



JUDICIAL COUNCIL OF CALIFORNIA

LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

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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 [insert date].



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MINUTES OF COMMUNITY OUTREACH MEETING

March 14, 2017

10:00 a.m. to 1:00 p.m.

Vineyard Training Center

9607 Business Center Drive, Building 13, Suite B

Rancho Cucamonga, California 91730

**Advisory Body
Members Present:**

Hon. Mariano-Florentino Cuéllar, Chair, Hon. Manuel Covarrubias, Vice-Chair, Hon. Steven Austin, Ms. Angie Birchfield, Hon. Terence L. Bruiniers, Hon. Michelle Williams Court, Ms. Ana Maria Garcia, Hon. Dennis Hayashi, Ms. Janet Hudec, Ms. Joann Lee, Ms. Ivette Peña, Mr. Michael M. Roddy, Mr. David Yamasaki, and Hon. Laurie Zelon

**Advisory Body
Members Not
Present:**

Ms. Naomi Adelson, Mr. Kevin Baker, Ms. Tracy Clark, Hon. Jonathan Conklin, Hon. Janet Gaard, Ms. Susan Marie Gonzalez, Hon. Rosendo Peña, Hon. Jonathan Renner, Ms. Jeanine Tucker, Dr. Guadalupe Valdés, Mr. José Varela and Hon. Brian Walsh.

Others Present:

Ms. Paula Couselo-Findikoglu, Mr. Douglas Denton, Ms. Nancy Eberhardt, Ms. Susan Groves, Mr. W. Samuel Hamrick, Ms. Olivia Lawrence, Mr. Sean Lillywhite, Ms. Cristina Llop, Ms. Emy López Ms. Anne Marx, Ms. Cynthia Miranda, Ms. Irene Morales, Mr. Michael Planet, Ms. Jacquie Ring, Mr. Victor Rodriguez, Ms. Janice Shurlow, and Ms. Elizabeth Tam-Helmuth

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

Welcome and Introduction

The Chair, Supreme Court Justice Mariano-Florentino Cuéllar, welcomed everyone to the third community outreach meeting of the Language Access Plan (LAP) Implementation Task Force (ITF). Court Executive Officer Ms. Nancy Eberhardt of San Bernardino Court and her staff were recognized for hosting this meeting in Rancho Cucamonga. San Bernardino County is the largest county in the U.S. and has the most interpreted events in California outside of Los Angeles County. The chair welcomed Mr. Richard Park from the U.S. Department of Justice; other state language access representatives from Colorado and New Mexico; and the Language Access Representatives (and staff) from courts around the state, including Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Solano, and Tulare Courts.

Vice-Chair Hon. Manuel Covarrubias noted that community outreach meetings are a great opportunity for continued learning, to review language access progress made, and to identify challenges that exist.

SESSION ONE – LANGUAGE ACCESS EXPANSION: MEASURING STATEWIDE PROGRESS

Moderator: Hon. Steve Austin

Participants: Mr. Douglas Denton, Mr. Angie Birchfield, Mr. W. Samuel Hamrick, Ms. Irene Morales, and Ms. Ivette Peña

Mr. Douglas Denton (Supervising Analyst, Judicial Council) shared a Language Access Metrics Report, which was developed by staff and contains data to inform the day's discussion. The report provides a baseline of data and shows ongoing progress, including civil expansions, interpreter resources and usage, interpreter need by language, exam pass rates, and web analytics. The report was shared with the Department of Justice, all 50 states, and the 58 superior courts.

The graphic, *Court Progress in Providing Interpreters in Civil Cases* (as of December 31, 2016) shows that 47 courts now report full expansion (i.e., they provide interpreters in civil case types following the priority levels 1 through 8 dictated by statute in Evidence Code §756). The languages provided and the estimated interpreter coverage for each priority vary by court. Recent information gathered regarding each court's estimated coverage will help the Judicial Council with funding and other targeted efforts designed to help all 58 courts reach full expansion. The Task Force was successful, with the help of the Judicial Council, in securing an additional \$7 million for ongoing funding for interpreter reimbursements.

Ms. Ivette Peña (Court Counsel, Los Angeles Superior Court) shared that the Los Angeles Superior Court has focused on areas with the most limited English proficient (LEP) court users, including traffic matters. The court created an avatar call Gina for use on the traffic website to help litigants identify and resolve issues. It now provides services in six languages (English, Spanish, Chinese, Armenian, Vietnamese, and Korean). The court has a webpage to allow court users to schedule an appointment and request an interpreter for traffic court (the court has buttons online for court users to request an interpreter). Another great tool the court installed is traffic kiosks outside of the courthouse that accept cash 24 hours a day. Court users can access these services in the county's top six languages. The court has also created a portal for all court users in languages Other than Spanish (OTS) to request interpreters for all limited jurisdiction proceedings. The court is also working on expanding this feature to family law and probate. The court is working on launch of a Case Management System (CMS) to help with the early identification of LEP interpreter needs and to track interpreter usage throughout the life of the case. This CMS will help identify trends in usage, and includes a scheduling system for interpreters to allow for redirection of interpreters, resulting in less downtime. All new initiatives are anticipated to be in place by 2018.

Ms. Angie Birchfield (Independent Contractor Court Interpreter) shared her conversations with other court interpreters. A.B. 2370 is helping courts through its requirements for interpreters to provide their credentials on the record. Ms. Birchfield noted that she would like to see this used more in civil cases. She also noted that language expansion has increased the need for independent contractors to work in the courts. She stated that benchcards for judges and court staff on LEP rules have been helpful. Her biggest concern is the need for more interpreters in the OTS languages.

Mr. W. Samuel Hamrick (Court Executive Officer, Riverside Superior Court) referenced his prior work in federal court to illustrate how far California is ahead. He noted that only three languages are recognized in federal courts for certification (Spanish, Navajo, and Haitian Creole). There is also no continuing education in federal courts for interpreters. He noted that there is language access need in all places, at the front counter, in the collections counter, in the jury room, etc. He also noted that tension in the courtroom is relieved by adding a court interpreter. Riverside Court is at Priority Level 4, and is using interpreters in levels 5-8 as they are able. (The San Bernardino Court is similar in reaching these levels.) The Riverside Court hired interpreters in non-Spanish languages, such as two American Sign Language (ASL) interpreters. Also, Riverside is hiring an intermittent interpreter for Mandarin, and San Bernardino has a Vietnamese interpreter that is shared with Riverside.

Mr. Hamrick recommended continuing to look at real-time service, as much as we plan and calendar, to deal with the unexpected (urgent/last minute) requests for interpreter needs. The Court also has regional meetings to share information and make sure everyone on staff is up to date with language access and interpreter efforts.

Ms. Irene Morales (Executive Director, Inland Counties Legal Services) shared that there has been a dramatic change in the Inland Empire (Riverside and San Bernardino) with expansion efforts. All managing attorneys indicated that they can get Spanish interpreters and OTS languages if requested in advance. This goes a long way to making the civil justice system accessible. Ms. Morales reported that Asian populations have increased over the years (6-7% of the total now in both counties) and language access services are not reaching all communities (for example, the Hmong population). She also noted a need to explore Arab populations. She noted increased professionalism for certified interpreters and improved interactions with managing attorneys.

Judge Austin noted the challenges associated with estimating funding needs because better communication with LEP communities about services provided can increase the number of interpreters and other services utilized. There is a need to look at various ways to analyze data to assist with future projections. Ms. Peña stated that if there are further restrictions with immigration, individuals may be more reticent to come to court. She noted that recruitment continues to be a challenge and utilization is a challenge for OTS languages. She stated that it can be difficult to incentivize OTS interpreters when courts have a uniform payment structure.

Ms. Birchfield stated that there isn't enough interpreter coverage and the reason is mostly because of compensation. The private sector pays higher fees. Independent contractor rates haven't moved in over a decade, which is a big obstacle. Independent contractors are very willing and able to work in the courts, but the per diem rate is keeping them from doing so. She reported that some courts are still using non-certified interpreters, mostly because of compensation. This applies to both Spanish and OTS languages.

Judge Austin highlighted the new rule for using provisionally-qualified interpreters (Rule 2.893) includes language that encourages provisionally qualified interpreters to become certified or registered. Mr. Hamrick stated that part of the competition the court faces is that contract interpreters often have opportunities to do conference interpreting, which is more lucrative. The court needs to be able to compete with other paying assignments. He also noted the need to have additional funding to support the interpreter services, such as funding for language service

coordinators, supervisors, etc. There is a supply-side issue with recruitment because many people may not have ever thought of becoming an interpreter. Riverside Court is looking at going to high schools and getting the message out to the community about possible work. There are potential interpreters in the Inland Empire.

Ms. Morales noted that recruitment challenges are the same for legal services providers, especially for rural areas. There is a need for additional staff who speak needed languages, including OTS languages.

SESSION TWO – RECRUITMENT AND RETENTION – QUALIFIED INTERPRETERS AND BILINGUAL STAFF

Moderator: Hon. Manuel Covarrubias

Participants: Ms. Nancy Eberhardt, Ms. Emy López, Ms. Janet Hudec, Ms. Anne Marx, and Ms. Susan Groves

Judge Covarrubias noted that California currently has approximately 1,900 certified and registered interpreters. Around 1995, there were over 2,000 interpreters, with more than 1,500 interpreters in Spanish. During the listening sessions conducted by the Joint Working Group in the development of the Language Access Plan, court interpreters raised the concern that there would not be sufficient numbers of interpreters to meet civil expansion needs.

Ms. Janet Hudec (Court Employee Interpreter) explained there are a number of differences between bilingual staff and court interpreters. Bilingual staff are communicating at a conversational level. Interpreting is a skill set that is acquired through many years of training, education, and practice. It requires the three different modes of interpreting (consecutive, simultaneous, and sight translation). It is listening, processing, and delivering the message within a matter of seconds. Both bilingual staff and interpreters are important for language access planning since they are the conduits to bridge the gap for LEP court users. They allow the LEP person to be at an equal footing of anyone else that comes into court that day.

Ms. Eberhardt (Court Executive Officer, San Bernardino Superior Court) shared that San Bernardino Court currently has over 60 bilingual staff (mostly Spanish) at counters and public service areas. This is about 5% of the front line staff. The court does not limit where bilingual staff can work. The court assesses bilingual ability through a test provided by a company and conducted over the phone. If individuals pass, they are paid a premium. The court does not have continuing education for bilingual staff right now, but this could be a focus for the near future.

The court has an intranet of online resources and glossaries to assist with bilingual assistance. They encourage bilingual staff to go into the courtroom and see the process, which provides a more well-rounded education. The court needs to audit use of bilingual staff and know where they are working to identify if there are too many bilingual staff in one area and too few in another area. There are currently no local recruitment efforts for bilingual staff, but the court does go to career fairs, colleges, and military families to recruit court interpreters. They also provide information to students coming to court during Law Day.

Ms. Emy López (Administrator of the Office of Language Access, Colorado Judicial Department) reported that Colorado has a much smaller scale of interpreter resources than California. Currently, there are 30 certified interpreters on staff and about 80 Spanish

independent contractors who work in the courts each day. There are also over 200 OTS interpreters, in about 120 languages. They have two staff translators to help with document translation initiatives. Colorado's efforts focus on processes to certify and retain interpreters with limited funds. They have increased orientation and certification efforts to allow interpreters to prepare for testing free of charge. They absorb that cost through the Administrative Office. The state offers skills-building courses for those who go through orientation and pass the written exam. Additionally, two Saturdays of targeted training for Spanish candidates are provided, which has increased the pass rate on the interpreting exam. For those who fall right under the threshold for passing the test, Colorado used these individuals as qualified interpreters to work in events outside of the courtroom. This fosters practice and Colorado finds that people who are paid want to stay with the courts longer because they see that there is a future for them.

They use an internal telephone interpreting center to utilize independent contractors, which can provide more interpreting statewide and work for them. The state expanded to civil cases in 2011, which has expanded the work for interpreters. Colorado has pushed community events, job fairs, and events at other colleges to continually recruit interpreters in every language. The out of court area is the area with fastest growth. Colorado's case load is going down, but the need for interpreters in the out of court area is going up.

Ms. Susan Groves (Family Law Facilitator/Manager, San Diego Superior Court) reported that for out of court services, the self-help center assisted over 6,000 people in San Diego Court. Over 50% of their attorneys, paralegals, and court operations clerks are proficient in Spanish. The self-help center tries to put these people where they are most needed. They have a legal internship program, and the self-help center recruits from county law schools for internships and looks for students who speak OTS languages to assist. The Justice Corps program is funded through an AmeriCorps grant and Judicial Council funding. It recruits law students to provide services in self-help, and was expanded to San Diego County in 2007. The self-help center relies on the Justice Corps students and the language assistance that they provide is really helpful. Beginning in 2016, tracking shows 84% of language assistance is in Spanish; 7% ASL; 3% Russian, and 1% in a number of OTS languages (French, Korean, Arabic, Ukrainian, Hindi, and Vietnamese).

The San Diego Superior Court staff is multilingual and can speak Spanish, French, ASL, Tagalog and Arabic. The reduction in tension with a court user is visible when someone speaks the language. The self-help center encourages staff to take bilingual testing. Testing is available in Spanish using Spanish-speaking staff. In OTS languages, the self-help center has to rely on other direct supervisory techniques. The use of Language Select in the future will help convey to court users that they could come back to get additional assistance.

Ms. Anne Marx (Senior Analyst, Judicial Council) shared statewide work on recruitment efforts from the Court Interpreters Program (CIP). A hand-out illustrated the different levels of readiness for interpreter candidates and how long before individuals would be ready to be interpreters. CIP tries to target profile outreach and conduct certain kinds of training for individuals preparing to go into courts, as well as support the courts with outreach, such as providing materials that courts can use when they go out to an event. The proposed changes to forms for provisional qualification have turned into a piece of that strategy. The revised INT-

110 forms are a road map for preparation. The forms state that individuals should be testing, familiarizing themselves with ethics, be familiar with courts, etc.

Ms. Hudec reported that the private sector does pay a lot more (about 48% more) than the state courts pay, but it is not because it is a harder job. Court work can actually be more challenging than a deposition, because interpreters may be interpreting for multiple people, with background noise, switching from criminal to civil, and from mode to mode. If there is not a higher compensation for interpreters, the goals of the LAP may be undercut. She recommended that courts have mock trials to introduce the job of the interpreter. There is not a lot of outreach to universities. It is foreign to students to know that interpreting is a profession. There is no job fair for new interpreters so that they know what jobs are open. There needs to be a Judicial Council–centralized web posting to show jobs that are available in all the courts. There should be more explanation of full packages (medical, benefits, etc.) so interpreters know what jobs offer. Future recruitment efforts should look to the law enforcement profession which have hiring bonuses and different steps for career advancement. There should also be more outreach to interpreters in the medical profession and administrative professions. Courts offering stipends to clerks aspiring to become interpreters may encourage them to want to become interpreters. The courts and interpreter coordinators could check that non-certified interpreters are moving forward in the testing process, and don't give up.

Colorado is currently looking at providing premium pay for bilingual employees and starting to do testing. This is an important component for valuing the work. The state has requested an hourly pay increase for independent contract interpreters, which looks like it will go into effect January 2018. Colorado also conducts an annual compensation study for staff interpreters. The state tries to be able to provide free continuing education units every few months, which helps to maintain interpreters' skill set, which can be perishable.

Ms. Eberhardt noted that retention is a focus as well and compensation is an issue at San Bernardino Court. She referenced Jennifer de la Cruz — the Language Access Coordinator and managing interpreter in her court — who understands the needs of interpreters and looks at how we can promote interpreters in their career. She noted that it is important to let interpreters know what is going on in the courts, making sure that they have training and continuing education, and feel like they are a part of the team.

Ms. Groves mentioned looking at tuition reimbursement for language classes for bilingual staff, and providing them with legal terminology and an orientation when they are hired to think about court interpreting. In the Justice Corps program, the students get language training and there is information about a career in court interpreting. Several Justice Corps students expressed interest in a career in court interpreting.

Ms. Marx highlighted the availability of statewide oral proficiency exams (OPEs) that can be used by the courts. The exams are offered in English and 70 other languages. Individuals or courts could pay per language. A second Farsi skills building training is upcoming, as well as a near passers training. CIP has also started to talk about a centralized job board that would include jobs available for bilingual staff and jobs open for staff interpreters.

SESSION THREE – TECHNOLOGICAL SOLUTIONS AND ACCESSIBLE COURTHOUSES

Moderators: Hon. Terence Bruiniers and Hon. Laurie Zelon

Participants: Mr. Michael Planet, Ms. Paula Couselo-Findikoglu, Mr. Sean Lillywhite, and Ms. Janice Shurlow

Justice Bruiniers, Chair of the Task Force’s Technological Solutions Subcommittee, provided an update on current subcommittee efforts: (1) for the early identification of language access needs, the subcommittee has identified approximately 12 case management systems currently in use throughout the state. Though multiple courts may be on the same CMS, not all courts are using the same functionality. To capture language access needs and discover CMS capabilities, the subcommittee has created a preliminary matrix. The matrix is being circulated to vendors to see if capability has accurately been captured. (2) He reported on the progress of the Video Remote Interpreting (VRI) Pilot Project, which stems from LAP Recommendations 12–16. The pilot will collect data on due process issues and increase court user access to qualified court interpreters, especially in OTS languages, which have very limited resources. The pilot includes:

- Three pilot courts: Merced, Sacramento, and Ventura;
- Two vendors: Paras & Associates, and the Connected Justice Consortium; and
- Independent evaluator: San Diego State University Research Foundation

In February, the pilot courts, the evaluation consultant, and Judicial Council staff met in Sacramento to initiate the design phase of the pilot. Vendor contracts are in the final stages and will be executed soon. Once contracts are in place, vendors will also be conducting site visits to the pilot courts. A Workstream, comprised of subject matter experts, has also been formed to develop training in four tracks: interpreters, judges, court staff, and court IT staff. The Workstream will also help summarize pilot results and make recommendations to the council.

The subcommittee is hoping to have training and equipment in place in the three pilot courts by July 2017 in order to begin the 6-month equipment assessment period. Once the pilot courts have selected the VRI courtrooms and appropriate case events, the subcommittee will be able to finalize the VRI pilot design and the evaluation design. Data collection will take place during the course of the pilot, and will include an intensive observation period during a two-week period near the end of the pilot. In order to keep everyone informed of the project, a VRI web page has been created. The subcommittee will update the web page throughout the project.

Accessible Courthouses: Justice Laurie Zelon noted that the report, *Wayfinding and Signage Strategies for Language Access in the California Courts Report and Recommendations*, is the product of a collaboration between the National Center for State Courts (NCSC) and the Task Force’s Translation, Signage and Tools for the Courts Subcommittee. The report addresses LAP Recommendations 41 and 42. The NCSC conducted four site visits to local courts and ten phone interviews with staff from a variety of courts to explore the current use of bilingual and multilingual signage. They made a variety of findings and conclusions in the report.

Most multilingual signage currently in place is in Spanish and English. There is very little use of icons and symbols on court signage. Icons are being used in other environments (i.e., airports

and hospitals). Courts do have other strategies, such as the presence of bilingual staff at help desks, the use of “I-Speak” cards, and telephonic interpreter services.

Justice Zelon reported that several courts are using electronic queuing systems, which allow court users to take a number and be called for assistance from staff. These electronic systems allow for multilingual messages to be displayed. There is a lot of potential to use technology to help deliver information to LEP court users in multiple languages.

Recommendations in the report address amendments to the Judicial Council Facility Standards to account for language access considerations and continue to incorporate wayfinding and signage considerations into the courthouse design and construction process. There is also a recommendation to identify commonly understood icons and to enhance the use of icons to create signage that can be understood by court users regardless of their first language and reading level. Another recommendation is to use signage that has been designed for flexibility: signage that allows courts to modify the information, including electronic signs, and hybrid signs that combine a static element with the ability to add languages or allow for changes.

Justice Zelon reported that the subcommittee is currently working on a glossary of signage terms. The glossary will contain signage terms and phrases that are commonly used and standardized in all courts; any icons that are appropriate for signage throughout the court, such as those that identify restrooms, exit doors, and disability access services. Standard terms will be edited for plain language to make them as clear as possible for the public to understand. Once the signage statements and phrases are in plain English, they will be translated into eight additional languages.

VRI and Current Collaboration with Technologies: Mr. Michael Planet (Court Executive Officer, Ventura Superior Court) indicated that lessons learned in other settings are generally applicable for technology used across the courts. VRI is a viable tool when used properly and it is better for shorter hearings, not trials. The Information Technology (IT) infrastructure and court staff must be very strong on the receiving end, where training for judges and court staff has to be really good. For technology to add value, it has to be appropriate for the need, have top notch support, and be accompanied with training.

There is interest in monitors that run Google video chat for filing counters, self-help centers, and traffic windows to help answer basic questions. Also, there is interest in headsets that could handle a crowd, something people could listen in to for knowing their rights. Better digital audio is needed in courtrooms (the Ventura Superior Court recently upgraded the audio in the courtrooms). The quality of audio in the courtroom is critical to the work of court interpreters and court reporters.

As a member of the Future's Commission Technology Working Group, and as Vice Chair of the Technology Working Group, Mr. Planet visited Google, Microsoft, Cisco, and Siemens. Some applications available and in development will be game changers. Examples included chat boxes in over 100 languages and the utilization of technology for digital wayfinding assistance, as well

as document wizards to assist with filling out forms and signing forms, which could be essential for remote work. He also noted digital audio systems and the use of virtual reality, such as seeing a video remote interpreter.

Video Shown Regarding SHARP (Self Help and Referral Program): SHARP is a Self-Help Center in Butte, Tehama, and Glenn Counties that provides assistance to people who do not have attorneys. This short video shows how the SHARP program uses remote technology to help LEP court users access a person who can assist them in their language.

New Mexico's Language Access Training and Certification Program: Ms. Paula Couselo-Findikoglu (Senior Statewide Program Manager, Center for Language Access, Administrative Office of the Courts, New Mexico) presented on the language access training and certification program that was developed in 2009 with funding from the State Justice Institute (SJI). The purpose is to train bilingual employees to perform services outside of the courtroom as part of their regular work. It is a 12-week instructor-led program. It includes direct communication and it has an audio recording applet. Homework is done online and an instructor gives students feedback. The program also includes cultural competency and has continuing education requirements. New Mexico also has webinars and symposiums to share information on what is going on in the courtroom and they are currently working on a code of ethics. New Mexico offers a pay differential for bilingual employees. Over the past several years, the state has certified over 100 bilingual specialists for use outside of the courtroom. Languages have included Spanish, Mandarin, Polish, Navajo, and Karen.

Ms. Couselo-Findikoglu also presented a demonstration of a module of a self-paced training suite to train judiciary employees on the fundamentals of language access. This module is accessible over the internet and employees can also print everything that has been scripted. Used to train legislators, judges, and interpreters, New Mexico is currently working with other states to develop more modules to train court interpreters. Employees can be tracked and the modules are customizable. Right now the modules are state-neutral.

Orange Court, Tracking Tool: Mr. Sean Lillywhite (Analyst, Operations Support Division, Orange Superior Court) reported that Orange Court developed a tool to help with tracking interpreter and language use. The court was looking to develop this to work with other CMSs to address LAP Goal 1 regarding early identification of language needs. The court can reserve a court date for traffic and give the court user an opportunity to request an interpreter. The CMS identifies the need at the party level. Orange Court is also developing a tracking tool that can be used for court reporters.

Orange Court, My Court Card Portal: The Orange Court has launched an initiative to allow court users to create an account with the court, register for workshops, and also track their cases. This will allow the court user to also select their language of preference. It is also anticipated, as the court innovation grants are awarded, that the court can look at different kiosks as possible options. The court has a kiosk queuing system in civil court and they would like to add on an interpreter/language request capability.

Los Angeles Court, Document Assembly Programs to Provide Language Access: Ms. Janice Shurlow (Senior Attorney, Self-Help Program, Los Angeles Superior Court) shared that family

law is extremely form driven and almost all steps have forms. The Judicial Council has created forms in plain English to make it easier for self-represented litigants to fill out, but it can still be overwhelming for self-help users to fill these forms out. The Family Law Facilitator's Office started about 10 years ago to build document assembly programs. Instead of putting the form on the screen, interview questions are on the screen. Once the court user completes the interview, the program will complete the form. This is much easier for litigants since interviews are designed to be user-friendly. Los Angeles Court has over 53 different interviews that can be used.

In 2013, the Legislature mandated that all family law must have case management. Many self-help users do not serve the other party because they are in another country. The Hague Convention allows each country to set up a central authority and their own requirements in their country. Mexico requires that all documents must be translated into Spanish. This can be extremely difficult and expensive, so the Family Law Facilitator's Office created service of process via the Hague Convention. By working with legal partners and the Judicial Council, the Family Law Facilitator's Office was able to create a program to translate these documents. Now information can be put into a document assembly program and the program translates the information. This creates extensive time, accuracy, and efficiency savings for a litigant.

They are working with the Judicial Council to move beyond initial programs created. The current program still requires a volunteer to help with the assembly process in another language because the interviews are still in English. There is an effort now to get interviews translated so that person can answer the questions as they come through. Current efforts include getting divorce and paternity programs translated into Spanish. There is also interest into expansion of forms for foreign service into Chinese.

PUBLIC COMMENT

The Language Access Representative (LAR) from Santa Barbara Court provided public comment on the need for certified Spanish interpreters, Tagalog interpreters, and interpreters in indigenous languages from Oaxaca. She also stated that the compensation for court interpreters is a huge problem and one of the incentives for retention of interpreters is to offer continuing education courses. She offers a workshop on an "Introduction to Court Interpreting" to identify potential candidates for the profession. She plans to establish an internship program for college and high school students interested in court interpreting.

ADJOURNMENT

Justice Cuéllar thanked everyone for participating in today's meeting.

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

Approved by the advisory body on: [insert date].

**Implementation of Strategic Plan for Language Access in the California Courts
Potential Items for 2018–19 Budget Change Proposal (BCP) Funding Request**

Item	Prioritization
<p><i>Additional Funding for Court Interpreter Reimbursement Fund (Trial Court Trust Fund 0150037)</i> The appropriation for the court interpreter reimbursement fund (Trial Court Trust Fund or TCTF 0150037) was relatively static until Fiscal Year 2016-17, when the Governor added an additional \$7 million, ongoing, to assist the trial courts with the provision of court interpreters into all civil proceedings. To support court interpreter expenses and expansion efforts, the total Fiscal Year 2016-17 appropriation for the statewide court interpreter reimbursement fund is \$103,458,000. This includes the additional ongoing \$7 million dedicated to expansion of interpreters in civil proceedings. Since 2015, when courts began civil expansion efforts, the savings carried over in the court interpreter reimbursement fund has been reduced from \$13 million to approximately \$8.5 million. Courts have made great progress with civil expansion since 2015. The Task Force sent out a civil reporting template to all 58 courts in January 2017. As of December 2016, 47 of 58 courts are now able to provide court interpreters in all 8 civil priority levels that are dictated by statute (Evidence Code section 756). The languages provided, and the estimated interpreter coverage for each priority, vary by court. Recent information gathered by the Language Access Plan Implementation Task Force regarding each court’s estimated coverage will help the Judicial Council with funding and other targeted efforts designed to help all 58 courts reach full expansion. The Judicial Council will submit a Budget Change Proposal to the Department of Finance in September 2017 for an additional [\$2 to \$4 million TBD] to be added to the court interpreter reimbursement fund beginning in July 2018, ongoing, in order to allow all 58 trial courts to achieve further civil expansion and cover anticipated court interpreter expenses.</p>	
<p><i>Infrastructure Support and Non-VRI Equipment to Support Courts’ Language Access Expansion</i> Funding would support courts’ added infrastructure costs that are not currently covered by the Trial Court Trust Fund (TCTF) Program 0150037 fund (previously identified as Program 45.45 fund). With the courts’ expansion of interpreter services into civil proceedings, under the Language Access Plan or LAP (including the administration of approximately \$103.5 million in court interpreter services for FY 2016-17 in the TCTF Program 0150037 fund), the courts are now faced with increased oversight of interpreters and unanticipated additional infrastructure expenses. Implementation of the LAP needs to be adequately funded so the expansion of language access services will not impair other court services as courts do not receive reimbursements for infrastructure costs of language access services. Court administrators are working with the bench to educate them on working with a limited number of interpreters and the need for scheduling considerations as the demand and need for interpreter services increases, especially in matters requiring other than Spanish (OTS) interpreters. Courts cannot continue to absorb these increasing language access costs without a new dedicated fund source. In order for the courts to fully expand language access services and fully implement the LAP, additional funding is paramount to pay for unanticipated, additional non-Program 0150037 services related to the language access expansion, such as court interpreter supervision, coordination or scheduling of staff, translation of key documents for limited English proficient (LEP) court users, bilingual pay-differentials to hire and retain qualified bilingual staff, and language access-related equipment. In addition, the current</p>	

**Implementation of Strategic Plan for Language Access in the California Courts
Potential Items for 2018–19 Budget Change Proposal (BCP) Funding Request**

Item	Prioritization
<p>language access expansion effort taking place in the courts requires courts to have updated/upgraded quality interpreter wireless communication equipment and headsets which enable court interpreters to work more efficiently with LEP parties and witnesses.</p> <p>The Judicial Council seeks \$2,696,000 (in FY 2018-19) and \$2,000,000 (in FY 2019-20) to cover costs for all 58 courts for the estimated range of additional funding needs for full expansion beyond court interpreter costs, by court size. The estimated amounts were provided in response to a 2017 survey (NCSC) of the trial courts that indicated their need for additional funding.</p>	
<p><i>Signage Grant Program for Trial Courts</i></p> <p>The LAP recommends multilingual signage and wayfinding throughout the courthouse to assist LEP court users with navigation throughout the courthouse (Recommendations 39 and 42). Goal 4 of the LAP provides that, “The Judicial Council, assisted by the courts, will identify best practices and resources for the highest quality of document translation and court signage in all appropriate languages.” The report, “Wayfinding and Signage Strategies for Language Access in the California Courts” describes the current use of multilingual signage in the courts and sets forth a series of recommendations to assist the courts in implementing best practices for courthouse design, signage and wayfinding. The report was approved by the Language Access Plan Implementation Task Force on January 30, 2017 and will be presented to the Judicial Council in May 2017. As recommended in the report, the LAPITF is also developing a glossary of signage terms that will contain standardized plain language signage terms, appropriate icons and translations into eight languages.</p> <p>Because there is currently no dedicated funding source for signage needs, courts are not able to absorb the costs associated with recommended levels of signage.</p> <p>The Judicial Council requests \$1,000,000 to support these LAP recommendations (Recommendation Nos. 39, 42). Because each court has different needs regarding signage, the money will be set up as a grant program with the intent to provide courts the necessary flexibility to address the most pressing needs particular to their court. During implementation of the Signage Grant Program, the council will evaluate its success, and will highlight and report on best practices and successful, innovative efforts.</p>	

**Implementation of Strategic Plan for Language Access in the California Courts
Potential Items for 2018–19 Budget Change Proposal (BCP) Funding Request**

Item	Prioritization
<p><i>Development and Maintenance of the Language Access Online Toolkit</i> Funding is requested for the development and maintenance of an online presence for disseminating the work of the LAP Implementation Task Force and supporting local courts in their efforts to provide language access to LEP court users. The Task Force has generated a number of important tools for courts and has developed an initial framework for a centralized access point and repository for all language access resources and materials. The additional funding would be used to build out the site for full functionality for courts and add sections for LEP court users who speak one of the top eight languages in California with information on the statewide and local levels in their language, including information sheets, videos and other resources.</p> <p>The Judicial Council requests \$49,000 in one-time funds for contractor assistance to build out the site.</p>	
<p><i>Judicial Council Staffing</i> This request will also seek \$371,000 in funding for the establishment of 2.0 full-time equivalent (FTE) positions at the Judicial Council: 1.0 FTE Analyst to support improvements and maintenance to the Language Access Toolkit, and 1.0 FTE Analyst to manage funding under two of the new items identified above: disbursement of funding for a Signage Grant Program, and reimbursement to courts for non-court interpreter language access expenses that are reimbursable to courts under an Infrastructure Support and Non-VRI Equipment Program to Support Courts' Language Access Expansion.</p>	

