



# JUDICIAL COUNCIL OF CALIFORNIA

## LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

[www.courts.ca.gov/LAP.htm](http://www.courts.ca.gov/LAP.htm)  
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### LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

### MINUTES OF OPEN MEETING

October 17, 2016

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

In-Person Business Meeting

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**Advisory Body Members Present:** Hon. Mariano-Florentino Cuéllar, Chair, Hon. Manuel Covarrubias, Vice-Chair, Ms. Naomi Adelson, Hon. Steven Austin, Hon. Terence Bruiniers, Ms. Tracy Clark, Hon. Jonathan Conklin, Hon. Michelle Williams, Court, Hon. Janet Gaard, Ms. Ana Maria Garcia, Hon. Dennis Hayashi, Ms. Janet Hudec, Ms. Joann Lee, Ms. Ivette Peña, Hon. Rosendo Peña, Jr., Hon. Jonathan Renner, Mr. Michael Roddy, and Mr. José Varela,

**Advisory Body Members Absent:** Mr. Kevin Baker, Ms. Susan Marie Gonzalez, Ms. Oleksandra Johnson, Ms. Jeanine Tucker, Dr. Guadalupe Valdés, Hon. Brian Walsh, Mr. David Yamasaki, and Hon. Laurie Zelon

**Others Present:** Mr. Douglas Denton, Ms. Linda Foy, Mr. Scott Gardner, Ms. Diana Glick, Ms. Bonnie Hough, Ms. Olivia Lawrence, Ms. Cristina Llop, Mr. Bob Lowney, Ms. Anne Marx, Mr. Justin McBride, Ms. Angeline O'Donnell, Ms. Jacquie Ring, Mr. Victor Rodriguez, Ms. Virginia Sanders-Hinds, Ms. Sonia Sierra Wolf, and Ms. Elizabeth Tam-Helmuth.

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#### OPEN MEETING

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#### Call to Order and Roll Call

The Chair Justice Mariano-Florentino Cuéllar called the meeting to order at 11:00 a.m. and welcomed all to the public meeting of the Language Access Plan (LAP) Implementation Task Force (ITF or Task Force). Roll was taken.

#### Approval of Minutes

The Task Force unanimously approved the July 6, 2016 meeting minutes.

#### ITF Chairs Update

Justice Cuéllar shared the focus of today's meeting is the Task Force's ongoing efforts in language access implementation and engagement with stakeholders — LEP court users, interpreters, lawyers, bench officers, staff and the general public. He acknowledged the courts that have expanded language access in civil proceedings. Judge Manuel Covarrubias acknowledged and welcomed a special guest and the Court Interpreters Advisory Panel's (CIAP) new Chair, Judge Brian McCabe, Presiding Judge of Merced County Superior Court (Mr. Shawn Landry, Court Executive Officer of the Yolo County Superior Court, is CIAP's Co-Chair, and was not able to join this meeting today.) The Task Force's efforts dovetail with the work of

CIAP and we look forward to working with them and continuing the collaboration with CIAP and the Court Interpreters Program staff.

Judge Covarrubias welcomed two new Task Force members: Justice Rosendo Peña, Jr., Associate Justice of the Fifth District Court of Appeal, and Mr. David Yamasaki, Court Executive Officer of Santa Clara (now CEO of Orange Court, as of 12/2/2016).

Lastly, Mr. Douglas Denton was acknowledged and congratulated for his promotion to his new position as Supervisor for the Language Access Plan Strategy and Implementation Unit.

Throughout the summer, the Task Force's four subcommittees stayed focused and busy on efforts to implement recommendations from Phases 1 and 2 of the Language Access Plan. Justice Cuéllar offered a few highlights of the Task Force's second year of implementation and current opportunities:

1. Court Innovations Grant Program — 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. Grant applications are due October 31, 2016.
2. Budget Change Proposal (BCP). Our Language Access Budget Change Proposal for FY 2017-2018 is on track. It was sent to the Department of Finance in September 2016. The proposal includes a request for new funding on (1) a statewide recruitment initiative for qualified bilingual staff and court interpreters; (2) infrastructure support and non-VRI equipment to help support language access expansion; (3) a training and signage grant program; (4) standards development and training for bilingual staff and court interpreters; (5) video remote interpreting (VRI) pilot implementation and support; (6) form translation and multilingual videos; (7) development and maintenance of a living toolkit; and (8) monies for the Implementation Task Force.
3. The Task Force is already laying the foundation for a BCP request in FY 2018–19. We will be working actively with our Task Force members early in the process to solicit ideas and input for the next BCP.
4. We recently learned that the Legal Services Corporation presented a grant from its Pro Bono Innovation Fund worth more than \$400,000 to several state legal aid organizations last month. The grant is being split among the Legal Aid Foundation of Los Angeles, the Neighborhood Legal Services of Los Angeles County, and OneJustice.
5. The Task Force secured a 2016-17 language access agreement with the National Center for State Courts (NCSC) to continue the partnership and work on LAP Phase 2 deliverables, including: development of recommendations for courts regarding

appropriate signage and wayfinding strategies to assist LEP court users, and a follow up language access survey for courts to be conducted in 2017.

6. The Task Force continued to engage in dialogue with our stakeholders at various meetings, including: Trial Court Presiding Judges Advisory Committee/Court Executive Advisory Committee Statewide Business Meeting in early August to discuss implementation efforts; conversations with the Court Executive Advisory Committee (Chaired by Mr. Jake Chatters and Mr. Rick Feldstein) on the challenges and opportunities of language access implementation; and Regional Bargaining Chairs in late August 2016 to discuss the work of the Task Force, and to hear from the chairs from each of the four bargaining regions.

### **Subcommittee Chairs Update**

#### **Budget and LAP Monitoring Subcommittee (Judge Austin, Chair)**

Judge Austin reported on the distribution of a memorandum to courts in early September 2016, which highlighted the many new language access products that have been added to the *Language Access Toolkit* and the Judicial Resources Network, including a model complaint form and model procedures, and court web content guidance materials.

The Subcommittee and staff have been working to create a court language access reporting template to show the current status of civil expansion in the 58 superior courts. The courts are making great progress with civil expansion and we want to keep encouraging that progress.

Judge Austin also highlighted that the United States Justice Department announced in September 2016 that it has reached an agreement with the Los Angeles Superior Court (LASC) to ensure that limited English proficient (LEP) court users will have access to timely and accurate language assistance services. He acknowledged Sherri Carter, the entire LASC's bench and staff, including Ivette Peña, for this important milestone and their efforts.

#### **Technological Solutions Subcommittee (Justice Terence Bruiniers, Chair)**

**ITF Product Highlight:** Justice Terence Bruiniers provided an update to the Video Remote Interpreting (VRI) Pilot Project [INFORMATION ITEM ONLY]

The project currently has three pilot courts: Sacramento, Ventura and Merced Superior Courts. The pilot project now has 17 participants on the Pilot Project Workstream, an ad hoc team that has been formed to assist with the VRI Pilot. Their responsibilities include ensuring statewide technical standards are defined; programmatic guidelines are validated; and leveraged procurement agreements (LPAs) with acceptable vendors are established. The Workstream is made up of judicial officers, certified/registered court interpreters, court administrators and Judicial Council staff.

A Request for Proposal was posted in early August and four vendors submitted proposals and also, provided demonstrations of their products and services. [Three vendors were selected.] 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. Next steps: The staff will finalize selection and LPAs of the vendors in early January 2017, and will plan for the VRI Assessment Program, pilot court preparations and site visits, and development of training and evaluation.

### **Translation, Signage and Tools for the Courts Subcommittee (Mr. José Varela, Co-Chair)**

Mr. Jose Varela provided an update on the activities of the Subcommittee since the Task Force's last meeting and its plans for working on the LAP Phase 2 deliverables over the next 6 months. He also encouraged Task Force members to take a look at the *Language Access Toolkit* and provide feedback on the interface and what additional resources the courts would like to have available there.

Ms. Diana Glick, staff to the Subcommittee, introduced and welcomed its new Ad Hoc member, Ms. Berta Bejarano of Kaiser Permanente. Ms. Glick also provided an overview of findings from a recent site visit to the Kaiser Permanente San Leandro Medical Facility, which was hosted by Ms. Bejarano.

### **Language Access Education and Standards Subcommittee (Judge Janet Gaard and Ana Maria Garcia, Co-Chairs)**

Judge Gaard identified the top four priorities for the Subcommittee: judicial education, verifying interpreter credentials, ensuring minors are not used as interpreters, and avoiding appointing a person who has a conflict of interest to interpret. She was happy to report that the Subcommittee has made substantial progress on these priorities with tremendous support from CJER staff.

The Subcommittee developed and presented at the judicial college — which all new judges are required to attend — a new course for judicial officer on spoken language interpreters, including legal requirements and practical implementation on usage of interpreters. The Subcommittee convened a judicial working group to review and advise on educational materials it is developing (drawing from CJER committees that include criminal, civil, family and juvenile judicial officers). The Subcommittee is expecting to put together a working group consisting of court executive officers and court staff that will assist in reviewing materials.

### **National Center for State Courts Presentation**

Ms. Jacquie Ring shared with the Task Force the PowerPoint slides in the meeting materials on the current contract deliverables to date and also, reviewed the timeline of activities to be completed between now and June 30, 2017.

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## **DISCUSSION AND POSSIBLE ACTION ITEMS**

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**ITF Product Highlight:** Judicial Council-sponsored legislative proposal regarding provision of court interpreters in small claims proceedings [POSSIBLE ACTION ITEM]

Judge Austin reported on the efforts to prepare a legislative proposal for Judicial Council-sponsored legislation on the provision of court interpreters in small claims proceedings. This work addresses LAP Recommendations No. 71 and 72, by clarifying that courts may provide certified or registered interpreters, or provisionally qualified interpreters, in small claims actions, consistent with the language of Evidence Code section 756.

To address appropriate amendments to the Government Code section 68560.5(a) and Code of Civil Procedure section 116.550, as recommended by the LAP, staff worked with members of the Task Force to develop a proposal with amendments. The original proposal was approved by the Task Force on April 5, 2016 to go out for public comment. Once approved by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) on April 7, 2016, an Invitation to Comment regarding the proposed amendments was circulated for public comment during the summer 2016 cycle, from April 15, 2016 to June 14, 2016. The original proposal yielded 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.

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 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.

While the Subcommittee acknowledged the Civil and Small Claims Advisory Committee's concerns regarding timing (2018) and having access to adequate numbers of qualified interpreters to assist litigants in small claims matters, the Task Force is primarily guided by the recommendations of the LAP, which was approved by the Judicial Council in January 2015. The LAP recommendations clearly state that the statutory amendments are necessary, and will make clear that courts may provide qualified interpreters in small claims proceedings, similar to the requirements for all other court proceedings. 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.

The Subcommittee wanted to share the revised proposal with the Task Force members, due to the very tight timeline to meet the Judicial Council deadlines for 2018 legislation. The full Task Force can either provide feedback now or the staff can set up a phone call later in October to devote more time for a full discussion. However, if ready, the Task Force can take action and vote on the revised proposal.

Action taken: The Task Force discussed the proposal and unanimously approved the revised proposal for submission to the Policy Coordination and Liaison Committee.

**ITF Product Highlight:** Draft report by the Ad Hoc Working Group for Courts of Appeal and Supreme Court [ACTION ITEM]

Per LAP Recommendation No. 67, Justice Jonathan Renner shared the efforts by Ad Hoc Working Group to review the applicability of the LAP's 75 recommendation for adoption by the Courts of Appeal and Supreme Court. A draft report was shared with the Task Force (in meeting materials) summarizing the steps taken to implement the LAP's recommendation.

The Working Group requests the Task Force to approve their recommendations, in order to carry out the proposals for implementation within its purview. If approved, a report will be sent to the Judicial Council that will contain the recommendations and identify priorities, along with the recommended approach for oversight and implementation.

Action taken: The Task Force unanimously approved the recommendations to go to the Judicial Council regarding applicable parts of the LAP that should be adopted by the California Courts of Appeal and Supreme Court.

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#### **PUBLIC COMMENT**

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Public comments were provided by the California Federation of Interpreters, California Rural Legal Assistance, and Legal Services of Northern California. Comments included: recognition of language access expansion and implementation efforts; the need for uniformity of interpreter services in civil matters among trial courts throughout the state; the need for courts to update their web pages; and the need to focus on recruitment efforts of interpreters into the profession.

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#### **LUNCH AND SUBCOMMITTEE BREAKOUT GROUPS**

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

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#### **SUBCOMMITTEE UPDATE**

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##### **Subcommittee Update and 2016 Annual Agenda**

##### **Budget and LAP Monitoring (Judge Austin, Chair)**

Judge Austin reported the Subcommittee worked on potential grant ideas for the Court Innovations Grant Program.

The Subcommittee discussed the 2016 Annual Agenda and its assigned projects, including status and identified priorities. Its members had a good discussion about the reporting template and would like to target sharing the template with the courts soon.

Also, the Subcommittee held a joint discussion with the Language Access Education and Standards Subcommittee, NCSC and Court Interpreters Program staff re: NCSC's Deliverable 4: Recruitment strategies for court interpreters and bilingual staff, and strategies to help increase success on bilingual interpreting exam

### **Technological Solutions Subcommittee (Justice Terence Bruiniers, Chair)**

Justice Bruiniers reminded the Subcommittee members to encourage courts and other judicial contacts to submit applications for the Court Innovations Grant Program if they were considering projects.

The Subcommittee reviewed and discussed assigned LAP recommendations, including recommendations that are guided by the outcomes of the VRI Pilot Project.

Justice Bruiniers announced that pilot courts and vendors had been identified. He will work with technology and program staff to move forward to plan the logistics of the project (courtroom utilization, selection of equipment and training). Judge Conklin agreed to lead the efforts with judges' training, and working with CJER staff. The Workstream will be a part of the training development for judges, court interpreters, court staff, and court IT staff. A meeting will be scheduled with the pilot courts soon to begin discussions regarding courtroom, interpreter and endpoint selection.

### **Translation, Signage and Tools for the Courts Subcommittee (Mr. José Varela, Co-Chair)**

Mr. Varela reminded the Subcommittee members to encourage court representatives to consider proposing projects for the Court Innovation Grant Program.

The Subcommittee will continue to work with the NCSC on assigned deliverables for Phase 2. The Subcommittee is reviewing the NCSC's research and results containing best practices for signage, wayfinding and design for courthouses. It hopes to present a draft report to the Task Force at its next business meeting.

### **Language Access Education and Standards Subcommittee (Judge Janet Gaard, Chair and Ana Maria Garcia, Co-Chair)**

Mr. Bob Lowney reminded the Subcommittee members to encourage the courts to apply for the Court Innovation Grant Program.

Judge Gaard reported on the Subcommittee's review and discussion on various projects including: judicial branch training; creation of multilingual standardized videos; identification of

critical points of contact; training for interpreters; and addition of Ad Hoc members to the Subcommittee (application deadline is November 18).

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**CLOSING AND ADJOURNMENT**

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Judge Covarrubias thanked everyone for a productive meeting. The Task Force plans to hold a business meeting in January 2017 and also, we plan to hold a community outreach meeting in March 2017, possibly in the Imperial Valley. Please stay tuned.

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

Approved by the advisory body on January 30, 2017.