



JUDICIAL COUNCIL OF CALIFORNIA

LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

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LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

MINUTES OF OPEN MEETING

July 6, 2016

12:00 p.m. to 12:30 p.m.

Business Meeting, via Conference Call

Advisory Body Members Present:	Hon. Mariano-Florentino Cuéllar, Chair; Hon. Manuel Covarrubias, Vice-Chair; Hon. Steven Austin; Hon. Terence Bruiniers; Hon. Jonathan Conklin; Hon. Michelle Williams Court; Hon. Dennis Hayashi; Ms. Janet Hudec; Ms. Joann Lee; Hon. Miguel Márquez; Hon. Jonathan Renner; Mr. Michael Roddy; Ms. Jeanine Tucker; Dr. Guadalupe Valdés; Mr. José Varela; and Hon. Laurie Zelon
Advisory Body Members Absent:	Ms. Naomi Adelson; Mr. Kevin Baker; Ms. Tracy Clark; Hon. Janet Gaard; Ms. Ana Maria Garcia; Ms. Susan Marie Gonzalez; Ms. Oleksandra Johnson; Ms. Ivette Peña; and Hon. Brian Walsh.
Others Present:	Ms. Karene Alvarado; Mr. Douglas Denton; Ms. Linda Foy; Mr. Scott Gardner; Ms. Diana Glick; Ms. Olivia Lawrence; Mr. Bob Lowney; Ms. Jenny Phu; Ms. Catharine Price; Mr. Victor Rodriguez; Ms. Kathy Sher; Ms. Sonia Sierra Wolf; 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 May 20, 2016 meeting minutes.

Brief LAPITF Update

Justice Cuéllar reported that following the approval at the May 20 Task Force meeting, he presented the various translation and educational products for review and approval by the Judicial Council at its June 24 meeting. Justice Bruiniers also presented the Video Remote Interpreting (VRI) Pilot Project. The Council approved the translation tools and educational products, and also approved the VRI Pilot Project to go forward.

Justice Cuéllar also provided a quick update on the Budget Change Proposal Fiscal Year 2017-18. The Judicial Council Executive Office leadership is reviewing the eight draft budget items for language access. Once it goes through internal committee approvals, including the Trial Court Budget Advisory Committee and the Accountability and Efficiency Committee, the staff will inform the Task Force members on what will be contained in the language access BCP.

DRAFT MODEL COMPLAINT FORM AND PROCEDURES [POSSIBLE ACTION ITEM]

Judge Austin shared the Budget and LAP Monitoring Subcommittee partnered with the National Center for State Courts to develop a draft complaint form and court user instructions, per the LAP Recommendations 62 and 63. The subcommittee and staff worked with Judicial Council Legal to develop the following draft complaint materials, including:

- Model statewide complaint form: Approved steps for the courts;
- Draft recommended procedures: Language access services complaint form and general requirements for submitting and responding to complaints;
- Proposed model complaint form, along with model instructions for language access services complaint form;
- Proposed web complaint form for Judicial Council services; and
- Best practices for courts.

The Judicial Council staff also developed recommended procedures, including a long-term goal to develop a Rule of Court to make clear that all courts must develop a complaint form and process. (As part of the RUPRO rule process, the proposed new rule and related materials will go out for public comment.)

The Legal staff assured us that the model complaint form and instructions do not need to go through the Judicial Council's Rules and Projects Committee (RUPRO), because the form will be an administrative model form that the courts can adapt for local usage. The Executive Office leadership also agreed that the model form and instructions do not need to be submitted to RUPRO and the Judicial Council. Thus, once approved by the Task Force, the model complaint form, court user instructions, draft recommended procedures for handling complaints, and best practices would be posted on the California Courts website (*Language Access Toolkit*) and distributed to all 58 trial courts. The Judicial Council will also establish a section on the Language Access web page for Judicial Council complaints, and court users would be able to fill out predefined fields for complaints regarding Judicial Council services, translations or forms hosted on www.courts.ca.gov.

Action Taken: The Task Force (1) approved the model complaint form and procedures (complaint material packet) for distribution to all trial courts and posting on the *Language Access Toolkit*, and (2) proceeded with development of a related Rule of Court to make clear that all courts must develop a complaint form and process.

DRAFT COURT WEB CONTENT GUIDANCE MATERIALS [INFORMATIONAL ONLY]

Judge Austin shared the draft court web content guidance materials, which includes:

- Updating local language access and LEP plan web pages;
- Web site placement of language access information;
- Use of a universal language access icon;
- Sample updated LEP plan template; and
- Effective web practices in the California courts.

He noted the Task Force has heard, through written and spoken public comments, that court web sites are not accurate or up to date, and that language access information is often difficult to find, and/or lacking on web sites. The web content guidance materials will be useful and helpful for courts to update their web sites for consistency and uniformity throughout the state.

The web materials do not need the Task Force approval but the staff welcome input and suggestions from the members. The staff will finalize and share the web packet with the courts and include it in the *Toolkit*.

CLOSING AND ADJOURNMENT

Justice Cuéllar shared that the subcommittee chairs will meet via conference call in August. For the next in-person, business meeting with the Task Force, the staff will finalize a date in the fall and will let everyone know.

There being no further business, the meeting was adjourned at 12:30 p.m.

Approved by the advisory body on [insert date].

Language Access Plan Implementation Task Force



Recommendations Progress Report for October 07, 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: A survey was sent to court interpreter coordinators in May to gather information about each court's case management system (CMS). We received insight on various case management systems, their capabilities with respect to tracking language access needs, and possible areas where training on the CMS could be helpful for interpreters or coordinators. Some CMS also have the ability to track scheduling needs for interpreters.

Date of Last Update: 9/29/2016

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: As with recommendation 1, where possible, the subcommittee has gathered information about each of the courts' case management system capabilities with respect to tracking language needs. Findings have shown that most of the case systems have the ability to track multiple variables, as defined by the courts. This could potentially include the tracking of provision or denial of language services.

Date of Last Update: 10/6/2016

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: A survey was sent to court interpreter coordinators in May to gather information about each court's CMS. We received insight on various case management systems, their capabilities with respect to tracking language access needs, and possible areas where training on the CMS could be helpful for interpreters or coordinators. Some CMS also have the ability to track scheduling needs for interpreters. The subcommittee will explore and develop appropriate protocols to allow justice partners to indicate to the court that an individual requires a spoken language interpreter.

Date of Last Update: 10/6/2016

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 has added "I Speak" cards to the Language Access Toolkit: <http://www.courts.ca.gov/lap-toolkit-courts.htm>. The subcommittee is pursuing a Budget Change Proposal (BCP) to fund the full build-out and ongoing maintenance of the Toolkit. The subcommittee worked with LAPITF staff to add recently-developed tools, including the Translation Protocol and the Translation Action Plan.

Date of Last Update: 9/29/2016

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: Completed

Phase 1

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

Date of Last Update: 9/8/2016

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 necessary under LAP Recommendation No. 6. The subcommittee will continue to monitor developments to determine whether additional data collection procedures are necessary.

Date of Last Update: 10/7/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: 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 that the Legislature requires to be produced every five years under Government Code section 68563.

Date of Last Update: 10/7/2016

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 updated in Fall/Winter 2016. The Governor's 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: 9/26/2016

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: The Court Interpreters Advisory Panel (CIAP)'s Language Access Subcommittee has conducted extensive work on draft changes to the interpreter qualification component (INT-110 and instructions) and corresponding changes to Rule 2.893. It is anticipated this work will be presented to the CIAP on October 20, 2016.

Date of Last Update: 10/3/2016

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: We will likely request funding to support this expansion effort in a future BCP. To support future funding requests and following the 2016 survey, NCSC will conduct a follow up survey with the trial courts in 2017. The intent of the survey will be to gather additional information to assist the California judiciary and the Task Force with an assessment of current language access needs and the identification of statewide and local language access services provided. Results of the 2017 survey will be shared at a future Task Force meeting.

Date of Last Update: 9/26/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Karene Alvarado

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: To fulfill the second half of Recommendation 12, where remote interpreting may be used in the courts, the subcommittee is moving forward with a Video Remote Interpreting (VRI) Pilot Project, per Recommendation 16. Please see Recommendation 16 for details and progress.

Date of Last Update: 9/29/2016

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: Prior to the VRI Pilot Project's Assessment period of vendor equipment, the subcommittee is vetting all vendors for compliance with the minimum technology requirements outlined in Appendix B. Training is a component of the vendors' solutions. The VRI Pilot Project aims to assess the technological and programmatic guidelines set forth in Appendix B, and to refine all minimum requirements.

Date of Last Update: 10/5/2016

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: Minimum technology requirements for remote interpreting will be dependent on the analysis taken from the VRI Pilot Project, per Recommendation 16. Please see Recommendation 16 for details and progress.

Date of Last Update: 9/29/2016

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: The recommendation to use VRI will depend on the analysis of the VRI Pilot Project, per Recommendation 16. Please see Recommendation 16 for details and progress.

Date of Last Update: 10/5/2016

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

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

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

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

Progress Update: The VRI Pilot Project has made significant strides since May: a workstream has been formed, which was the Judicial Council Technology Committee (JCTC) approved, and is part of the Information Technology Advisory Committee's (ITAC) annual agenda; pilot courts have been chosen (Sacramento, Ventura, and Merced Superior Courts); and vendors have responded to a Request For Proposal (RFP) that was posted in August. The VRI project will be evaluated by San Diego State University, a neutral, outside, independent evaluator. The university will collect data during the duration of the Vendor Assessment Period (anticipated to occur January-June 2017).

Date of Last Update: 10/5/2016

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: In conjunction with Recommendation 16's VRI Pilot Project, vendors who are selected for the pilot have the option of providing their scheduling tools along with the use of their VRI tools. Scheduling tools may provide courts a solution to short-notice needs of interpreters.

Date of Last Update: 10/5/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Karene Alvarado

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 is reviewing existing self-help videos and creating an inventory to determine what already exists, and whether and how to incorporate different non-English languages into existing video products.

Date of Last Update: 9/26/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Karene Alvarado

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

Status of Recommendation: Completed **Phase 1**

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

Date of Last Update: 10/6/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: 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. The NCSC will be assisting the Task Force in this endeavor.

Date of Last Update: 9/26/2016

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. The NCSC will be assisting the Task Force in this endeavor.

Date of Last Update: 9/26/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Karene Alvarado

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

Status of Recommendation: Completed **Phase 1**

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

Date of Last Update: 10/6/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Karene Alvarado

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

Status of Recommendation: Completed **Phase 1**

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

Date of Last Update: 10/6/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Karene Alvarado

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

Status of Recommendation: Completed **Phase 2**

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

Date of Last Update: 10/6/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: 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. Each of the 58 courts has designated a language access representative. To help support implementation efforts, Judicial Council staff developed a listserv to enable communication to and among the various representatives regarding language access.

Date of Last Update: 10/3/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Karene Alvarado

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 work on this recommendation in 2016-17.

Date of Last Update: 9/26/2016

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: Completed **Phase 2**

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

Date of Last Update: 10/3/2016

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. The NCSC is assisting the Task Force regarding development of recruitment strategies.

Date of Last Update: 9/26/2016

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 as part of a series of recommendations related to bilingual court staff.

Date of Last Update: 9/8/2016

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 as part of a series of recommendations related to bilingual court staff.

Date of Last Update: 9/8/2016

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: During the assessment period of the VRI Pilot Project, per Recommendation 16, analysis of interpreter time and scheduling may help to shape a pilot for interpreter services outside of the courtroom, as outlined in this recommendation.

Date of Last Update: 9/29/2016

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 VRI Pilot Project, per Recommendation 16, will be piloted in multiple courts. Analysis taken during the assessment period of the pilot project will help to shape a pilot for this recommendation.

Date of Last Update: 9/29/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Karene Alvarado

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: A draft version of this document was completed in June 2016 by the Translation, Signage & Tools for Courts Subcommittee and is currently being reviewed by members of the other subcommittees. We anticipate coordinating the contents of these protocols with additional work to be done in 2016-17 related to bilingual court employees.

Date of Last Update: 9/26/2016

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 Protocol was approved by the Judicial Council at its meeting in June 2016. It has been posted on the Language Access Toolkit. The Subcommittee is developing a concept for a standing Translation Advisory Committee and working to identify the responsibilities and necessary members of such a committee. This work will likely continue into 2017.

Date of Last Update: 10/3/2016

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 pursuing a BCP to fund the full build-out and ongoing maintenance of the Language Access Toolkit. The Notice of Available Language Access Services is available on the Toolkit in a single multi-lingual version and in nine separate files that contain English and each of the nine other languages of translation. This notice can be customized to indicate local court information regarding how to obtain language access assistance.

Date of Last Update: 10/3/2016

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 Translation Protocol and Translation Action Plan were approved by the Judicial Council at its June 2016 meeting. The Action Plan contains a priority ranking of documents slated for translation to ensure the most efficient use of branch resources.

Date of Last Update: 9/8/2016

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 provides a link to multilingual court closure signs for the 2016-2017 court holidays. The LAPITF collaborated with NCSC to develop recommendations for posting LEP plans and other language access information, including information on the availability of interpreters and other assistance, on local court internet websites. This court web guidance is available on the Toolkit.

Date of Last Update: 10/3/2016

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

Date of Last Update: 9/26/2016

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 is coordinating with the NCSC to arrange for site observation visits to local courts and telephone interviews in Fall/Winter 2016. NCSC will obtain information about current practices relating to building design, signage and wayfinding strategies. This information will be used to develop recommendations and best practices for courts in these areas.

Date of Last Update: 10/6/2016

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 is coordinating with the NCSC to arrange for site observation visits to local courts and telephone interviews in Fall/Winter 2016. NCSC will obtain information about current practices relating to building design, signage and wayfinding strategies. This information will be used to develop recommendations and best practices for courts in these areas.

Date of Last Update: 10/6/2016

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: Completed **Phase 1**

Progress Update: The CIAP has continued its role regarding interpreter standards for qualification during Phase 1, and will continue to do so.

Date of Last Update: 10/3/2016

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: Karene Alvarado

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: 9/26/2016

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: Karene Alvarado

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 NCSC is assisting the Task Force regarding potential recommendations to assist near passers of the bilingual interpreting exam. The BCP for 2017-18 includes a request for funding to help support recruitment efforts and internship opportunities.

Date of Last Update: 9/26/2016

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: Karene Alvarado

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

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

Progress Update: The subcommittee is considering creating a glossary of legal and procedural terms for interpreters in civil, family, juvenile and probate cases for use by interpreters. The subcommittee will work with the Court Interpreters Program staff to determine what civil training programs may already exist and to leverage expertise in this area. The NCSC will also be assisting the Task Force regarding development of and recommendations on appropriate models for new court interpreter training.

Date of Last Update: 9/26/2016

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: Karene Alvarado

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 be reviewing appropriate standards of language proficiency for bilingual staff in 2017.

Date of Last Update: 9/26/2016

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: Karene Alvarado

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 be reviewing appropriate standards of language proficiency for bilingual staff in 2017. The NCSC will be assisting the subcommittee regarding development and recommendations on bilingual staff training.

Date of Last Update: 9/26/2016

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. The NCSC is assisting the Task Force regarding development of recruitment strategies.

Date of Last Update: 9/26/2016

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

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Karene Alvarado

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

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

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

Status of Recommendation: Completed

Phase 1

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

Date of Last Update: 9/26/2016

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

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

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

Status of Recommendation: Partially implemented

Phase 2 and 3

Progress Update: The 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: Karene Alvarado

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

Status of Recommendation: Completed **Phase 1**

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

Date of Last Update: 10/6/2016

Goal 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: A language access-related BCP for FY 2017-18 was submitted to the Department of Finance in September 2016. The subcommittee has convened a strategy group to help advance the FY 2017-18 BCP re LAP implementation and inform policymakers and stakeholders about its importance. Efforts are underway to develop the FY 2018-19 BCP. Future BCPs ongoing.

Date of Last Update: 9/26/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: 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 are ongoing. As part of the Budget Act of 2016, the Legislature appropriated \$25 million for a competitive grant program known as the Court Innovations Grant Program to be administered by the Judicial Council of California. The funds are designated for trial and appellate courts to use for the establishment, operation, administration, and staffing of programs and practices that promote innovations, modernization, and efficiency. Applications from interested courts are due October 31, 2016.

Date of Last Update: 10/6/2016

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 2017-18 BCP re LAP implementation and inform policymakers and stakeholders about its importance. The Task Force prepared and distributed guidance to all 58 Language Access Representatives regarding the Court Innovations Grant program.

Date of Last Update: 10/3/2016

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. Task Force and court efforts to expand and improve language access for limited English proficient court users are ongoing. The NCSC, in consultation with the subcommittee, developed rough cost estimates regarding implementation of the various recommendations in the LAP, in order to assist with BCP and other funding requests.

Date of Last Update: 9/26/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: 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 on 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 Task Force has developed a packet with a model complaint form and procedures, which is available on the Language Access Toolkit. Individual courts may choose to develop their local complaint form and process based on the materials contained in the model packet. A long-term goal is to develop a Rule of Court to make clear that all courts must develop a complaint form and process. Prior to adoption of a rule, courts will be able to use the model form and model procedures to set up their language access complaint process, and allow court users to submit a complaint or make suggestions regarding language access. Separately, an online form will be available to court users who want to submit a complaint regarding the Judicial Council's language access services.

Date of Last Update: 9/26/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: 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: The Task Force has developed a packet with a model complaint form and procedures, which is available on the Language Access Toolkit. The subcommittee will partner with the Professional Standards and Ethics Subcommittee of CIAP, as appropriate, to sync the model 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: 9/26/2016

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 Professional Standards and Ethics Subcommittee has continued work on this recommendation. The NCSC has been engaged to provide consultant support to staff on selected components of the project.

Date of Last Update: 10/3/2016

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

Date of Last Update: 10/3/2016

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 a plan for the adoption and implementation of appropriate LAP recommendations by Courts of Appeal and the Supreme Court, which will be presented to the Task Force at its October 17, 2016 meeting.

Date of Last Update: 9/26/2016

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

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: 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 is working to identify any additional statutes or rules that may require updating, or any new statutes or rules that may need to be developed.

Date of Last Update: 9/26/2016

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

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: 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: The CIAP's Language Access Subcommittee has conducted extensive work on draft changes to the interpreter qualification component (INT-110 and instructions) and corresponding changes to Rule 2.893. The subcommittee is currently proposing no differences be required between criminal/juvenile and civil matters with respect to the interpreter qualification component of good cause. It is anticipated this work will be presented to the CIAP on October 20, 2016.

Date of Last Update: 10/3/2016

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: The CIAP's Language Access Subcommittee has conducted extensive work on draft changes to the interpreter qualification component (INT-110 and instructions) and corresponding changes to Rule 2.893. The subcommittee is proposing that there be no difference between criminal/juvenile and civil cases with regard to the interpreter qualification component of good cause. It is anticipated this work will be presented to the CIAP on October 20, 2016.

Date of Last Update: 10/3/2016

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 was out for public comment until June 14, 2016. The subcommittee is reviewing public comments in order to prepare a revised proposal.

Date of Last Update: 10/6/2016

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 was out for public comment until June 14, 2016. The subcommittee is reviewing public comments in order to prepare a revised proposal.

Date of Last Update: 10/7/2016

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 2016 Annual Agenda.

Date of Last Update: 10/3/2016

Summary of Site Visit to Kaiser Permanente San Leandro October 4, 2016

Introduction

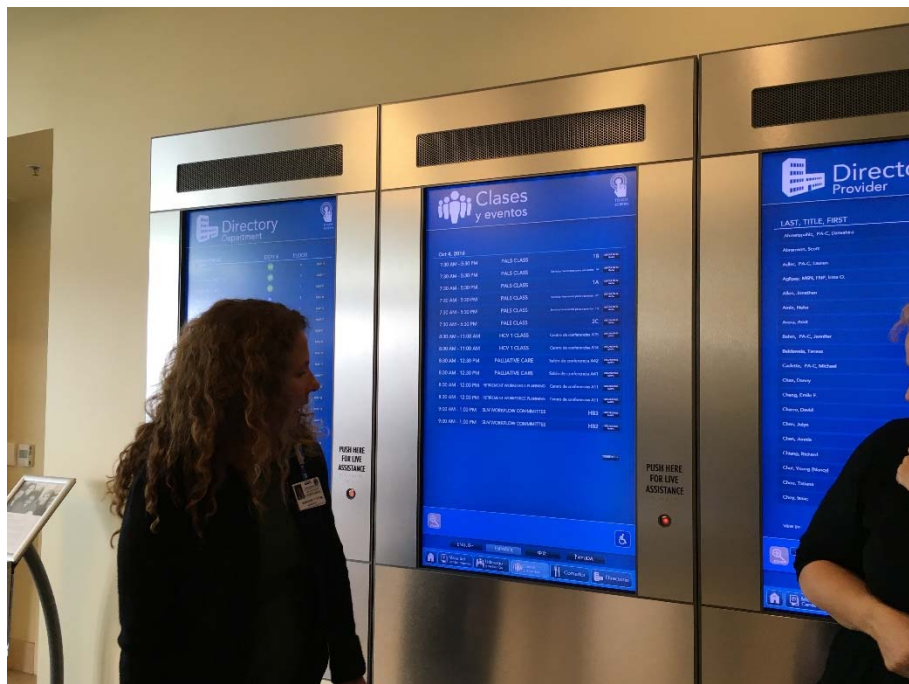
Kaiser San Leandro is a site that combines both a Kaiser Permanente hospital and medical group offices. The facility serves the Greater Southern Alameda Area and boasts 216 patient rooms, 20 intensive care unit beds and a 40-bed emergency room.

We were privileged to receive a tour of the facility from Marianne Teleki and Berta Bejarano. Ms. Teleki is the Linguistic and Multi-Cultural Services Manager for the Greater Southern Alameda Area. Ms. Bejarano is the Manager of Neurology & Director of Diversity, Linguistic & ADA Services for the Permanente Medical Group. Ms. Bejarano was recently appointed as an *ad hoc* member to the Translation, Signage & Tools for Courts Subcommittee of the Language Access Plan Implementation Task Force.

Based on the demographics of the Kaiser members and service area of the medical facility, and the requirements of SB 853 (Ch. 713, Stats 2003), Kaiser San Leandro provides *written* information in English, Spanish and Chinese at minimum. Many health education materials are provided in other languages upon request. In addition, Kaiser endeavors to provide live interpreters, and in the absence of live interpreters, will use technology to provide a remote interpreter, for any language that is needed during a medical visit.

Signage and Wayfinding Strategies

We began with a demonstration of electronic signage in the West Lobby, which consists of three interactive screens. Clients of Kaiser can access a directory of the building, maps, and other information on this screen in English, Spanish and Chinese.



In addition to the electronic signs, the following features greet all customers coming in through the West Lobby doors:

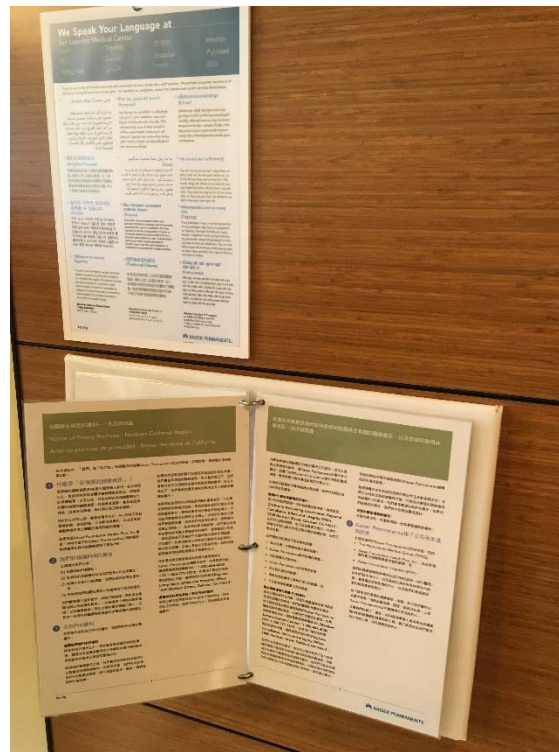
- An information desk, with volunteers wearing distinctive blue coats available to answer questions and direct patients and visitors
- A traditional directory affixed to the wall
- A button on the wall, near the electronic signs, with the message “Push Here for Live Assistance” in English and in Braille



- Multilingual information regarding patient rights posted on the wall. This document, called “We speak your language at San Leandro Medical Center,” is translated into Spanish and Chinese, but also includes Vietnamese, Russian and Farsi, among other languages. It contains information about the availability of interpreter services at the medical facility.



- The second document on this wall, which is laminated and displayed notebook-style, contains information on patient privacy rights. This information is also available in multiple languages.



Other wayfinding assistance throughout the building:

- All employees are trained to proactively approach any person who looks lost
- All stations throughout the building have a telephone that can be used to contact a telephone interpreter service if a person who needs assistance does not speak English. Employees are trained on how to access this service when necessary.

Other multilingual materials available throughout the building:

- Several of the waiting rooms have a television screen displaying health education content in English, Spanish and Chinese. Kaiser has a process for developing the content in English and obtaining translations that are then loaded into the slides. This information can be changed and updated easily.
- There is a health education center with information displayed on flat-screen monitors in English, Spanish and Chinese. There are also information sheets on a variety of topics that center staff can print in multiple languages upon request.

Interpretation Services

Kaiser San Leandro provides interpreters for all medical encounters in the building. Because patients are also members of Kaiser Permanente, there is an early opportunity to note the need for language assistance in the patient file. Once that information becomes part of the record, there is the ability to be proactive and plan for interpreter needs for each clinic appointment and/or upon hospital admission.

When a live interpreter is not available, Kaiser San Leandro provides remote interpreting services. Depending on the particular setting within the building, a remote interpreter may be broadcast on a flat-screen monitor, or may be connected to the patient through a mobile ipad, as shown below:



The staff member connecting with an interpreter will select the language needed (most common languages have their own buttons on the interface and staff can input less common languages with a keyboard), and the program will first route the request to a Kaiser employee interpreter, who may be located remotely. If an employee interpreter is not available, the request will be routed to an outside vendor for Video Remote Interpretation (VRI) services. If a VRI interpreter is not available, the request will be routed to an audio interpreter. This is the last recourse for an interpreter, and never the first choice option.

There are two major challenges with the VRI service. The first is that a reliable internet connection is critical to ensuring a good experience with remote interpretation. If the connection drops, this obviously impacts the ability to provide clear and uninterrupted communication between and among the parties to the interpretation. Kaiser is currently working on installing a VPN concentrator to improve the reliability of its internet connection throughout its California facilities. The second challenge is identifying a vendor for VRI with sufficient number and variety of interpreters to meet the needs of Kaiser medical facilities.

Top 5 Takeaways from Kaiser Permanente Site Visit

1

Kaiser has different approaches to meeting language needs at their various sites depending on the demographics of their service areas—**demographics drive needs**, which drive services and determine approaches to service provision. Kaiser conducts a regular Community Health Needs Assessment in its service areas and links to a website where the public can access demographic and public health information about the county and service area on an ongoing basis.

2

Kaiser believes it is less effective and efficient to ask each patient at each encounter whether or not they need an interpreter. There are cultural, social and socioeconomic reasons for which a patient might say that they do not need an interpreter, when in fact they do. Kaiser has made a commitment to **collecting information on language need at the first or earliest possible point of contact** with their members. This information is entered into the patient's file and shows up at all subsequent contacts with Kaiser. This allows Kaiser to plan ahead to meet the need for interpreters in the clinical setting. When there is a language need documented in the patient's file, Kaiser's system requires staff to indicate how language need is met at each appointment or contact.

3

Kaiser in Southern California has developed a **protocol for identifying bilingual employees**, which includes testing and training. There is a special category for employees who provide medical information to patients and therefore require a high level of fluency in the second language and knowledge of medical terminology. Because of the critical and sensitive nature of medical information, Kaiser employees who may be able to “get by” in another language are prohibited from using their second language abilities on the job unless they are certified as bilingual. They must ensure the presence of an interpreter with an LEP patient. In addition, Kaiser volunteers (both mono- and bilingual) are explicitly trained on the limits of their roles and are prohibited from providing medical advice to patients. The purpose of these rules is to: 1) ensure that the highest quality of language assistance is provided to patients; 2) avoid situations in which patients may believe they should not ask for an interpreter when they genuinely need one; and 3) ensure that the roles and responsibilities of bilingual and non-bilingual staff with regard to communication with patients are understood and respected.

4

Sometimes the solution is **high-tech**; sometimes it's **low-tech**. Sometimes, the best wayfinding tool is a stripe on the floor that leads you from the lobby to the Emergency Department. Sometimes, the best wayfinding tool is a multilingual interactive map displayed on an electronic touchscreen. A **reliable internet connection** is critical for high-tech solutions, particularly video remote interpreting.

5

Kaiser has developed a creative solution that allows them to deliver high quality services to LEP patients: **monolingual clinics**. They will offer appointments on a single day, for example in a pediatric clinic, and will advertise that the clinic day is specifically for those who speak a particular language. On that day, all personnel, from the intake coordinator, to the nurses, medical assistants and phlebotomists will be bilingual and can communicate directly with patients in their language.

BENCH CARD: WORKING WITH COURT INTERPRETERS



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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
- Person is 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 may 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), you 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 is NOT provisionally qualified, you may appoint to prevent burdensome delay (or other unusual circumstance) only for a brief, routine matter. Indicate on record:
 - a. Party waives certified/registered and provisionally qualified interpreter;
 - b. Good cause to appoint noncertified/nonregistered, nonprovisionally qualified interpreter; and
 - 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 NONCREDENTIALLED 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?

Who can get an interpreter?

LEP party, witness, or person with significant interest or involvement in a case or with legal decisionmaking 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.

Who cannot serve as interpreter?

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

The court may appoint an interpreter hired by a party

The court may exercise its discretion to appoint an interpreter hired by a party, even if a court-provided, qualified interpreter is available (Gov. Code, § 71802(b)(3).)

If the party-retained interpreter is not a certified or registered interpreter, the court will need to provisionally qualify the interpreter pursuant to the procedures in rule 2.893 of the California Rules of Court.

When appointing an interpreter hired by a party, the judge must ensure the impartiality of the interpretation and may choose to appoint a court-provided interpreter for certain aspects of the proceeding, such as witness testimony.

Waiver of the use of any interpreter by the LEP person is rare. Waiver must be:

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

BENCH CARD: WORKING WITH COURT INTERPRETERS



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 (including witness testimony) so the interpreter can keep the pace.
- Don't ask the interpreter independently to explain 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 the LEP person to make sure he or she 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.


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 number
3. Statement that identification was verified with badge or certification/registration documentation and photo ID
4. Language to be interpreted
5. Statement that oath was administered or on file with court

FOR NONCERTIFIED/NONREGISTERED 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 were followed (forms INT-110, INT-120)
4. Statement that oath was administered pursuant to required procedures and guidelines



**National Center for State Courts
Language Access Plan Implementation Task Force
2016-2017 Contract**

October 17, 2016

**NATIONAL CENTER FOR STATE
COURTS**

Background and Timeline



- National Center for State Courts began working with the Judicial Council staff on the current contract on July 1, 2016
- Current contract: July 1, 2016 – June 30, 2017

Contract Deliverables



- Contract deliverables include, but are not limited to:
 - Assistance with the preparation and facilitation of a community outreach meeting
 - Development of a work plan for educational products
 - Research and recommendations pertaining to court interpreter recruitment and training efforts (collaborative effort between LAPITF and Court Interpreters Program [CIP])
 - Best practices regarding signage and wayfinding strategies for court users with limited English proficiency (LEP)

Contract Deliverables (continued)



- Research and recommendations pertaining to language access information on court websites
- Research and recommendations regarding court interpreter disciplinary policies and procedures (Court Interpreters Advisory Panel [CIAP])
- Research and recommendations regarding post-credentialing performance evaluation options for court interpreters (CIAP)

Contract Deliverables (continued)



- Follow-up language access survey to the 58 California trial courts
- Development of draft training outlines for bilingual staff and court interpreters
- Recommendations to enhance the current regional coordination system

Subcommittee Participation



- Work to be completed in collaboration with:
 - Budget and LAP Monitoring Subcommittee
 - Translation, Signage, and Tools for the Courts Subcommittee
 - Language Access Education and Standards Subcommittee
 - CIP and CIAP
- Overall status regarding completion of various contract deliverables will be regularly reported by LAPITF staff to committee members



Questions or Comments?





JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

October 13, 2016

Action Requested

Recommend for Judicial Council
Sponsorship

To

Members of the Policy Coordination and
Liaison Committee

Deadline

N/A

From

Language Access Plan Implementation Task
Force
Hon. Mariano-Florentino Cuéllar, Chair

Contact

Douglas G. Denton, 415-865-7870
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Subject

Proposal for Judicial Council-Sponsored
Legislation: Provision of Court Interpreters in
Small Claims Proceedings

Executive Summary

The Language Access Plan Implementation Task Force recommends (1) amending Government Code section 68560.5(a) to delete an exception stating that interpreters are not required in small claims proceedings, and (2) amending Code of Civil Procedure section 116.550 to allow courts to provide credentialed interpreters in small claims actions, consistent with the language of Evidence Code section 756. These statutory amendments will also be consistent with the Judicial Council's *Strategic Plan for Language Access in the California Courts* (adopted January 22, 2015). The plan sets the goal that by 2017, and beginning immediately where resources permit, qualified interpreters will be provided in the California courts to limited English proficient (LEP) court users in all courtroom proceedings, including small claims proceedings.

Recommendation

The Language Access Plan Implementation Task Force recommends (1) amending Government Code section 68560.5(a) to delete an exception stating that interpreters are not required in small claims proceedings, and (2) amending Code of Civil Procedure section 116.550 to allow courts to provide credentialed interpreters in small claims actions, consistent with the language of Evidence Code section 756.

These statutory amendments will also be consistent with the Judicial Council's *Strategic Plan for Language Access in the California Courts* (adopted January 22, 2015). The plan provides a comprehensive set of 75 recommendations to help create a branchwide approach to providing language access services to court users throughout the state while accommodating an individual court's need for flexibility in implementing the plan recommendations. The plan sets a goal that by 2017, and beginning immediately where resources permit, qualified interpreters will be provided in the California courts to limited English proficient (LEP) court users in all courtroom proceedings, including small claims proceedings.

The text of the amended statutes is attached.

Previous Council Action

The council adopted the *Strategic Plan for Language Access in the California Courts* on January 22, 2015. To our knowledge, there has not been previous circulation and/or attempts to amend California Government Code section 68560.5(a) and Code of Civil Procedure section 116.550.

Rationale for Recommendation

In January 2015, following an extensive stakeholder participation process that included public hearings and public comment, the Judicial Council adopted the *Strategic Plan for Language Access for the California Courts*.¹ The Language Access Plan (LAP) provides a comprehensive set of recommendations to help create a branchwide approach to providing language access services to court users throughout the state while accommodating an individual court's need for flexibility in implementing the plan recommendations.

Effective January 1, 2015, Evidence Code section 756 provides that qualified interpreters should be provided to LEP court users in all court proceedings, including small claims proceedings, at no cost to the parties, regardless of the income of the parties. If sufficient funding is not available to provide interpreters in all civil matters, the statute sets forth an order of priority for courts to follow in deploying interpreters. Small claims matters are in priority 8, "all other civil matters." (Assembly Bill 1657, Stats. 2014, ch. 721.)

The Chief Justice established the LAP Implementation Task Force in March 2015, pursuant to recommendations in the LAP.² Chaired by Supreme Court Justice Mariano-Florentino Cuéllar, with Judge Manuel J. Covarrubias of the Superior Court of Ventura County serving as vice-chair,

¹ The full report, *Strategic Plan for Language Access in the California Courts*, may be viewed at: www.courts.ca.gov/documents/CLASP_report_060514.pdf

² Information regarding the Language Access Plan Implementation Task Force is available at: <http://www.courts.ca.gov/LAP.htm>

the Task Force has a three- to five-year charge and is overseen by the Judicial Council's Executive and Planning Committee.

The LAP states that "Legislative action to amend, delete, or add statutory language, and Judicial Council action to create or revise court forms or rules of court, will be necessary to fully and effectively implement the recommendations contained in this Language Access Plan. Such actions should include clarification of existing statutes..." (LAP, p. 78). Two specific LAP recommendations describe legislation necessary to ensure qualified interpreters, subject to court resources, are provided in small claims actions:

LAP 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.

LAP 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.

Judicial Council-sponsored legislation to amend California Government Code section 68560.5(a) and Civil Code of Procedure section 116.550 as described in the attached (to delete the exception for small claims proceedings, and allow credentialed interpreters for small claims, respectively) will ensure that, when resources allow, qualified and adequate interpreter services are provided in small claims proceedings.

Comments, Alternatives Considered, and Policy Implications

External comments

The proposal was circulated for comment during the summer 2016 cycle, from April 15, 2016 to June 14, 2016, yielding a total of 6 comments. Of those, four agreed with the proposal, one agreed with the proposal if modified, and one did not indicate a position. A chart with all the comments received and committee responses is attached.

Regarding proposed changes to Government Code section 68560.5(a), under Title 8, Chapter 2, Article 4 (Court Interpreter Services, §§ 68560 – 68566), all commentators who indicated a position were in agreement that the exception in the statute, which states that a "court proceeding" does not include a small claims proceeding should be deleted. (The text of the amended statute [Government Code section 68560.5(a)] is attached.)

Regarding proposed changes to Code of Civil Procedure section 116.550, the original proposal in the Invitation to Comment recommended that the statute be revised as follows:

If the court determines that a party does not speak or understand English sufficiently to comprehend the proceedings or give testimony, and needs assistance in so doing, the court **shall** appoint an interpreter to interpret for that party. The requirements of Government Code section 68561 apply to the appointment of interpreters in small claims matters. (April 8, 2016 Invitation to Comment, emphasis added.)

One commentator suggested that the proposed revision should say “may appoint” rather than “shall appoint,” to ensure that it is consistent with Government Code § 68092.1(b), and the priority order of Evidence Code section 756 (where small claims matters fall under Priority 8). Government Code § 68092.1(b), added upon passage of Evidence Code § 756, states:

(b) Notwithstanding Section 26806 or 68092, or any other law, a court **may** provide an interpreter in any civil action or proceeding at no cost to the parties, regardless of the income of the parties. However, until sufficient funds are appropriated to provide an interpreter to every party who needs one, interpreters shall initially be provided in accordance with the priorities set forth in Section 756 of the Evidence Code. (Gov. Code § 68092.1(b), emphasis added.)

Because Code of Civil Procedure section 116.550 applies only to small claims matters, the commentator further suggested that the additional proposed sentence in the revision, “The requirements of Government Code section 68561 apply to the appointment of interpreters in small claims matters,” was duplicative and unnecessary, and should be removed.

The Task Force’s Budget and LAP Monitoring Subcommittee received and reviewed this proposal, including public comment, on September 30, 2016. The subcommittee was in agreement that the suggested clarification regarding “may appoint” for Code of Civil Procedure section 116.550 was appropriate and consistent with the intent of the Evidence Code section 756, Government Code § 68092.1(b), and the *Strategic Plan for Language Access in the California Courts*. However, the subcommittee determined that the reference to Government Code section 68561 was necessary to include in the revised Code of Civil Procedure section 116.550 to make clear that the appointment process for interpreters in small claims cases should be the same as in all court proceedings, and courts should be directed to Government Code section 68561 for additional guidance. The proposed revision to Code of Civil Procedure section 116.550 now reads as follows:

If the court determines that a party does not speak or understand English sufficiently to comprehend the proceedings or give testimony, and needs assistance in so doing, the court may appoint an interpreter to interpret for that party. The requirements of Government Code section 68561 apply to the appointment of interpreters in small claims matters. (The text of the amended statute [Code of Civil Procedure section 116.550] is attached.)

Internal comments

The Civil and Small Claims Advisory Committee also provided internal feedback to the Task Force regarding the proposed amendments. The committee suggested that in light of limited resources for courts, and under Evidence Code section 756 (where small claims actions are in the lowest priority category), that the effective date of the proposed amendments be delayed until such resources are available (and potentially adding language to the proposed legislation providing that courts not be required to comply with its provisions until funding is provided). The committee also suggested, similar to the commentator above, that Code of Civil Procedure section 116.550 be amended with the use of “may appoint” rather than “shall appoint,” for the same reasons stated above. The committee felt that without the modification, it would appear

that courts are mandated to provide interpreters in small claims courts, placing those types of cases at higher priority for interpreters than currently provided in Evidence Code section 756.

The Budget and LAP Monitoring Subcommittee also considered this feedback, and agreed with the need to change language in the proposed amendment in Code of Civil Procedure section 116.550 regarding the use of “may appoint” rather than “shall appoint.” However, the subcommittee did not feel that it was necessary to delay the effective date of the new statute (January 1, 2018), nor was it necessary to add language to the statute providing that courts not be required to comply with the provisions until funding is provided. To the extent funding is not yet sufficient to provide interpreters in all civil matters, small claims matters, contained within the final priority group of Evidence Code section 756, may not receive interpreters immediately. Concurrent with these statutory amendments, the Court Interpreters Advisory Panel (CIAP) is working to amend California Rules of Court, Rule 2.893 to make clear that appointment of noncertified or nonregistered interpreters applies to all court proceedings, not just criminal cases and juvenile delinquency proceedings. That rule change is also anticipated to take effect no later than January 2018. Pending modification of Rule 2.893, courts have been advised that they should follow existing procedures for criminal and juvenile cases in other matters. The current provisions of Rule 2.893 that allow judges discretion for temporary use of interpreters for brief and routine matters, including persons who are noncertified, nonregistered, and not provisionally qualified, will remain in effect. The CIAP suggested changes to Rule 2.893 will be put out for public comment.

The language of the attached amendment for Code of Civil Procedure section 116.550, including use of “may appoint,” rather than “shall appoint,” will make clear that courts should appoint interpreters in small claims matters, subject to available funding, consistent with the intent of Evidence Code section 756, Government Code § 68092.1(b), and the *Strategic Plan for Language Access in the California Courts*.

On October 17, 2016, the members of the Language Access Plan Implementation Task Force were asked to review and discuss this proposal.

Alternatives

No alternatives were considered. Failure to amend the above-referenced statutes will result in confusion and is contrary to provisions in both the LAP and the newly enacted provisions of Evidence Code section 756, which provides that qualified interpreters should be provided to LEP court users in all court proceedings, subject to available resources, including small claims proceedings.

Implementation Requirements, Costs, and Operational Impacts

The Governor’s budget for fiscal year 2016–2017 appropriates an additional \$7 million, ongoing, for the expansion of interpreter services in civil proceedings. Trial courts throughout the state will have additional funding available to address and meet increased costs necessary to provide interpreter services. To the extent funding is not yet sufficient to provide interpreters in all civil matters, small claims matters, contained within the final priority group of Evidence Code section 756, may not receive interpreters immediately.

Proposed revisions to Government Code section 68560.5(a) and Code of Civil Procedure section 116.550 to include small claims proceedings would allow the use of qualified and credentialed (certified or registered) interpreters, similar to the requirements for all other court proceedings, which benefits California’s approximate 7 million LEP residents and potential court users. The amendments to Code of Civil Procedure section 116.550 would also require courts to follow the steps for provisionally qualifying interpreters (California Rules of Court, Rule 2.893) when there is no credentialed interpreter available.

Relevant Strategic Plan Goals and Operational Plan Objectives

The proposed amendments are consistent with the expansion of language access services in all court proceedings and implementation of the plan’s 75 recommendations is a foundational component of the judicial branch’s commitment to addressing language access. It is also the Chief Justice’s vision for improving access to justice for Californians through “Access 3D,” access to our justice system examined through a framework that looks at equal access, physical access, and remote access.

Attachments

1. Text of the proposed legislation
2. Chart of comments

Government Code section 68560.5(a) would be amended, effective January 1, 2018, to read:

- 1 (a) “Court proceeding” means a civil, criminal, or juvenile proceeding, or a
 - 2 deposition in a civil case filed in a court of record. However, “court proceeding”
 - 3 ~~does not include a small claims proceeding.~~
-

Code of Civil Procedure section 116.550 would be amended, effective January 1, 2018, to read:

1 ~~(a)~~ If the court determines that a party does not speak or understand English sufficiently
2 to comprehend the proceedings or give testimony, and needs assistance in so doing, the
3 court may *appoint an interpreter* ~~permit another individual (other than an attorney) to~~
4 ~~assist interpret~~ for that party. *The requirements of Government Code section 68561 apply*
5 *to the appointment of interpreters in small claims matters.*

6 ~~(b)~~ Each small claims court shall make a reasonable effort to maintain and make
7 available to the parties a list of interpreters who are able and willing to aid parties
8 in small claims actions either for no fee, or for a fee which is reasonable
9 considering the nature and complexity of the claims. The list shall include
10 interpreters for all languages that require interpretation before the court, as
11 determined by the court in its discretion and in view of the court's experience.

12 ~~(c)~~ Failure to maintain a list of interpreters, or failure to include an interpreter for a
13 particular language, shall not invalidate any proceedings before the court.

14 ~~(d)~~ If a court interpreter or other competent interpreter is not available to aid a party
15 in a small claims action, at the first hearing of the case the court shall postpone
16 the hearing one time only to allow the party the opportunity to obtain another
17 individual (other than an attorney) to assist that party. Any additional
18 continuances shall be at the discretion of the court.

LEG-16-07**Provision of Court Interpreters in Small Claims: Amend Government Code section 68560.5(a) and Code of Civil Procedure section 116.550.**

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
1.	Orange County Bar Association By Todd G. Friedland President	A	No specific comment.	No response required.
2.	State Bar of California, Standing Committee on the Delivery of Legal Services	A	<p>The commentator indicates agreement in its entirety</p> <ul style="list-style-type: none"> • <u>If the proposed amendments regarding the provision of interpreters in small claims matters become law, what operational changes for the courts may be necessary (e.g., training, updating court web pages, or interpreter scheduling)?</u> <p>Training of court staff at all points of access is critical to proper and actual implementation, particularly for the benefit of self-represented litigants who rely on what they are told by court staff regarding their rights about language services and otherwise. Training must include all court staff, from the top to the bottom so that access is provided uniformly and consistently. Courts will have to ensure that court signage informs court users of the availability of interpreters. Courts will also need to have protocols and procedures in place for a litigant to request an interpreter. For example, if a litigant requests an interpreter at the initial filing, there should be a procedure in place for inputting of the need for language services in the case system. Courts will have to adopt or amend local rules about the availability of interpreters and how litigants can access that</p>	The Task Force appreciates the specific comments provided by commentator regarding what operational changes for courts may be necessary or appropriate if the proposed amendments become law. The Task Force also appreciates the comment that communication and outreach to all stakeholders regarding the new statutes is critical, and should include court leadership, judges, court staff and attorneys, and the various State Bar associations.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

LEG-16-07

Provision of Court Interpreters in Small Claims: Amend Government Code section 68560.5(a) and Code of Civil Procedure section 116.550.

All comments are verbatim unless indicated by an asterisk (*)

Commentator	Position	Comment	Committee Response
		<p>availability. Courts will have to ensure that in all its communications to the public, including information on its website, they are properly informing the public about language services in these and all other proceedings.</p> <ul style="list-style-type: none">• <u>If the proposed amendments are made to the California Code, what are some recommended steps to help inform attorneys, judicial officers, court staff, and/or court interpreters regarding the changes?</u> <p>Local bar associations should be contacted about the changes so that they can help inform their attorney members. Court staff and judicial officers should be informed of the changes directly starting with the CEO and Presiding Judge who can help ensure that each court staff is fully informed of the new rule. It would be helpful to create a simple handout or announcement regarding the new rule that courts can share with their court interpreters and other staff.</p> <p>Additional Comments</p> <p>The proposed statutory amendments implement the recommendation of the Strategic Plan for Language Access to provide, by 2017 and where resources permit, qualified interpreters to limited English proficient (LEP) court users in</p>	

LEG-16-07**Provision of Court Interpreters in Small Claims: Amend Government Code section 68560.5(a) and Code of Civil Procedure section 116.550.**

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			small claims proceedings. Small claims proceedings are by their definition used by unrepresented litigants and language should not be a barrier to vindication of rights for LEP litigants.	
3.	Superior Court of Los Angeles County	A	<p>The proposed legislative change will streamline branch efforts to provide language access to limited English proficient court users and facilitate the process for obtaining interpreters for LEP court users, judicial officers and court staff.</p> <p>Request for Specific Comments:</p> <ul style="list-style-type: none"> • Judicial officers and staff will need to be advised/trained regarding the mandatory use of court certified interpreters and non-certified interpreters in accordance with CA Rules of Court. Litigants will no longer have the option to bring another individual (other than an attorney) to assist with interpretation. • The court's website will need to be updated. • Notice to attorneys and the public should be posted on the Judicial Council website, as well as court websites. 	The Task Force appreciates the specific comments provided by the commentator regarding streamlining the branch's efforts to provide language accessibility to court users. The Task Force agrees that advisement (and training) to court leadership and court staff regarding the new statutes, including provision of notice to attorneys and the public via court and Judicial Council websites, is essential.
4.	Superior Court of Orange County Orange County Court Managers	N/I	Will the adoption of Cal Rules of Court rule 2.895, and all of its requirements, also apply to small claims with this change in 2017?	California Rules of Court 2.895, Requests for interpreters, effective July 1, 2016, provides that each court must publish procedures for filing, processing, and responding to requests for interpreters consistent with the <i>Strategic Plan for Language Access in the California Courts</i> (adopted January 2015). Each court must publish

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LEG-16-07**Provision of Court Interpreters in Small Claims: Amend Government Code section 68560.5(a) and Code of Civil Procedure section 116.550.**

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
				notice of these procedures in English and up to five other languages, based on local community needs. Each court must track all requests for language services and whether such services were provided. Tracking must include all requests for court interpreters in civil actions, as well as approvals and denials of such requests. If a party who has requested an interpreter for herself or himself is represented by counsel, the attorney must notify the court in advance whenever the party will not be appearing at a noticed proceeding. These requirements apply to all civil actions, including small claims actions.
5.	Superior Court of Riverside County By Marita Ford Senior Mangement Analyst	A	No specific comment.	No response required
6.	Superior Court of San Diego County by Michael M. Roddy Court Executive Officer	AM	The proposal is to amend CCP 116.550, which applies only to small claims, to say the court “shall appoint an interpreter...” while GC 68092.1(b) says the court “ <u>may</u> provide an interpreter in any civil action.” So small claims cases, while by statute are to be “informal,” have a higher standard for providing an interpreter (shall vs. may) than any other civil matter. In addition, Evidence Code 756 has small claims as priority 8, with all other civil proceedings, yet are the only case type to have “shall” appoint an interpreter. Our suggestion is that CCP 116.550 say “may appoint” just like GC 68092.1 because some courts may not have	The Task Force agrees with the commentator’s proposed modification to Code of Civil Procedure 116.550 to replace “shall appoint” with “may appoint,” as similar to Government Code 68092.1 The Task Force determined that the reference to Government Code section 68561 was necessary to include in the revised Code of Civil Procedure section 116.550 to make clear that the appointment process for interpreters in small claims cases should be the same as in all court proceedings, and courts should be directed to Government Code section 68561 for additional guidance.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

LEG-16-07

Provision of Court Interpreters in Small Claims: Amend Government Code section 68560.5(a) and Code of Civil Procedure section 116.550.

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			the ability to provide an interpreter for every small claims case. CCP 116.550 has been amended to specifically state that GC 68561 applies to small claims cases. This is duplicative and unnecessary. Amendments are also proposed to GC 68560.5(a) to delete the line that “court proceedings” don’t include small claims, so that makes GC 68561 include small claims now without the need to restate that in CCP 116.550.	

DRAFT

Implementing Language Access in the Courts of Appeal and Supreme Court: A Report of the Ad Hoc Working Group

Submitted to the Budget and Language Access Plan Monitoring Subcommittee of the Language Access Plan Implementation Task Force

Chairs

Justice Jonathan Renner, Court of Appeal, Third Appellate District

Justice Maria Rivera, Court of Appeal, First Appellate District

Judicial Council of California

Leah Rose-Goodwin, Manager, Office of Court Research, Court Operations Services

July 8, 2016

Background

This report summarizes the steps taken to implement Recommendation 67 of the Language Access Plan (LAP), which states, the “California Courts of Appeal and Supreme Court should discuss and adopt applicable parts of [the] Language Access Plan with necessary modifications.”

The Language Access Plan recommendations were divided up among four subcommittees and assigned out for review/implementation. The chair of the Language Access Implementation Task Force’s Budget and LAP Monitoring Subcommittee asked Justice Renner of the Third District Court of Appeal to develop an approach for implementing Recommendation 67. In order to develop a more complete understanding of the need for language access assistance in appellate courts, a survey of language needs and interpreter usage in the appellate courts (described more fully below) was conducted. After the survey results were received, the chair of the Language Access Implementation Task Force asked the Clerk of the Supreme Court and the Administrative Presiding Justices of the appellate courts to appoint individuals to participate in an ad hoc Working Group on adapting the language access plan for the appellate courts (Working Group) (See Appendix A for the Working Group Roster). The Working Group was duly appointed and convened, and it submits this report.

Survey of the Courts of Appeal and Supreme Courts

In November 2015, a short survey was distributed to the six Courts of Appeal (eight separate court locations) and the Supreme Court asking about interactions with or accommodations for people with limited English proficiency (LEP). The survey focused on interactions in the courtroom and at the clerk’s counter, signage, and the availability of printed materials and forms in languages other than English. (See Appendix B for the survey.)

All of the appellate courts responded to the survey, providing information regarding the types of language access requests the Courts of Appeal and Supreme Court have received over the last five years and the procedures or services the courts have in place to address those requests. The survey also asked whether current resources were adequate to provide a full range of language access services to LEP court users, and whether there were unmet needs in areas not addressed by the survey. The responses are summarized below.

Oral Argument

Over the five-year period covered by the survey, half of the Courts of Appeal had received requests for interpreters at oral argument. The Supreme Court had not received any such requests. (See table 1.) All requests for interpreters were made by the parties/litigants, with the exception of one request that was made by the court (Second District) itself. Languages

interpreted included Russian, Spanish, and Swahili, and family members or friends were used as interpreters. None of the family members/friends appeared to be certified, registered, or provisionally-qualified interpreters. In the case of the request made by the court, a registered interpreter was used to provide interpretation in Burmese.

Table 1: Requests made for Interpreter at Oral Argument Over Last Five Years

Court	Number of Requests	Granted?
Supreme Court of California	None	n/a
First Appellate District	None	n/a
Second Appellate District	3-4	Yes
Third Appellate District	3	Yes
Fourth Appellate District	Div. 1: two Div. 2: one Div. 3: none	Yes Yes n/a
Fifth Appellate District	None	n/a
Sixth Appellate District	None	n/a

Clerk’s Window

All of the appellate courts reported having parties/individuals approaching the clerk’s window/counter who required assistance in another language. However, the frequency varied from infrequent requests to 2-3 requests per month, depending on the court location. In the Second Appellate District, requests for language assistance occurred more frequently over the phone (about 10 to 12 times a month). The courts generally utilize bilingual staff from the court or Judicial Council to handle these needs, usually in Spanish only, but only two of the six courts have a documented procedure in place.

The Supreme Court reported more frequent requests for language assistance at the counter. The court’s current procedure is to utilize bilingual staff members to provide interpretation, when possible. The languages most frequently requested at the Supreme Court are Spanish, Chinese (not specified whether Cantonese or Mandarin) and Russian on occasion.

Public Information/Signage

The forms and informational materials for self-represented litigants/parties in the Courts of Appeal are only available in English, although the Judicial Council website has some self-help information about appeals available in Spanish.¹ In terms of signage, only the Second District reported providing signage in languages other than English (Chinese, Korean, Spanish, and Vietnamese). The Fourth District, Division One indicated they provide holiday closure information in various languages.

¹ See <http://www.courts.ca.gov/12429.htm?rdeLocaleAttr=en>

The Supreme Court's forms and information for self-represented individuals are only available in English and its signage is also in English. Bilingual staff can provide some assistance at the counter or on the phone.

Miscellaneous

The respondents did not identify the need for language access assistance in ways other than those described in the survey.

All but one court indicated that additional funding would be needed to provide a full range of language access services using qualified interpreters or translators.

At present, there appear to be relatively few instances when the Courts of Appeal and Supreme Court are asked to provide services to persons of limited English proficiency. Very few parties request language assistance for oral argument. Requests for language assistance at the counter or on the phone are more frequent, but also limited when compared to the number of requests at the trial courts. When those services are necessary, the courts rely on bilingual court staff to assist users but otherwise there are few processes in place to assist users in a more structured manner. In cases where self-represented litigants seek assistance in other languages, the forms and information available are almost exclusively in English. Signage in language other than English is also very rare.

Review of Language Access Plan Recommendations in Preparation for Ad Hoc Working Group Meeting

Prior to convening the in-person Working Group meeting, Justices Renner and Rivera reviewed the 75 recommendations from the LAP and tentatively identified 37 recommendations that were or could be applicable to the Courts of Appeal and Supreme Court. The list was circulated to the Working Group members prior to the in-person meeting, and members were asked to send any comments, corrections, or examples of how the various recommendations had been implemented in their own courts, as applicable, to the chairs. One member submitted comments on a few of the recommendations, and those comments were considered and incorporated into the final review document that formed the basis of the discussion at the Working Group meeting.

Review of LAP Recommendations at Working Group Meeting

On April 6, 2016, the Working Group convened in San Francisco for an all-day meeting to discuss the Language Access Plan recommendations that applied to the Courts of Appeal and Supreme Court and determine how best to implement the applicable recommendations. All of the Working Group members were in attendance (Mr. Navarette joined by phone).

In addition to receiving the list of recommendations for review prior to the meeting, Working Group members received a packet containing other relevant materials to review prior to or during the meeting. Those included:

1. Judicial Council Fact Sheet regarding Language Access
2. Judicial Council Fact Sheet regarding Court Interpreters Program
3. Sample "I speak" card
4. Evidence Code section 756
5. California Rules of Court 2.893
6. Government Code Section 68561
7. Judicial Council Form INT-100-INFO
8. Language Access Services Complaint Form and instructions
9. Judicial Council Form INT-110
10. Judicial Council Form INT-120
11. Judicial Council Form INT-200
12. Statewide Model Notice
13. Memo to Court Executive Officers Designating a Language Access Representative

The Judicial Council's Court Language Access Support Program (CLASP) staff gave brief presentations about court interpreter resources at the Judicial Council, including testing, certification, and resource availability. Justice Rivera gave an update of the status of the implementation of the Language Access Plan. And Judicial Council staff gave an overview of the appellate survey results described above.

The group then reviewed the list of recommendations that had been identified by Justice Renner and Justice Rivera as applicable to the Courts of Appeal and Supreme Court. The group had a vigorous discussion about each of the items. First, the group decided whether the recommendation was applicable to the Courts of Appeal and Supreme Court; then, the group discussed the course of action that would be needed to implement each recommendation and whether any modifications to the recommendation were needed. Appendix C contains the list of recommendations reviewed and notes summarizing the discussion.

Because the recommendations in the Language Access Plan were primarily geared for the trial courts, the group first ascertained the relevance of each item to the Courts of Appeal and Supreme Court. As a threshold matter, the group discussed whether the activities or actions identified in the LAP as needing language access services in the trial courts were also activities or actions that take place in the Courts of Appeal. The group also attempted to identify which court participants would have the kind of "significant interest" in the appellate proceedings such that interpretation services should be provided.

Consequently, a significant amount of time was spent discussing the level of implementation that would be needed in order to carry out the recommendations. For example, Recommendation 48 provides that the courts should identify standards of proficiency for bilingual court staff who may need to engage with non-English speaking members of the public. Because the survey results and discussion at the April 6 meeting suggested that there are

relatively few interactions with non-English speakers, either in person or at the counter, adopting this recommendation would be a worthy aspiration, but is not as urgent relative to the expected need in the trial courts.

Of the original list of 37 identified recommendations, two (recommendations 11 and 52) were discussed and determined to not be applicable to the Courts of Appeal and Supreme Court. Recommendation 11 concerned provision of interpreter services for court-ordered programs, such as anger management, which are not part of appellate proceedings. Recommendation 52 had to do with the provision of bench cards to assist judges in identifying available language access services where a need arises unexpectedly during court proceedings; in the group's discussion, it became clear that this was relevant in a trial court setting but not at the appellate level.

The group's deliberations also covered funding for language access services. The program that pays for language access services in the trial courts (Fund 0150037, formerly called the "Program 45.45 Fund") is only available to trial courts and for specific types of reimbursements. Therefore any cost-generating policy or program adopted by the Courts of Appeal and Supreme Court will need to be paid for with existing resources or will require a new source of funding. Additional funds could be obtained by including the Courts of Appeal and the Supreme Court in the 45.45 Fund or through augmentation of the budget for appellate courts. If new funds are not provided, the costs of implementation will displace funding used for other services. However, because the current language access needs at the appellate level are thought to be relatively light, the funding issue may not be urgent, but will likely require future consideration should demand for these services increase. As a result, some of the implementation proposals were structured so that there was a level of implementation that could be achieved with existing funding and a more aspirational level that would be contingent on receipt of new funding.

The group also discussed the steps to implement each of the recommendations in the Courts of Appeal and Supreme Court and who would be responsible for implementing the recommendations. Because a significant number of recommendations are being implemented by Judicial Council staff, on behalf of trial courts, the group determined that the best course of action would be to request that Judicial Council staff coordinate with or include the Courts of Appeal and Supreme Court when those recommendations are implemented. The majority of the recommendations applicable to the Courts of Appeal fell into that classification. With respect to the recommendations that would be implemented primarily by the Courts of Appeal and Supreme Court, the group discussed, among other things, the feasibility of reporting language services activities in the Appellate Court Case Management System (ACCMS) and the feasibility of creating consistent coding to track usage, need, and cost across all the courts. Additionally, the group identified recommendations which would require training or development of training curricula that would be relevant to the Courts of Appeal and Supreme Court.

Significantly, the group expressed concern about the LAP's recommendations that a dedicated staff person would be assigned responsibility for staying abreast of all language access resources and providing guidance regarding all language access inquiries. All court representatives observed that their staffs were already stretched very thin and that the imposition of additional duties on any staff members could be unacceptably burdensome.

Finalizing the Work of the Ad Hoc Working Group

Following the meeting, the chairs and program staff finalized a set of documents showing the Working Group's agreed-upon list of recommendations that should be implemented in the Courts of Appeal and Supreme Court, the notes from the April 6 discussion, and the proposals to implement those recommendations. (See Appendix C.) A separate list of the recommendations was also created, grouped by "responsible entity"—either the Courts of Appeal/Supreme Court or the Judicial Council/staff in conjunction with Implementation Task Force activities in the trial courts.

Both documents were circulated to Working Group members in late May for their review and approval. Two Working Group members responded that the documents comported with their recollection of the discussion. A third member agreed with the documents as proposed, but also cited a recent proceeding in her court in which an appellant submitted a brief that was entirely written in another language. This situation was not addressed in any of the Language Access Plan recommendations, so the chairs opted not to incorporate this issue into the Working Group's work, but raise it to the Implementation Task Force, through this report, as an item for future consideration.

Next Steps

The Working Group awaits the Implementation Task Force's approval or remand of their recommendations. If the recommendations are accepted and approved the leadership of the Courts of Appeal and Supreme Court will be asked to carry out those proposals within their purview, and Judicial Council staff will be asked to ensure the recommendations to be implemented in the trial courts will also include the Courts of Appeal/Supreme Court.

Ad Hoc Working Group on Adapting the Language Access Plan for the Appellate Courts

Chairs	Justice Jonathan Renner, Third District Justice Maria Rivera, First District
Supreme Court of California	Mr. Jorge Navarrete, Assistant Clerk/Administrator
Courts of Appeal	
First District	Justice Terence Bruiniers
	Susan Graham, Assistant Clerk/Administrator
Second District	Ms. Candace Mortelliti, Assistant Deputy Clerk
Third District	Ms. Deena Fawcett, Clerk/Administrator
Fourth District	Justice Cynthia Aaron; Mr. Kevin Lane, Clerk/Administrator; Ms. Janet Gamboa, Administrative Specialist; and Ms. Mary Urena, Senior Deputy Clerk
Fifth District	Justice Rosendo Peña
Sixth District	Justice Miguel Márquez

Court Name and Location: _____

CALIFORNIA APPELLATE COURTS LANGUAGE ACCESS SURVEY***Oral Argument***

1. In the last five years, has the court received requests for an interpreter at oral argument?

Yes ____ No ____ If yes, how many requests? _____ How many were granted? _____

2. How many requests were made by an attorney or a self-represented party? Attorney _____ Party _____

3. If the request was made by an attorney, was it for him/herself or for a party observing the proceedings? _____

4. Who selected the interpreter(s)? _____

5. Who paid for the interpreter(s)? _____

6. Was the interpreter(s) registered or certified by the Judicial Council? _____

7. Was the interpreter(s) a family member of a party? _____

8. What language(s) did the party speak? _____

Clerk's Window

1. Have people approached the clerk's window who required language assistance?

Yes ____ No ____ If yes, how often does this occur? _____

- a. Do you have a procedure for addressing that need? Yes ____ No ____

- b. What is your procedure? _____

- c. What languages are the most commonly involved in these requests? _____

Public Information

1. Does the court make information available for self-represented people that explains how to pursue an appeal?

Yes ____ No ____ If yes, please describe: _____

- a. Is that information available in a language other than English? If yes, which language(s)?

2. Does the courthouse have signs providing guidance and directions to the public? Yes ____ No ____

- a. Are these signs in a language other than English? If yes, which language(s)?

3. Does the court have a telephone information line? Yes ____ No ____

- a. Is there a process for assisting callers with limited English proficiency? If yes, describe the process:

Miscellaneous

1. Have you observed the need for language access assistance in ways that are not described above?

Yes ____ No ____ If yes, please describe: _____

2. Given the level of need in your court, would additional funding be required in order for you to provide a full range of language access services using qualified interpreters or translators? Yes ____ No ____

No.	RECOMMENDATION	WORKING GROUP NOTES	IMPLEMENTATION PROPOSAL
	<p>Goal 1 Identify Need; Provide Notice To Public Of Language Resources; Record Data</p>		
<p>1.</p>	<p>Courts will identify the language access needs for each LEP (Limited English Proficient) 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. (Phase 1)</p>	<p>Discussion of meaning of persons of significant interest: for DCAs/SC (District Courts of Appeal/Supreme Court) the group agreed that "persons with a significant interest" would include only (1) self-represented litigants and (2) parties to the case who are present in the courtroom. The group concluded that at this time it would not be practical to offer interpreting services to parties who are in a remote location or to non-parties in the courtroom who may have an interest in the case. The group agreed this question should be revisited after the DCAs/SC have had more experience with the provision of such services. The group agreed the provision of services to "witnesses" would not be applicable to the DCAs/SC.</p> <p>Discussion of the tracking needed: there was a consensus that ACCMS (Appellate Court Case Management System) could be coded (in "case notes") to provide this information.</p> <p>Recommendation that Notice of Appeal, Request for Oral Argument form, and Civil Case coversheet should be revised to track this information.</p> <p>The recommended Statewide Model Notice was passed around and the group discussed adding it to the appeal packet and posting it on the website.</p> <p>The group recommended that if funding were provided (e.g., include DCAs/SC in 45.45 fund), this should be a rule of court; without funding, it should be adopted as a standard of judicial administration or an IOPP with appropriate caveats.</p>	<p>1a. The DCAs and SC should revise their notices and forms in order to assist court users in identifying language access needs, and should prepare a Model Notice of Free Language Services (those services described in Recommendations 8, 10, and 27) that might be included in the appeal packet sent to counsel/parties in appellate cases.</p> <p>1b. The DCAs and the SC should adopt new codes for the ACCMS system to identify and track language access needs in appellate cases (including for court-ordered mediation);</p> <p>1c. The JC (Judicial Council) should work with the DCAs and the SC to identify a source of funding for language access services in those courts, including consideration of adding the appellate courts to the 45.45 fund. If funding for language access is secured, the JC should initiate a revision to the appellate rules of court to include language access requirements and standards. Until such funding is secured, the DCAs and SC should work together to develop a uniform Standard of Judicial Administration (SJA) or Internal Operating Policy and Procedure (IOPP) for language access. Any proposed rule, SJA, or IOPP should include the standards set forth in Recommendations 22, 23 and 24, adapted to appellate practice and procedure (e.g., probably no need to include "absent exigent circumstances)."</p>

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. (Phases 1, 2)	Discussion of the tracking needed- confirmation that ACCMS "case notes" could be coded to track this information. Also training would need to be provided to ensure consistent data entry.	See recommendation 1b.
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 56 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. (Phase 1)	See responses to #1, 27, 5	<p>4a. The JC should ensure that "I Speak" cards are distributed to all DCA and SC clerks who work at the public counters.</p> <p>4b. Any mechanisms established for trial court staff to identify LEP persons who need language services should be disseminated to the DCAs and SC for adaptation to their systems.</p>
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. (Phase 1)		See recommendations 1a and 4a

6.	<p>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. (Phase 1)</p>	<p>Discussion that clerk administrators are able to track costs.</p> <p>Group agreed that DCAs should use a standard code to track expenditures to capture costs of language services.</p> <p>Training would need to be provided to ensure consistency in reporting.</p>	<p>6a. The DCAs and SC should adopt consistent codes in Oracle (the financial software used by the Courts of Appeal and Supreme Court) to track costs of all language services.</p> <p>6b. The DCA and SC Clerk-Administrators should develop categories of language services that should be tracked in Oracle and should provide training to ensure consistency.</p>
	<p>Goal 2 Provide Qualified Language Services In All Judicial Proceedings</p>		
8.	<p>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 § 756 (see Appendix H), and including Family Court Services mediation. (Phases 1 and 2)</p>	<p>Discussion about who are LEP users (litigants, people who are legally bound to the case in question). Discussion that most of the appellate work is in writing and in English and what would need to be provided in another language? Agreed that Evidence Code §756 would not be applicable to DCAs and SC.</p> <p>In responding to the Implementation Task Force, the group proposed stating that if funding were provided, this should be a rule of court; without funding, it will be adopted as a standard.</p>	<p>8a. The DCAs and the SC will provide qualified interpreters at oral argument upon request and with adequate notice where (1) oral argument is being presented by the LEP party in propria persona, or (2) the LEP party is present in court for oral argument. If the provision of an interpreter is beyond the court’s resources, the DCAs and the SC will work with the JC to secure the resources necessary to achieve this goal in full by the year 2017 (see Goal 2) (See recommendation 1c regarding how this should be implemented.)</p> <p>8b. The JC should direct JC staff to work with DCAs and the SC to develop guidelines for Justices on how to manage oral argument when it is being provided through an interpreter; this would include, for example, arranging for pre-hearing meeting with LEP individual and interpreter, and suggestions as how best to facilitate interruptions or clarifications that may be needed during oral argument.</p>

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.) (Phases 1 and 2)	Rule amendment should either include the DCAs and SC or a new rule should be created in the appellate rules, but would only apply to oral argument.	9a. The Judicial Council should direct the Appellate Rules committee to either prepare an amendment to Rule 2.893 to include the appellate courts (but limited to oral argument), or to draft a new appellate rule for provisional qualification of non-certified, non-registered interpreters for oral argument.
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. (Phase 1, 2 and 3)	The only DCA program to which this applies would be mediation; the group discussed that interpretation would be limited to the parties. In responding to the Implementation Task Force, the group proposed stating that if funding were provided, this should be a rule of court; without funding, it will be adopted as a standard.	10a. The DCAs and the SC will work with the JC as necessary to provide qualified interpreters at court-ordered mediation upon request and with adequate notice where the LEP party attends the mediation. If the provision of an interpreter is beyond the court's resources, the JC will work with the DCAs and the SC to secure the resources necessary to achieve this goal in full by the year 2020 (recommendation 10). (See recommendation 1c regarding how this should be implemented.)
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. (Phase 1)	This item was put back on the list by the chairs after the meeting. It would apply to oral argument only in the DCAs and SC.	12a. See recommendation 1c Additionally, the JC should direct JC staff to work with the DCAs and SC to develop cost-effective means for locating and hiring qualified interpreters in each region.

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. (Phase 1)	During the group discussion, this item was deemed to not be applicable to the DCAs because the need to view a person’s body language is not as applicable in the DCAs as it is at the trial court level. After reconsidering, this item was put back on the list by the chairs following the meeting.	13a. The DCAs and SC should monitor closely any use of remote interpretation to ensure the LEP court users are “fully and meaningfully participat[ing] in the proceedings.” This also applies to #15]
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. (Phase 1)	Determined to not be applicable to the DCAs. The need to view a person’s body language is not as applicable in the DCAs as it is at the trial court level. After reconsidering, this item was put back on the list by the chairs following the meeting.	See recommendation 13a.
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. (Phase 1)	Agreed that JC should include appellate courts in this effort, but that it would be up to the JC to determine how to prioritize it.	18a. The DCAs and SC request that the JC consider the development of videos for their courts (for example, a video in other languages that describe, step by step, how to pursue an appeal).
19.	Effective January 2015, pursuant to Government Code § 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.) (Phase 1)	This was determined to be a training issue and was grouped with other items that required further training. Video on this topic available at: http://www.courts.ca.gov/lap-toolkit-courts.htm	See recommendation 50a.

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.) (Phase 2)	The group determined that any expansion of the regional coordination system should include the DCAs and SC.	20a. The entity responsible for expanding the formal regional coordination system to improve efficiencies in interpreter scheduling, should include in its planning the needs and perspectives of the local DCAs and the SC.
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. (Phase 1)	For this item, as well as #23 and 44, I noted that this was not applicable to the Appellate Courts in the manner described; if modified (e.g. striking out “absent exigent circumstances”), the recommendation 1c would apply.	See recommendation 1c.
23.	Minors will not be appointed to interpret in courtroom proceedings nor court-ordered and court-operated activities. (Phase 1)	Not applicable to the Appellate Courts in the way described.	See recommendation 1c.
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. (Phase 2)	Not applicable to the Appellate Courts in the way described.	See recommendation 1c.
	Goal 3 Provide Language Services At All Points Of Contact Outside Of Judicial Proceedings		
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. (Phase 1)	Discussed that this should be adopted, but that so many unfunded mandates like this are piling up and overstressing staff. Discussed whether it would be useful to quantify the time needed to perform this function in case funding could be obtained.	25a. Each appellate/supreme court location should designate a resource person who will become and remain informed about language access policies and procedures. If resources are unavailable because staff is already working at or over capacity, the JC should work with the DCAs and the SC to develop funding to carry out this recommendation, which may require JC staff to provide an estimate of the amount of time this work would involve. If JC staff are developing a curriculum to train the Language Access resource persons in the trial courts, it should consider whether the same or a different training would apply to the resource persons in the appellate courts.

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.) (Phase 1)	Discussion on how this is aspirational, but lacking a critical mass to require implementing changes at this point in time. Currently, courts seem to be able to meet the need with existing employees; should the need increase, it may warrant a discussion with HR about pay differentials that could be offered and implementation of proficiency standards.	26a. The DCAs and the SC should monitor the level of need for language services outside of the courtroom, so as to ensure the needs can be met with bilingual staff wherever possible. Where need is not met the DCAs/SC should place a priority on the recruitment of bilingual staff.
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. (Phase 2)	This recommendation was not originally on the list for consideration, but given its relationship to #4, the group suggested adding it (the two columns to the left reflect the original notations for this item when the full list of 75 recs were sent to the working group.)	See recommendations 4a and 50a.
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. (Phase 1)	Discussion on how this is aspirational, but lacking a critical mass to require implementing changes at this point in time. Currently, courts seem to be able to meet the need with existing employees; should the need increase, it may warrant a discussion with HR about pay differentials that could be offered and implementation of proficiency standards.	See recommendation 26a.
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. (Phase 2)	This was discussed in conjunction with #4	29a. JC staff shall work with a working group of clerks to develop a model protocol/procedure. See recommendation 4b.

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. (Phase 2)	At one point, the group discussed grouping this with other items they felt that the JC should include appellate courts in this effort; at another point discussed whether should wait for JC to come up with a branchwide plan or develop something for DCAs.	30a. The entity responsible for creating the policies that will promote sharing among courts of language resources needed outside of the courtroom, using remote technologies, should include in its planning the needs and perspectives of the local DCAs and the SC.
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. (Phase 2)	Agreed that JC should include appellate courts in this effort.	31a The entity responsible for developing a pilot project to implement use of remote interpreting for counter help using different models should include in its planning the needs and perspectives of the DCAs and the SC.
	Goal 4 Provide Multilingual Translations and Signage		
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. (Phase 1)	Agreed that JC should include appellate courts in this effort.	37a. The Judicial Council and staff should include the needs of the DCAs and the SC when providing samples and templates of multilingual information.
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. (Phase 1)	Agreed that JC should include appellate courts in this effort.	38a. JC staff should include the Clerk-Administrators of all DCA locations and of the SC in its list of persons to be notified of the availability of translations of forms and informational/educational material.

39.	<p>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. (Phase 2)</p>	<p>Agreed that JC should include appellate courts in this effort.</p> <p>Revisited at another point in the conversation and determined that there was limited application in the DCAs. This is mainly wayfinding and DCAs can self-implement; major funding would be needed to implement in the manner described.</p>	<p>39a. The JC should include all DCA/SC locations when it provides translations of the most common and relevant signs, and when it provides guidance on the use of icons, symbols and displays.</p> <p>39b. The DCAs and the SC should have language accessible way-finding signs to the extent feasible. The cost of installing permanent way-finding signs in up to five languages could be prohibitive; where necessary, the JC and JC staff should work with the DCAs and the SC to provide interim solutions suitable for each location.</p>
	<p>Goal 5 Expand Language Access Through Recruitment and Training</p>		
47.	<p>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. (Phase 1)</p>	<p>Discussion on how this is aspirational, but lacking a critical mass to require implementing changes at this point in time. Currently, courts seem to be able to meet the need with existing employees; should the need increase, it may warrant a discussion with HR about pay differentials that could be offered and implementation of proficiency standards.</p>	<p>47a. The DCAs and the SC should consult with JC staff to determine whether and how bilingual employees who provide language services outside of the courtroom should be tested for proficiency in the language and in legal terminology.</p>

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. (Phase 1)	Agreed that JC should include appellate courts in this effort.	48a. The JC staff responsible for working with “the courts” should include the DCAs and the SC when (1) identifying standards of language proficiency for specific points of public contact and (2) developing an online training program for bilingual staff.
	Goal 6 Provide Judicial Branch Training on Language Access Policies and Procedures		
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: <ul style="list-style-type: none"> • 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 	JC staff mentioned that curriculum is being developed, but attendees felt that they could be more nimble and create their own training and meet via videoconference as a study group. Discussed getting a trial court resource to help, join the CLASP listserv in formation, share info at Appellate Clerks meetings.	50a. The entity responsible for developing curricula for training judicial officers and administrative staff with respect to language access should include in its planning the needs and perspectives of the DCAs and the SC. 50b. The Presiding Justices and Clerk-Administrators of the DCAs and the SC should consider developing a curriculum for language access training that is geared to appellate court needs and practices, assisted by JC staff. 50c. The DCAs and SC request that CLASP staff add them to the ListServ regarding language access.

	<p>competent manner.</p> <p>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. (Phase 1)</p>		
	<p>Goal 7</p> <p>Conduct Outreach to Communities Regarding Language Access Services</p>		
	<p>Goal 8</p> <p>Identify Systems, Funding & Legislation Necessary to Implement LAP (Language Access Plan) and Language Access Management</p>		
60.	<p>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. (Phase 1)</p>	<p>The specific issue of cost identification was flagged by this group to highlight the need to track expenditures in the manner described in #6.</p>	<p>To the extent this pertains to DCAs and the SC, see recommendations 6a and 6b.</p>

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. (Phase 1)	<p>Draft form and rule were circulated (rule circulated after meeting). In the meeting, discussion was to make sure DCAs were included/form was applicable to DCAs.</p> <p>A Working Group member commented: I think the rule would work for the appellate courts as far as the process. It's too bad the rule has to be in Title 2 section as our only real distinction would be in (c)(1) where it specifies trial court services rather than a general category such as court administration. Perhaps if the rules committee could find another generic section (maybe in the Title 10 section) where it would apply to all levels that would be more inclusive. Either way, I think the procedure would work.</p> <p>Subsequent comment from a Working Group member as to whether including it in Title 10 would imply requiring the DCAs to provide interpreters.</p>	63a. The entity responsible for developing a process by which the LEP court users and their representatives may file a complaint about the provision of, or failure to provide language access services, including the development of a rule of court and JC form, should include the needs and perspectives of the DCAs and the SC.
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. (Phase 1)		See complete list of recommendations from DCA/SC working group.
70.	The Judicial Council should amend rule of court 2.893 to address the appointment of non-credentialed interpreters in civil proceedings. (Phase 1)	Agreed that JC should include appellate courts in this effort.	See recommendation 9a.
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. (Phase 2)	The group concluded that no changes were needed on the form at this time, but that appellate courts should be kept in mind if any revisions are made to the form.	73a. Any future revisions of interpreter-related forms should include input from the DCAs and SC.

Rec.	Proposals the Appellate Courts Should Implement Directly
1a.	The DCAs and SC should revise their notices and forms in order to assist court users in identifying language access needs, and should prepare a Model Notice of Free Language Services (those services described in Recommendations 8, 10, and 25) that might be included in the appeal packet sent to counsel/parties in appellate cases.
1b.	The DCAs and the SC should adopt new codes for the ACCMS system to identify and track language access needs in appellate cases (including for court-ordered mediation).
6a.	The DCAs and SC should adopt consistent codes in Oracle (the financial software used by the Courts of Appeal and Supreme Court) to track costs of all language services.
6b.	The DCA and SC Clerk-Administrators should develop categories of language services costs that should be tracked in Oracle and provide training to ensure consistency.
8a.	Courts: The DCAs and the SC will provide qualified interpreters at oral argument upon request and with adequate notice where (1) oral argument is being presented by the LEP party in propria persona, or (2) the LEP party is present in court for oral argument. JC: If the provision of an interpreter is beyond the court’s resources, the DCAs and the SC will work with the JC to secure the resources necessary to achieve this goal in full by the year 2017 (see Goal 2) (See recommendation 1c regarding how this should be implemented.)
10a.	Courts: The DCAs and the SC will provide qualified interpreters at court-ordered mediation upon request and with adequate notice where the LEP party attends the mediation. JC: If the provision of an interpreter is beyond the court’s resources, the JC will work with the DCAs and the SC to secure the resources necessary to achieve this goal in full by the year 2020 (recommendation 10). (See recommendation 1c regarding how this should be implemented.)
13a.	The DCAs and SC should monitor closely any use of remote interpretation to ensure the LEP court users are “fully and meaningfully participat[ing] in the proceedings.” (This proposal would also address #15.)
25a.	Courts: Each appellate/supreme court location should designate a resource person who will become and remain informed about language access policies and procedures. (See below if resources for this recommendation are unavailable.) JC: If resources are unavailable because staff is already working at or over capacity, the JC should work with the DCAs and the SC to develop funding to carry out this recommendation, which may require JC staff to provide an estimate of the amount of time this work would involve. If JC staff are developing a curriculum to train the Language Access resource persons in the trial courts, it should consider whether the same or a different training would apply to the resource persons in the appellate courts.

26a.	The DCAs and the SC should monitor the level of need for language services outside of the courtroom, so as to ensure the needs can be met with bilingual staff wherever possible. Where need is not met the DCAs/SC should place a priority on the recruitment of bilingual staff.
39b.	Courts: The DCAs and the SC should have language accessible way-finding signs to the extent feasible. The cost of installing permanent way-finding signs in up to five languages could be prohibitive; JC: Where necessary, the JC and JC staff should work with the DCAs and the SC to provide interim solutions suitable for each location.
50b.	Courts: The Presiding Justices and Clerk-Administrators of the DCAs and the SC should consider developing a curriculum for language access training that is geared to appellate court needs and practices. JC: Assisted by JC staff.
Rec.	Proposals Judicial Council Staff Should Implement for the Appellate Courts
	Proposals that could be implemented immediately:
4a.	The JC should ensure that “I Speak” cards are distributed to all DCA and SC clerks who work at the public counters.
9a.	The Judicial Council should direct the Appellate Rules committee to either prepare an amendment to Rule 2.893 to include the appellate courts (but limited to oral argument), or to draft a new appellate rule for provisional qualification of non-certified, non-registered interpreters for oral argument.
50c.	CLASP staff should add the DCAs and SC to the ListServ regarding language access.
	Proposals requiring long-term or on-going coordination:
1c.	The JC should work with the DCAs and the SC to identify a source of funding for language access services in those courts, including consideration of adding the appellate courts to the 45.45 fund. If funding for language access is secured, the JC should initiate a revision to the appellate rules of court to include language access requirements and standards. Until such funding is secured, the DCAs and SC should work together to develop a uniform Standard of Judicial Administration (SJA) or Internal Operating Policy and Procedure (IOPP) for language access. Any proposed rule, SJA, or IOPP should include the standards set forth in Recommendations 22, 23 and 24, adapted to appellate practice and procedure (e.g., probably no need to include “absent exigent circumstances”).
4b.	Any mechanisms established for trial court staff to identify LEP persons who need language services should be disseminated to the DCAs and SC for possible adaptation to their systems.
8a.	Courts: The DCAs and the SC will provide qualified interpreters at oral argument upon request and with adequate notice where (1) oral argument is being presented by the LEP party in propria persona, or (2) the LEP party is present in court for oral argument.

	JC: If the provision of an interpreter is beyond the court’s resources, the DCAs and the SC will work with the JC to secure the resources necessary to achieve this goal in full by the year 2017 (see Goal 2) (See recommendation 1c regarding how this should be implemented.)
8b.	The JC should direct JC staff to work with DCAs and the SC to develop guidelines for the Justices on how to manage oral argument when it is being provided through an interpreter; this would include for example, arranging for pre-hearing meeting with LEP individual and interpreter, and suggestions as how best to facilitate interruptions or clarifications that may be needed during oral argument.
10a.	Courts: The DCAs and the SC will provide qualified interpreters at court-ordered mediation upon request and with adequate notice where the LEP party attends the mediation. JC: If the provision of an interpreter is beyond the court’s resources, the JC will work with the DCAs and the SC to secure the resources necessary to achieve this goal in full by the year 2020 (recommendation 10). (See recommendation 1c regarding how this should be implemented.)
12a.	See recommendation 1c. Additionally, the JC should direct JC staff to work with the DCAs and SC to develop cost-effective means for locating and hiring qualified interpreters in each region.
18a.	The DCAs and SC request that the JC consider the development of videos for their courts (for example, a video in other languages that describe, step by step, how to pursue an appeal).
20a.	The entity responsible for expanding the formal regional coordination system to improve efficiencies in interpreter scheduling, should include in its planning the needs and perspectives of the local DCAs and the SC.
25a.	Courts: Each appellate/supreme court location should designate a resource person who will become and remain informed about language access policies and procedures. JC: If resources are unavailable because staff is already working at or over capacity, the JC should work with the DCAs and the SC to develop funding to carry out this recommendation, which may require JC staff to provide an estimate of the amount of time this work would involve. If JC staff are developing a curriculum to train the Language Access resource persons in the trial courts, it should consider whether the same or a different training would apply to the resource persons in the appellate courts.
29a.	JC staff shall work with a working group of clerks to develop a model protocol/procedure to ensure LEP court users obtain adequate language access services where bilingual staff are not available.
30a.	The entity responsible for creating the policies that will promote sharing among courts of language resources needed outside of the courtroom, using remote technologies, should include in its planning the needs and perspectives of the local DCAs and the SC.
31a.	The entity responsible for developing a pilot project to implement use of remote interpreting for counter help using different models should include in its planning the needs and perspectives of the DCAs and the SC.

37a.	The Judicial Council and staff should include the needs of the DCAs and the SC when providing samples and templates of multilingual information.
38a.	JC staff should include the Clerk-Administrators of all DCA locations and of the SC in its list of persons to be notified of the availability of translations of forms and informational/educational material.
39a.	The JC should include all DCA/SC locations when it provides translations of the most common and relevant signs, and when it provides guidance on the use of icons, symbols and displays.
39b.	Courts: The DCAs and the SC should have language accessible way-finding signs to the extent feasible. The cost of installing permanent way-finding signs in up to five languages could be prohibitive; JC: Where necessary, the JC and JC staff should work with the DCAs and the SC to provide interim solutions suitable for each location.
47a.	The DCAs and the SC should consult with JC staff to determine whether and how bilingual employees who provide language services outside of the courtroom should be tested for proficiency in the language and in legal terminology.
48a.	The JC staff responsible for working with “the courts” should include the DCAs and the SC when (1) identifying standards of language proficiency for specific points of public contact and (2) developing an online training program for bilingual staff.
50a.	The entity responsible for developing curricula for training judicial officers and administrative staff with respect to language access should include in its planning the needs and perspectives of the DCAs and the SC.
50b.	Courts: The Presiding Justices and Clerk-Administrators of the DCAs and the SC should consider developing a curriculum for language access training that is geared to appellate court needs and practices. JC: Assisted by JC staff.
63a.	The entity responsible for developing a process by which the LEP court users and their representatives may file a complaint about the provision of, or failure to provide language access services, including the development of a rule of court and JC form, should include the needs and perspectives of the DCAs and the SC.
73a.	Any future revisions of interpreter-related forms should include input from the DCAs and SC.

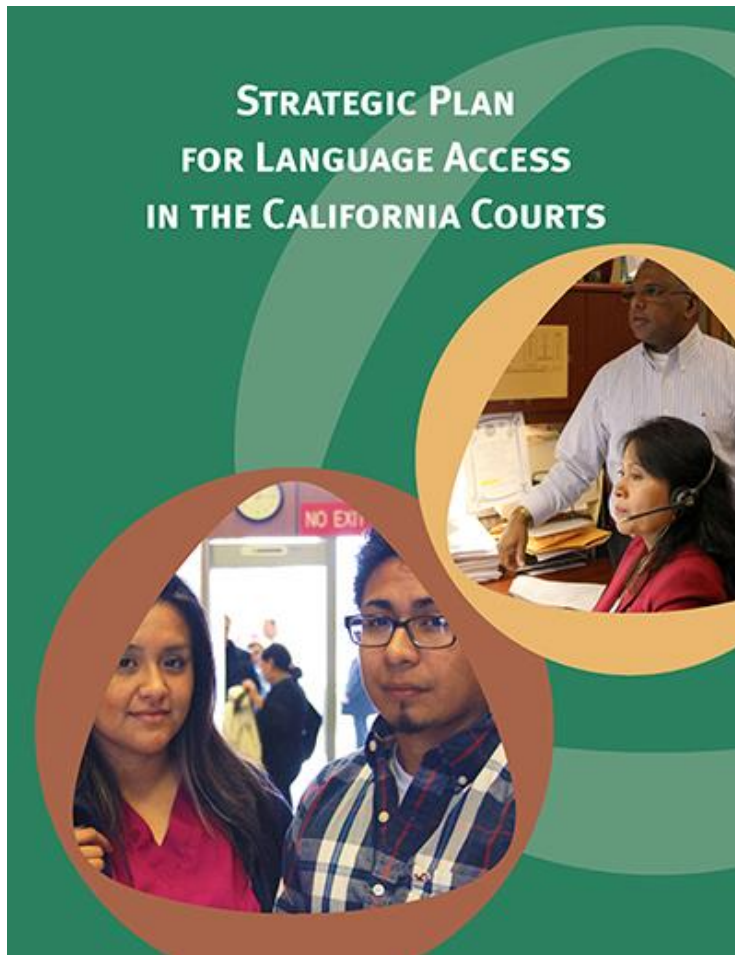
An update on Video Remote Interpreting (VRI)

Language Access Plan (LAP) Implementation Task Force
Technological Solutions Subcommittee (TSS)

Presented by: Justice Terence Bruiniers
October 17, 2016



Video Remote Interpreting (VRI)



- Aligns with LAP Implementation Task Force's recommendations 12, 13, 14, 15, and 16 that the Judicial Council should conduct a VRI pilot project;
- Aligns with Information Technology Advisory Committee (ITAC) goal to implement a VRI Pilot Program; and
- Aligns with the Judicial Branch's Tactical Plan for technology and connectivity.

Goals

- Expand limited interpreter resources to case types beyond criminal
- Expand language access to serve more LEP users in additional areas
- Broaden access to languages other than Spanish
- Give interpreters the ability to cover multiple assignments in a shorter period of time
- Allow courts to share resources, where appropriate
- Reduce courtroom delays
- Minimize travel expenses for court interpreters



Background - Pilot Proposal Elements

- Includes a no-cost court RFP to preapprove qualified vendors;
- Provide consecutive and simultaneous interpretation within and across multiple jurisdictions;
- Work with California certified and registered interpreters employed by (or contracting with) California courts;
- Collect data to evaluate the pilot project;
- Set technical guidelines; and
- Address & remedy any presupposed concerns.

Background

- Collaborative project with:
 - Information Technology Advisory Committee (ITAC), and
 - Judicial Council Technology Committee (JCTC).
- Letter was sent to the courts requesting volunteers for Pilot Courts and Workstream members.

VRI Pilot Project Elements



We now have:

- 3 pilot courts;
- 17 Workstream participants; and
- Proposals from 4 vendors.

Pilot Courts

Three courts were selected based on criteria including:

- Local court IT Bandwidth and available capacity;
- Volume of interpreting services provided;
- Diversity in language needs;
- Supply of employee and independent contractor certified and registered interpreters; and,
- Volume of matters for which VRI may be appropriate.

Pilot Courts

1. Sacramento County (large)
2. Ventura County (medium)
3. Merced County (small)

Workstream

The VRI Workstream is an ad-hoc team formed to help with the VRI Pilot Project. Participants include:

- Judicial Officers;
- Certified Court Interpreters ;
- CEOs / CIOs; and,
- Judicial Council Staff.

Workstream

The role of Workstream participants is to advise on various aspects of the VRI pilot project to ensure that:

- Statewide technical standards are well defined;
- Programmatic guidelines are validated; and,
- Leveraged Procurement Agreements with acceptable vendors are established.

Vendors

- A request for proposal (RFP) was posted on August 8, 2016;
- Four vendors submitted proposals; and
- Vendors provided demos of their products.

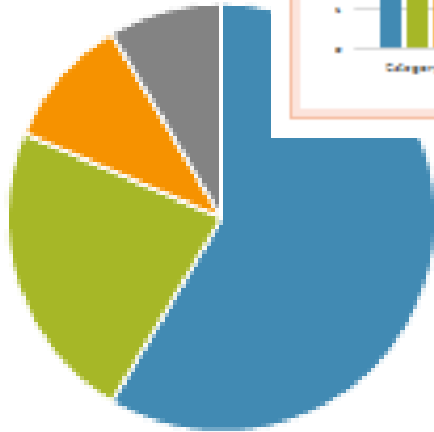
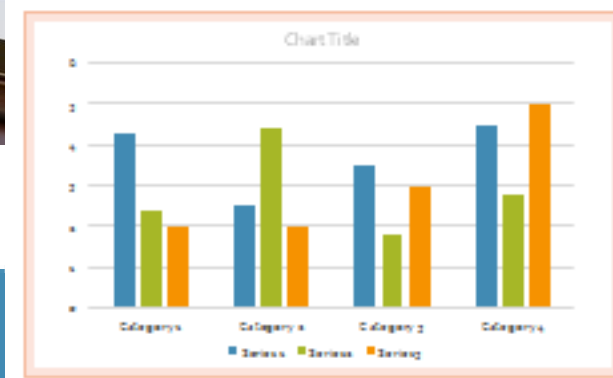


Vendors

Vendor Criteria included:

- Meeting minimum technical criteria set forth in the RFP;
- Implementation and ease of use;
- Scalability;
- Small Business/Disabled Veterans Business Enterprise (DVBE);
- Acceptance of Judicial Council Terms & Conditions; and,
- A cost evaluation.

Project Evaluation



The VRI pilot project will be evaluated by a neutral, outside, independent evaluator, who will collect data during the duration of the VRI Assessment Program.

Project Evaluation

Per the Language Access Plan, to the extent possible, the pilot will 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.

Next Steps

- Prepare and Kickoff VRI Assessment Program
- Pilot court preparations and site visits
- Development of training and evaluation



Questions & Answers