



JUDICIAL COUNCIL OF CALIFORNIA

LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

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MINUTES OF OPEN MEETING

January 22, 2019

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

Business Meeting, via Conference Call

Advisory Body Members Present: Hon. Mariano-Florentino Cuéllar; Chair; Hon. Manuel Covarrubias, Vice-Chair; Ms. Naomi Adelson; Hon. Steven Austin; Mr. Kevin Baker; Ms. Angie Birchfield; Ms. Tracy Clark; Hon. Jonathan Conklin; Hon. Michelle Williams Court; Hon. Hon. Janet Gaard; Ms. Ana Maria Garcia; Dennis Hayashi; Ms. Janet Hudec; Ms. Joann Lee; Ms. Ivette Peña; Hon. Rosendo Peña; Hon. Jonathan Renner; Mr. Michael Roddy; Hon. Victor Rodriguez; Mr. José Varela; Mr. David Yamasaki; and Hon. Laurie Zelon

Advisory Body Members Absent:

Ms. Susan Marie Gonzalez; Dr. Guadalupe Valdés; and Hon. Brian Walsh

Others Present:

Mr. Albert Archangel; Mr. Douglas Denton; Ms. Diana Glick; Mr. Bob Lowney; Ms. Claudia Ortega; Ms. Jenny Phu; Ms. Jacquie Ring; Ms. Virginia Sanders-Hinds; and Ms. Elizabeth Tam-Helmuth.

OPEN MEETING

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.

Updates from the Chair

Justice Cuéllar indicated that today's meeting will likely be the Task Force's last full meeting as the Task Force sunsets on March 1. The Task Force has ongoing projects and will work between now and when it transitions to the new subcommittee, the new Language Access Subcommittee under the Advisory Committee on Providing Access and Fairness (PAF). He reported that the new subcommittee structure under PAF was approved by the Judicial Council at its meeting on January 15. He is confident that the new structure will serve the public well. The new subcommittee will be responsible for implementing the remaining and ongoing LAP recommendations after the Task Force sunsets.

Justice Cuéllar indicated there are three agenda items for today in which action is required:

1. Approve Task Force minutes from December 17, 2018;
2. Review and approve the draft VRI Report for the council March 2019 meeting; and
3. Review and approve bilingual volunteer protocols for court volunteer programs for posting to the *Language Access Toolkit*.

Approval of Minutes

The Task Force unanimously approved the December 17, 2018, meeting minutes.

DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1. Video Remote Interpreting (VRI) Pilot Project and Draft Recommended Guidelines for VRI (Action Item)

Mr. David Yamasaki, Chair of the Technological Solutions Subcommittee, reviewed the draft Judicial Council report on the VRI Pilot, which includes (1) draft recommended guidelines for VRI, including recommended minimum technology guidelines; (2) the final pilot evaluation report from the San Diego State University (SDSU) Research Foundation; and (3) comments received in December 2018 from the California Federation of Interpreters (CFI) and Interpreters Guild of America (IGA). Mr. Yamasaki recapped that the six-month VRI Pilot Project commenced on February 1 and concluded on July 31, 2018, with two vendors (Paras & Associates and Connected Justice Consortium) and three superior courts (Superior Courts of California, Counties of Merced, Sacramento and Ventura) participating. The pilot evaluation including data collection was conducted by a third-party, independent evaluator, SDSU Research Foundation. He also thanked the three pilot courts and all the judicial officers, court staff, and court interpreters who participated in the pilot.

Mr. Yamasaki shared the overall VRI report findings from SDSU, which are positive and are summarized in the council report. Ninety-five percent (95%) of surveys completed by judicial officers indicated that they determined that VRI allowed for effective communication between the LEP court users and the courtroom. Also, 59% of post-pilot survey respondents (which include court interpreters) determined that the VRI allowed LEP courts users to meaningfully participate in court proceedings. (An additional 22% of survey respondents were neutral.) The VRI equipment received high mark from LEP court users for satisfaction and ease of use. Both vendors scored well on technical aspects and were approved to go forward.

Mr. Yamasaki indicated that the draft VRI guidelines are based on existing VRI guidelines in the LAP. The guidelines now include recommended minimum technology guidelines, which were jointly developed by Judicial Council Information Technology (IT) staff and the three pilot court's IT staff.

The VRI guidelines were further vetted by the VRI Workstream on December 14, 2018 and reviewed by the Task Force's Technological Solutions Subcommittee. Upon the request of an interpreter member, the draft report and guidelines were shared with CFI.

On December 28, 2018, CFI and IGA submitted a joint letter with comments regarding the draft council report and draft VRI guidelines. The Co-Executive Sponsors of the VRI Workstream carefully reviewed the comments submitted and determined that (1) they disagreed with the characterization that the VRI pilot was not successful; (2) many of the points raised in the letter were bargaining issues that were not appropriate for guidelines; and (3) other suggestions regarding VRI practices were not appropriate for guideline changes, but could potentially be woven into a separate VRI best practices document that the National Center for State Courts (NCSC) is developing as an additional resource for courts as part of its current contract with the council.

Task Force members, including court interpreters, expressed continuing concern regarding possible misuse and/or misapplication of VRI, which could increase interpreter errors at the expense of LEP court users. They also indicated that court interpreters should be very involved in the development of VRI training for courts to help ensure successful application of VRI throughout the branch. The Task Force discussed that courts and the council will need to carefully monitor appropriate use of VRI. This monitoring will need to include promptly identifying and addressing any negative impacts on the LEP court user when utilizing VRI for court proceedings. Ensuring due process for all court users under VRI should always remain a top priority.

Action Taken

The Task Force voted (18–2, with 2 abstentions) in favor of the VRI report, including the recommended guidelines for VRI, to go to the Information Technology Advisory Committee (ITAC) for approval at its February 8, 2019, meeting and to the Judicial Council Technology Committee for approval at its February 11, 2019, meeting, before the report goes to the council for approval at its March 15, 2019, meeting.

Item 2. Draft Bilingual Volunteer Protocol (Action Item)

Justice Laurie Zelon, Co-Chair of the Translation, Signage and Tools for Courts Subcommittee, presented the document, “Policies and Protocols for the Use of Bilingual Volunteers in the California Courts for approval by the Task Force. The document was developed in response to LAP Recommendation No. 34, which asks the courts to consider the use of bilingual community volunteers to enhance language access in encounters with LEP court users outside the courtroom. Justice Zelon noted that some courts are already utilizing valuable community resources via court docents and customer service programs.

The draft bilingual volunteer policies and protocol document provides guidance and support to local courts that may be considering the development of a bilingual volunteer program, or that may be looking to add bilingual volunteers to existing programs, such as the supervision of children in children’s waiting rooms and domestic violence victim advocates. Justice Zelon shared that the document presents 15 guidelines organized into the following categories: recruitment; qualification; training; and supervision and management of bilingual volunteers. The document also contains information about existing bilingual volunteer programs in California courts.

Action Taken

The Task Force voted (22–0) in favor of the bilingual volunteer protocol document to be shared with the courts' Language Access Representatives and posted on the *Language Access Toolkit*.

CLOSING AND ADJOURNMENT

Justice Cuéllar is amazed by the amount of time, energy and commitment the Task Force members, California courts, and Judicial Council staff have put forward for the sake of language access. The process has been very successful over the last four years and he is grateful for everyone's contribution and participation. A lot of work remains to be done, and he and some of the Task Force members will remain engaged in some form. He highlighted everyone's shared commitment to access to justice for LEP court users, and the Task Force's commitment to remain respectful and responsive to everyone's opinion and different points of view regarding language access.

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

Approved by the advisory body on [insert date]