



JUDICIAL COUNCIL OF CALIFORNIA

LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

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

LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

MINUTES OF OPEN MEETING

January 30, 2017

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

In-Person Business Meeting

**Advisory Body
Members Present:**

Hon. Mariano-Florentino Cuéllar, Chair, Hon. Manuel Covarrubias, Vice-Chair, Ms. Naomi Adelson, Hon. Steven Austin, Mr. Kevin Baker, Hon. Terence Bruiniers, 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, Hon. Brian Walsh, and Mr. David Yamasaki.

**Advisory Body
Members Absent:**

Ms. Susan Marie Gonzalez, Ms. Jeanine Tucker, Dr. Guadalupe Valdés, and Hon. Laurie Zelon

Others Present:

Mr. Douglas Denton, Ms. Linda Foy, Mr. Scott Gardner, Ms. Diana Glick, Ms. Olivia Lawrence, Ms. Cristina Llop, Mr. Bob Lowney, Ms. Anne Marx, Mr. Justin McBride, Ms. Angeline O'Donnell, Ms. Jenny Phu, Ms. Jacquie Ring, Mr. Victor Rodriguez, and Ms. Sonia Sierra Wolf.

OPEN MEETING

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 October 17, 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. As of January 2017, the Task Force has completed 14 of those recommendations, and work on several of the other Phase 1 and Phase 2 recommendations is currently in progress. Many of the plan's recommendations will be ongoing efforts for the branch. He noted that March 2018 will mark three years since the Chief Justice formed the Task Force, and is pleased to share that by working hard and together since March 2015, we have accomplished a great amount of work with our courts and language access stakeholders. This includes making great strides in the areas of civil expansion, funding, education, technology, and establishment of the *Language Access Toolkit*.

Judge Manuel Covarrubias reported that planning is underway for the community outreach meeting, scheduled on March 14, 2017, in the Inland Empire's San Bernardino County (Rancho Cucamonga, California). Judicial Council staff is working on an exciting meeting agenda that will be informative, inclusive and engaging. Justice Cuéllar then offered a few highlights of the Task Force's implementation efforts to date, including:

1. **Budget Change Proposal (BCP):** The Task Force's BCP for FY 2017-18 was submitted to the Department of Finance in September 2016. The proposal included 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. The Governor's Proposed Budget for 2017 was released on January 10, 2017, and included spending authority of \$352,000 from the State Trial Court Improvement and Modernization Fund for two positions to support implementation of the VRI spoken language pilot. Also, \$490,000 in one-time monies from the existing Court Interpreter Fee Fund was proposed for the Court Interpreters Program to support interpreter services by expanding recruitment and testing efforts, and providing continuing education.

The Task Force funding requests for the other BCP items noted above did not achieve full success. Our plan is to put forth some of these items in the next BCP for FY 2018-19, which is already being developed. Staff is actively working with our Task Force members early in the BCP process to solicit ideas and input.

2. **Small Claims Legislation:** Justice Cuéllar acknowledged and thanked Judge Kenneth So of the Judicial Council Policy Coordination and Liaison Committee, Judge Raymond Cadei of the Civil and Small Claims Advisory Committee, Judge Covarrubias, Judge Austin, and Judicial Council staff for working collaboratively over the past couple of months to reach consensus regarding the timing of these proposed statutory amendments to include small claims proceedings within all other court proceedings for which qualified interpreters may be provided.
3. **Tracking of Language Access Costs:** Pursuant to LAP Recommendation 6, staff has worked to ensure that we can capture language access expenditures in the courts that are not currently reimbursed by the court interpreter fund (Trial Court Interpreter Fund 0150037) (for example, supervision costs, translations, signage, etc.). This data will prove useful for future BCPs and more accurate tracking of expenditures. The Phoenix Financial System has been modified to include new codes for this purpose and the change was effective January 1, 2017.

4. **Engagement with stakeholders in various meetings:** The Task Force engaged in dialogue with our stakeholders at various meetings, including: the Trial Court Presiding Judges Advisory Committee/Court Executive Advisory Committee Statewide Business Meeting held in early August to discuss implementation efforts; conversations with the Court Executive Advisory Committee (CEAC; chaired by Mr. Jake Chatters and Mr. Rick Feldstein) on the challenges and opportunities of language access implementation; and the Regional Bargaining Chairs meeting held 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)

- **Small Claims Legislation:** Judge Austin reported that in October 2016, the Task Force approved proposed amendments to Government Code section 68560.5(a) and Code of Civil Procedure section 116.550 to ensure that small claims matters are treated the same as all other court proceedings and receive qualified court interpreters as resources permit. These proposed statutory changes were recommended by LAP Recommendations #71 and #72. The statutory changes would have gone into effect in January 2018. Subsequent to our October meeting, the Civil and Small Claims Advisory Committee continued to express concerns about the timing of the new statutes, including that 2018 may be too early for courts to prepare and courts may not have an adequate supply of qualified court interpreters to assist litigants in small claims. Working with Justice Cuéllar, Judge Cadei, Judge So, and Judicial Council staff, we have reached an agreement with the Civil and Small Claims Advisory Committee to delay the legislative proposal for one year, and to work with the committee to send a co-sponsored proposal to the council's Policy and Coordination Liaison Committee (PCLC) in Fall 2017, with the goal of legislation that would take effect in 2019. The Task Force staff will be working closely with Civil and Small Claims Advisory Committee staff to form a working group to help courts prepare for these operational changes and to ensure that the new legislation stays on track for 2019. In the interim, we will encourage courts to continue to expand their court interpreter services into small claims prior to the new legislation taking effect in 2019.
- **Civil Reporting Template:** Judicial Council staff for the Task Force sent out a civil reporting template to all 58 superior courts on January 4, 2017, with responses due on January 25, 2017. As of January 20, 2017, 18 of 58 courts had responded. Information from the reporting template will help us to update the Civil Expansion graphic by March 2017, so we can discuss civil expansion progress at the March 14, 2017, community outreach meeting in more detail.
- **NCSC Follow-up Survey:** The NCSC has drafted survey questions for a March 2017 follow-up language access survey for the trial courts. The survey work by NCSC will also include targeted phone interviews with individual courts.

- **Draft Rules of Court:** The draft Rules of Court regarding Language Access Representatives and complaint form/procedures were approved by the Task Force in an action by e-mail and submitted to RUPRO staff on January 24, 2017. The draft rules are anticipated to go out for public comment later this year as part of the proposed 2018 rules cycle. We will keep the Task Force members apprised of progress.

Technological Solutions Subcommittee (Justice Terence Bruiniers, Chair)

Justice Terence Bruiniers introduced Lisa Crownover who is the new project manager for the Video Remote Interpreting (VRI) Pilot Project. Justice Bruiniers reported that Ms. Olivia Lawrence has visited the three pilot courts to discuss details of the project, which is on track with plans to go live in July with three equipment vendors (note: one vendor subsequently dropped out). Next month, there will be a meeting in Sacramento with the pilot courts and separately, a meeting with the District Attorney and Public Defender to discuss the pilot project. We have held a couple of meetings with the VRI Pilot Project Workstream, including a kick-off meeting. Staff plans to work with the Workstream to develop the training component with four tracks: court interpreters, judicial officers, court staff, and court IT staff.

In addition to the VRI pilot project, the subcommittee is working on identifying tools within existing Case Management Systems (CMSs) to identify language access needs of each case. A preliminary matrix is being put together and will be shared with the Task Force and then the courts so they are aware of the systems' capabilities.

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

Mr. Jose Varela reported that the subcommittee has been working closely with the National Center for State Courts on the Signage & Wayfinding report, which responds to two recommendations (LAP Recommendations #41 and #42) in the LAP regarding courthouse design and construction to enhance language access, multilingual signage, and wayfinding practices to facilitate language access. The subcommittee approved the checklists for site visits and phone interview questions that formed the basis for the report. They also reviewed an early draft of the report in November and provided feedback to the NCSC. Subcommittee staff reached out to the Judicial Council's Capital Projects and Facilities Management departments to better understand how the language access recommendations can best coordinate with current facilities standards. Their meeting was very positive and facilities/capital staff was supportive of the report's recommendations and expressed a willingness to work with our Task Force to implement them.

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

Judge Gaard reported that the subcommittee continues to work on judicial education regarding language access and working with interpreters. This includes working with its judicial workgroup on what they need and how best to get these products. The subcommittee will refine educational products and share them with judges and other bench officers to keep them informed. Later this afternoon, the subcommittee will prioritize the inventory of self-help videos and identify those for dubbing and translating into other languages. The subcommittee also will

make recommendations to the Judicial Council for appointment of ad hoc members to the subcommittee so that it may more effectively continue its work.

Joint Presentation: National Center for State Courts on California's Progress, and ITF Staff Presentation on Language Access Metrics

Mr. Douglas Denton and Ms. Olivia Lawrence provided a preview of language access data metrics, in advance of the March 14 Community Outreach meeting in San Bernardino County. A metrics report will be shared at the 3/14 meeting.

Ms. Jacquie Ring and Ms. Cristina Llop provided a presentation on California's progress on expansion of language access services, other states' various language access initiatives (including Colorado, Maryland, New Mexico, New York, Tennessee, Washington, D.C., and Wisconsin) and the national landscape and trends.

DISCUSSION AND POSSIBLE ACTION ITEMS

ITF Product Highlight: Draft report by the Translation, Signage and Tools for the Courts Subcommittee on recommendations and best practices for courts regarding current practices relating to building design, signage and wayfinding strategies. [ACTION ITEM]

Mr. Varela presented the draft report, "*Wayfinding and Signage Strategies for Language Access in the California Courts Report and Recommendations*," a collaboration with the NCSC. He acknowledged Contra Costa, Solano and San Bernardino Courts for hosting site visits. He highlighted universal icons and technology as an essential component of what signage can do. Electronic signage and screens can promote ease, flexibility and customization of signage and wayfinding strategies for courts.

Action taken: The Task Force unanimously approved the *Wayfinding and Signage Strategies for Language Access in the California Courts Report and Recommendations* report to go to the Judicial Council as an informational item.

PUBLIC COMMENT

Public comments were provided by Alameda County Superior Court Self-Help Center. The presenter spoke about the need to promote and increase the number of bilingual staff in family law services. Some court users are unable to navigate the linguistic (e.g., forms) portion of the court process due to illiteracy.

LUNCH AND SUBCOMMITTEE BREAKOUT GROUPS

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

SUBCOMMITTEE UPDATE

Subcommittee Update

Budget and LAP Monitoring (Judge Austin, Chair)

For the annual agenda, the Subcommittee will continue to work on several of its annual agenda projects, including development of requests for additional funding, recruitment strategies to help expand the pool of qualified court interpreters and bilingual staff and implementation of the LAP recommendations for the Courts of Appeal and Supreme Court. One new project for 2017 will be to start a review of and develop any recommendations or suggested modifications regarding the Trial Court Interpreter Employment and Labor Relations Act (LAP Recommendation #74), which is a potential long-term project. The subcommittee also discussed how to engage more with the various Language Access Representatives in the courts, to provide them with technical and other support, as needed.

Technological Solutions Subcommittee (Justice Terence Bruiniers, Chair)

On behalf of Justice Bruiniers, Judge Conklin reported the following:

- **Annual Agenda:** The subcommittee reviewed each project on the annual agenda and will work on existing projects, with additional new projects added.
- **BCP:** The subcommittee is suggesting a more focused approach to the BCP because of the long list of items that were denied the previous year. A request for funding of courtroom equipment after the conclusion of the VRI Pilot Project, once a full assessment of the pilot is conducted and available, was suggested.
- **Cataloging of Courtroom Equipment:** The subcommittee suggested that another advisory group (i.e., CEAC) sponsor legislation to allow the court interpreter fund to permit reimbursement to courts of courtroom/courthouse equipment (i.e., leveraging technology at the courthouse door).
- **Case Management System (CMS):** The subcommittee discussed the draft court interpreter functionality matrix for CMS based on findings from a survey, which is being led by Janet Hudec and Tracy Clark. Once finalized, the draft matrix will be shared with subcommittee members and then, to vendors for validation, before sharing it with the Task Force. If functionality (tracking of provision or denial of interpreter services) is available, one obstacle may be implementation and configuration for the various CMSs. The subcommittee will explore what technology is available to track interpreter services.

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

Mr. Varela reported the subcommittee discussed the sustainability of the Language Access Toolkit, which is currently a one-stop website for court employees looking for help and resources to improve language access in their courts. One concern is keeping the website going and continuing to provide this resource to our courts. The Subcommittee supports the Task Force efforts to request funding through the BCP to address the Toolkit and the need for non-VRI equipment (headsets) for interpreters.

The Subcommittee is focusing on three areas:

1. Working with the NCSC to finish up the signage recommendation with some sample signs that are edited for plain language and translated into several languages;

2. Developing a set of best practices for courts to follow in providing language access services when there are no bilingual staff available; and
3. Developing a set of best practices on the sharing of bilingual staff resources and the use of technology among courts for services provided outside the courtroom.

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

Judge Gaard reported the subcommittee will continue to work on existing annual agenda projects. The subcommittee has identified a comprehensive list of critical points of contact and is working with the workgroup of judicial officers to review the list (the subcommittee also plans to put together a workgroup of court executive officers and court managers to review the list and obtain their feedback). With the addition of ad hoc members, the subcommittee will work on recommendations regarding placement of staff at these critical points of contact and to determine the appropriate standards (of proficiency) for bilingual staff. The subcommittee received feedback from one of its members who is a court interpreter on the *Benchcard: Working with Court Interpreters in the Courtroom*, and the benchcard has been updated. Finally, the subcommittee reviewed and narrowed down the list of self-help videos to dub and translate into additional languages and will explore the cost for dubbing. The subcommittee realizes there is no budget and will consider getting others outside of the courts to assist in this project.

CLOSING AND ADJOURNMENT

Justice Cuéllar emphasized that 2017 is a crucial year as we finish as many Phase 1 and Phase 2 projects as possible, and begin to determine where the work of the Task Force may reside on a long-term basis with the branch after the Task Force concludes its 3- to 5-year charge regarding initial LAP implementation. Judge Covarrubias encouraged the Task Force members and the public to participate in our meetings, including the community outreach meeting on March 14.

There being no further business, the meeting was adjourned at 3:30 p.m.

Approved by the advisory body on May 10, 2017.