Working with an Interpreter](#)” is helpful for staff working having to use interpreters outside the courtroom.

5. Working with Court Interpreters

1. Determining Need for an Interpreter in the Courtroom or Court-Ordered/Court-Operated Event**

- a. LEP user’s request of interpreter
 - LEP user may be party, witness, or person with significant interest in the case.
- b. LEP user’s attorney or advocate’s request
- c. Indication in court file or case management system of need for interpreter
- d. Judicial officer concludes that need to appoint interpreter to ensure communication and understanding by LEP court user, courtroom participants, and jury
- e. Examination by judicial officer of party or witness to determine need
- f. Waiver of interpreter by LEP user—LAP Rec. #75 to develop a policy to address waiver

**Court-ordered/court-operated events are those programs, services or events that the court orders an LEP person to participate in AND which are also operated by the court.

- E.g.: If court orders party to participate in settlement conference or mediation AND the court operates the mediation/settlement program, it is a court-ordered/court-operated event.
- It does not include programs not operated by the court, such as parenting classes or supervised visitation programs or anger management programs that are operated by outside agencies and community providers. Those programs, where a court may order a party, are included under Rec. #11.

2. Appointment of Qualified Interpreters

- a. Preference for certified or registered in-person interpreter.
 - See [Remote Interpreting](#) section for appropriate use of remote interpreting.
 - Certified interpreter required for court proceedings in 14 designated languages.
 - Registered interpreters are required for other languages.
 - An in-person interpreter is preferred.

- b. When no certified or registered interpreter available after diligent search, court may continue the matter or appoint a provisionally qualified interpreter.
 - Rule 2.893 for criminal and juvenile delinquency proceedings
 - Pending rule amendment, same procedure for civil matters under LAP Rec. #9
 - Judicial Officer in proceeding makes findings related to good cause based on process described in, and review of, following Judicial Council Forms:
 - *Procedures and Guidelines to Appoint a Noncertified or Nonregistered Interpreter in Criminal and Juvenile Delinquency Proceedings*, [INT-100-INFO](#),
 - *Qualifications of a Noncertified or Nonregistered Interpreter*, [INT-110](#),
 - *Certification of Unavailability of Certified or Registered Interpreter*, [INT-120](#) and
 - *Foreign Language Interpreter's Duties—Civil and Small Claims*, [INT-200](#)
 - *Practice pointer*: If a prospective provisionally qualified interpreter is unable to complete the INT forms for any reason (such as lack of written literacy in English), courts may want to provide for a staff person to act as a scribe for the prospective interpreter, or have interpreter coordinator or other designee assist with form completion for purposes of compliance with provisional qualification requirements.

- c. If judge at the proceeding finds that interpreter NOT provisionally qualified, may use interpreter if brief, routine matter and judge, on the record:
 - a. Indicates defendant or minor waives certified/registered and provisionally qualified interpreter,
 - b. Finds good cause to appoint noncertified/nonregistered non-provisionally qualified interpreter, and
 - c. Finds interpreter is qualified to interpret the proceeding.

- d. Restrictions on appointment of noncertified, nonregistered interpreters under LAP:
 - No minors (Rec. #23), without exception
 - No persons with conflict of interest (Rec. #22) absent exigent circumstances
 - No bilingual staff (Rec. #24) unless provisionally qualified and exigent circumstances. [Phase 2 recommendation]

- e. Procedure for entering interpreter credentials on the record (Govt. Code 68561 (f) and (g)):
 - For certified and registered interpreters, on the record:
 - 1) Name of interpreter (as listed on credentials)
 - 2) Current certification or registration number
 - 3) Statement that identification verified by court with interpreter badge issued by the Judicial Council or other similar documentation
 - 4) Language to be interpreted
 - 5) Statement that oath administered or that it's on file with court

 - For provisionally qualified interpreters, on the record:
 - 1) Finding that certified or registered interpreter not available
 - 2) Name of provisionally qualified interpreter
 - 3) Statement that required procedures and guidelines followed
 - 4) Statement that oath administered

3. Best Practices When Working With Interpreters in Court or During Other Interpreted Services/Events

- a. Preparation and pre-session interview. When using an interpreter:
 - Provide interpreter relevant information before interpretation begins, including topic to be discussed or addressed; and if relevant, the nature of proceeding/session, possible technical terms or concepts, emotionally charged content, etc.
 - If there are written documents that may help quickly explain to interpreter what subject/topic is, may share with interpreter (e.g. before mediation session, share each party's position or requests).
 - Provide for pre-session interview so interpreter may ensure adequate communication and language compatibility with LEP person.

- b. Explanation of interpreter role to all relevant participants in session or service. Best practices:
 - Explain the role of the interpreter and make sure LEP person and all other participants have understood.

- Explain interpreter is impartial. S/he is not the interpreter for one side or another; interpreter for the court or court representative.
- Explain interpreter is a highly qualified language professional and is certified (or registered) based on demonstrated skills and knowledge (does not apply when using provisionally qualified interpreters).
- Interpreter cannot, and should not be asked to, offer opinions.
- Interpreter must interpret everything that is said out loud.
- Interpreter cannot interpret non-verbal communications.
- Interpreter may have to intervene to notify the court if s/he does not understand or needs a slower pace or repetition.
- Explain interpreter may need to pause interpretation to clarify, look terminology up, or for some other reason to comply with ethics.

c. Managing all participants—Best practices

i. Overall Best Practices

- Ensure proper direct address of LEP person by all participants.
- Ensure all speakers talk slowly, loudly and clearly, and pause to give interpreter opportunity to interpret (especially if consecutive mode, which is most appropriate for sessions such as mediation, question/answer interactions, etc.).
 - Enforce the practice and remind participants.

ii. Instruction for LEP persons – Best practices

- Inform LEP persons using an interpreter to inform court staff/representative if they do not understand the language of the interpreter.
- Check in with LEP person periodically to ensure s/he understands. Check for understanding with substantive questions, not just a simple “yes” or “no”.
 - Even if court staff/representative does not speak the LEP person’s language, and may not be able to monitor the accuracy of the actual interpretation, they can monitor the LEP person’s understanding.
- Instruct LEP person to wait for question to be interpreted in full before answering and answer in their language only, and not go back and forth between English and their language, even if they speak some English.
 - Instruct LEP person to listen to the question as interpreted, not in English, even if they speak some English.

- You may have to remind LEP person of this repeatedly, since it is common for someone who understands some English to answer before the interpretation is complete.
- Keep in mind that even if the LEP person does at times seem to understand or speak English (and does so), it does not mean he or she is not LEP or does not require the assistance of an interpreter.

iii. Managing the session

- Ensure noise is kept at a minimum.
- Allow only one speaker at a time.
- Ask simple, not compound, questions.
- Avoid double negatives.
- Avoid idioms, regionalisms, jargon, acronyms, and jokes.
- Avoid legalese and “short-hand” talk.
- Ensure most appropriate positioning for interpreter, in consultation with interpreter and LEP person.

iv. Awareness of interpreter

- Be aware interpreter may have to interrupt, intervene, look up terminology, to comply with ethical guidelines and ensure accurate communication.
 - Remain patient.
 - If you deem interpreter is interrupting more than customary, consider pausing proceeding to ascertain problem.
 - Interpreter may be having challenges understanding the LEP person.
 - LEP person may not, even in native language, be forming complete sentences or thoughts.
 - Interpreter may not be qualified for particular assignment (if so, obtain another interpreter or continue the matter to another date).
- If asking LEP person to review a written document, give interpreter time to quickly review the writing before asking him/her to sight translate.
- Be aware of needing to give interpreter breaks to avoid fatigue.
 - Interpreting is highly demanding and interpreter fatigue (and errors) set in after approx. 30 minutes of sustained simultaneous interpreting.

Trainer Resources:

- [ABA Standards for Language Access in Courts](#)
- *Determining Need for an Interpreter (from CJER New Judge's College)*
- *10 Tips for Working with Interpreters (provided as part of CJER New Judge's College, by Mary Lou Aranguren)*
- [Working with Court Interpreters](#), adapted from Bench Orientation: Working with Interpreters developed by the Superior Court of California, Contra Costa County (2004)
- See list of videos provided in [Videos re. Working with Court Interpreters](#)

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Teaching Tips and Techniques for Module 6:

- Consider having a certified or registered interpreter, experienced in VRI, help teach this module.
- Provide a demonstration of video remote interpreting.
- Provide a demonstration of telephonic interpreting, using a typical clerk's office interaction as an example.

6. Remote Interpreting (RI)

1. Remote Interpreting allows interpreter to appear remotely to interpret in a courtroom proceeding or other event requiring an interpreter.
 - Video-remote interpreting (VRI) allows for interpreter to interpret via video.
 - Telephonic remote interpreting provides for the interpreter to interpret via phone only (no video).
 - LAP Rec. #14 requires the Language Access Implementation Task Force to establish minimum technological requirements for RI for courtroom proceedings, including requirements for both simultaneous and consecutive.
2. Telephone interpretation is useful tool for language assistance at clerk's offices or other brief informational/transactional sessions that are brief and relatively simple.
 - Many courts have procedures for use of LanguageLine Inc. or other telephone interpreting providers.
 - If using telephonic interpreter, ensure LEP person understands and is able to communicate with the interpreter in order to relay information to you, and you to LEP person.
3. In-person, certified and registered court interpreters preferred for courtroom proceedings (LAP Rec. #12)
4. Several LAP recommendations address use of video remote interpreting and sharing of staff:
 - a. Rec. #30: Consideration of policies to promote sharing of bilingual staff and credentialed interpreters among courts, using remote technologies for services outside the courtroom.
 - b. Rec. #31: Pilot to use remote interpreting for clerk's office help and self-help centers (with court bank of bilingual staff or other service).
 - c. Rec. #32: Pilot for remote attendance at workshops, trainings, etc. in other languages.

5. When using VRI in courtroom, courts must satisfy, as feasible, guidelines on Appendix B of LAP. Summarized as:
- a) Minimum technology requirements for high quality communications
 - b) Training for all persons who will be involved in the RI event, related to:
 - Equipment
 - Interpreting protocols
 - Interactions with LEP persons
 - c) In determining appropriateness of RI for court event, examine:
 - Length and complexity of event (and communications involved)
 - Relative convenience/inconvenience to the LEP court user
 - Whether matter uncontested
 - Whether proceeding is of immediate nature (e.g. arraignment, bail reduction, TROs)
 - d) Guidelines for using RI in a court proceeding:
 - Need to interrupt or clarify, and suspect and reschedule
 - Interpreter may need to interrupt, clarify. Judge should acknowledge this at start of proceeding and provide a mechanism in advance to allow for this.
 - Judge should check in with LEP party frequently to ensure he/she is hearing and understanding.
 - Judge may need to suspect and rescheduling for variety of reasons (e.g. technology, interpreter finds it ineffective, etc.)
 - VRI and RI Challenges
 - Particular challenges for interpreters, which may include increased fatigue and stress (and lead to decreased accuracy).
 - May need shorter sessions and more breaks.
 - Participants who must have access
 - Remote interpreter must be heard & must be able to hear all speakers.
 - Visual/Auditory Issues, Confidentiality and Modes of Interpreting
 - VRI preferred over telephone.
 - Auditory/visual issues and confidentiality must be considered when implementing RI. All parties must understand in advance what procedure and technical set up will be used to allow for confidential communications as needed.
 - Documents and Other Information
 - Ensure availability of technology to communicate written information to interpreter.
 - Professional Standards and Ethics
 - All interpreters bound by same standards and ethics.

- Interpreters are required to interpret everything completely and accurately.
- Interpreters are required to report impediments to performance.

Trainer Resources:

- Appendix items B, C, D in [Strategic Plan for Language Access in the California Courts](#) (2015)
- [Recommended Guidelines for Video Remote Interpreting for ASL-Interpreted Events](#) (Judicial Council of California)
- *Technological Solutions Subcommittee of the Implementation Task Force*

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Teaching Tips and Techniques for Module 7:

- Consider having diverse perspectives teaching this module, especially staff experienced in teaching cultural competence.
- See sample PowerPoint slides.
- Engage participants throughout (ppt. slides provide some suggestions) to ensure open communication and raising awareness of the impact of implicit bias (positive and negative) and cultural assumptions in every day court interactions with the public and with other colleagues.
- Use icebreakers and other activities to address competency. See examples at:
 - [http://www.tapartnership.org/docs/CLC%20Icebreakers%20and%20Exercises%20-%20FINAL%20\(5\).pdf](http://www.tapartnership.org/docs/CLC%20Icebreakers%20and%20Exercises%20-%20FINAL%20(5).pdf)
 - <http://www.edchange.org/multicultural/activityarch.html>

7. Cultural Competence

1. Why Is Culture Important in the State Courts?

a. Great diversity of cultures represented in state courts

- There are ethnic/national cultures (groups whose members have a common affiliation defined by reference to ethnicity or nation); professional culture (groups with affiliations defined by occupation or profession, e.g. lawyers, judges); organizational culture (groups interactive within a particular unit or agency, e.g. courts, district attorneys), and more.
- Vast differences in behaviors, values, fundamental beliefs and the assumptions of court users (and court staff and judicial officers) with regard to the court system and court culture.
- Great diversity within cultures as well. Culture is not monolithic. Even members of the same culture will have great diversity in perceptions, behavior, interactions with the court etc. based on socio-economics, geographic location, educational levels, age, gender, individual characteristics, personal background and experiences, etc.
- For LEP persons, having a country in common does not guarantee similar notions, perspectives, etc.
 - Diversity of dialects, regionalisms, local languages, immigration status, time in the U.S., level of acculturation, as well as other factors already addressed.

b. Individuals often are part of various cultural groups. In the court context, culture affects:

- Court users
- Court staff

- Judicial officers
- Justice partner agencies interacting with the court
- Public at large in its perception of the justice system

2. How might culture affect an LEP court user? Culture may:

- Impact their perception of the court system
- Impact their understanding of the legal process
- Influence their definition of justice and conflict
- Affect their willingness to identify as LEP
- Affect how they describe events that occurred (e.g., may have different concepts of past, present and future)
- Impact their views of authority figures in legal proceedings
- Affect their willingness to seek help or accept help when offered
- Affect their expectations of “free” help (that it is “lesser than” paid/contracted for)
 - May affect their willingness to accept free interpreter, appointed counsel, self-help services, or legal aid
- Affect their expectations (of the court, the judge, the law)
- Affect their behavior in court
 - Their relationship to authority may cause them not to speak up, or contradict a lawyer or judicial officer, or assent in understanding but not in agreement
 - May act submissive, or aggressive
 - May say they understand when they don’t
- Influence their motivations and strategies

3. What is cultural competence?

- Responding to people in ways that recognize, value, and respect their cultures, languages, classes, races, ethnic backgrounds, religions and other factors.
- Cultural competence requires that organizations have a defined set of values/principles, and demonstrate behaviors, attitudes and policies that allow them to work cross-culturally.
- It does not mean assuming all individuals appearing to belong to a given culture will behave the same, understand the same, and relate in the same manner to the court and its participants.

4. Steps to cultural competence

- Awareness of own cultural background (including ethnic/national, professional and organizational), and how one’s culture may influence own worldview, behaviors, thoughts, ways of communicating, how we provide assistance to diverse court users, respond to perspectives and challenges about our organization and role, etc.

- Awareness of own biases:
 - Be aware of your implicit biases in order to ensure the assistance you provide is appropriate and objective.
 - Implicit bias and Implicit Association Tests
 - Be aware that LEP culture may impact their perception of the court system, their understanding of legal process, etc.
 - Do not assume that by understanding an LEP person's identified culture you understand their perceptions, views, behavior, etc.
 - Listen closely.
 - Be open.
 - Be patient.
 - Continue learning.
5. How does cultural competence make a difference?
- Better communication
 - Increased procedural fairness
 - Increased and more meaningful participation
 - Better compliance with court orders by improving information for making orders and ensuring orders and communication is culturally appropriate
 - Increased public trust and confidence
 - Improved access to justice

Trainer Resources:

- [Implicit Association Test](#)
- “Tools for Cross Cultural Communication” excerpt from [Handling Cases Involving Self-Represented Litigants, a Benchguide for Judicial Officers](#) (2008)
- Beyond the Bench Workshop Materials on [Unconscious Bias and decision-making](#) (Contact Kyanna Williams at CFCC)
- www.ethnomed.org/culture: Univ. of Washington website that provides “cultural profiles” of immigrant and linguistic groups in Seattle area.
- [Cultural Competence in Legal/Judicial Services](#)
- [Cultural Orientation Resource Center](#)
- [National Center for Cultural Competence](#)
- [Comparisons between two legal systems \(Mexico and U.S.\)](#) (Superior Court of California, County of Imperial)
- [Borderland Justice: Working With Culture in Courts Along the US/Mexico Border](#) by John A. Martin, Jose Guillén and Diane Altamirano (March 16, 2007)

VIDEOS on Working with Court Interpreters

Judicial Officer Training Vignettes at

https://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=410

Vignette 1—Obligation of the Interpreter to limit work to their scope of practice and of the Judge to address parties in first person.

Vignette 2—Obligation of the Judge to ensure appointment of a qualified and approved Interpreter.

Vignette 3—Obligation of the Interpreter to remain impartial and to avoid conflicts of interest.

Vignette 4—Obligation of the Interpreter to be accurate and complete.

Vignette 5—Obligation of the Interpreter to be accurate and complete, interpreting everything that is said, and to remain within scope of practice.

Vignette 6—Obligation of the Interpreter to avoid an appearance of bias.

Vignette 7—Obligation of the Judge to allow Interpreter to interpret prior to ruling on objection.

Federal Judiciary Channel – Youtube –18 videos on court interpreting:

<https://www.youtube.com/playlist?list=PL4bcxoLSIaXfPvX9FXws4S6XirPhUObBQ>

- | | |
|---|--|
| 1. Right to a Court Interpreter | 11. Summary Interpreting |
| 2. Court Interpreters are Officers of the Court | 12. Example of Improper Summary Interpreting |
| 3. Court Interpreter Credentials | 13. Example of Inaccurate Legal Interpretation |
| 4. Example of Court Interpreter's Interview to Verify Credentials | 14. Court Interpreters Can Consult Reference Materials |
| 5. Simultaneous and Consecutive Interpreting | 15. Team Interpreting |
| 6. Simultaneous Interpreting Usage | 16. Correcting Interpreting Inaccuracies |
| 7. Example of Simultaneous Interpreting | 17. Court Interpreters and Conflicts of Interest |
| 8. Consecutive Interpreting Usage | 18. Ethical Obligations for Court Interpreters |
| 9. Example of Consecutive Interpreting | |
| 10. Direct Speech Interpreting | |

[UCS \[Unified Court System – NY\] Judge's Guide to Working with Court Interpreters](#) Video (18 mins)

[Ethical Challenges for Court Interpreters](#). Interpreter training 8-module video series produced in Vancouver in 2012. Although designed for interpreter training, provides scenarios you may use to illustrate the judge's role in ensuring best practices.

Development Plan for Remaining Language Access Plan Materials¹

No.	Materials to be developed	Suggested sample content	LAP Rec.	Format for materials	Phase/ Timing	Entities
1	Multilingual standardized videos for high volume case types providing generalized information (translated into top 8 languages and captioned in as many other languages as feasible)	<ul style="list-style-type: none"> • Overview of divorce process • Overview of guardianship process • Service of process • Fee waiver instructions • Requests for orders in all FL cases (form FL-300 requests) • How to work with/use an interpreter • Overview videos of small claims, eviction and civil harassment processes (these may be developed through editing and updating of the “Resolve your Case” video series, which contain overview chapters for the covered case types) 	#18	<ul style="list-style-type: none"> • Videos • Flow charts with limited amount of text • PowerPoint or Prezi-type recorded presentations to walk viewers through processes <p>Note: For videos that require inclusion of information that may become outdated, use strategies for easy updating of information without rendering video obsolete (e.g. voiceover than can be re-recorded, inserted graphics that can be updated/changed).</p>	Phases 1, 2, 3 (Video creation process likely to be ongoing process of creating new videos and updating existing ones.)	TBD

¹ The list of materials to be developed is based on the 75 recommendations of the Strategic Plan for Language Access in the California Courts, as is the phasing for creating the materials. The suggested sample content and format for materials, however, are intended at providing a starting point for creation of the materials in question, but are not intended to limit additional content or tools for development. It is the intent of this development plan that suggested content and format remain flexible and responsive to the needs of the courts, to court users, and to allocated translation resources.

2	Training and guidance on critical points of contact between LEP users and the court	<ul style="list-style-type: none"> • Graphic demonstrating all possible points of contact with court and available resources for staff at each point (including online toolkit), that each court can adapt to reflect local resources • Online module showing court staff what is available to them at each point of contact, what tools will be most effective and relevant, and how to use those tools 	#26	<ul style="list-style-type: none"> • Written/graphics • Online training and recorded presentations and/or webinar demonstrating how to access resources (can be combined with modules suggested below regarding use of the toolkit and accessing available resources) 	Phases 1, 2 (Once created, training to be required and updated regularly)	TBD
3	Language assistance tools (furthering toolkit)	<ul style="list-style-type: none"> • Online multilingual glossaries (either existing or as they are developed) • Guidelines/flowcharts showing when particular tools are appropriate for use (e.g. written policy and clear guidelines re. use of telephone interpreting service and video remote interpreting; location of glossaries and how to use) • Training module on resources available on the toolkit and how to access for staff use or for LEP user referral • Training module regarding policy for using telephone interpreting • Training module regarding 	#27	<ul style="list-style-type: none"> • Flowcharts/graphics • Online training module re. use of different tools, policies, and toolkit (can be combined with training above) • Online glossaries hosted on toolkit and cross-referenced in court's intranet and website if appropriate 	Phases 2, 3 (Once created, training to be required and updated regularly)	TBD For glossaries, collaborate with interpreter working groups and translation vendors

		<p>policies and procedures for using video remote interpreting, including tech requirements, etc.</p> <ul style="list-style-type: none"> • Sample multilingual employee listing that courts can adapt for local use. 				
4	Training curriculum for bilingual volunteers	<ul style="list-style-type: none"> • Training modules, written materials and presentations addressing particular issues and challenges facing bilingual volunteers when working with LEP court users • Creation and provision of comprehensive resources specifically for volunteers to understand role, expand language skills, and provide linguistically accessible resources and referrals 	#34	<ul style="list-style-type: none"> • Online training modules • Written training materials and resources • In-person training for more significant volunteer training efforts (e.g. JusticeCorps) 	Phases 1, 2 (Once created, training to be required and updated regularly)	TBD
5	Guidance for supervision of bilingual volunteers	<ul style="list-style-type: none"> • Guidance materials to assist supervisors of bilingual volunteers with properly supervising volunteers, including: <ul style="list-style-type: none"> ○ discussion of particular challenges involved when assisting LEP court users, ○ how to ensure bilingual volunteers are in fact proficient for particular tasks or points of contact, 	#34	<ul style="list-style-type: none"> • Written training materials and resources • Online training modules • In-person training – Participation in training of bilingual volunteers 	Phases 1, 2 (Once created, training to be required, and reviewed and updated regularly)	TBD

		<ul style="list-style-type: none"> ○ most effective and efficient utilization of bilingual volunteers, ○ how to supervise a volunteer while s/he is assisting in a language in which the supervisor is not proficient, ○ how to properly support bilingual volunteers when challenged in relation to language skills, ○ how to encourage and provide resources for bilingual volunteers to further develop language skills, ○ how to provide mentorship opportunities for bilingual volunteer to encourage him/her to become bilingual staff or interpreter 				
6	Samples and templates of multilingual information applicable for statewide use and adaptable for local use	<ul style="list-style-type: none"> ● How to work with/use an interpreter ● How to request an interpreter ● How to present your case in court ● How to try to resolve a case out of court ● Service of process information ● Overview of major case types 	#37	<ul style="list-style-type: none"> ● Written templates and samples ● Online availability of templates and samples ● Videos (see Rec. #18 materials above) 	Phases 1, 2, 3 (Process of creating and updating templates and samples to be ongoing)	TBD

7	Standard notice and procedure for notifying courts of new postings of multilingual materials and resources	<ul style="list-style-type: none"> • A standard notice that alerts courts of new materials available in the statewide repository, with fillable information regarding new materials, languages, and format • Include listserv addresses and other resources for ease of dissemination/distribution of the notices 	#38	<ul style="list-style-type: none"> • Written template notice • Template email message • Written procedure (available online) for notification (and adaptable by courts who may want to issue notifications to local partners) • Available online for staff to have ready access 	Phase 1 (With ongoing review and update, as listservs and other contacts are developed)	TBD
8	Common and relevant signs translated into top languages	<ul style="list-style-type: none"> • List of relevant signs most common to all (or the majority) of courthouses or court service buildings translated into 8 languages, • Sample standardized signs for courthouse placement, with translation and/or use of icons (see next task) 	#39	<ul style="list-style-type: none"> • Written/graphics sample signs • Online availability of samples/templates 	Phase 2 (With regular review and update as needs identified)	TBD
9	Guidance documents on use of icons, symbols and displays	<ul style="list-style-type: none"> • Guidance regarding the use of icons and symbols for communicating wayfinding and other locations • Guidance regarding the most effective use of visual displays, including electronic (dynamic) displays in courthouse buildings to improve access generally and language access specifically 	#39	<ul style="list-style-type: none"> • Written guidance, examples, and templates • Online availability of written guidance 	Phase 2 (With regular review and update as needs identified)	TBD

10	Translated court order/judgment forms	<ul style="list-style-type: none"> • In accordance with prioritization guidelines in the Translation Protocol, translated court order and judgment forms most commonly used in high volume cases, especially in cases where self-represented litigants and/or LEP court users may appear • Examples include: family law cases (especially divorce, custody/visitation, child and spousal support), small claims, domestic violence, civil harassment, elder and dependent adult abuse, unlawful detainers, debt collection civil judgment forms 	#40	<ul style="list-style-type: none"> • Written forms available in print form • Online forms and their translations 	Phases 1, 2, 3 (Form translation process likely to be ongoing as new forms are developed and existing ones require updating)	TBD
11	Wayfinding strategies for new courthouse construction	<ul style="list-style-type: none"> • Guidance for courts to improve accessibility and wayfinding for all users, including LEP court users • Guidance (see above task) regarding the most effective use of visual displays, including electronic (dynamic) displays in courthouse buildings to improve access 	#42	<ul style="list-style-type: none"> • Written guidance and samples/templates with graphics • Online guidance and samples 	Phase 2 (Ongoing as new construction efforts are undertaken and guidance is updated)	JCC

12	Training programs for interpreters focusing on civil cases and remote interpreting	<ul style="list-style-type: none"> • Web-based JC training modules and orientations for new and existing court interpreters on general common concepts in all civil cases, civil terminology, and resources for developing those language skills • Learning tools, such as civil terminology glossaries, flow charts showing civil processes and case types, etc. • Guidance for interpreters on interacting with self-represented LEP persons • Training modules for remote interpreting, to train interpreters on the equipment, its proper use, how to comply with ethical standards in the remote interpreting context, and how to familiarize themselves with the process to reduce possible increases in fatigue or stress. 	#46	<ul style="list-style-type: none"> • Written tools such as civil terminology, glossaries, case type information, etc. • Online training modules • In-person training efforts • Videos demonstrating processes and skills/tools for interpreting in civil matters with SRLs <p>For the remote interpreting training, some of the training must include hands-on practical experience, using the equipment and interpreting with the use of the equipment.</p>	Phases 1, 2 (Once created, training to be reviewed and updated regularly)	JCC in collaboration with interpreter organizations and educational providers
13	Guidance on language proficiency standards needed for different points of contact in the courts	<ul style="list-style-type: none"> • Clear guidance regarding the proficiency levels required for bilingual staff at various points of contact • Guidance regarding the testing of bilingual staff to ensure requisite levels of proficiency for the point of 	#48	<ul style="list-style-type: none"> • Written guidance and sample tests • Online access to guidance, sample tests, and resources. 	Phase 1 (Once created, guidance to be analyzed & adjusted if needed, on a regular basis)	JCC in collaboration with courts

		<p>contact/position</p> <ul style="list-style-type: none"> • Guidance for courts on assisting bilingual staff with improving language skills and resources for language skills development. 				
14	Online training programs for bilingual staff	<ul style="list-style-type: none"> • Training modules and written materials and presentations addressing particular issues and challenges facing bilingual staff when working with LEP court users • Comprehensive resources specifically for bilingual staff to understand role, improve language skills, and provide accessible resources and referrals 	#48	<ul style="list-style-type: none"> • In-person training on a regular basis for all bilingual staff placed in points of contact with public • Online training modules • Written training materials and resources 	Phases 1, 2 (Once created, training to be reviewed and updated regularly)	JCC
15	Possible additional bench cards	As implementation and training efforts move forward, additional topics may be identified for inclusion in bench cards and/or modifications to existing bench cards may be needed.	#52	<ul style="list-style-type: none"> • Written • Online 	Phases 1, 2, 3	JCC
16	Multilingual video and audio recordings as part of outreach to provide the public general information	<ul style="list-style-type: none"> • See materials suggested above under Rec. #18. • Video and audio information orienting the public to: <ul style="list-style-type: none"> ○ the court system, ○ the services available at the 	#54	<ul style="list-style-type: none"> • Videos to be hosted online on websites and available for viewing at court locations, self-help centers and community providers • Audio recordings similarly 	Phase 3	JCC

		<p>court to assist court users, legal aid and other low cost or free legal assistance available,</p> <ul style="list-style-type: none"> ○ availability of language access services and how to access them. ● Additional multilingual audio recordings of INFO forms and other materials such as the existing ones of the DV Info forms. 		<p>hosted</p> <ul style="list-style-type: none"> ● May use ethnic and local media to disseminate information, record scripted interviews and other information provision, in radio, tv and print media 		
17	<p>Statewide repository for language access resources and materials (if toolkit is used as repository, then this task is already under way)</p>	<ul style="list-style-type: none"> ● If tool kit is intended as the repository for all language access resources developed throughout the state, may only require continued development and design to ensure it is user-friendly and accessible ● If toolkit will only host a certain number or type of resources, this recommendation may require development of a separate repository, or the redesign of existing ones (such as the Equal Access site) to host all the resources, including templates and samples for providers to adapt, policy documents, translated documents, etc. 	#66	<ul style="list-style-type: none"> ● Online repository accessible to the public, all court staff, court interpreters, and justice partners and community-based organizations 	<p>Phases 1, 2</p> <p>(Ongoing posting and sharing as new and updated resources are developed)</p>	JCC

18	Training (once rules and guidelines are developed) for determining good cause for appointing a non-certified, non-registered interpreter	<ul style="list-style-type: none"> • Clear document with check boxes or other tool to assist bench officers in following proper procedures when dealing with a finding of good cause to appoint a non-credentialed interpreter • May be inserted in courtroom bench card if feasible, or as an accompanying document • Should be incorporated into judicial officer training curriculum 	#69	<ul style="list-style-type: none"> • Written guidance and easy-to-follow instructions or checklist • Online availability of guidance and tool • Online training module or incorporated information into existing trainings (online or in person trainings) 	Phase 1, after Rec. #69 is implemented	JCC
19	Training on process/policy for waiver of a court interpreter (once policy is developed by the ITF)	<ul style="list-style-type: none"> • Clear document with check boxes or other tool to assist bench officers in following proper procedure when dealing with waiver of a court interpreter • May be inserted in courtroom bench card if feasible, or as an accompanying document. • Should be incorporated into judicial officer training curriculum 	#75	<ul style="list-style-type: none"> • Written guidance and easy-to-follow instructions or checklist • Online availability of guidance and tool • Online training module or incorporated information into existing trainings (online or in person trainings) 	Phase 1 after Rec. #75 is implemented	JCC

Language Access Plan Implementation Task Force



Recommendations Progress Report for May 16, 2016

Number of Phase 1 and 2 Recommendations: 70

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 has created a survey that will be sent to the courts to gather information surrounding the tracking of interpreter needs via their respective case management systems. The survey asks about the number of Case Management Systems (CMS) a court has, the case types that track interpreter needs, and the point at which the need for interpreter services is tracked.

Date of Last Update: 5/6/2016

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

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

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

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

Progress Update: The subcommittee has created a survey that will be sent to the courts to gather information surrounding the tracking of interpreter needs via their respective case management systems. The survey asks about the number of CMSs a court has, the case types that track interpreter needs, and the point at which the need for interpreter services is tracked.

Date of Last Update: 5/2/2016

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 has created a survey that will be sent to the courts to gather information surrounding the tracking of interpreter needs via their respective case management systems. The survey asks about the number of CMSs a court has, the case types that track interpreter needs, and the point at which the need for interpreter services is tracked.

Date of Last Update: 5/2/2016

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: 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: The subcommittee is working on a budget proposal for the full build-out of the toolkit. The subcommittee also continues to add and update resources to the employee pages of the toolkit as they become available. Finally, the subcommittee continues to add toolkit links and icons to other websites, such as the Judicial Resources Network and the Knowledge and Innovation Center, in order to increase visibility of the toolkit and enhance access for bench officers and court employees.

Date of Last Update: 5/16/2016

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: On January 27, 2016, the Language Access Plan Implementation Task Force (LAPITF) voted to approve the language of the model notice of available language access services (in English). The document was approved by the Judicial Council on February 26, 2016. We are currently formatting and translating it.

Date of Last Update: 5/16/2016

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 identified in LAP Recommendation No. 6.

Date of Last Update: 5/16/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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

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

Progress Update: The subcommittee will evaluate different data sources and make recommendations to the courts about potential data sources to look at beyond the U.S. Census. The Judicial Council will review applicable data sources for development of the 2020 Language Need and Interpreter Use study, a report on language need and interpreter use in the California trial courts, which is required by the Legislature every five years under Government Code section 68563.

Date of Last Update: 5/16/2016

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 **Phase 1 and 2**

Progress Update: Judicial Council staff posted a graphic, "Court Progress in Providing Interpreters in Civil Cases (as of 9/30/15)," showing the status of civil expansion in all 58 trial courts. The graphic will be periodically updated to show progress. 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 FY 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: 5/16/2016

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

Phase 1 and 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

Phase 1, 2, and 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. Results of the survey will be shared at the Task Force's May 20, 2016 meeting.

Date of Last Update: 4/25/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

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

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

Progress Update: The subcommittee determined that it will commence work on this recommendation in 2017.

Date of Last Update: 4/25/2016

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: A pilot project has been developed along with an RFP for video remote interpreting. While the subcommittee planned to present the initial project at the February 2016 Council meeting, they will instead present it at the June 2016 meeting. The Judicial Council Technology Committee (JTC) and Executive and Planning Committee (E&P) had already approved the project and will provide informational items for upcoming meetings. This pilot project remains an integral part of developing and refining technical and programmatic guidelines for a statewide approach to video remote interpreting.

Date of Last Update: 5/16/2016

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: A pilot project has been developed along with an RFP for video remote interpreting. While the subcommittee planned to present the initial project at the February 2016 Council meeting, they will instead present it at the June 2016 meeting. The Judicial Council Technology Committee (JTC) and Executive and Planning Committee (E&P) had already approved the project and will provide informational items for upcoming meetings. This pilot project remains an integral part of developing and refining technical and programmatic guidelines for a statewide approach to video remote interpreting.

Date of Last Update: 5/16/2016

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: A pilot project has been developed along with an RFP for video remote interpreting. While the subcommittee planned to present the initial project at the February 2016 Council meeting, they will instead present it at the June 2016 meeting. The Judicial Council Technology Committee (JTC) and Executive and Planning Committee (E&P) had already approved the project and will provide informational items for upcoming meetings. This pilot project remains an integral part of developing and refining technical and programmatic guidelines for a statewide approach to video remote interpreting.

Date of Last Update: 5/16/2016

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: We have developed a pilot project along with an RFP for video remote interpreting. While the subcommittee planned to present the initial project at the February 2016 Council meeting, they will instead present it at the June 2016 meeting. The Judicial Council Technology Committee (JTC) and Executive and Planning Committee (E&P) had already approved the project and will provide informational items for upcoming meetings. This pilot project remains an integral part of developing and refining technical and programmatic guidelines for a statewide approach to video remote interpreting. This remains dependent on the approval of a VRI pilot program RFP/Project. An RFP has been drafted. See Recommendation 16.

Date of Last Update: 5/16/2016

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: We have developed a pilot project along with an RFP for video remote interpreting. While the subcommittee planned to present the initial project at the February 2016 Council meeting, they will instead present it at the June 2016 meeting. The Judicial Council Technology Committee (JTC) and Executive and Planning Committee (E&P) had already approved the project and will provide informational items for upcoming meetings. This pilot project remains an integral part of developing and refining technical and programmatic guidelines for a statewide approach to video remote interpreting.

Date of Last Update: 5/16/2016

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

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

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

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

Progress Update: The subcommittee determined that it will commence work on this recommendation in 2017. If the VRI pilot project (per recommendation #16) is approved and commences after the Judicial Council June 2016 meeting, data points collected from the VRI project will help provide information and insight for this endeavor.

Date of Last Update: 5/16/2016

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: The subcommittee will review the survey results provided by NCSC.

Date of Last Update: 5/16/2016

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: To support this recommendation, we released an educational video for bench officers in February 2016. In addition, the NCSC has prepared a draft bench card which outlines procedures for bench officers working with LEP court users. We will release it pending LAP and Judicial Council approval. These procedures will also be incorporated throughout all relevant judicial education courses and resources.

Date of Last Update: 5/16/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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

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

Progress Update: The subcommittee determined that it will commence work on this recommendation in 2017.

Date of Last Update: 4/25/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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

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

Progress Update: The subcommittee determined that it will commence work on this recommendation in 2017.

Date of Last Update: 4/25/2016

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: To support this recommendation, we released an educational video for bench officers in February 2016. In addition, the NCSC has prepared a draft bench card which outlines procedures for bench officers working with LEP court users. We will release it pending LAP and Judicial Council approval. These procedures will also be incorporated throughout all relevant judicial education courses and resources.

Date of Last Update: 5/16/2016

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: To support this recommendation, we released an educational video for bench officers in February 2016. In addition, the NCSC has prepared a draft bench card which outlines procedures for bench officers working with LEP court users. We will release it pending LAP and Judicial Council approval. These procedures will also be incorporated throughout all relevant judicial education courses and resources.

Date of Last Update: 5/16/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

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

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

Progress Update: The subcommittee has incorporated this recommendation into the draft training materials that will be developed and delivered to the judiciary, following approval of the materials by the Judicial Council in June 2016.

Date of Last Update: 5/6/2016

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: Completed **Phase 1**

Progress Update: The subcommittee developed and distributed written guidance for trial court leadership in December 2015 and requested that each court designate a language access office or representative. 51 of 58 courts have designated a language access representative. To help support implementation efforts, Judicial Council staff is working on a communication to the representatives and developing a listserv.

Date of Last Update: 5/16/2016

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: The subcommittee will review the survey results provided by NCSC.

Date of Last Update: 5/16/2016

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

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

Progress Update: The Language Access Toolkit, which went live on December 31, 2015, provides court staff with a variety of resources, including "I-Speak" cards and multilingual signage. The toolkit will be continually updated with additional materials, as they become available. We will send information about the resources available to the Language Access Representatives of each court.

Date of Last Update: 5/16/2016

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. Efforts are underway for the Judicial Council to develop a statewide recruitment initiative.

Date of Last Update: 4/25/2016

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

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

Progress Update: The subcommittee determined that it will commence work on this recommendation in 2017.

Date of Last Update: 4/25/2016

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

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

Progress Update: The subcommittee determined that it will commence work on this recommendation in 2017.

Date of Last Update: 4/25/2016

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

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

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

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

Progress Update: The subcommittee has developed a survey that will ask courts about the tracking of interpreter needs (per recommendations 1, 2, and 3). This, coupled with future data collection for recommendation 17, will help guide this project. This project, however, will not commence until 2017.

Date of Last Update: 5/16/2016

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

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

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

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

Progress Update: The subcommittee has drafted a pilot project for video remote interpreting (VRI, per recommendation #16). The VRI pilot project allows for the participation of up to two courts to address the remote interpreting capabilities between courts, addressing the inter-court portion of this recommendation. While the VRI pilot project does not guarantee that multiple courts will be participating, that is the intent. Any data or information gathered from the VRI project will help shape this recommendation.

Date of Last Update: 5/16/2016

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

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

Progress Update: The subcommittee determined that it will commence work on this recommendation in 2017.

Date of Last Update: 4/25/2016

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: This document is being drafted and will be reviewed by the subcommittee in May 2016. We anticipate to present the best practices for bilingual volunteers to the LAPITF in June 2016.

Date of Last Update: 5/16/2016

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 Translation Protocols were developed by the outside contractor with feedback from the subcommittees. These protocols will be reviewed by the LAPITF at its May 20, 2016 meeting.

Date of Last Update: 5/2/2016

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: The subcommittee is currently working on a budget proposal for the full build-out of the toolkit. The subcommittee also continues to add and update resources to the employee pages of the toolkit as they become available. Finally, the subcommittee continues to add toolkit links and icons to other websites, such as the Judicial Resources Network and the Knowledge and Innovation Center, in order to increase visibility of the toolkit and enhance access for bench officers and court employees.

Date of Last Update: 5/10/2016

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 met on January 27, 2016, and provided recommendations to NCSC regarding a priority for translation of documents to be included in the Translation Protocol. As documents for court employees are translated, we will add them to the Language Access Toolkit. As documents for LEP court users are translated, we will add them to the toolkit once the court user pages and functionality are built.

Date of Last Update: 5/16/2016

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

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

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

Progress Update: The Language Access Toolkit currently provides a link to multilingual court closure signs for the 2016 court holidays. The subcommittee will look at additional signage needs in conjunction with the Judicial Council Facilities Division and will disseminate additional materials through the toolkit. The LAPITF is also working with NCSC on recommendations for language access information on local court websites, which will include common icons and symbols for language access assistance.

Date of Last Update: 5/16/2016

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 met on January 27, 2016, and provided recommendations to NCSC regarding a priority for translation of documents to be included in the Translation Protocol. As documents for court employees are translated, we will add them to the Language Access Toolkit. As documents for LEP court users are translated, we will add them to the toolkit once the court user pages and functionality are built.

Date of Last Update: 5/16/2016

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

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

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

Progress Update: The subcommittee will collaborate with the Judicial Council facilities division to study and make recommendations regarding the application of principles of universal design for purposes of language access.

Date of Last Update: 5/10/2016

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

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

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

Progress Update: The subcommittee will collaborate with the Judicial Council facilities division to study and make recommendations regarding the application of principles of universal design for purposes of language access. This will include best practices in construction, design and signage.

Date of Last Update: 5/10/2016

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

Date of Last Update: 5/16/2016

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: 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: 5/6/2016

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: The subcommittee is in the process of addressing this recommendation.

Date of Last Update: 5/6/2016

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: With respect to judicial training programs, as noted re: Recommendation 50, these training programs and revisions to existing judicial training programs will occur after the educational materials provided by the NCSC are approved by the LAP and the Judicial Council in June 2016.

Date of Last Update: 5/16/2016

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: 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: The subcommittee will review the survey results provided by NCSC.

Date of Last Update: 5/16/2016

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: The subcommittee will review the survey results provided by NCSC.

Date of Last Update: 5/16/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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

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

Progress Update: The Judicial Council is currently developing a statewide recruitment initiative.

Date of Last Update: 4/25/2016

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: The subcommittee launched an educational video for bench officers in February 2016. We will disseminate the educational materials developed by the NCSC to the relevant CJER curriculum committees and faculty teams who develop and teach judicial education courses, once they are approved by the LAP committee and the Judicial Council in June 2016 so that they can incorporate those materials into their curricula and courses.

Date of Last Update: 5/16/2016

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

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

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

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

Progress Update: The subcommittee will commence work on this recommendation in 2017.

Date of Last Update: 5/16/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 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: The subcommittee reviewed and provided comments on the bench card for the use of interpreters in the courtroom. The benchcard will be presented to the Task Force in May 2016, and to the Judicial Council in June 2016.

Date of Last Update: 5/16/2016

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. Efforts are underway to develop the FY 2017-18 BCP. Future BCPs ongoing.

Date of Last Update: 4/25/2016

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: Completed

Phase 1

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

Date of Last Update: 5/16/2016

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 BCPs and inform policymakers and stakeholders about their importance. Future BCPs ongoing.

Date of Last Update: 4/25/2016

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: 5/16/2016

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 to provide 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: 5/16/2016

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

Date of Last Update: 5/16/2016

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

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

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

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

Progress Update: The CIAP is working to address this recommendation.

Date of Last Update: 5/10/2016

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: The subcommittee is currently working on a budget proposal for the full build-out of the toolkit. The subcommittee continues to add and update resources to the employee pages of the toolkit as they become available. Finally, the subcommittee continues to add toolkit links and icons to other websites, such as the Judicial Resources Network and the Knowledge and Innovation Center, in order to increase visibility of the toolkit and enhance access for bench officers and court employees.

Date of Last Update: 5/16/2016

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. The Working Group on Adapting the Language Access Plan for the Appellate Courts met on April 6, 2016, and discussed which LAP recommendations may be applicable for application by higher courts. The Working Group will draft a status report for the Task Force with their findings.

Date of Last Update: 5/16/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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

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

Progress Update: The subcommittee will be working with NCSC, as part of their current contract, to identify any additional statutes or rules that may require updating, or any new statutes or rules that may need to be developed.

Date of Last Update: 4/25/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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

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

Progress Update: The Task Force approved submission of proposed amendments to Government Code section 68560.5(a) to the Judicial Council's Policy, Coordination and Liaison Committee (PCLC). On April 14, 2016, PCLC approved the proposal to move forward for public comment. The proposal is out for public comment until June 14, 2016.

Date of Last Update: 4/25/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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

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

Progress Update: The Task Force approved submission of proposed amendments to Code of Civil Procedure section 116.550 to the Judicial Council's Policy, Coordination and Liaison Committee (PCLC). On April 14, 2016, PCLC approved the proposal to move forward for public comment. The proposal is out for public comment until June 14, 2016.

Date of Last Update: 4/25/2016

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

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

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

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

Progress Update: The CIAP is working to address this recommendation.

Date of Last Update: 5/10/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

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

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

Progress Update: The subcommittee will commence work on this recommendation in 2017.

Date of Last Update: 5/16/2016

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: The CIAP plans to include this item as part of its next Annual Agenda (for 2016).

Date of Last Update: 5/10/2016
