



# JUDICIAL COUNCIL OF CALIFORNIA

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LANGUAGE ACCESS PLAN  
IMPLEMENTATION TASK FORCE

## **Language Access Plan Implementation Task Force (LAPITF)**

### **Open Meeting Materials Index**

**January 30, 2018, 11:00 a.m. – 4:00 p.m.**

1. January 30, 2018 Task Force Meeting Notice
2. January 30, 2018 Task Force Meeting Agenda
3. Language Access Implementation Update (January 2018)
4. Draft Minutes from August 9, 2017 Task Force Meeting, held via Conference Call
5. Model Complaint Packet (California Rules of Court, Rule 2.850, Language Access Representatives and Rule 2.851, Language Access Complaints)
6. Video Remote Interpreting Pilot Project PowerPoint Presentation
7. Points of Contact for Limited English Proficiency (LEP) Court Users
8. PowerPoint Presentation: Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom
9. Report: Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom (January 2018)
10. Proposed Draft Rule 1.300, Language Access Services Outside the Courtroom
11. Draft Invitation to Comment to Adopt Rule 1.300



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[www.courts.ca.gov/LAP.htm](http://www.courts.ca.gov/LAP.htm)  
[LAP@jud.ca.gov](mailto:LAP@jud.ca.gov)

## NOTICE OF OPEN MEETING OF THE LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

### THE OPEN SESSION MEETING WILL BE CONDUCTED BY ELECTRONIC MEANS.

We will provide a live audiocast and videocast of the meeting, as well as closed captioning (in English and Spanish), on the Language Access webpage: <http://www.courts.ca.gov/languageaccess.htm>

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**Meeting Date:** January 30, 2018  
**Time:** 11 a.m. – 4 p.m.

**Location:** Ronald M. George State Office Complex  
William C. Vickrey Judicial Council Conference Center  
Malcolm M. Lucas Board Room, Third Floor  
455 Golden Gate Avenue, San Francisco, California 94102

**Public Call-In**  
**Number:** 1-877-820-7831/Pass code: 6139679 (Listen Only)

In accordance with California Rules of Court, rule 10.75(k)(1), public notice is hereby given that the Language Access Plan Implementation Task Force will hold a meeting on January 30, 2018, from 11 a.m. to 4 p.m. at the Judicial Council Conference Center, 455 Golden Gate Avenue, 3rd Floor, San Francisco, California 94102. A copy of the agenda for this meeting will be available on the advisory body web pages on the California Courts website listed above.

### Public Comment

In accordance with California Rules of Court, rule 10.75(k)(2), members of the public may directly address the advisory body about agenda items during the January 30, 2018, open session. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

**Note:** Members of the public requesting to speak during the public comment portion of the meetings must place their name, the name of the organization that they represent (if any), and the agenda item that the public comment will address on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least 30 minutes prior to the start of the open meeting.

**Written Comment**

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [LAP@jud.ca.gov](mailto:LAP@jud.ca.gov) or mailed or delivered to Language Access Plan Implementation Task Force, c/o Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102 attention: Elizabeth Tam-Helmuth. We will only provide written comments received by 11:00 a.m. on Monday, January 29, 2018, to advisory body members.

**Audio Recording**

Members of the public seeking to make an audio recording of the open portion of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [LAP@jud.ca.gov](mailto:LAP@jud.ca.gov).

**ADA Accommodations/Spoken Language Services**

To request special accommodations in accordance with the Americans with Disabilities Act, please contact the advisory body at [LAP@jud.ca.gov](mailto:LAP@jud.ca.gov) at least 10 business days before the meeting. If spoken language services and listening equipment are required, please email us your request at [LAP@jud.ca.gov](mailto:LAP@jud.ca.gov) no later than January 16, 2018.

**Posted on: January 9, 2018**



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## LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE OPEN MEETING AGENDA

**Open to the public unless indicated otherwise.**

**We will record the open portion of this meeting.**

We will provide a live audiocast and videocast of the meeting, as well as closed captioning (in English and Spanish) on the Language Access webpage:

<http://www.courts.ca.gov/languageaccess.htm>

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**Date:** January 30, 2018  
**Time:** 11:00 a.m. – 4:00 p.m.

**Location:** Ronald M. George State Office Complex  
William C. Vickrey Judicial Council Conference Center  
Malcolm M. Lucas Board Room, Third Floor  
455 Golden Gate Avenue, San Francisco, California 94102

**Public Call-In**

**Number:** 1-877-820-7831/Passcode: 6139679 (Listen Only)

We will post meeting materials for open portions of the meeting on the advisory body web page on the California Courts website at least three business days before the meeting.

We have numbered agenda items for identification purposes only, and we will not necessarily consider them in the indicated order or listed times.

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

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**11:00 a.m. Call to Order and Roll Call**

**Approval of Minutes**

Approve Minutes of Open Meeting from August 9, 2017, Language Access Plan (LAP) Implementation Task Force (ITF) meeting (via conference call).

**11:15 a.m. Meeting Overview and ITF Chairs Update**

The ITF Chairs will provide updates regarding LAP implementation and an overview of today's meeting, including subcommittee discussion of the ITF's 2018 Annual Agenda.

Presenters: Justice Mariano-Florentino Cuéllar (Chair) and Judge Manuel Covarrubias (Vice Chair)

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**II. DISCUSSION AND POSSIBLE ACTION ITEM(S)**

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**11:30 a.m. ITF Subcommittee Chairs Update and Product Highlights [INFORMATIONAL AND ACTION ITEMS]**

The ITF Subcommittee Chairs will provide brief updates on LAP Phase 1 and/or Phase 2 projects, and/or will present recent language access products completed for Task Force approval.

Budget and LAP Monitoring Subcommittee

**Item 1: California Rules of Court, Rules 2.850 and 2.851 [INFORMATIONAL ITEM]**

The Budget and LAP Monitoring Subcommittee will present an informational update on California Rules of Court 2.850 (language access representatives) and 2.851 (language access services complaints).

Presenter: Judge Steve Austin

Technological Solutions Subcommittee

**Item 2: Video Remote Interpreting (VRI) Pilot Project [INFORMATIONAL ITEM]**

The Technological Solutions Subcommittee will present an informational update on the status of the Video Remote Interpreting Pilot Project.

Presenter: Justice Terence Bruiniers

Language Access Education and Standards Subcommittee

**Item 3: Court Interpreter Online Orientation [INFORMATIONAL ITEM];**

**Item 4: Points of Contact and Appropriate Levels of Language Access Proficiency [ACTION ITEM]**

The Language Access Education and Standards Subcommittee will present an informational update on changes made to the Court Interpreter Online Orientation. The subcommittee also requests that the Task Force approve a points of contact document that outlines the appropriate language standards and language access necessary, as well as resources, to help court staff meet the needs of LEP court users at critical points of contact.

Presenters: Judge Manuel Covarrubias and Ms. Ana Maria Garcia

Translation, Signage and Tools for Courts Subcommittee

**Item 5: Proposed Report: “Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom” [ACTION ITEM];**

**Item 6: Draft California Rules of Court, rule 1.300, and Draft Invitation to Comment [ACTION ITEM]**

The Translation, Signage and Tools for the Courts Subcommittee requests that the Task Force approve the draft report, *Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom – January 2018*, and an Invitation to Comment for a proposed new rule of court, Rule 1.300, regarding language access services outside the courtroom.

Presenters: Justice Laurie Zelon and Mr. Jose Varela

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**III. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75 (C)(2))**

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**12:30 p.m. Public Comment**

Members of the public requesting to speak during the public comment portion of the meeting must place their name, the name of the organization that they represent (if any), and the agenda item that the public comment will address on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at or before 10:30 a.m. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comments, time may not permit all persons requesting to speak to be heard at this meeting.

**Written Comment**

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to LAP@jud.ca.gov or mailed or delivered to Language Access Plan Implementation Task Force, c/o Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102 attention: Elizabeth Tam-Helmuth. Only written comments received by 11 a.m. on Monday, January 29, 2018, will be provided to advisory body members prior to the start of the meeting.

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**1:00 PM 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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**IV. DISCUSSION AND POSSIBLE ACTION ITEMS**

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**3:00 p.m.      Priorities for 2018 Annual Agenda**

The ITF will reconvene and the Subcommittee Chairs will give a brief report regarding subcommittee priorities and projects for 2018.

Presenters: Judge Steven Austin, Justice Terence Bruiniers, Justice Laurie Zelon and Judge Manuel Covarrubias

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**V. ADJOURNMENT**

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**3:30 p.m. – 4:00 p.m.    Adjourn**

## Language Access in the California Courts – Implementation Update

More than 200 languages and dialects are spoken in California, with nearly 7 million Californians (19%) reporting that they speak English “less than very well.” Without proper language assistance, limited-English-proficient (LEP) court users may be excluded from meaningful participation in the judicial court process.

### Background and a Strategic Plan for Language Access

On January 22, 2015, the Judicial Council adopted the [Strategic Plan for Language Access in the California Courts](#), which provides a consistent statewide approach to ensure language access for all limited English proficient (LEP) court users in all 58 superior courts.

In March 2015, the Chief Justice formed the Language Access Plan Implementation Task Force—chaired by Supreme Court Justice Mariano-Florentino-Cuéllar—which advises the council on implementing the recommendations contained in the *Strategic Plan*. These recommendations address the needs of LEP court users both *in court* (access to interpreters) and *out of court* (multilingual signage, translated resources and in-language assistance), with the goal of full language access to the courts and to the legal system for all Californians.

### Highlights of Task Force Achievements (2017)

Since 2015, the Task Force has made significant progress toward implementing the 75 recommendations contained in the *Strategic Plan*, including the following 2017 achievements:

- ✓ **Civil Expansion.** A survey conducted by Judicial Council staff in 2017 indicated that as of December 31, 2016, more than 80% of courts now provide court interpreters for critical civil cases, which include domestic violence, unlawful detainer, and termination of parental rights. In September 2015, only nine courts (15.5% of 58 courts) provided interpreters in all civil case types.
- ✓ **New Rules of Court.** The Language Access Plan Implementation Task Force (LAPITF) developed two new California Rules of Court, both effective on January 1, 2018. Rule 2.850 requires each superior court to designate a Language Access Representative (LAR). The LAR will serve as the language access resource for court users, judicial officers and court staff, and will be responsible for receiving and responding to any court user complaints or suggestions regarding the language access services provided by the court. Language Access Services staff hosts a webinar every other month with the LARs to provide regular updates and facilitate the sharing of best practices. Rule 2.851 requires each superior court to establish a language access services complaint form and process by December 31, 2018.
- ✓ **Small Claims Legislation.** The LAPITF and Civil and Small Claims Advisory Committee submitted a joint proposal in November 2017 to the Policy Coordination and Liaison Committee recommending that the Judicial Council sponsor legislation to amend Government Code section 68560.5(a) and Civil Code of Procedure section 116.550 to



## Language Access in the California Courts – Implementation Update

make clear that—as resources permit—courts should provide interpreters in small claims actions. The Judicial Council is currently seeking an author for the proposed legislation, which will have an effective date of January 2019.

- ✓ **Video Remote Interpreting (VRI) Pilot Project.** In 2017, the foundation was laid for a project to pilot VRI with spoken-language court interpreters in three pilot courts (Merced, Sacramento and Ventura). As of December 2017, two equipment vendors have almost completed equipment installation in all three courts. Training has been scheduled for January 2018. The pilot will then go live for six months (January–July 2018), data will be collected, and the pilot will be independently evaluated by the San Diego State University Research Foundation.
- ✓ **Glossary of Signage Terms and Protocol for Assisting LEP Court Users.** In June 2017, the Task Force published a glossary of standard signage and wayfinding terms and recommended icons for use in court facilities. The terms have been edited for plain language and translated into ten languages. The glossary is available on the Language Access Toolkit: <http://www.courts.ca.gov/lap-toolkit-courts.htm>. Also in June 2017, the Task Force published a protocol and action guide for court employees to follow in assisting LEP court users when bilingual staff members are not available: <http://www.courts.ca.gov/33868.htm>.
- ✓ **Training Curriculum for Bilingual Staff and Court Interpreters.** In 2017, the National Center for State Courts (NCSC) worked with the LAPITF to develop curriculum for bilingual staff and court interpreters working in civil cases.
- ✓ **Language Access Representatives (LARs).** With the establishment of a network of Language Access Representatives in courts across the state, regular meetings were conducted in 2017 (and will continue in 2018) with the 58 LARs to discuss language access expansion and best practices/guidance regarding language access services.

### Next Steps for the Task Force

- **Interpreter Coverage in Civil Matters.** The Task Force will continue to seek funding for language access expansion and to support efforts that grow the pool of qualified interpreters available to courts to achieve full coverage in civil matters.
- **Courthouse Design, Signage and Wayfinding.** Based on identified best practices for multilingual signage and wayfinding strategies, the Task Force will support courts in their efforts to translate signage and implement wayfinding approaches to ensure that all LEP court users have full access to courthouse buildings.

## Language Access in the California Courts – Implementation Update

- **Updates and Improvements to the [Language Access Toolkit](#).** The Toolkit currently serves as a resource for judicial employees to enhance language access in the local courts and better serve their LEP court users. In addition to developing a process to provide regular updates to the site and add new resources as they become available, staff will explore the possibility of developing toolkit pages that aggregate multilingual legal information for LEP court users.
- **Small Claims Legislation.** During 2018, Judicial Council staff will work on preparing notices, training, and other support for courts in anticipation of new 2019 statutes regarding the provision of court interpreters in small claims matters.
- **VRI Pilot.** Following the VRI pilot, findings and recommendations will be developed for the Judicial Council.
- **Training Curriculum for Bilingual Staff and Court Interpreters.** In 2018, Judicial Council staff will take the curricula created by the NCSC and develop online training for bilingual staff and court interpreters on civil cases. Staff will determine how best to disseminate this online training to courts and court interpreters. Training for court interpreters regarding remote interpreting is being developed in conjunction with the VRI Pilot Project.
- **Rule of Court for the Provision of Language Services Outside the Courtroom.** Judicial Council staff are developing a rule of court that will provide clear guidance on the provision of language assistance in court-ordered programs and services.
- **Community Outreach.** The LAPITF anticipates that it will hold another Community Outreach Meeting to hear from stakeholders and to discuss language access issues in April 2018 in Sacramento, California (Date TBD).

For more information: <http://www.courts.ca.gov/languageaccess.htm>



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## LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

### MINUTES OF OPEN MEETING

August 9, 2017

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

Business Meeting, via Conference Call

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**Advisory Body Members Present:** Hon. Mariano-Florentino Cuéllar; Chair; Hon. Manuel Covarrubias, Vice-Chair; Hon. Steven Austin; Mr. Kevin Baker; Ms. Angie Birchfield; Hon. Terence Bruiniers; Ms. Tracy Clark; Hon. Jonathan Conklin; Hon. Dennis Hayashi; Ms. Janet Hudec; Ms. Joann Lee; Ms. Ivette Peña; Hon. Rosendo Peña; Hon. Jonathan Renner; Dr. Guadalupe Valdés; Mr. José Varela; Hon. Brian Walsh; Mr. David Yamasaki; and Hon. Laurie Zelon

**Advisory Body Members Absent:** Ms. Naomi Adelson; Hon. Michelle Williams Court; Hon. Janet Gaard; Ms. Ana Maria Garcia; Ms. Susan Marie Gonzalez; Mr. Michael Roddy; and Ms. Jeanine Tucker

**Others Present:** Ms. Lisa Crownover; Mr. Douglas Denton; Mr. Scott Gardner; Ms. Diana Glick; Ms. Jennifer Kim; Ms. Mary Ann Koory; Ms. Olivia Lawrence; Mr. Bob Lowney; Ms. Susan McMullan; Ms. Jenny Phu; Mr. Victor Rodriguez; Ms. Christy Simons; and Ms. Elizabeth Tam-Helmuth.

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

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

##### **Approval of Minutes**

The Task Force unanimously approved the May 10, 2017 meeting minutes.

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#### DISCUSSION AND POSSIBLE ACTION ITEMS

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##### **Revised Draft of Proposed Rules of Court, Rule 2.850 and Rule 2.851 [ACTION ITEM]**

Justice Cuéllar updated the Task Force on public comments received and revisions made to proposed California Rules of Court, Rule 2.850 (Language Access Representative) and Rule 2.851 (Language Access Complaints).

Rule 2.850 requires that each superior court designate a Language Access Representative to serve as the language access resource for all court users, as well as court staff and judicial officers. Rule 2.851 requires each court to establish a complaint form and procedures to allow LEP court users to submit a complaint to the Language Access Representative about the court's provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations.

Earlier this year, staff drafted the Invitation to Comment (ITC) for two new Rules of Court, Rule 2.850 and Rules 2.851. The Task Force approved the ITC on January 20, 2017 to go to the Judicial Council's Rules and Project Committee (RUPRO). At its February 24 meeting, RUPRO approved the ITC to go out for public comment. The public comment period was February 27 to April 28, 2017.

The Task Force did not receive any public comment to proposed Rule 2.850. As of January 2016, each of the 58 superior courts has already designated a Language Access Representative. The rule will make clear that this is an ongoing requirement for courts.

Regarding proposed Rule 2.851, the Task Force received a total of 12 public comments from various stakeholders, including individual courts, legal services providers, the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judge Advisory Committee (TCPJAC) and the Court Interpreters Executive Advisory Committee (CEAC).

Judge Steve Austin provided a summary of the public comments received. In response to commentator suggestions, the following changes were made to Rule 2.851:

- The proposed rule has been modified to include the following language: **“Language access complaints may be submitted orally or in other written formats; however, use of the court’s local form is encouraged to ensure tracking and that complainants provide full information to the court.”**
- The proposed rule has been modified to indicate that the complaint form should, “Be made available **for free** both in hard copy at the courthouse and online on the courts’ website, where court users can complete the form online and then submit to the court by hand, postal mail or e-mail;”
- The proposed rule has been modified to say that the form used by the court should, “Include the court’s mailing address and an e-mail contact to show court users how they may submit a language access complaint;”
- The proposed rule has been modified to say, “...Court user complaints regarding denial of court interpreter **for a courtroom proceeding for pending cases** should be...”
- The proposed rule has been modified to say, “The court must report to the Judicial Council on an **annual** basis the number and kinds of complaints received, the resolution status of all complaints, and any additional information about complaints requested by Judicial Council staff to facilitate the monitoring of the Strategic Plan for Language Access in the California Courts.”

Legal services providers and other commentators provided a number of suggestions that will require clarification of the scope and intent of the rule and the language access complaint process:

- **The language access complaint process is administrative in nature and complaints will not be included in case files.** As with any court user complaint, courts will maintain court records and maintain the privacy of individuals who submitted a complaint outside the context of the complaint.
- **Complaints must be submitted in English.** To assist court users, the Judicial Council plans to translate the model form into the state's top eight languages. It will be up to local courts to determine if the form should be translated into additional languages based on their local population needs.
- **The language access complaint process is meant to be administrative in nature, not adjudicative.** The Task Force does not recommend instituting a higher level of review or publishing outcomes of complaints. Because language access complaints are administrative in nature, they do not require judicial review.
- Only when needed, additional information regarding language access complaint(s) will be limited to Judicial Council staff asking the court for clarification regarding the nature of the specific complaint(s) received.

Additional changes were made in response to comments and suggestions from the JRS, including adding language as follows:

- Courts must implement this rule as soon as reasonably possible but no later than December 31, 2018.
- We relaxed the time requirements for courts to respond to language access complaints.
- We added clarification language to the advisory body notes:
- If a complaint alleges action against a court employee that could lead to discipline, the court will process the complaint consistent with the court's applicable Memoranda of Understanding, personnel policies, and/or rules.
- **Subdivision (d)(2) and (d)(5)** For non-complicated language access-related complaints that can be resolved quickly, a written response to complainant indicating that the complaint has been resolved will suffice as both acknowledgement of the complaint and notice of outcome.
- **Subdivision (d)(5)** When appropriate, a written response to complainant indicating that the language access complaint has been resolved will suffice as notice of outcome. Courts should maintain the privacy of individuals named in the complaint.
- **Subdivision (d)(7)** Reporting to the Judicial Council regarding the overall numbers, kinds and disposition of language access-related complaints will not include the names of individuals or any other information that may compromise an individual's privacy concerns.

In addition to the above changes to Rule 2.851 and the model procedures, and in response to commentator suggestions, the following changes will also be made to the model complaint form:

- The model form will be revised to include more space for descriptions.
- Page two of the model complaint form will be modified as suggested to say, "Other problem with court staff related to language access:"

Some Task Force members expressed concern that the complaint rule did not strike the right balance, specifically with regard to the English-only provision and other concerns shared by legal services providers through the public comment process. Justice Cuellar pointed out that the rule does not require that complaints must be submitted in English only. The Judicial Council plans to translate the model complaint form into the state's top eight languages. The courts may translate the complaint form into additional languages based on their local population needs.

Judge Austin emphasized that significant outreach efforts were made over the past several months and internal discussions were held with Justice Cuéllar, Judge Brian McCabe (Chair of the Court Interpreters Advisory Panel), the co-chairs of the JRS, and Judicial Council staff in order to be responsive to everyone's feedback and to revise the complaint rule accordingly. The goal is to maintain the purpose of the rule, which is to allow LEP court users or their advocates to submit a language access complaint to the courts in order to address any language access concerns. The new rule will provide a framework for consistent practices across all 58 superior courts and will ensure that each court must establish a complaint form and process by the end of 2018.

Justice Cuéllar shared the Task Force will need to approve the revised proposal before it is submitted to the Rules and Projects (RUPRO) Committee in September 2017 (and, if approved by RUPRO, the proposal will then be submitted to the Judicial Council in November 2017 for their review and approval.

**Action Taken:** The Task Force voted unanimously (19–0) in favor of Rule 2.850, and voted (16–3) in favor of Rule 2.851.

**Judicial Council-Sponsored Legislative Proposal to Amend Government Code §68560.5(a) and Code of Civil Procedure §116.550 [ACTION ITEM]**

Justice Cuéllar and Judge Manuel Covarrubias updated the Task Force on a revised Invitation to Comment (ITC) for a joint proposal between the Task Force and the Civil and Small Claims Advisory Committee to amend Government Code section 68560.5(a) and Code of Civil Procedure section 116.550 regarding the provision of court interpreters in small claims matters. The goal is to include this proposal in the Judicial Council-sponsored 2018 legislation, with an effective date of January 1, 2019.

Judge Covarrubias reported that in April 2016, the Task Force prepared a draft proposal/Invitation to Comment to amend Government Code section 68560.5(a) and Code of Civil Procedure section 116.550 regarding the provision of court interpreters in small claims matters. The Policy Coordination and Liaison Committee (PCLC) approved the Invitation to Comment to go out for public comment from April 14 to June 15, 2016. In October 2016, the Task Force approved a revised proposal to go on to PCLC; however, the Civil and Small Claims Advisory Committee requested that we postpone the proposal for one year, so that compromise language could be developed.

A small Task Force Working Group was formed with the Civil and Small Claims Advisory Committee to work towards resubmitting a proposal on the small claims legislation this fall, for 2018 legislation, to take effect January 1, 2019. At its July 13, 2017 meeting, members of the

working group came to a consensus on revisions to Code of Civil Procedure section 116.550.

The agreed upon, revised text for CCP § 116.550 includes language that permits courts to use certified and registered interpreters in small claims, and recommends that courts follow the provisional qualification process if a certified or registered interpreter is not available. It allows the court to use a temporary interpreter to assist during a small claims hearing if an attempt to secure a certified/registered or provisionally qualified interpreter is not available and the matter was postponed, or at the first hearing if the judge similarly determines that use of a temporary interpreter is appropriate, depending on the complexity of the case.

Separately, CIAP has worked on a revised Rule of Court, rule 2.893 that provides more guidance regarding the use of temporary interpreters. That rule change is scheduled to go into effect January 1, 2018. Once CCP § 116.550 goes into effect, there may be minor additional changes that need to be made to Rule 2.893 to ensure the rule conforms to the statute.

Next steps: If the Task Force approves the proposal today (and also, the Civil and Small Claims Advisory Committee approves the proposal at its meeting on August 16, 2017), then the Invitation to Comment will move forward to the PCLC for approval on September 14, 2017. If PCLC approves the proposal, it will go out for public comment, for one month, from September 15 to October 13, 2017. Staff will then respond to comments received and revise the proposal. The Task Force will have to approve the proposal again before it goes back to PCLC in November 2017, and then on to the Judicial Council in January 2018.

**Action Taken:** The proposal was unanimously approved by the Task Force to go to the Policy Coordination and Liaison Committee for approval to go out for public comment.

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#### CLOSING AND ADJOURNMENT

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Before concluding the meeting, Justice Cuéllar reminded everyone of the Task Force's three- to five-year charge to implement the Language Access Plan. To date, the Task Force has completed 24 out of 75 of the LAP's recommendations. Several more LAP recommendations are on track for completion by March 2018.

Justice Cuéllar has asked Judge Covarrubias to lead a new Working Group, with one member designated from each of our four subcommittees, to focus on addressing long-term and ongoing LAP recommendations — including those that we might not otherwise be able to fully implement in the next 12-24 months — and to advise the Task Force on any short-term solutions to help with implementation. He emphasized that this working group will complement the subcommittee work now taking place to finish its 2017 Annual Agenda projects, which remains a high priority.

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

Approved by the advisory body on [insert date]



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## **Model Language Access Services Complaint Form Packet (As of January 2018)**

### **Item Description**

1. Model Complaint Form and Instructions for LEP Court Users
2. Model Recommended Procedures to Process and Respond to Complaints
3. California Rules of Court, Rules 2.850 and 2.851
4. Chart: Responding to Common Language Access Services Complaints





# Language Access Services Complaint Form



Superior Court of California, County of [\[insert your county here\]](#)  
[\[local physical address\]](#)

 [\[insert local url\]](#)

 [\[insert local phone number\]](#)

 [\[insert local email\]](#)

## Instructions

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The California courts want all Californians, including those who do not speak English well, to have access to the courts. If you have a complaint about language access services at a local court, or if you would like to provide feedback about language access services, fill out and turn in the complaint form.

Please keep the following in mind:

- If you need language access services for an active court case, send us your complaint as soon as possible.
- Fill in as much information as you can. *You do not have to give your name*, but it is helpful to know how to contact you so we can get more information if needed.
- You can use the form to provide comments or suggestions about language access services.
- Language access complaints may be submitted orally or in other written formats. However, use of the court's local form is encouraged to ensure tracking and that the court received full information of the complaint.
- Filing a complaint will not negatively affect your court cases or the services you get at the court.
- Your complaint will NOT become a part of your case file or part of your case.
- If you are making this complaint on behalf of someone else, fill out the information of the person we should contact about the complaint.
- You can fill out the form and turn it in at your local courthouse by hand, postal mail or e-mail it at the addresses below. You can also fill it out and turn it in online.

**For complaints about services at your local court** related to staff, court interpreters, or local translations, fill out and mail or e-mail your complaint form to:

Superior Court of California,  
County of [\[insert your county here\]](#)  
Attn: Language Access Representative  
Address Line 1  
Address Line 2  
E-mail: [\[insert local email\]](#)

The form is available for free both in hard copy at the courthouse and online on the court's website.

**For complaints about the Judicial Council's services**—Judicial Council meetings, forms, or other translated material hosted on [www.courts.ca.gov](http://www.courts.ca.gov) — **do not use this form**. Please go to [www.courts.ca.gov/languageaccess.htm](http://www.courts.ca.gov/languageaccess.htm) to submit your complaint.

*Thank you for taking the time to let us know how we are doing, and for helping us to improve our language access services for all Californians.*



# Language Access Services Complaint Form

Fill out this form to complain about language access services in the California courts. Provide as much detail as possible. You do not *have to* give your name or contact information if you do not want to, but it will help us investigate your complaint.


Your complaint will NOT become a part of your case file. Do not use this form if you have a complaint about the outcome of your case.

If you want to provide other comments and suggestions (not a complaint), fill out Part 2 of this form, under “Give Us Feedback.”


## Information about Person with Complaint:

Today's date: \_\_\_\_\_

Name: \_\_\_\_\_

 Telephone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

 E-mail: \_\_\_\_\_

Primary language you speak: \_\_\_\_\_

Primary language you write: \_\_\_\_\_

Best contact method:  mail  e-mail  phone

## If you are filling out this form for another person, please provide your contact information below:

Today's date: \_\_\_\_\_

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

 Telephone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

 E-mail: \_\_\_\_\_

Primary language you speak: \_\_\_\_\_

Primary language you write: \_\_\_\_\_

Best contact method:  mail  e-mail  phone

## PART 1. Describe the Complaint

Check and fill out all that apply.

I asked for an **interpreter** but did not get one.

Tell us when (date) and where (location) this happened: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Case number (if any): \_\_\_\_\_

I am not satisfied with the services of the **interpreter**.

Name of the interpreter: \_\_\_\_\_

Interpreter badge #: \_\_\_\_\_ Date of interpreter service: \_\_\_\_\_

Location: \_\_\_\_\_ Case number (if any): \_\_\_\_\_

Why were you not satisfied with the interpreter services? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other problem with **court staff** related to language access.

Date of incident: \_\_\_\_\_

Name of staff person: \_\_\_\_\_

Department: \_\_\_\_\_

Describe incident: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The **form** I need is not in my language.

Give form number, name, or description: \_\_\_\_\_

\_\_\_\_\_

The **information** I need is not in my language.

Specify what information you need translated: \_\_\_\_\_

\_\_\_\_\_

The translation of the form or information I received has **mistakes**.

Describe document or information: \_\_\_\_\_

Describe mistakes: \_\_\_\_\_

Other complaint related to language access.

\_\_\_\_\_

Have you complained to another agency about this problem?  Yes  No

If Yes, provide the name of the agency: \_\_\_\_\_

\_\_\_\_\_

Add any other information that may help us review your complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## PART 2. Give Us Feedback

Other comments or suggestions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank you. We will contact you within **60 days** of receiving this form.

You can fill out the form and turn it in at your local courthouse by hand, postal mail or e-mail it at the addresses below.

Superior Court of California, County of [\[list your county here\]](#)

[\[local physical address\]](#)



[\[insert local url\]](#)



[\[insert local tel\]](#)



[\[insert local email\]](#)

**Note: The following language could be provided by the court to the individual submitting the complaint via e-mail or as an automatic online response if submitting it online.**

### Your complaint or comments have been submitted.

We will contact you within **60 days** of receiving your complaint or comments.

We may need to contact you using the contact information you provided.

If your complaint, comments, or suggestions are about an issue not related to language access services, we will send it to the appropriate court, agency, or department.

## **Recommended Procedures: Language access services complaint form and general requirements for submitting and responding to complaints**

The following are suggested procedures that courts can adapt for their own use in processing language access complaints. The *Strategic Plan for Language Access in the California Courts*, adopted by the Judicial Council in January 2015, recommends that each court will produce and make available a single form on which court users may register a complaint about the provision of, or the failure to provide, language access. To support the plan's recommendations, the Judicial Council will be asked to approve Rules 2.850 (Language Access Representatives) and 2.851 (Language Access Services Complaints). The Language Access Representative serves as a language access resource to court users and court staff, and will receive and process court user complaints regarding language access. Under Rule 2.851 (Language Access Services Complaints), courts must implement Rule 2.851 (and establish a language access services complaint form and related procedures to respond to language access complaints) as soon as reasonably possible, but no later than December 31, 2018.

The language access services complaint form will allow court users to submit language access complaints regarding court services that relate to staff or court interpreters, court staff or to local translations. The form, written in plain language, should be available for free both in hard copy at the courthouse and online on the courts' web page(s), and may be downloaded for printing and completion by court users in writing. Courts may choose to model their form on the model statewide Language Access Services Complaint form prepared by the Judicial Council. Language access complaints may be submitted orally or in other written formats. However, use of the court's local form is encouraged to ensure tracking and that complainants provide full information to the court. Courts may translate the form into additional languages based on their local population needs.

Complaints regarding Judicial Council services that relate to Judicial Council meetings, forms or other translated material hosted on [www.courts.ca.gov](http://www.courts.ca.gov), should be submitted directly to the Judicial Council by visiting the council's Language Access page: [www.courts.ca.gov/languageaccess.htm](http://www.courts.ca.gov/languageaccess.htm)

Courts may decide whether notices for court users should include language regarding court user complaints.

### **(a) Submission and referral of local language access complaints**

Once a language access services complaint form has been completed, the form should be submitted or referred to the court as indicated below:

- (1) Court Services: Language access complaints regarding court services that relate to staff or court interpreters, or to local translations, should be

submitted to the court at issue by turning in by hand, postal mail or emailing a filled out language access complaint form to the court's designated Language Access Representative. The language access services complaint form for courts should clearly state the court's mailing address and the contact information for the court's designated Language Access Representative.

The court's Language Access Representative must be given notice of the complaint and an opportunity to respond.

- (2) Anonymous complaints: Anonymous complaints may be submitted but will not receive acknowledgement of receipt or a notice of final action.
- (3) Complaints submitted to wrong location: A complaint will not be dismissed because it was submitted to the improper entity. The receiving entity should immediately forward the complaint to the appropriate (to the extent it can be determined) court or Judicial Council for its review and resolution.
- (4) If a complaint alleges action against a court employee that could lead to discipline, the court will process the complaint consistent with the court's applicable Memoranda of Understanding, personnel policies, and/or rules.
- (5) Court user complaints regarding language access that relate to Judicial Council meetings, forms or other translated material hosted on [www.courts.ca.gov](http://www.courts.ca.gov), should be submitted directly to the Judicial Council at [www.courts.ca.gov/languageaccess.htm](http://www.courts.ca.gov/languageaccess.htm).

#### **(b) Acknowledgment of complaint**

Except where the complaint is submitted anonymously, within 30 days after the complaint is received, the court's Language Access Representative should send the complainant a written acknowledgment that the court has received the complaint. For non-complicated language access-related complaints that can be resolved quickly, a written response to complainant indicating that the complaint has been resolved will suffice as both acknowledgement of the complaint and notice of outcome. Courts should maintain the privacy of individuals named in the complaint.

#### **(c) Preliminary review and disposition of complaints**

Priority should be given to immediately address and respond to court user complaints regarding denial of a court interpreter for pending cases. Within 60 days, the court's Language Access Representative should conduct a preliminary review of all complaints to determine whether the complaint can be informally resolved or closed, or whether the complaint warrants additional investigation. Court user complaints regarding denial of a court interpreter for a courtroom proceeding for pending cases should be given priority.

**(d) Procedure for complaints not resolved through the preliminary review**

If a complaint cannot be resolved through the preliminary review process within 60 days, the court's Language Access Representative should inform complainant that the complaint warrants additional review.

**(e) Notice of final action**

- (1) Within 60 days after receipt of the complaint, the court must send the complainant notice of the final action taken on complaints that can be resolved during the preliminary review period. Courts should maintain the privacy of individuals named in the complaint.
- (2) If the complaint was not closed during the preliminary review period, the court must send notice of the final action to the complainant upon completion of a review.
- (3) For noncomplicated language access-related complaints that can be resolved quickly, a written response to the complainant indicating the complaint has been resolved will suffice as both acknowledgement of the complaint and notice of outcome.

**(f) Dissatisfaction with outcome**

If a complainant is dissatisfied with the final action taken on his or her complaint, within 90 days of the date the court sends notice, he or she may submit a written follow-up statement to the Language Access Representative indicating that he or she is dissatisfied with the outcome of the complaint. The follow-up statement should be brief, specify the basis of the disagreement, and describe the reasons the complainant believes the court's action lacks merit. For example, the statement should indicate why the complainant disagrees with the notice of outcome or believes that he or she did not receive an adequate explanation in the notice of outcome. The court's response to any follow-up statement submitted by complainant after receipt of the notice of outcome will be the final action taken by the court on the complaint.

**(g) Promptness**

The court must process complaints promptly.

**(h) Records of complaints**

The court and Judicial Council should maintain information about each complaint and its disposition to identify any history or patterns of complaints submitted under this rule. The court must report to the Judicial Council on an annual basis the number and kinds of complaints received, the resolution status of all complaints and any additional information about complaints requested by Judicial Council staff to facilitate the monitoring of the *Strategic Plan for Language Access in the California Courts*.

Reporting to the Judicial Council regarding the overall numbers, kinds and disposition of

language access-related complaints will not include the names of individuals or any other information that may compromise an individual's privacy concerns. The council anticipates that it will begin asking courts for information regarding language access complaints later in 2018 (however, please note that courts will have until December 31, 2018 to implement the provisions of Rule 2.851). The kind of information requested by the council will include (TBD) the following:

Please indicate the total number of complaints received for the following areas within the last twelve months:

<b>Kind of complaint</b>	<b>Number of complaints received</b>
Interpreter not provided	
Quality of interpretation not satisfactory	
Form/information not translated	
Quality of translation not satisfactory	
Other (please explain)	
<i>Total Number of Complaints Received</i>	

For complaints received, please describe the status of the dispositions reported above:

<b>Disposition Status</b>	<b>Number of complaints resolved or pending</b>
Complaints resolved within 30 days	
Complaints resolved within 60 days	
Resolution status pending	
<i>Total Number of Complaints Resolved or Pending (total should match total number of complaints received)</i>	

**(i) Complaints regarding court interpreters**

For Phase 2 of implementation, pursuant to LAP Recommendation 64, the Professional Standards and Ethics Subcommittee of the Court Interpreters Advisory Panel (CIAP) is currently developing a process by which the quality and accuracy of an interpreter's skills and adherence to ethical requirements can be reviewed. The Task Force is partnering with the Professional Standards and Ethics Subcommittee of CIAP, as appropriate, to ensure consistency between (1) the model complaint form and proposed rules, and (2) CIAP's development of related policies and procedures regarding interpreter review and discipline. The National Center for State Courts (NCSC) is working in consultation with the Judicial Council staff to assist the CIAP on LAP Recommendation 64, but their work is not anticipated to be completed, including any public comment and revision regarding new rules or procedures, until 2019 or 2020.



Pending completion of the court interpreter review and/or disciplinary process being undertaken by the CIAP, courts should continue to handle court interpreter complaints under their existing procedures and those to be adopted pursuant to the rule. Courts are encouraged to consult the Judicial Council's Court Interpreters Program for guidance if a substantiated complaint rises to a level that may require corrective action, including revoking a court interpreter's status as a certified or registered interpreter. Court interpreter complaints that rise to this level are rare, but a court should address and remedy such complaints following their existing procedures, working closely with the staff at the Judicial Council, as appropriate.

**(j) Acceptance/translation of non-English complaints**

Some courts may find that having language access complaints submitted in English may expedite processing, but the Task Force recognizes the importance of not placing court users who are limited-English speakers in a position where — because of limited English proficiency — they are not able to submit a complaint in English. Depending on their available translation resources, individual courts should consider whether they can most effectively meet the needs of court users by accepting language access complaints in specified non-English languages, or, if they are unable to do so, by helping LEP individuals complete and submit the court's language access complaint form in English. For example, if resources are available, the court can provide either in-person or telephonic language access assistance to help a LEP individual fill out and submit the language access complaint form in English. Moreover, to assist court users, the Judicial Council plans to translate the model form into at least the state's top eight languages. It will be at the discretion of local courts to determine if the form should be translated into additional languages based on their local population needs.

**(k) Privacy and recordkeeping**

Courts should maintain the privacy of individuals named in the complaint. Language access services complaints will not become part of case files. However, it is recommended that the Language Access Representative maintain copies of language access services complaints to assist with any future reporting to the Judicial Council, or in case there are future follow-up questions regarding a particular language access services complaint.

Rules 2.850 and 2.851 of the California Rules of Court are adopted, effective January 1, 2018, to read:

1 **Title 2. Trial Court Rules**

2  
3 **Chapter 4. Language Access**

4  
5 **Article 1. General Provisions**

6  
7  
8 **Rule 2.850. Language Access Representative**

9  
10 **(a) Designation of Language Access Representative**

11  
12 The court in each county will designate a Language Access Representative. That  
13 function can be assigned to a specific job classification or office within the court.

14  
15 **(b) Duties**

16  
17 The Language Access Representative will serve as the court’s language access  
18 resource for all court users, as well as court staff and judicial officers, and should  
19 be familiar with all the language access services the court provides; access and  
20 disseminate all of the court’s multilingual written information as requested; and  
21 help limited English proficient (LEP) court users and court staff locate language  
22 access resources.

23  
24 **Advisory Committee Comment**

25  
26 Subdivision (a), see Recommendation No. 25 of the [Strategic Plan for Language Access in](#)  
27 [the California Courts](#), adopted by the Judicial Council on January 22, 2015.

28  
29 **Rule 2.851. Language access services complaints**

30  
31 **(a) Purpose**

32  
33 The purpose of this rule is to ensure that each superior court makes available a form  
34 on which court users may submit a complaint about the provision of, or the failure  
35 to provide, language access and that each court has procedures for handling those  
36 complaints. Courts must implement this rule as soon as reasonably possible but no  
37 later than December 31, 2018.

38  
39 **(b) Complaint form and procedures required**

40  
41 Each superior court must adopt a language access services complaint form and  
42 complaint procedures that are consistent with this rule.

1  
2 **(c) Minimum requirement for complaint form**

3  
4 The language access services complaint form adopted by the court must meet the  
5 following minimum requirements:

- 6  
7 (1) Be written in plain language;  
8  
9 (2) Allow court users to submit complaints about how the court provided or  
10 failed to provide language services;  
11  
12 (3) Allow court users to specify whether the complaint relates to court  
13 interpreters, other staff, or local translations;  
14  
15 (4) Include the court's mailing address and an e-mail contact to show court users  
16 how they may submit a language access complaint;  
17  
18 (5) Be made available for free both in hard copy at the courthouse and online on  
19 the courts' website, where court users can complete the form online and then  
20 submit to the court by hand, postal mail, or e-mail; and  
21  
22 (6) Be made available in the languages spoken by significant portions of the  
23 county population.

24  
25 **(d) General requirements for complaint procedures**

26  
27 The complaint procedures adopted by the court must provide for the following:

- 28  
29 (1) Submission and referral of local language access complaints  
30  
31 (A) Language access complaints may be submitted anonymously.  
32  
33 (B) Language access complaints may be submitted orally or in other written  
34 formats; however, use of the court's local form is encouraged to ensure  
35 tracking and that complainants provide full information to the court.  
36  
37 (C) Language access complaints regarding local court services should be  
38 submitted to the court's designated Language Access Representative.  
39  
40 (D) A complaint submitted to the improper entity must immediately be  
41 forwarded to the appropriate court, if that can be determined, or, where  
42 appropriate, to the Judicial Council.  
43

1           (2) Acknowledgment of complaint

2  
3           Except where the complaint is submitted anonymously, within 30 days after  
4           the complaint is received, the court's Language Access Representative must  
5           send the complainant a written acknowledgment that the court has received  
6           the complaint.

7  
8           (3) Preliminary review and disposition of complaints

9  
10           Within 60 days after receipt of the complaint, the court's Language Access  
11           Representative should conduct a preliminary review of every complaint to  
12           determine whether the complaint can be informally resolved or closed, or  
13           whether the complaint warrants additional investigation. Court user  
14           complaints regarding denial of a court interpreter for a courtroom proceeding  
15           for pending cases should be given priority.

16  
17           (4) Procedure for complaints not resolved through the preliminary review

18  
19           If a complaint cannot be resolved through the preliminary review process  
20           within 60 days after receipt of the complaint, the court's Language Access  
21           Representative should inform the complainant (if identified) that the  
22           complaint warrants additional review.

23  
24           (5) Notice of outcome

25  
26           Except where the complaint is submitted anonymously, the court must send  
27           the complainant notice of the outcome taken on the complaint.

28  
29           (6) Promptness

30  
31           The court must process complaints promptly.

32  
33           (7) Records of complaints

34  
35           The court should maintain information about each complaint and its  
36           disposition. The court must report to the Judicial Council on an annual basis  
37           the number and kinds of complaints received, the resolution status of all  
38           complaints, and any additional information about complaints requested by  
39           Judicial Council staff to facilitate the monitoring of the Strategic Plan for  
40           Language Access in the California Courts.

41  
42           (8) Disagreement (Disputing) Notice of Outcome

1  
2 If a complainant disagrees with the notice of the outcome taken on his or her  
3 complaint, within 90 days of the date the court sends the notice of outcome,  
4 he or she may submit a written follow-up statement to the Language Access  
5 Representative indicating that he or she disagrees with the outcome of the  
6 complaint. The follow-up statement should be brief, specify the basis of the  
7 disagreement, and describe the reasons the complainant believes the court’s  
8 action lacks merit. For example, the follow-up statement should indicate why  
9 the complainant disagrees with the notice of outcome or believes that he or  
10 she did not receive an adequate explanation in the notice of outcome. The  
11 court’s response to any follow-up statement submitted by complainant after  
12 receipt of the notice of outcome will be the final action taken by the court on  
13 the complaint.

14  
15  
16 **Advisory Committee Comment**

17  
18 **Subdivision (a)** Judicial Council staff have developed a model complaint form and model  
19 local complaint procedures, which are available in the Language Access Toolkit at  
20 [www.courts.ca.gov/33865.htm](http://www.courts.ca.gov/33865.htm). The model complaint form is posted in numerous languages.  
21 Courts are encouraged to base their complaint form and procedures on these models. If a  
22 complaint alleges action against a court employee that could lead to discipline, the court will  
23 process the complaint consistent with the court’s applicable Memoranda of Understanding,  
24 personnel policies, and/or rules.

25  
26 **Subdivision (d)(1)** Court user complaints regarding language access that relate to Judicial  
27 Council meetings, forms, or other translated material hosted on [www.courts.ca.gov](http://www.courts.ca.gov), should be  
28 submitted directly to the Judicial Council at [www.courts.ca.gov/languageaccess.htm](http://www.courts.ca.gov/languageaccess.htm).

29  
30 **Subdivision (d)(2) and (d)(5)** For noncomplicated language access–related complaints that  
31 can be resolved quickly, a written response to the complainant indicating that the complaint  
32 has been resolved will suffice as both acknowledgement of the complaint and notice of  
33 outcome.

34  
35 **Subdivision (d)(5)** When appropriate, a written response to the complainant indicating that  
36 the language access complaint has been resolved will suffice as notice of outcome. Courts  
37 should maintain the privacy of individuals named in the complaint.

38  
39 **Subdivision (d)(7)** Reporting to the Judicial Council regarding the overall numbers, kinds,  
40 and disposition of language access–related complaints will not include the names of  
41 individuals or any other information that may compromise an individual’s privacy concerns.  
42

## How to address common language access complaints

<p><b>Use of Privately Retained Interpreters</b></p>	<p>The court may appoint an interpreter hired by a party. The court may exercise its discretion to appoint an interpreter hired by a party, even if a court-provided, qualified interpreter is available (Gov. Code, § 71802(b)(3).) When appointing an interpreter hired by a party, the judge must ensure the impartiality of the interpretation and may choose to appoint a court-provided interpreter for certain aspects of the proceeding, such as witness testimony. If the party-retained interpreter is not a certified or registered interpreter, the court will need to provisionally qualify the interpreter pursuant to the procedures in rule 2.893 of the California Rules of Court.</p>
<p><b>Non-credentialed Interpreters (not performance related)</b></p>	<p>If a court user has a complaint regarding an interpreter that may be misstating credentials (i.e., indicating that s/he is a certified/registered court interpreter, when in fact they are not), the court user should submit a complaint with the court. The court may contact the Court Interpreters Program to verify whether an interpreter is certified or registered, or check the Judicial Council’s Master List at <a href="http://www.courts.ca.gov/35273.htm">http://www.courts.ca.gov/35273.htm</a>.</p>
<p><b>Language Access Services (local trial court)</b></p>	<p>If your complaint is regarding a local court's language access services, including interpreter services, court staff or bench officers, or local documents and translations provided by a court, please register your complaint with the local court at issue by asking the court clerk for a Language Access Services Complaint Form, or by visiting your court's web page to print out their local complaint form. If you need help finding your local court, go to the <a href="#">Find My Court page</a>. If you cannot find the court’s complaint form online, please contact us at <a href="mailto:LAP@jud.ca.gov">LAP@jud.ca.gov</a>, and we will contact the court to help you find appropriate information on how to submit a language access complaint with the court.</p>
<p><b>Language Access Services (Judicial Council)</b></p>	<p>To submit a complaint regarding Judicial Council services (Judicial Council meetings, forms, or other translations hosted on the California Courts website), please visit the Language Access page <a href="http://www.courts.ca.gov/languageaccess.htm">http://www.courts.ca.gov/languageaccess.htm</a> to submit a complaint. Please fill out the fields in the Language Access Complaint form and press the submit button or email the form to <a href="mailto:LAP@jud.ca.gov">LAP@jud.ca.gov</a> when you are finished. You may also print out a hard copy of the form, fill it out by hand, and send it by mail to the address shown. We will contact you within 90 days of receiving your complaint.</p>

# Video Remote Interpreting: Pilot Project Update

Technological Solutions Subcommittee

Presented by: Justice Terence Bruiniers



# Pilot Project Overview

The Video Remote Interpreting (VRI) pilot project is broken into four phases:

1. Project Initiation
2. Design Phase
3. Pilot Assessment Phase
4. Final Report Phase





# Project Initiation: a recap

Per the Language Access Plan (Recommendations 12-16), we began the VRI pilot project:

- Judicial Council approved the project (June, 2016)
- Joint sponsorship with Information Technology Advisory Committee (ITAC), chaired by Judge Samantha Jessner
  - Includes a TSS/ITAC Workstream
- Volunteer courts selected: Merced, Ventura, Sacramento
- Via a request for proposals process, two equipment vendors are now participating in the pilot:



# Design Phase

We have completed the majority of the design phase, which consists of:

- Vendor Site Visits
- Evaluation Plan
- Equipment Installation
- Training Plan



# Design Phase: Vendor Site Visits

Initial Site Visits were conducted over a 3 week period in June 2017

- *Sacramento Court*
  - Lorenzo Patiño Hall of Justice (Main Jail)
  - Carol Miller Justice Center
- *Ventura Court*
  - Ventura Hall of Justice
  - Oxnard Juvenile Courthouse
- *Merced Court*
  - Merced Courthouse
  - Los Banos Courthouse

# Design Phase: Evaluation Plan

The pilot design has been refined to include data collection and an independent evaluation.

San Diego State University (SDSU) Research Foundation contracted to collect relevant data outlined in the LAP's recommendation 16:

- Due process issues
- Participant satisfaction
- Use of certified and registered interpreters
- Effectiveness of technologies



# Design Phase: Evaluation Plan

- Data collection will take place during the course of the pilot, and the pilot evaluation will include a two-week intensive observation period.
- One component of the VRI pilot evaluation is to assess communication effectiveness of VRI, a critical component of due process.
- Feedback data will be solicited from court users, judges, and court interpreters, Public Defenders, and District Attorneys.

# Design Phase: Equipment Installation

Equipment has been installed in 5 of the 6 courtrooms

Both companies will use CISCO equipment, though some hardware may be different

Back-end connection has also been considered:

- **Paras and Associates** will connect via **CCTC** (California Court Technology Center) **backbone network**
- **Connected Justice** will connect via **VPN** (Virtual Private Network) directly into the courts



An interpreter's work station with VRI equipment.

# Design Phase: Training

Equipment vendors, SDSU researchers, and JCC staff have visited 5 of the 6 courtrooms to conduct training sessions on how to:

- Use VRI equipment
- Collect relevant data

Training consisted of mock trials, hardware and software tutorials, training documentation, and gathering feedback.

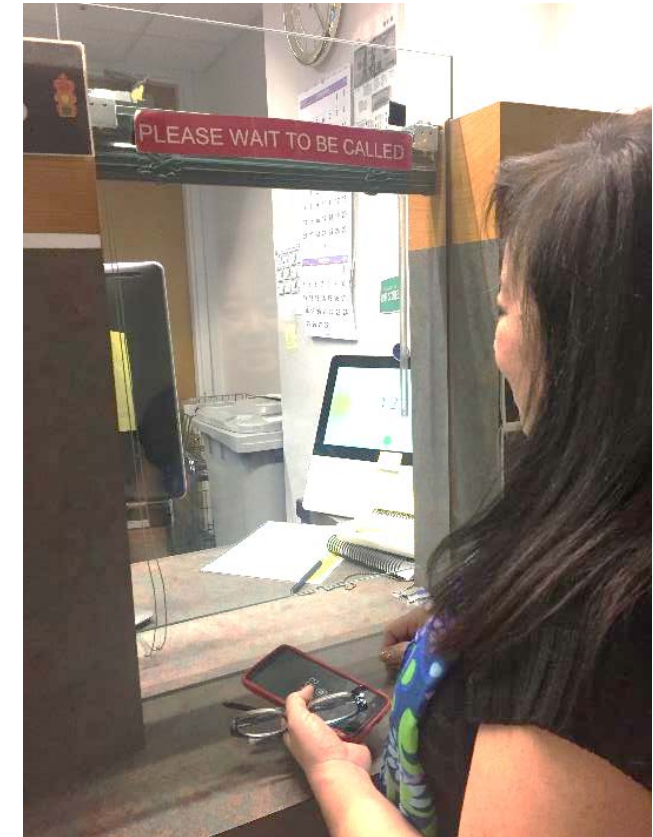


Mock trial at the Carol Miller Justice Center in Sacramento, CA, to test the use of VRI equipment with a remote interpreter.



# Pilot Assessment Phase

- The Assessment Program is the 6-month duration where vendor solutions will be placed in the courtroom for testing and evaluation on a pass/fail basis
- SDSU will oversee the evaluation, survey-findings, and observation period



"Defendant" Lisa Crownover, VRI Project Manager, standing at the fee waiver counter at the Carol Miller Justice Center in Sacramento, CA, to test the use of VRI equipment with a remote interpreter.

# Pilot Assessment Phase

***GO-LIVE*** dates for:

- Ventura - January 22, 2018
- Merced - January 23, 2018
- Sacramento - February 21, 2018.



An interpreter's station in downtown Sacramento, dialed into the Carol Miller Justice Center, Sacramento, CA.

# Pilot Assessment Phase: Ventura County



Mock trial using video remote interpreting equipment with a remote interpreter in Ventura County.



Interpreter Ramon Valdivieso at the Ventura Interpreter workstation, Ventura Courts.

# Pilot Phase Assessment: Merced County



Following a live hearing, Judge Bacciarini interacts with interpreter Rosa Lopez via video remote interpreting equipment in Merced County.



Judge McCabe presiding over a mock trial to test and train court staff on VRI equipment in Los Banos.



Superior Court CEO Linda Romero-Soles, Merced County, participating in a mock trial using VRI equipment as a training exercise.

# Next Steps

- Sacramento Court has indicated that all of their court interpreter employees will be offered training on VRI equipment before going live on February 21, 2018
- Pilot Assessment
  - Phase 1 – Courts will use their own interpreters via VRI
  - Phase 2 – Courts will share interpreters with other pilot courts via VRI
- Following the conclusion of the VRI pilot, findings and recommendations will be developed for the Judicial Council, including updates to the LAP's VRI programmatic and technical guidelines, as needed.



# Questions & Answers

# POINTS OF CONTACT FOR LIMITED ENGLISH PROFICIENCY (LEP) COURT USERS

Two recommendations of the Language Access Plan (LAP) concern bilingual staff stationed at critical points of contact for court users with limited English proficiency.\* The table below outlines the appropriate language standards and language access necessary, as well as resources to help court staff meet the needs of LEP court users at critical points of contact.

POINTS OF CONTACT FOR LEP COURT USERS	LANGUAGE ACCESS NECESSARY	APPROPRIATE STANDARDS OF LANGUAGE PROFICIENCY
<p>Local court website pages</p> <p>Signage/postings (including signage/postings at security entrances, which should include language access icons and clear visual tools to help assist and instruct LEP court users)</p> <p>Maps on paper with non-English-language titles for major locations in the courthouse.</p>	<p><b>Translation of key written and visual information located at the courthouse or on the court's website</b></p>	<p>Adopt standards for translation of local court documents in accordance with the Translation Protocol, available on the Language Access Toolkit (<a href="http://www.courts.ca.gov/lap-toolkit-courts.htm">www.courts.ca.gov/lap-toolkit-courts.htm</a>).</p>
<p>Court orders</p> <p>Court referrals &amp; info</p> <p>Pamphlets</p>	<p><b>Translation of key court reference documents and printed information</b></p>	<p>Adopt standards for translation of local court documents in accordance with the Translation Protocol, available on the Language Access Toolkit. For court orders, see translated forms at <a href="http://www.courts.ca.gov/formname.htm">www.courts.ca.gov/formname.htm</a>.</p>
<p>Governmental agencies and professional associations (e.g., court, police, state/local bar associations), documents and educational texts, websites and videos</p> <p>Community-based organizations, like legal aid, and including online help and printed information</p>	<p><b>Translation of documents produced and provided outside the court for court-users</b></p>	<p>Courts should encourage justice partners to ensure that key documents are translated into the county's most common non-English languages.</p> <p>Courts should encourage these organizations and agencies to require multilingual documents from the service providers they use and, especially, refer clients to.</p>

\*LAP recommendation 26: Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. LAP recommendation 47: Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to "intermediate mid" as defined under the American Council on the Teaching of Foreign Languages guidelines. (See Appendix F.) The existing Oral Proficiency Exam (OPE) available through the Judicial Council may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency. The OPE exam is administered online and is available year round. For more information, see [www.courts.ca.gov/2695.htm](http://www.courts.ca.gov/2695.htm).

POINTS OF CONTACT FOR LEP COURT USERS	LANGUAGE ACCESS NECESSARY	APPROPRIATE STANDARDS OF LANGUAGE PROFICIENCY
<p>Security staff, clerk's office, self-help center, courtroom staff</p>	<p><b>English-only-speaking court staff use tools to refer LEP court users to available language access</b></p>	<p>Court staff should have access to "I Speak" cards and be familiar with their court's Notice of Available Language Access Services in order to direct court users to the proper room for assistance. The Language Access Toolkit (<a href="http://www.courts.ca.gov/lap-toolkit-courts.htm">www.courts.ca.gov/lap-toolkit-courts.htm</a>) contains "I Speak" cards and a model notice regarding the court's available language access services that has been translated into 9 non-English languages.</p>
<p>Clerk's office</p> <ul style="list-style-type: none"> <li>• Information about the steps in the process</li> <li>• Filing</li> <li>• Processing (such as setting hearing dates, continuances, calendaring requests)</li> </ul> <p>Self-help services for self-represented litigants</p> <p>Orientation-type workshops</p> <p>General assistance in providing and completing court documents</p> <p>Information on procedure/forms</p> <p>Jury services</p> <p>Payment of fees, fines, bail</p> <p>Public information line/desk</p> <p>Childcare center</p> <p><b>Postresolution activities (in court)</b></p> <ul style="list-style-type: none"> <li>• Filings and completion of status reports, accountings, etc.</li> <li>• Enforcement-related actions: filings, payments to court, submission of compliance reports</li> </ul>	<p><b>Bilingual staff in the courthouse*</b></p>	<p>Minimum standards corresponding to "Intermediate Mid" as defined by the guidelines of the American Council on the Teaching of Foreign Languages (see LAP Appendix F). The existing Oral Proficiency Exam (OPE) tests whether applicants meet the Intermediate Mid standard identified in LAP recommendation 47. The OPE exam is administered online and is available year round. For more information, see <a href="http://www.courts.ca.gov/2695.htm">www.courts.ca.gov/2695.htm</a>.</p> <p>*Activities involving nuanced conversations about legal rights and remedies should use certified or registered court interpreters.</p>



POINTS OF CONTACT FOR LEP COURT USERS	LANGUAGE ACCESS NECESSARY	APPROPRIATE STANDARDS OF LANGUAGE PROFICIENCY
<p>Court-ordered programs (e.g., treatment, parenting, counseling)</p> <p>Probation meetings/conditions</p> <p>Social worker-related activities</p>	<p><b>Bilingual staff for court-ordered services outside the courthouse*</b></p>	<p>Court should encourage providers of court-ordered services to use bilingual staff who meet the Intermediate Mid standard.</p> <p>*When activities move beyond basic information, paperwork, and referrals to nuanced conversations about resolution, child support, spousal support, and the like, then these organizations should be encouraged to use certified or registered interpreters.</p>
<p><b>Courtroom</b></p> <ul style="list-style-type: none"> <li>• Hearings and trials</li> <li>• Onsite/informal mediation and ADR</li> <li>• Interactions with courtroom staff</li> </ul> <p><b>Court-ordered programs (in court)</b></p> <ul style="list-style-type: none"> <li>• Mediation (e.g., child custody and visitation)</li> <li>• Investigations (e.g., juvenile, guardianship, adoption)</li> <li>• Mandatory settlement conferences</li> <li>• Other mandated ADR</li> </ul>	<p><b>Qualified interpreters in court</b></p>	<p>Qualified (certified or registered) interpreters must pass the bilingual interpreting exam. Registered interpreter candidates must now take an OPE in English and their non-English languages. Court interpreter status may also apply to day-of-court mediation/ADR. For more information regarding interpreting exams, see <a href="http://www.courts.ca.gov/2695.htm">www.courts.ca.gov/2695.htm</a>.</p>
<p><b>Court-ordered programs (outside of court)</b></p> <ul style="list-style-type: none"> <li>• Mediation (e.g., child custody and visitation)</li> <li>• Investigations (e.g., juvenile, guardianship, adoption)</li> <li>• Mandatory settlement conferences</li> <li>• Other mandated ADR</li> </ul>	<p><b>Qualified interpreters outside of court</b></p>	<p>Qualified (certified or registered) interpreters must pass the bilingual interpreting exam. Registered interpreter candidates must now take an OPE in English and their non-English languages. Court interpreter status may also apply to day-of-court mediation/ADR. For more information regarding interpreting exams, see <a href="http://www.courts.ca.gov/2695.htm">www.courts.ca.gov/2695.htm</a>.</p>

TECHNOLOGICAL OPTIONS FOR  
PROVIDING AND SHARING COURT  
LANGUAGE ACCESS SERVICES  
OUTSIDE THE COURTROOM

JANUARY 2018

# LAP RECOMMENDATION #30

"The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings."

# COURTS ARE INNOVATING

## “LOW-TECH”

- Telephone
- Videoconferencing
- Web-based legal information

## “HIGH-TECH”

- Document assembly
- Multilingual web portals
- Multilingual avatars

# SURVEY OF CURRENT PRACTICES

## **CALIFORNIA**

- SHARP (Butte, Glenn, Tehama Counties)
- Orange County
- Los Angeles County

## **OTHER STATES**

- Hawaii
- Alaska
- Michigan
- New York

# CHARTING THE PATH FORWARD

- Expand the reach of existing trainings and workshops by offering them in different languages and to a larger audience through videoconferencing technology
- Explore the possibility of adding telephone support in more than one language
- Consider offering a workshop to LEP court users that includes the use of a translated document assembly program

TECHNOLOGICAL OPTIONS FOR PROVIDING AND  
SHARING COURT LANGUAGE ACCESS SERVICES  
OUTSIDE THE COURTROOM  
JANUARY 2018



JUDICIAL COUNCIL  
OF CALIFORNIA

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LANGUAGE ACCESS PLAN  
IMPLEMENTATION TASK FORCE

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
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**TECHNOLOGICAL OPTIONS FOR PROVIDING AND SHARING COURT  
LANGUAGE ACCESS SERVICES OUTSIDE THE COURTROOM  
JANUARY 2018**

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## I. INTRODUCTION

California is unique among the states in its cultural and linguistic diversity. Fully 27% of its residents were born outside of the United States<sup>1</sup>, which is twice the national average. Californians speak more than 200 languages, while nearly seven million report speaking English "less than very well."<sup>2</sup> In response to the language needs of its residents, the California Courts have undertaken a multi-year effort to implement the recommendations of the Strategic Plan for Language Access (LAP).<sup>3</sup> The LAP sets forth a vision of a state court system that provides equal access to justice to all court users, regardless of language status. In order to achieve this vision, the LAP contains 75 distinct recommendations, addressing all levels of court operations and points of contact between limited English proficient (LEP) court users and the legal system.

One recurring theme of the LAP is the importance of recognizing that the need for language access extends beyond the confines of the courtroom and formal legal proceedings. While the presence of an interpreter in legal proceedings is critical for protecting the rights and interests of LEP court users, there are a panoply of transactions that occur between courts and court users that often begin before an individual arrives at the courthouse building and take place before and after formal court appearances. Local court websites provide information about court proceedings, courthouse locations and filing legal documents. Many courts also have begun employing technology to provide interactive features on their websites that allow court users to complete a variety of transactions online, including responding to a jury summons, paying a traffic ticket and locating case information. Once a court user arrives at the courthouse, interactions involving language may include anything from communication about security protocols, to asking for directions to a department, to the many types of transactions that occur at a clerk's office or a payment window. Successful communication in these events is also a critical part of access to justice for LEP court users.

To address the criticality of language access outside of the courtroom, the LAP contains several recommendations aimed at ensuring language access in court-mandated services such as parenting classes, mediation and batterer intervention courses. The recommendations include a prohibition on requiring participation in a court-ordered program without appropriate language support<sup>4</sup> and

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<sup>1</sup> Immigrants in California, Public Policy Institute of California, citing the American Community Survey and Decennial Census Data. Available at: <http://www.ppic.org/publication/immigrants-in-california/>.

<sup>2</sup> US Census Bureau. American Community Survey 2009-2013 Language Tables, at <http://www.census.gov/data/tables/2013/demo/2009-2013-lang-tables.html>.

<sup>3</sup> The *Strategic Plan for Language Access in the California Courts* was adopted by the Judicial Council in January 2015. The report is available at: [http://www.courts.ca.gov/documents/CLASP\\_report\\_060514.pdf](http://www.courts.ca.gov/documents/CLASP_report_060514.pdf).

<sup>4</sup> Recommendation #11: "An LEP individual should not be ordered to participate in a court-ordered program if that program does not provide appropriate language accessible services. If a judicial officer does not order participation in services due to the program's lack of language capacity, the court should order the litigant to participate in an appropriate alternative program that provides language access services for the LEP court user. In making its findings and orders, the court should inquire if the program provides language access services to ensure the LEP court user's ability to meet the requirements of the court." *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

a charge to the court to determine that providers of these services can provide language services before making an order or referral to participate in them.<sup>5</sup>

The demographics of California, coupled with the commitment of the courts to meeting the language needs of court users, have a direct impact on day-to-day court functions. Courts face continual budget challenges and struggle to hire and retain both bilingual court staff and courtroom interpreters. Court clerks and other frontline staff in some courts encounter LEP court users on a regular basis, and must be prepared to provide assistance in any number of languages with a variety of transactions. Certified or registered interpreters, who are specially trained to provide legal interpretation, are in high demand and many courts have not been able to source sufficient interpreter support to meet their courtroom interpretation needs. In addition, courtroom interpreters may be asked to assist in other settings throughout the courthouse when there is no bilingual staff to provide in-language services to LEP court users. Interpreters working in the courts may find that they are stretched thin, while bilingual staff may feel as though they are asked to assist with transactions that exceed their language capabilities.

In recognition of the shared goal of providing language access services outside of the courtroom, while acknowledging the resource challenges experienced by courts, an additional recommendation of the LAP is aimed at assisting courts in obtaining and coordinating language services by using technology to maximize human resources and provide services remotely. Recommendation No. 30 states: "The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings."<sup>6</sup>

The purpose of this document is to highlight existing practices, both in California and around the country, and propose new possibilities for the use of technology to both coordinate bilingual human resources and provide language assistance for services and programs that take place outside of the courtroom. This descriptive survey is organized around four broad categories: videoconference technology, telephone-based initiatives, online applications and interpreter database software. Each type of technology is available from multiple private vendors and this document does not make any recommendations regarding a preferred or specific service provider. Those decisions are best left to the courts and will depend on capacity, budget and other local considerations.

Each section of this guide contains a general description of the technology and information on how it has or could be used in a court setting to enhance language access. There are brief highlights of successful court-based implementations of the various types of technology, when appropriate. Finally, each section concludes with a set of concrete suggestions on next steps for those court employees interested in exploring the technology to enhance language access in their own courts.

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<sup>5</sup> Recommendation #33: "In matters with LEP court users, courts must determine that court-appointed professionals, such as psychologists, mediators, and guardians, can provide linguistically accessible services before ordering or referring LEP court users to those professionals. Where no such language capability exists, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters." *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

<sup>6</sup> *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

## II. VIDEOCONFERENCE TECHNOLOGY

### Introduction

Videoconference technology is a popular solution for business and government communications and is increasingly easy to obtain and use. Videoconference calls allow employees to have "unified communications" (both audio and video) and both functions have improved in quality with the advent of broadband connectivity and the increasing number of web-based applications available on the market.<sup>7</sup> Surveys of technology use in the United States indicate that 19% of American adults have used video calling, video chat or teleconferences.<sup>8</sup>

In California, courts have employed videoconference technology for meetings, trainings and conferences. In addition, early experiments with video technology have shown its potential to enhance the delivery of language access services in courts, both inside and outside of the courtroom. The two key applications of videoconferencing technology for language access outside of the courtroom are 1) allowing bilingual employees to provide in-language remote assistance to multiple court sites; and 2) video remote interpreting, wherein an interpreter is linked by videoconference into an encounter between an LEP court user and monolingual English staff or justice partners.<sup>9</sup>

### Videoconference Technology to Connect Bilingual Employees

Government Code mandates the use of a certified court interpreter for in-court proceedings, and bilingual court employees are not permitted to serve in this role except in exigent and extremely limited circumstances.<sup>10</sup> By contrast, many courts already rely on talented bilingual staff members to assist LEP court users with a variety of courthouse encounters outside of the courtroom. Bilingual staff members provide assistance with orientation, wayfinding and direct service provision at clerk's filing desks and payment counters. Several courts have incorporated into their LEP plans the use of bilingual employees at key areas of courthouse service, and at least one has established a systematic way to identify bilingual employees, allowing them to be called upon when needed.<sup>11</sup> Some courts also have established differentials in their pay scales to account for

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<sup>7</sup> Tae Yoo, "3 Ways Broadband Internet Is Improving Health Care and Education," HuffPost The Blog, April 20, 2015. Available at: [http://www.huffingtonpost.com/tae-yoo/broadband-internet-improves-healthcare-education\\_b\\_7072130.html](http://www.huffingtonpost.com/tae-yoo/broadband-internet-improves-healthcare-education_b_7072130.html).

<sup>8</sup> Rainie & Zickuhr, Video calling and video chat, *Pew Internet & American Life Project*, October 13, 2000. Available at <http://www.pewinternet.org/2010/10/13/video-calling-and-video-chat/>.

<sup>9</sup> In addition to court and legal settings, hospitals have also made use of Video Remote Interpreting. For more information on VRI in the medical setting, see Appendix C of *Wayfinding and Signage Strategies for Language Access in the California Courts*, available at <http://www.courts.ca.gov/documents/LAP-Wayfinding-and-Signage-Strategies-Language-Access-in-the-CA-Courts.pdf>.

<sup>10</sup> Cal. Govt. Code §68561.

<sup>11</sup> Superior Court, County of Los Angeles LEP Plan, available at: <http://www.lacourt.org/generalinfo/courtinterpreter/pdf/LASCLEPPlan2016.pdf>; *The Provision of Court Interpreter Services in Civil Cases in California: An Exploratory Study*, National Center for State Courts, available at: <http://www.courts.ca.gov/documents/ncsc-report.pdf>.

bilingual employees.<sup>12</sup> These pay differentials acknowledge the value to courts of employees who can communicate with LEP court users and are often based on testing or other criteria used to establish that an employee has the proficiency required to provide this service to the court and court users.

The use of videoconferencing technology in this context provides an added dimension to the value of bilingual employees. The ability to connect a bilingual employee in one court location with LEP court users in another location means that language assistance can be provided in multiple courthouses without incurring the time and expense of moving human resources among sites. In addition to using videoconferencing technology for ad hoc encounters, family law facilitators and self-help centers can deliver informational workshops in a non-English language from a single location and broadcast the workshop to additional locations via videoconferencing. This allows LEP court users to access workshops at a location that is more convenient to them. The technology that broadcasts that information also allows for bidirectional communication between sites, facilitating questions and answers in real time, thereby preserving all the benefits of an in-person workshop.

The use of videoconferencing technology for informational workshops is particularly beneficial in those counties with geographically disperse courthouse locations and in dense population centers where travel time, even between locations that are physically close, is complicated by traffic. This approach makes efficient use of the court's human capital and increases language access for LEP court users in remote locations.

### **Connecting Bilingual Employees Across Three California Counties**

The Self-Help Assistance and Referral Program (SHARP) provides self-help services to residents of Butte, Glenn and Tehama Counties. In addition to traditional forms of service, such as in-person workshops and telephone assistance, SHARP has implemented a remote service delivery model based on the use of videoconferencing technology. This remote service initiative includes the delivery of workshops by videoconference to multiple locations. In addition, the technology that SHARP employs allows for an open videoconference line that continuously links their sites. This allows for quick consultations among staff and allows for a bilingual employee who is housed at one location to have instant interactions with LEP court users at other locations within the SHARP family of courts.

More information about the use of videoconferencing technology by the SHARP program can be found here: [SHARP VideoConferencing](#)

### **Video Remote Interpreting for Out-of-Court Services**

Video Remote Interpreting (VRI) has been widely viewed as a solution to specific language access issues, including interpreter coverage in geographically remote locations and locating professional interpreters for languages of lesser diffusion. The use of VRI also allows for more agility in scheduling and reduces travel costs for interpreters. The Language Access Plan Implementation Task Force is currently overseeing a pilot project to implement VRI in a number of courtrooms

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<sup>12</sup> [https://www.seiu721.org/contracts/inland\\_superior\\_court\\_county\\_of\\_san\\_bernardino\\_mou\\_2015-07-01\\_through\\_2019-09-30\\_scan\\_searchable.pdf](https://www.seiu721.org/contracts/inland_superior_court_county_of_san_bernardino_mou_2015-07-01_through_2019-09-30_scan_searchable.pdf) (see Article 8).

and evaluate the effectiveness and quality of interpretation services provided as well as the technological performance and agility of three different VRI providers.<sup>13</sup> The results of these pilot demonstrations are scheduled for publication in mid-2018.

While remote interpretation in the courtroom requires a detailed consideration of visual and audio communication flow among multiple participants, including the judge, jury, litigants, attorneys and witnesses, interpretation for out-of-court proceedings can be more straightforward.<sup>14</sup> Many services mandated by the court, such as parenting classes, batterer intervention classes and anger management classes, lend themselves to interactions with a remote interpreter, who can deliver educational content to an LEP court user in the target language and be available to ask questions in English and relay the answers back to the LEP court user. Others, such as mediation, present greater challenges to the successful use of VRI.<sup>15</sup> In addition to court-mandated services and programs that take place outside the courtroom, other points of contact within the courthouse, such as transactions at the clerk's office or filing counter, are areas for exploration of the use of VRI to achieve communication.

One of the principal challenges in using VRI is to equip sites with the appropriate technology to ensure high fidelity in the participation of the remote interpreter. Because facial expressions and the subtleties of vocal inflections are critical elements to an accurate and faithful interpretation of meaning, it is vitally important to have a stable and clear audio and video connection. This requires sufficient bandwidth and high quality software and hardware. The National Center for State Courts has published the "Remote Interpreting Guide for Courts and Court Staff," which sets forth specific recommendations and baseline technical requirements for a successful VRI implementation.<sup>16</sup> These recommendations, which include minimum bandwidth and equipment requirements, apply to all VRI use, whether inside or outside of the courtroom.

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<sup>13</sup> More information on the Video Remote Interpreting pilot project available at: <http://www.courts.ca.gov/VRI.htm>.

<sup>14</sup> See "Remote Interpreting Guide for Courts and Court Staff" Available at <http://www.courts.ca.gov/documents/COS-VRILAP-MDS-080816-attachment-7.pdf> for technical standards applicable to VRI.

<sup>15</sup> For a detailed treatment of the benefits and challenges of VRI in mediation, see Braun, S. (2016). Videoconferencing as a Tool for Bilingual Mediation. In B. Townsley (Ed.), *Understanding Justice: An enquiry into interpreting in civil justice and mediation*. London: Middlesex University, 194-227.

<sup>16</sup> Available at: <http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Resources%20for%20Program%20Managers/RI%20Manual%20-%20Final%20Draft%20-%20206-5-14.ashx>.

## **Charting the Path Forward: Videoconference Technology to Enhance Language Access**

Courts may consider the following steps towards the use of videoconference technology to provide language access services:

- Identify existing bilingual employees who are able to provide language assistance for out-of-court encounters and services.
- Develop standards for qualification of bilingual employees to ensure a baseline level of language proficiency.
- Explore the use of videoconferencing technology to connect bilingual employees with LEP court users across different courthouse sites.
- If there is a live training or workshop provided in another language by bilingual court or self-help center staff, consider using videoconferencing technology to broadcast the event for participants at remote locations. Consider recording those trainings and workshops provided in any language for remote viewing at a later time by court users in all locations and online.
- Explore options to collaborate on VRI initiatives with justice partners and other entities providing court-mandated services.
- Identify out-of-court transactions and interactions that would benefit from a remote interpreting solution.

### III. TELEPHONE

#### Introduction

A "lower-tech" but equally important strategy is the use of the telephone to provide language services. As in the case of videoconference technology, telephones also have been employed in two ways: 1) to provide Telephonic Interpretation Services (TIS), connecting interpreters over the phone to LEP court users who are conducting business with the court; and 2) to allow bilingual employees to provide in-language services to court users.

#### Telephonic Interpretation Services

The Language Access Plan emphasizes the importance of calling upon bilingual staff when an LEP court user presents him or herself in person at the court and needs assistance.<sup>17</sup> However, there are times when a bilingual staff member may not be available, or the court may not have any staff members who speak a particular language. In those cases, TIS is a natural next-best option.

The Judicial Council's Language Access Plan Implementation Task Force has developed a protocol and action guide for court staff to meet the needs of LEP court users, which includes a recommendation to look first to a bilingual staff member for assistance and if one is not available, to employ other tools and resources, including TIS. The *Action Guide*, which is a condensed quick reference guide for court employees, includes a customizable section where a court can enter the phone number to their telephone interpreting service.<sup>18</sup>

In 2013, the Judicial Council entered into a leveraged procurement agreement (LPA) with a telephonic interpreter service, Language Select.<sup>19</sup> The LPA allows judicial branch entities to contract directly with Language Select under terms negotiated by the Judicial Council. Language Select offers its contractors on-demand interpreters in 200 languages. It is unknown how many of the 58 superior courts make use of this LPA or have independent contracts with Language Select or

#### **Joining Forces with Justice Partners in Hawai'i**

In Hawai'i, individual service providers are responsible for obtaining the necessary language access services for their clients. However, the Hawai'i Courts have recognized the fiscal challenges to meeting this need and have tried to work with providers and partially subsidize the cost of an interpreter, in order to ensure that litigants are able to fully participate and benefit from the programs offered. Currently, some Hawai'i courts allow an outside service provider to use the court's telephonic interpreter service (TIS) to conduct substance abuse assessments when there is a language need. Because the service provider delivers the service onsite at the courthouse, they are able to access the court's TIS at no cost.

(Source: Response to informal NCSC survey, *Remote Interpreting for Non-Courtroom Services*, June 2017)

<sup>17</sup> Recommendation #26: "Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations." *Strategic Plan for Language Access in the California Courts, Judicial Council of California*, 2015.

<sup>18</sup> Protocol and Action Guide for Meeting the Needs of LEP Court Users available at: <http://www.courts.ca.gov/33865.htm>.

<sup>19</sup> In December 2016, Language Select was acquired by United Language Group.



another vendor providing this service; however, most counties reference the use of this service or a similar one in their annual LEP Plans.<sup>20</sup>

In addition to using telephonic interpreting on an informal or as-needed basis at those points of contact where an LEP court user may need assistance to communicate with court staff, TIS can also be accessed on a planned basis to help staff coordinate out-of-court services and to conduct simple transactions at the clerk's office and at self-help centers.

## In-Language Telephone Support

In addition to interpretation services, the telephone can be marshalled in bilingual staff efforts to deliver in-language services directly to LEP court users.

Orange County's Criminal and Traffic Division offers a 24-hour automated phone system that provides general information on the court, and allows litigants to obtain extensions on infraction cases and pay for both criminal and traffic fines.<sup>21</sup> Callers can also pay for traffic school and request extensions on traffic school deadlines. The "Automated Information and Payment Center" is available 24 hours a day and callers can choose to receive general information or conduct transactions specific to their case in English, Spanish or Vietnamese. During business hours, customer service agents are available to handle live inquiries if the caller is unable to use the automated service or needs additional assistance to complete a transaction. The Superior Court has six customer service agents, two of whom speak Spanish. The court ensures that a Spanish-speaking agent is available at all times. Because the volume of calls from monolingual Vietnamese speakers is so low, if a person who has selected "Vietnamese" in the automated system requests a live operator, they are routed to a mailbox where they can leave a message and a Vietnamese-speaking staff member will call them back the same day. This occurs with approximately 1-2 calls per month. If someone

### Alaska's Family Law Helpline

The state of Alaska, with its widely dispersed population, offers a helpline for assistance with family court matters. The service is available Monday-Thursday from 7:30 am to 6 pm and receives approximately 7,000 calls per year. Initial calls are assigned to the next available staff person as they come in, with the exception of Spanish and Tagalog speakers, who are routed to one of two bilingual employees who can conduct business in these languages. Once an initial intake is conducted over the phone, the caller can call back to the staff person's direct line with additional questions. Staff will listen in on court hearings involving their callers and can then follow-up with any additional information the litigant needs. General information about family law is also available on the court's website in Spanish, Hmong, Korean, Russian, Tagalog and there is an informational video available in Yup'ik.

(Source: Alaska Court System Self-Help Center: Family Law, available at: <http://www.courts.alaska.gov/shc/family/selfhelp.htm>.)

<sup>20</sup> See Judicial Resources Network, "Limited English Proficiency (LEP) Plans", available at: <http://jrn.courts.ca.gov/programs/lap/plans.htm>.

<sup>21</sup> All information on Orange County Superior Court's Automated Information and Payment Center was obtained through a phone interview on August 15, 2017 with Melissa del Rio, Manager of Criminal and Traffic Division for the West Justice Center and Manager of the Integrated Voice Response system for the Superior Court. The webpage for the system is available at: <http://www.occourts.org/directory/criminal/call-center.html>.

attempts to connect with an agent and is speaking a language other than the three offered by the system, the agents can call upon the assistance of the Language Access Services Unit to meet the needs of the LEP court user. The unit offers a remote telephonic interpreting feature to accommodate this scenario as well.

During June 2017, the Orange County court Criminal Call Center provided live phone assistance to over 4,700 unique callers in English and in Spanish. The court tracks total usage and transaction statistics of the automated phone system and the identical services on the web and reports that the total customer usage on phone and web in July 2017 was 28,259. The automated contacts resulted in the completion of 31,950 transactions. The program is widely viewed as successful both as a way to reduce the numbers of traffic and criminal litigants who need to make a personal trip to the courthouse, and as a tool for language access. The court is looking to expand the features and services available through the automated service, including possibly offering the ability to post bail and to schedule criminal hearing dates.

### **Charting the Path Forward: Telephone Technology to Enhance Language Access**

Courts may consider the following steps towards the use of telephone technology to provide language access services:

- If your court does not yet offer telephonic interpreter services, consider the possibility of contracting with such a service, either through the Judicial Council's LPA or by direct contract.
- If your court currently offers interpretation through a telephonic interpreter services provider, consider making this service available to agencies, professionals and organizations that provide out-of-court services to court users.
- Depending on the demographics of your court community, consider coordinating the availability of bilingual staff to offer in-language phone assistance to LEP court users.
- If there is demand for this service in a region that encompasses several counties, consider the possibility of entering into MOUs with other counties to pool bilingual employee resources in offering in-language phone assistance.
- If your court offers any recorded messages or automated payment processing via phone, consider translating the script for this information and having messages recorded in other languages, based on your local community needs.

## IV. WEBSITE-DELIVERED SERVICES

### Introduction

In response to the growing use of the internet for all transactions, and the expectation that many issues can be handled on a smartphone, courts are increasingly making efforts to place a variety of services on the web and optimize their mobile interface for access on hand-held devices. These services include responding to jury summonses, providing education and information about legal processes, and requesting an interpreter.

### Bilingual Mirror Sites with Legal and Procedural Information

One advantage of using the internet to present legal information is the ability to display the information in more than one language. Since 2002, the Judicial Council has offered the self-help content available on the California Courts website in both English and Spanish. Whenever new content is developed, it is translated into Spanish by a professional translator and both versions are posted simultaneously in order to ensure the consistency of information in both languages.

The image below shows the landing page for "The California Courts Self-Help Center," which includes three ways to click over to the Spanish version of the content: the link in the central description, "En Español", the green box on the right column of the screen titled "Centro de Ayuda: Información en español," and finally, a link on the right side of the screen underneath the title with a red flag and the word "Español." This latter link repeats on all the English language pages of the self-help center content.



# THE CALIFORNIA COURTS SELF-HELP CENTER

## Find Help

Click on your topic below. For topics not listed, use the search box or the A-Z index. [En español.](#)  
[More languages.](#)

CENTRO DE AYUDA  
INFORMACIÓN EN ESPAÑOL

Search here ...

SEARCH

IMMIGRATION  
RESOURCES

When the "Español" link is clicked, the user is taken to the following page, which provides a translation into Spanish of the self-help content (menu options for the other features of the California Courts website are not translated). The link next to the red flag now reads "English" and will return the user to the English version of the page with a click.

The screenshot shows the website interface for the California Courts self-help center. At the top right, it says "CORTES DE CALIFORNIA LA RAMA JUDICIAL DE CALIFORNIA". Below that is a navigation menu with options: Courts, Centro de ayuda, Forms & Rules, Opinions, Programs, Policy & Administration, and News & Reference. The "Centro de ayuda" option is selected. The main heading is "CORTES DE CALIFORNIA CENTRO DE AYUDA". Below the heading, there is a search bar with the text "Buscar en el Centro de ayuda" and a "BÚSQUEDA" button. To the right of the search bar, there is a "ENLACES RÁPIDOS" section with three links: "Abogados y ayuda legal", "Encuentre ayuda en su corte", and "Índice de A a Z del Centro de ayuda". At the bottom right, there is a "Pregunte al bibliotecario" button with a small profile picture. The page is in Spanish, as indicated by the "English" link next to a flag icon.

The flag and language link are available on all pages of the self-help center and this approach provides users the ability to switch back and forth as necessary. In addition, because all Spanish is translated by a professional translator, any errors that might occur with machine translation are avoided and the Spanish is consistent across case types.

The Judicial Council's Information Technology group has made available two "widgets" that can be placed on local court websites that provide an attractive visual and will take the user directly to the state's self-help center in either English or Spanish:



## Multilingual Web Portals

In addition to providing legal information, courts are able to offer administrative and legal transactions online in multiple languages. Los Angeles County Superior Courts offers an "Interpreter Request Portal," which allows users to receive information and request an interpreter in Spanish, Vietnamese, Chinese, Korean or Armenian<sup>22</sup>. The user first selects a language and then receives information about interpreter requests in various areas of law. Next, the user selects the case type, which can be one of the following:

- Eviction (Unlawful Detainer)
- Small Claims
- Limited Jurisdiction Civil (Collections and non-collections)
- Traffic
- Family Law
- Probate

Once the user has selected a language and an area of law, they are taken to a page with a series of fillable fields, which collects details about the hearing date, time and location, and asks for the requester's role in the case.

There are several access points on the website for the portal; the court has incorporated multi-language links on the pages of the court's division landing pages, including Family, Probate and Traffic. The translations of "Request an Interpreter for Your [Family Law, Probate, etc.] Case" appear alternately in Armenian, Chinese, Korean, Spanish and Vietnamese. Selecting one of the languages will send users to the Interpreter Request Portal where they can enter the appropriate information.

### REQUEST AN INTERPRETER FOR YOUR FAMILY LAW CASE

为您的家庭法的案件申请一名传译员

- English
- Հայերեն
- 中文
- 한국어
- español
- Tiếng Việt

## Multilingual Live Chat

Another approach to connecting court users with live support is through an internet-based "live chat" service. The California Law Librarians offer such a service, called "Ask a Law Librarian," which allows a user to enter a question and get an online response during working hours. Despite the fact that law librarians cannot provide legal advice or interpret legal information, they can still provide helpful information for self-represented litigants who are researching a particular area of law and can point users toward additional resources to find the information and support they need.

A "chat" feature on a court website can be leveraged in a variety of ways, including connecting users to volunteer attorneys, or self-help center employees who could provide more specific assistance with legal processes and forms. In addition, the electronic interface allows a bilingual

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<sup>22</sup> Interpreter Request Portal, available at: <http://www.lacourt.org/irud/ui/index.aspx>.

person who is staffing the effort to provide responses in-language, should an LEP court user contact the service for assistance.

The Arizona courts offer a Live Chat service, which is accessed through the "AZ Court Help" website. The website is hosted by the Arizona Bar Foundation and the Live Chat service is provided through the state's law libraries. The opportunity to "chat" with a law librarian is available on weekdays during variable hours. When a user accesses the webpage, they will see a blue box with "Chat now" on it, when a law librarian is available. After clicking on the box, the user is asked to enter a name, email address, language and question. The language field is a drop down box with English plus 15 additional language options, including Spanish, Arabic, Urdu, Romanian and Vietnamese. If the user enters any language except English, they will receive a pre-drafted message in their language, instructing them to call a special number. Once they call, they will be placed on hold while the chat operator, who knows the language needed contacts a telephonic interpreter service and requests a phone interpreter in the language needed. The chat operator will quickly brief the interpreter on the nature of the call and will then conference in the LEP court user who is waiting on the other line. The program's coordinators indicate that this process should take less than one minute to complete.<sup>23</sup>

## Document Assembly in Multiple Languages

Document assembly programs are interactive, online interviews that ask the user a series of questions and populate the answers provided on specific form sets. In California, these programs have been developed during the last ten years for self-help center attorneys and other legal nonprofit agencies to assist self-represented litigants with forms completion. Most of the document assembly programs were created with a specific workshop in mind: they are used for forms completion during or immediately after a workshop providing instructions on the guardianship petition process, or how to begin the divorce process. In the past three years, there has been a growing interest in making document assembly programs available directly to self-represented litigants through [www.courts.ca.gov](http://www.courts.ca.gov) or on local court websites. In addition, there is an interest in providing document assembly interviews in multiple languages. While California and most states require that all documents filed with the court be in the English language, it is still possible to collect information such as name, county and case number in another language and populate the answers appropriately on an English form. To the extent that the user must answer yes/no questions or select an answer from a drop-down box, this also facilitates asking interview questions in another language and still producing English language forms at the end of the process.

Document assembly programs can have a variety of language assistance features that provide access to LEP users. First, a program can be fully translated into the second language. As long as it is made clear to the user that any narrative information entered into the program must be in English, the program can ask questions in another language and still populate and produce form sets for filing in English.

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<sup>23</sup> Email exchange with Kathy Sekardi regarding Arizona's Live Chat service. The service is available at: <http://azcourthelp.org/live-chat>.

Michigan Legal Help offers a variety of programs in Spanish, using the HotDocs and A2J Author proprietary software applications, which are accessed from the LawHelp Interactive platform.<sup>24</sup> Form sets produced by Michigan Legal Help using a Spanish language interface include the petition for divorce, answer and countersuit for divorce, and petition for a personal protective order.<sup>25</sup>

The New York State Courts also have developed document assembly solutions with language access features, primarily using A2J Author software.<sup>26</sup> A2J Author contains a variety of features that enhance language access, including the ability to insert supplemental information in "pop-up" windows and the ability to attach audio files to the interview flow, which can be produced in multiple languages.<sup>27</sup> Program developers are also able to link to video resources, which enhances the ability to provide context and education around a particular area of law. The audio feature in particular is helpful because it allows the court to reach users who may have low levels of literacy or who may only *speak* their native language and not necessarily read and write in that language. Developing programs using these features in A2J Author has allow the New York courts to provide language assistance in several different areas of law, including name change, parentage, consumer debt and housing issues, in Spanish, Chinese, Vietnamese, French and Polish.<sup>28</sup>

Whether foreign language content is provided in a standalone program, is combined with an English program, or is provided in an audio format or as pop-up information, the language will need to be accounted for in a document assembly maintenance plan to ensure that all programs are up-to-date with the latest statute, rule and form changes.

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<sup>24</sup> More information about LawHelp Interactive available at: <https://lawhelpinteractive.org/>.

<sup>25</sup> Michigan Legal Help self-help tools and resources available at: <https://michiganlegalthelp.org/self-help-tools>.

<sup>26</sup> Rochelle Klempner, *The Case for Court-Based Document Assembly Programs: A Review of the New York State Court System's "DIY" Forms*, Fordham Urban Law Journal, Vol. XLI 2014, 1189-1226.

<sup>27</sup> *Id.* at 1201.

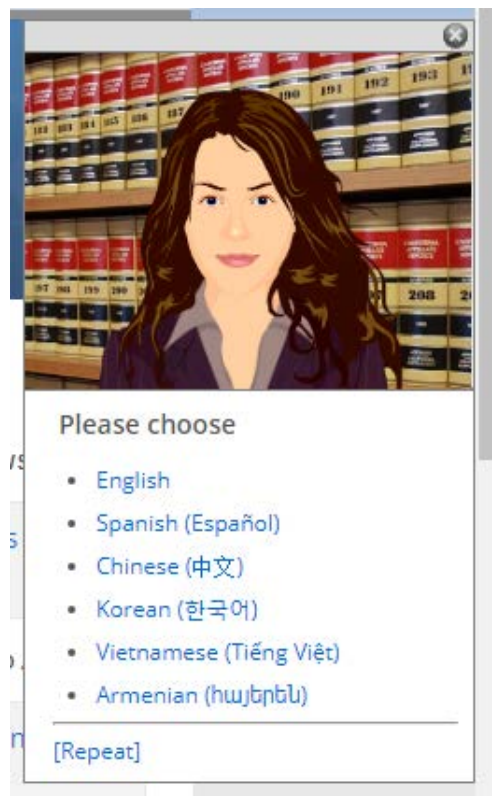
<sup>28</sup> *New York State Courts Access to Justice Program: Working Toward 100% Meaningful Access to Justice*, Report to the Chief Judge and the Chief Administrative Judge of the State of New York, 2016.

## Multilingual avatars

In response to the needs of a very linguistically-diverse population, the Los Angeles County Superior Court developed an online "avatar," which provides information and the ability to conduct business with the traffic court in English, Spanish, Chinese, Korean, Vietnamese and Armenian.

The avatar, which was launched in 2015 and is affectionately referred to as "Gina," takes the visual form of a young woman who speaks directly to the user, guiding him or her through the program toward helpful information about traffic cases in the Los Angeles courts. Gina offers users the ability to pay for a traffic ticket or request traffic school. Gina can also help users request an extension for traffic school or for payment of fines and schedule a court date for their traffic matter.<sup>29</sup> The court has indicated that approximately 4,800 persons interact with Gina on a weekly basis.<sup>30</sup> Of these 4800, approximately 250 interact with Gina in Spanish, 35 in Chinese, 10 in Korean and 5 each in Armenian and Vietnamese.<sup>31</sup>

Because so many court users have been able to complete a transaction without coming to the courthouse in person, Gina has been successful in reducing overall wait times for traffic services and reduced workload pressure on court clerks.<sup>32</sup>



<sup>29</sup> Gina is available on the court's Traffic landing page: <http://www.lacourt.org/division/traffic/traffic2.aspx>.

<sup>30</sup> Email communication dated 8/21/2017 with Snorri Ogata, Chief Information Officer for Los Angeles County Superior Court.

<sup>31</sup> *Id.*

<sup>32</sup> Cristina Llop, "Gina – LA's Online Traffic Avatar Radically Changes Customer Experience (News 2016)," available at: <https://www.srln.org/node/1186/gina-las-online-traffic-avatar-radically-changes-customer-experience-news-2016>.



## **Charting the Path Forward: Website Services to Enhance Language Access**

Courts may consider the following steps towards the implementation of services on their court websites that are accessible to LEP court users:

- Ensure that your self-help pages have the widget link to the California Courts Self-Help Center to make use of the statewide informational content available in English and Spanish.
- If your court offers a "chat" function, consider offering chat services in the most frequently spoken non-English languages in your court community.
- Consider the development of an online services portal that makes use of avatar technology to deliver content in multiple languages.
- Explore the most cost-effective tools for allowing court users to request an interpreter—whether by using the INT-300 provided by the Judicial Council as an optional form, developing an online request process.

## V. INTERPRETER MANAGEMENT SOFTWARE

### Introduction

There are a variety of software applications on the market that are designed to assist courts with calendaring and coordinating the schedules of interpreters working in the courts. Interpreter management software also can be used to track training certifications and contracts for interpreters, and when appropriate can facilitate invoicing and payment processes. In addition, scheduling software could be integrated with online interpreter request systems and used to track the availability of both interpreters and bilingual staff members to provide language assistance in a variety of courthouse contexts. There are also possibilities for integrating interpreter management software with a court case management system and with the court user e-filing interface, in order to track language need in individual cases from the earliest point of contact between an LEP litigant and the court.

### Interpreter Scheduling

New York's Unified Court System employs over 300 interpreters who speak 20 languages, including American Sign Language; in addition, the courts draw from a pool of approximately 700 per diem interpreters who provide services in more than 100 languages.<sup>33</sup> Since 2006, the New York State Courts have used an electronic interpreter scheduling program. Before the implementation of the electronic system, courts were provided a paper "Registry of Interpreters," which was produced and maintained by their court administrative office. Local courts also maintained supplemental lists of interpreters they could call upon locally for interpreter assignments. The courts note that, "The paper system was inefficient. More importantly, it provided no mechanism for ensuring that only qualified interpreters were used."<sup>34</sup> The current electronic system now allows a court to enter a date, time and language for which an interpreter is needed and the program will identify an interpreter who is available at that time "...and, most importantly, who is fully qualified, having passed the required examinations and completed the mandatory training."<sup>35</sup>

An electronic scheduling program could be used to assign interpreters and possibly bilingual staff members to events that occur outside of the courtroom as well. For example, internal court departments, such as a clerk's office and the self-help center, could be given permission to enter a request for assistance and be assigned either an interpreter or a bilingual employee to assist with a scheduled encounter. In addition, courts could explore the possibility of integrating their scheduling software program with an online interpreter request, which allows litigants and court users to make the request themselves. There may also be opportunities to integrate the functions of a Case Management System (CMS) that tracks language need at the individual case level with electronic interpreter assignment programs, which would allow technology to do the tracking and assignment over the life of a case that has been flagged as being one with one or more parties with

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<sup>33</sup> New York State Unified Court System, *Ensuring Language Access: A Strategic Plan for the New York State Courts*, March 2017, at page 5.

<sup>34</sup> *Id.* at 7.

<sup>35</sup> *Id.*

a need for language assistance. If seamlessly integrated with authorized Electronic Filing Service Providers (EFSPs) for the court, the need for language assistance by a filing party could be information that is fed into the CMS from the initial contact with the court. The information about the need for an interpreter and the language required would then trigger an event with the interpreter scheduling system, which could process an automatic request each time a hearing was set for the case. This type of integration would satisfy the LAP Recommendation that calls for obtaining language need information early and incorporating that information into the court's CMS.<sup>36</sup>

## Interpreter Database Management

The ability to automate interpreter coordination functions also serves as a leverage point for finding economies of scale by establishing a pool of interpreters that can be drawn upon by more than one agency. This is the approach taken by Alaska's Language Interpreter Center (ALIC), which was established in 2007 by the Alaska Institute for Justice.<sup>37</sup> The solution is one that was designed to address the specific needs of the Alaskan community and a variety of agencies that serve the public, including those related to the courts, health/medicine and education. Representative stakeholders from these realms came together to establish ALIC, which supplies available and qualified interpreters when an agency requests interpreter support. The Center serves as a resource for aspiring interpreters as well, providing education and information about becoming an interpreter, in addition to testing, training and certification. In addition to interpretation services, the Center also keeps a list of available translators and connects them to agencies in need of translation services.<sup>38</sup>

While the training and certification of California interpreters are managed at the state level and interpreter compensation is set at a regional level, some variations on the Alaska approach may merit consideration by smaller courts that do not receive regular requests for language assistance, based on low overall population numbers or very low numbers of LEP court users. It may be possible to combine forces with other courts within the same interpreter region and employ electronic means to track the certification, location and availability of interpreters for court proceedings. In addition, courts may be able to collaborate with justice partners that also have a need for interpreters, in establishing a database of available professionals. Finally, a database of language professionals could be expanded to include bilingual employees who are available to courts to provide in-language support to LEP court users during interactions occurring outside of the courtroom. This type of cross-court and cross-agency collaboration has the potential to increase the availability of language assistance in out-of-court services by increasing the visibility and access to qualified professionals.

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<sup>36</sup> "Courts will identify the language access needs for each LEP court user, including parties, witnesses, or other persons with a significant interest, at the earliest possible point of contact with the LEP person. The language needs will be clearly and consistently documented in the case management system and/or any other case record or file, as appropriate given a court's existing case information record system, and this capability should be included in any future system upgrades or system development." *Strategic Plan for Language Access in the California Courts*, Judicial Council of California, 2015.

<sup>37</sup> Wanda Romberger, *Language Access Centers: A Win-Win Idea*, Future Trends in State Courts, 2008.

<sup>38</sup> ALIC Website available at: <http://www.akijp.org/language-interpreter-center/>.

## **Charting the Path Forward: Interpreter Management Software**

Courts may consider the following steps towards the use of technological solutions for interpreter management:

- Explore technological options for interpreter scheduling if you are in a court with sufficient volume to justify a software solution.
- Smaller courts can consider cross-court and cross-agency collaborations for interpreter scheduling, other interpreter management functions and establishing a pool of available language professionals.
- Consider making interpreter request functionality available to self-help centers, clerk's offices and other departments, as appropriate.

## **VI. CONCLUSION**

The ever-changing landscape of technological tools available to courts makes this an exciting time for those courts interested in leveraging technology to offer remote language services. Technology allows courts to make the most efficient use of their human resources and deploy them remotely to maximize coverage in a single or multiple courts. Technology allows for the delivery of content in multiple languages in a variety of formats, including live and recorded audio content, live and recorded video content and multilingual web interfaces. Technology increases the forms of communication available between courts and court users, thereby increasing the likelihood of getting questions answered and more successful self-representation. Technology also offers opportunities for cross-county and cross-agency collaboration, allowing smaller entities to attain economies of scale and ensure high quality service and consistent coverage. Each of these features can be easily leveraged to deliver information and achieve communication in multiple languages, thus reaching more Californians and ensuring equal access for LEP court users.

This document highlights successful implementations of technology to enhance language access, particularly with regard to non-courtroom services and programs, and provides concrete steps for consideration for those courts interested in implementing similar initiatives. Courts that are actively working on technology initiatives to enhance services for their court users will want to examine the language needs of their service areas and consider how their initiatives can be built with the needs of their LEP court users in mind.

Rule 1.300 of the California Rules of Court would be enacted, effective January 1, 2019, to read:

1 **Title 1. Rules Applicable to All Courts**

2  
3 **Chapter 8. Language Access Services**

4  
5  
6 **Rule 1.300. Access to Programs, Services, and Professionals**

7  
8 **(a) Definitions**

9  
10 As used in this chapter, unless the context or subject matter otherwise requires, the  
11 following definitions apply:

- 12  
13 (1) “Agency-referred programs, services and professionals” are services  
14 provided or referred by an agency or organization in coordination with the  
15 court.  
16 (2) “Court-provided programs, services and professionals” are services offered  
17 and provided by personnel employed directly by the court or by a contractor  
18 or vendor under agreement with the court;  
19 (3) “Non-courtroom” means outside a courtroom and may be within or outside a  
20 courthouse.  
21 (4) “Court user” is a person who accesses the court in order to assert or protect a  
22 legal right, or to participate as a witness, support person or other interested  
23 person in a legal proceeding.  
24 (5) “Language services” are services designed to provide access to limited  
25 English proficient court users to the legal system and may include without  
26 limitation in-person interpreters, telephonic interpreter services, remote  
27 interpreting services, bilingual employees, and bilingual volunteers.  
28 (6) “Limited English proficient” describes a person who speaks English “less  
29 than very well” according to the US Census.  
30 (7) “Private programs, services and professionals” are services provided by  
31 outside agencies, persons and organizations, which court users may be  
32 mandated to access by order of the court.

33  
34 **(b) Provision of Language Services in Non-Courtroom Programs and Services and**  
35 **Professionals**

36  
37 Each court must have procedures to ensure that limited English proficient court  
38 users have access to non-courtroom programs, services, and professionals to the  
39 same extent as persons who are proficient in English, as follows:

- 40  
41 (1) For court-provided programs, services, and professionals, courts must ensure  
42 that language services will be provided in the language required to limited

Rule 1.300 of the California Rules of Court would be enacted, effective January 1, 2019, to read:

1           English proficient court users who access a program or service mandated or  
2           offered by the court that is provided by court personnel or by a contractor or  
3           vendor under an agreement with the court.

4  
5           (2) For agency-referred programs, services, and professionals, any memorandum  
6           of understanding or other written agreement between the court and the  
7           agency or organization must ensure the provision of language services in the  
8           languages required by limited English proficient court users.

9  
10          (3) (A) Private programs, services and professionals.  
11          A court must not order or require a limited English proficient court user to  
12          independently access a non-courtroom program, service, or professional  
13          unless there are programs, services or professionals in the county that provide  
14          language assistance in conjunction with court-ordered services in the  
15          language required by the limited English proficient court user.

16  
17          (B) List of private programs, services, and professionals.  
18          Courts are encouraged to offer neutral, non-endorsing information about  
19          private programs, services, and professionals available in the county that  
20          provide multilingual services or language assistance to enable LEP court  
21          users to access their programs. Private programs, services, and professionals  
22          that would like to be included on a court's informational list must attest in  
23          writing to the court annually that they offer language services and must  
24          indicate the languages covered by the program, service or professional.

25  
26          (C) Delay in access to services.  
27          When a limited English proficient court user accesses a private program,  
28          service, or professional in fulfillment of a court order, the private program,  
29          service, or professional must provide a statement to the court indicating the  
30          language assistance provided in conjunction with the court-ordered service. If  
31          a court user is unable to access a private program, service, or professional  
32          within the time period ordered by the court due to limitations in language  
33          service availability, the private program, service, or professional must submit  
34          a statement to the court indicating the reason for the delay and providing an  
35          estimated date on which the program, service, or professional will be able to  
36          provide assistance in the language required by the court user.

37  
38  
39          (c) **Use of technology**

40          Courts should seek out opportunities to collaborate with each other and with  
41          community partners in the provision of language services and should employ

Rule 1.300 of the California Rules of Court would be enacted, effective January 1, 2019, to read:

1        technology to promote the sharing of bilingual staff and certified and registered  
2        court interpreters among courts.

3  
4                                    **Advisory Committee Comment**

5  
6        **Subdivision (b).** Each court must ensure the provision of language services in compliance with  
7        Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28  
8        C.F.R. § 42.101-42.112). The goal of this rule is to align litigants ordered by courts to  
9        participate in programs or services with providers who can provide those services in the  
10       language spoken by the litigant. Recognizing that not all program providers will be  
11       willing, or able, to meet the language needs, the rule is intended to make courts aware of  
12       services available in the community so that litigants are not placed in the untenable  
13       position of being unable to comply with court orders because the required services are not  
14       available in a language they can understand.

15  
16       **Subdivision (c).** It is the policy of the California Courts to encourage the efficient and effective  
17       use of human and technological resources in the provision of language services while ensuring  
18       meaningful access for limited English proficient court users. For non-courtroom interpretation  
19       events, courts may consult the report, *Technological Options for Providing and Sharing Court*  
20       *Language Access Services Outside the Courtroom*, for opportunities to collaborate with other  
21       courts and service providers to enhance language access for LEP court users.

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# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

[ItC prefix as assigned]-\_\_

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Title	Action Requested
Language Access: Language Services in Non-Courtroom Programs and Services	Review and submit comments by June 8, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rule of Court 1.300	January 1, 2019
Proposed by	Contact
Language Access Plan Implementation Task Force	Diana Glick, 916-643-7012 <a href="mailto:diana.glick@jud.ca.gov">diana.glick@jud.ca.gov</a>
Hon. Mariano-Florentino Cuéllar, Chair	Elizabeth Tam-Helmuth, 415-865-4604
Hon. Manuel J. Covarrubias, Vice-chair	<a href="mailto:elizabeth.tam@jud.ca.gov">elizabeth.tam@jud.ca.gov</a>

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### Executive Summary and Origin

The Judicial Council has charged the Task Force with overseeing and ensuring implementation of the *Strategic Plan for Language Access in the California Courts* (LAP). The plan provides a comprehensive and systematic approach to expanding language access in the California courts, in fulfillment of the courts' obligations under Title VI of the Civil Rights Act of 1964. The Task Force proposes to adopt a new rule of court to satisfy a series of LAP recommendations focusing on the provision of language services outside of the courtroom, to wit:

- Recommendation No. 10, which calls for the use of qualified court interpreters in all "court-ordered, court operated" programs;
- Recommendation No. 11, which contains a statement indicating that LEP court users should not be required to participate in court-ordered programs and services if those programs are not available in the language of the court user or if language services are not provided in order to enable access to the program;
- Recommendation No. 30, which calls for the Judicial Council to "consider adopting policies" that will promote the use of remote technologies to promote the sharing of bilingual human resources among courts to meet the needs of LEP court users in non-courtroom proceedings; and
- Recommendation No. 33, which requires courts to ascertain whether court-appointed professionals can provide "linguistically accessible services" before ordering court users to avail themselves of those programs, services and professionals. This recommendation

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

also calls for courts to enter into contracts with providers who can provide linguistically-accessible services.

As an initial response to Recommendation No. 30, the Translation, Signage and Tools for Courts Subcommittee developed the report, *Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom*, which provides a survey of current practices in California courts and other courts across the country with respect to the use of technology to maximize existing human resources and enhance language services. This report was approved by the Task Force on January 30, 2018 and is cited in the Advisory Committee comment in the proposed rule of court.

## **Background**

California rules of court pertaining to interpreters and language access are currently found in the following titles:

- **Title 2 Trial Court Rules:** Contains rules relating to the certification and professional conduct of interpreters, the use of non-certified interpreters and a rule applicable to courts regarding court user requests for an interpreter. (CRC 2.890-2.895.)
- **Title 3 Civil Rules:** Requires the translation to English of foreign language exhibits "certified under oath by a qualified interpreter." (CRC 3.1110(g).)
- **Title 5 Family and Juvenile Rules:** Contains rules requiring specified service providers such as family court services mediators to speak the language of those court users obtaining services or to obtain qualified interpreter assistance. In the case of dependency counsel appointed for children, the language status of a child may constitute a reason to appoint a non-panel attorney. Language is also a requirement for experts in a dispute over juvenile competency and expert evaluators must use tools that are in the language of the minor who is the subject of a delinquency petition. Finally, a parent or guardian who does not speak English has the right to have a social worker explain a notice of dependency proceedings in his or her first language. (CRC 5.215, 5.240, 5.518, 5.645, 5.667.)
- **Title 10 Judicial Administration Rules:** Includes language access and issues surrounding interpreters in the descriptions of authority and duties of the Court Interpreters Advisory Panel, Presiding Judges, and Regional Court Interpreters Employment Relations Committees, in addition to guidelines for court self-help centers. (10.51, 10.603, 10.761, 10.960.)
- **Standards for Judicial Administration:** Contains a standard for cases involving children and families that supervised visitation providers must either speak the language of the supervised noncustodial parent and the child or obtain the services of an interpreter. (5.20.)

The Task Force recommends inserting the new proposed rule of court into Title 1 of the California Rules of Court, which contains "Rules Applicable to All Courts." This title addresses issues such as court holidays, filing rules and the format of papers and contains rules for public access to court proceedings and accommodations for disability. The Task Force proposes to add a new chapter, to be titled "Language Access Services." In addition to proposed rule 1.300, this chapter would be

an appropriate repository for any future rules of court developed to address general issues related to language access that are applicable to all courts.

### **Recent Appellate Decision**

In 2017, the Second District Court of Appeal reversed a lower court's dispositional order denying a father custody of his children because he failed to participate in court-ordered alcohol treatment and parenting classes. Father was a recent immigrant from Myanmar who spoke only Burmese or Karen and an interpreter was not provided to help him access the programs ordered by the court. Specifically, the court held that "the order that he attend a drug treatment program, a 12-step program, and parenting, without any further detail as to how such programs could be attended, given his known language difficulties, constituted an abuse of discretion." (*In re J.P.* (2017) 14 Cal. App. 5<sup>th</sup> 616, 629-630.)

The Court emphasized the dire consequences of failing to provide language assistance in conjunction with court-ordered services in a dependency case, not only for parents who lose custody of their children, but for the children themselves, whose health and safety are at stake:

The remedy is for DCFS and the court to provide language assistance of some sort. Our dependency laws require reasonable reunification services for parents (§ 361.5) but those services are fundamentally for the protection of the children. A dependent child is at risk if a parent with an untreated serious alcohol problem is given custody of, or visitation with, such child, without a program to address the problem. That DCFS could not easily arrange for services in a language a parent could understand is of no consolation to a child who has been abused or neglected." (*Id.* at 626.)

### **The Proposal**

The Task Force proposes the adoption of new rule 1.300 titled, "Access to Programs, Services and Professionals."

The rule begins with a series of definitions that establish a common understanding of the terms used in the remainder of the rule regarding language access in non-court proceedings, including a delineation among "agency-referred," "court-provided," and "private" programs, services and professionals.

The rule requires courts to ensure equal access to non-courtroom programs, services and professionals for LEP court users, and contains specific mandates that depend on whether the ordered service is provided directly by the court, by outside service providers pursuant to an agreement with the court, or privately:

- Court-provided: For these services, which are provided directly by court personnel, courts must ensure that language services are provided to LEP court users as needed to access the service.

- Agency-referred: These services are court-ordered, but provided by justice partners such as probation and social services, or entities contracted by these agencies. These services must also be accessible to LEP court users and any memorandum of understanding between a court and these providers must ensure that language services will be provided as needed.
- Private: On some occasions, courts will order LEP litigants to independently obtain a service or participate in a private program. The proposed rule would emphasize the importance of not ordering an LEP court user to obtain a service if there is no service available with language support. If a private service is obtained, the private provider must submit a statement to the court indicating that language assistance was provided. If the LEP court user is unable to obtain the service or participate in the program within the time period mandated by the court due to a delay in obtaining language assistance, the private program, service or professional must make a statement to the court explaining the delay. In addition, the proposed rule would recommend but not require that courts provide information to LEP court users about services, programs and professionals that offer language assistance. Private providers who would like to be included on a list maintained by the court must annually certify to the court that they provide language services to LEP court users.

### **Alternatives Considered**

One alternative is to not develop a rule of court to address this issue; however, it was determined that the courts would benefit from guidance on this issue, in part because of the recent appellate court decision finding that a lower court abused its discretion when it ordered an LEP court user to obtain alcohol treatment, knowing that he had a language barrier that would make it impossible for him to participate in the program. (*In re J.P.* (2017) 14 Cal. App. 5<sup>th</sup> 616.)

### **Implementation Requirements, Costs, and Operational Impacts**

Implementation may require procedural changes in those courts that regularly order LEP parties to participate in programs or obtain services. The provision of language services would need to be accounted for in memoranda of understanding between the court and service providers. Courts would need to create procedures for the development and regular updating of the list of private programs and service providers that offer language services.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are there other types of programs and services that may be ordered by a court that are not contemplated in this rule?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. Proposed new Cal. Rule of Court 1.300
2. *Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom*
3. The *Strategic Plan for Language Access in the California Courts* can be found here: <http://www.courts.ca.gov/languageaccess.htm>