



JUDICIAL COUNCIL OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING
ACCESS AND FAIRNESS

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ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS

MINUTES OF OPEN MEETING WITH CLOSED SESSION

October 15, 2020

12:15-1:15 p.m.

By Conference Call

Advisory Body**Members Present:**

Hon. Luis Lavin, Hon. Kevin Brazile, Gurinder Aujla, Hon. Manuel Covarrubias, Hon. Mark Cullers, Ana Maria Garcia, Janet Hudec, Hon. Victoria Kolakowski, David Levin, Hon. Elizabeth Macias, Hon. Lia Martin, Sasha Morgan, Hon. William Murray, Jr., Julie Paik, Michael Powell, Hon. Mickie Reed, Hon. Victor Rodriguez, Janice Schmidt, Hon. Bobbi Tillmon, Hon. Terry Truong, Twila White, Hon. Erica Yew

Advisory Body**Members Absent:**

Hon. Sue Alexander (Ret.), Kim Bartleson, Gina Cervantes, Hon. Mary Greenwood, Mary Hale, Michael Planet, Hon. Sergio Tapia, Hon. Juan Ulloa,

Others Present:

Lisa Chavez, Douglas Denton, Diana Glick, Bonnie Hough, Andi Liebenbaum, Amanda Morris, Catherine Ongiri, Elizabeth Tam, Greg Tanaka

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:17 p.m. Quorum achieved

Approval of Minutes

Minutes of September 16, 2020 meeting approved. Motion by Judge Victoria Kolakowski, seconded by Judge Mark Cullers.

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-3)

Item 1**Update on Annual Agenda Revisions**

Justice Lavin provided the committee with an update of the revisions to the 2020 Annual Agenda. The COVID-19 Pandemic has resulted in numerous challenges to the courts and justice partners as we work to maintain access to justice. The Executive Committee asked each advisory body to reassess how best to meet its charge and the current needs of the judicial branch including, a comprehensive review of all the advisory committees' annual agendas. This was an extremely difficult task. Based on the review of the annual agenda, three projects will be deferred. The ADA bench card update, Deferral of the Guidelines for Machine Translation (including web use) and Use of Tablets to Assist LEP Court Users, and deferral of implementation of mental health

recommendations. These proposed revisions will be reviewed by the Executive Committee in the upcoming weeks.

Item 2

Language Access Subcommittee Update

Judge Rodriguez provided the committee with an update from the Language Access Subcommittee. He briefly shared the following updates on the language access projects: Signage and Technology Grant Program, FY 20-21: After advisory committee (PAF, Information Technology Advisory Committee and Technology Committee) approvals, the Council is scheduled to review the proposed FY 20-21 grant recommendations as a consent item for final approval on November 13. If approved by council, staff will notify the 23 awarded courts and issue Intra-Branch Agreements. Awarded courts will have until December 31, 2021 to expend the funds.

For the FY 2019-20 grant cycle, several courts have encountered significant delays with projects due to court closures and the pandemic. Staff is currently working with 12 courts to allow additional time (120-day extension, until April 30, 2021) to complete awarded projects.

The Annual Language Access Survey launched in early September to determine the courts' provision of language access services, current needs and areas that may need improvement, as of June 30, 2020. The deadline was extended to November 6. A survey report will be issued next year with findings and recommendations.

The Language Access Services team is working with the consultant National Center for State Courts on two projects. The first project is to develop solutions and recommendations that will assist courts with implementation of Rule 1.300, including potential use of technologies to expand LEP court user access to court-ordered programs and services in different languages. A report will be issued in the spring 2021 with recommendations and to help facilitate greater public access to court-ordered programs and services in different languages. The second project, the Public Outreach Campaign, consists of two primary components: 1. dissemination in early 2021 of multilingual educational materials (videos, audio and print) that have been posted to the Language Access Toolkit to different multiethnic media outlets; and 2. conduct of a virtual community engagement meeting in early 2021 to promote language access initiatives and highlight LEP community needs to access the courts.

Item 3

Judicial Diversity Toolkit Update

Staff continues to work with California Lawyers Association to begin to plan the Judicial Diversity Summit in 2021. On October 22, staff will be presenting on Judicial Diversity to state bar leaders across the state to start building interest and excitement about the summit. Additionally, PAF will co-host a number of statewide forums virtually on judicial diversity starting in 2021. PAF will continue to provide online judicial diversity trainings as requested.

The Los Angeles Judicial mentorship program helps prepare people for their application to the bench. This program will launch on November 9th and PAF members were instrumental in the development of the program.

I. ADJOURNMENT

Adjourn to Closed Session

II. CLOSED SESSION

Approval of Minutes

Minutes of the August 20, 2020 (Closed Session) Advisory Committee on Providing Access and Fairness meeting approved. Motion by Judge Bobbi Tillmon, seconded by Judge Elizabeth Macias

Item 1

MC-410 Redesign

Cal. Rules of Court, Rule 10.75 (D)(10)

Item 3

Legislative Working Group Update

Cal. Rules of Court, Rule 10.75 (D)(10)

Item 4

Self-Represented Litigants E-Portal Demonstration

Cal. Rules of Court, Rule 10.75 (D)(10)

III. ADJOURNMENT

There being no further business, the meeting was adjourned at 1:12 p.m.

Approved by the advisory body on **enter date**.



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ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS

MINUTES OF OPEN MEETING

December 17, 2020

12:15-1:15 p.m.

By Conference Call

Advisory Body**Members Present:**

Hon. Luis Lavin, Hon. Kevin Brazile, Hon. Sue Alexander (Ret.), Gurinder Aujla, Kim Bartleson, Hon. Mark Cullers, Hon. Mary Greenwood, Mary Hale, Janet Hudec, Hon. Victoria Kolakowski, David Levin, Hon. Elizabeth Macias, Hon. Lia Martin, Sasha Morgan, Hon. William Murray, Jr., Julie Paik, Michael Planet, Hon. Mickie Reed, Hon. Victor Rodriguez, Janice Schmidt, Hon. Bobbi Tillmon, Hon. Terry Truong, Hon. Juan Ulloa.

Advisory Body**Members Absent:**

Gina Cervantes, Hon. Manuel Covarrubias, Ana Maria Garcia, Michael Powell, Hon. Sergio Tapia, Twila White, Hon. Erica Yew.

Others Present:

Lisa Chavez, Douglas Denton, Bonnie Hough, Hon. Mark Juhas, Andi Liebenbaum, Hon. Louis R. Mauro, Amanda Morris, Catherine Ongiri, Elizabeth Tam, Greg Tanaka

OPEN MEETING**Call to Order and Roll Call**

The chair called the meeting to order at 12:17 p.m. Quorum achieved

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-4)**Item 1**

2021 Annual Agenda Projects

Presenter: Justice Luis Lavin

Justice Lavin provided the committee with an update of the 2021 Annual Agenda. The committee was reminded of the guidance from the Council's internal committees in drafting the 2021 Annual Agenda. This guidance includes prioritizing projects that assist courts, justice partners and parties with access to justice during and following the COVID-19 pandemic, addressing otherwise urgent needs or are mandated by legislation.

PAF's new project for 2021 is the **Model Translation Policy for the Courts**. This will be led by our Language Access Subcommittee and will be described further under the Language Access Subcommittee Update.

The remainder of the proposed projects on our 2021 Annual Agenda are ongoing from the 2020 Annual Agenda. These projects will meet a need as we work through and after the pandemic.

The first ongoing proposed item is **Diversity in the Branch**-This project continues to highlight the Pathways to Judicial Diversity including presenting on judicial diversity statewide and the continued roll out of the toolkit. Additionally, PAF will provide technical assistance to courts that want to start a judicial mentorship program with resources from the toolkit and additional support.

Futures Recommendations for an Early Education Program in Civil and Small Claims. This project is based on the directive of the Chief Justice in implementing recommendations of the Futures Commission. The work is ongoing and focused on a user centered Self-Represented Litigants E-Portal in civil litigation and small claims matters. The divorce content went live on November 16 and staff is actively soliciting feedback from users. Early feedback is very positive. Staff is currently working with Self-Help Centers to incorporate the content into their remote offerings.

Collaborate and Provide Subject Matter Expertise. PAF will continue to serve as the lead/subject matter resources for issues under our charge to avoid duplication of efforts and contribute to development of recommendations for council action. This is especially true with the budget shortfalls, lack of resources, and workload impacts caused by the pandemic. This project continues to be a priority due to the racial injustice further brought to light by the disparities of the COVID-19 pandemic. Staff are working on trainings in the areas of racial justice and bias.

Mental Health Recommendations. PAF will continue to review and implement recommendations referred to PAF from the Mental Health Issues Implementation Taskforce.

Improving Access and Fairness Through Technology. This project is a companion piece to Self-Represented Litigants E-Portal and the project discussed above. This item provides the committee the opportunity to collaborate on additional items that may assist during or after the pandemic.

ADA Bench Card Update. In 2021, we will resume the work we started with the revisions to the ADA Bench Card and the Disability Accommodations brochure.

The Committee raised additional areas of consideration for the projects for 2021 including racial justice, COVID-19, court reporters, and access to interpreters. Staff will work with the committee to identify and prioritize proposed additional projects.

Item 2

Language Access Subcommittee

Presenter: Judge Victor Rodriguez

Judge Rodriguez provided the committee with an update from the Language Access Subcommittee. The U.S. Department of Justice closed its investigation of the Judicial Council on language access issues, following the closure earlier this year of the Los Angeles Superior Court investigation. The Subcommittee acknowledges the hard work of the courts, advisory bodies, and Judicial Council staff to implement the Language Access Plan, under the Language Access Plan Implementation Task Force, and to make language access a core service of the court.

Judge Rodriguez will participate in a working group with members from the Information Technology Advisory Committee and other IT experts to review and update the Video Remote Interpreting (VRI) Guidelines, which were created before the COVID-19 pandemic.

Updates on the four current language access projects are below:

On November 13, the council approved the recommendations and allocations for the FY 2020-21 **Language Access Signage and Technology Grants**. The 23 awarded courts have been notified, and staff is working with several courts that requested additional funding from the contingency fund for their signage/technology initiatives.

Language Access Services staff launched the **Annual Language Access Survey** in September of this year, to determine the courts' provision of language access services and current needs, as of June 30, 2020. Staff received surveys from 49 courts and Subcommittee members and staff will reach out to those remaining courts to encourage them to respond. A survey report will be issued next year with findings and recommendations.

The Language Access Services staff is working with the consultant National Center for State Courts (NCSC) on two projects. The first project is assistance with **implementation of Rule 1.300** and the NCSC is currently conducting telephone interviews this month with select Language Access Representatives, to seek more information on existing or potential Rule 1.300 strategies. A draft report will be shared in Spring 2021 with recommendations and concrete solutions to help facilitate greater public access to court-ordered programs and services in different languages.

The second project, **Public Outreach Campaign – Phase 2**, is dissemination in early 2021 of multilingual educational materials (infographics, PSA and videos) that were developed in 2019 and posted on the online Toolkit, through: conduct of educational webinar meetings, direct outreach to court stakeholders; and media buys/placements with multiethnic media outlets, in order to promote language access initiatives and highlight LEP community needs to access the courts.

Judge Rodriguez shared there are five proposed projects for inclusion in the 2021 PAF Annual Agenda:

The first project is a new project that will advise Judicial Council staff on development of a **Model Translation Policy for the Courts**. The policy will provide specific guidance to courts on the translation of local forms, vital documents and web content (i.e., court websites) to ensure that content is accurately translated for LEP court users. Staff envisions an easy step-by-step guidance to assist the courts. This project is informed by and coordinates with the planned IT pilot to test voice-to-text technology at court filing windows, service counters and in self-help centers, which ITAC and IT staff will be embarking upon sometime next year.

The next four projects are ongoing for the Subcommittee and includes: Assistance with **implementation of Rule 1.300**, which the NCSC is developing a draft report with solutions and recommendations for implementation of Rule 1.300. The draft report will be shared with PAF next year.

For the **Language Access Signage and Technology Grant Program**, Fiscal Year 2021-2022, Cycle 3 will commence in Spring 2021. Staff will continue to coordinate the grant program with the Judicial Council Executive Office, PAF, Information Technology Advisory Committee, Technology Committee, and council.

For the **Public Outreach Campaign, Phase 2** will take place in Spring 2021. The goal is to inform LEP court users across the state of language access services available in the court and to provide information on common court processes, with conduct of educational webinars; direct outreach to stakeholders; and paid placement/media buys with ethnic media outlets.

For the **Annual Language Access Survey**, staff will send out a survey in Summer 2021 to all 58 trial courts to determine courts' provision of language access services as of June 30, 2021. Similar to previous years' surveys, the survey will assist us to obtain a better picture of the extent to which language services are provided by the courts, as well as areas that may need improvement, especially in the COVID -19 pandemic era.

Item 3

Model Self Help Pilot

Presenter: Bonnie Rose Hough

Bonnie Hough presented on the Model Self-Help Pilot Project which has been operating in five California trial courts since 2002. The Superior Court of Contra Costa County has decided not to continue its participation with its technology model project. The Trial Court Budget Advisory Committee has recommended that all courts be allowed to apply for a portion of the \$191,400 in funds to expand their use of technology in providing self-help assistance as part of a consolidated technology funding application process for FY 2020-21. For FY 2021-22 funds and beyond, develop an application to be submitted by interested courts to become a Model Self-Help Pilot Program focusing on providing services using technology. These applications to be reviewed by a panel from the Trial Court Budget Advisory Committee, the Information Technology Advisory Committee, and the Committee on Providing Access and Fairness. This ad hoc subcommittee will make a recommendation to the Judicial Council regarding the new pilot project. The application

for FY 2021-22 and ongoing funds would be due in late spring, allowing courts to develop more meaningful projects and plans prior to the start of the October 1 funding year.

Ms. Hough asked for two volunteers from PAF to serve on the ad hoc subcommittee to review the grant applications and make recommendations for funding. Ms. Julie Paik and Ms. Kim Bartleson volunteered to serve on the subcommittee.

Item 4

Judicial Diversity Update

Presenter: Judge Kevin Brazile and Catherine Ongiri

Los Angeles opened a judicial mentor program for anyone who wants to become a judge. This program has been very successful and can serve as a model for other counties that want to begin a judicial mentorship program.

The committee was updated on future presentations of the Judicial Diversity Toolkit provided by staff, Cathy Ongiri and Greg Tanaka. Staff will continue to provide online trainings as requested. Staff continues to work with California Lawyers Association to plan the Judicial Diversity Summit in 2021.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:53 p.m.

Approved by the advisory body on **enter date**.



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MINUTES OF JANUARY 29, 2021 ACTION BY E-MAIL

E-mail Proposal

For the Fiscal Year (FY) 2020-21 Language Access Signage and Technology Grant Program, the Language Access Subcommittee developed a proposal for the Advisory Committee on Providing Access and Fairness (PAF) with (1) recommendations for distribution of the signage and technology contingency funding and (2) recommendations that remaining technology contingency funds for this cycle be added to the court technology modernization funding grants for remote appearance technology, including for video remote interpreting.

Notice

On January 26, 2021, the PAF posted public notice that it planned to ask its members to approve the proposal in an action by email beginning at 10:00 a.m. on January 29, 2021 and invited public comment on the proposal, which was also posted. No public comment was received.

Action Taken

On January 29, 2021, a vote of the PAF members was requested by e-mail to approve the proposal for use of the contingency funds for the FY 2020-21 Language Access Signage and Technology Grant Program. The period for voting closed at 5 pm on January 31, 2021. A total number of 27 members voted and the request was approved unanimously by the committee.

Approved by the advisory body on enter date.

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INVITATION TO COMMENT

SP21-01

Title

Recommended Guidelines and Minimum Specifications for Video Remote Interpreting (VRI) for Spoken Language Interpreted Events

Action Requested

Please review and submit comments by February 16, 2021

Proposed Effective Date

May 21, 2021

Proposed by

Hon. Sheila Hanson, Chair
Information Technology Advisory
Committee

Contact

Lisa Chavez, 415-865-4227
lisa.chavez@jud.ca.gov

Executive Summary

The recommended guidelines and minimum specifications for video remote interpreting (VRI) for spoken language interpreted events have been updated under the direction of a working group of the Information Technology Advisory Committee (ITAC). In response to the COVID-19 pandemic, courts have implemented remote video solutions to ensure access to justice and protect the health and safety of court staff, court users, and judicial officers. The VRI guidelines for spoken language have been updated to support VRI in both physical and virtual courtrooms, and to provide guidance to courts and the public to ensure remote interpreting allows limited English proficient (LEP) court users to fully and meaningfully participate in court proceedings.

Background

In January 2015, the Judicial Council of California adopted the *Strategic Plan for Language Access in the California Courts* (Language Access Plan, or LAP) to provide recommendations, guidance, and a consistent statewide approach to ensure language access throughout the courts. Two main components of the LAP are to increase qualified interpreter services in any court-ordered, court-operated proceeding as well as to increase the availability of language access services to all court users. The use of technological solutions to expand such services is a component of this plan and is specifically addressed by Goal 2 of the LAP, which highlights the need to incorporate technology to provide access in courtroom proceedings through the provision

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.

of remote interpreting and the establishment of recommended minimum technology specifications to facilitate its use.

The revised guidelines were adapted from the *Strategic Plan for Language Access in the California Courts*, which was adopted by the Judicial Council on January 22, 2015. The guidelines were last revised in March 2019, following a VRI pilot conducted in 2018.

The Proposal

In response to the COVID-19 pandemic in 2020, many California courts have implemented remote video solutions to ensure access to justice and protect the health and safety of court staff, court users, and judicial officers. The VRI guidelines for spoken language have been updated to reflect available technologies, current practices, and to provide guidance to the courts and public regarding practical steps to support successful video remote interpreting for spoken language. The guidelines provide key and other considerations for courts to support VRI, including proper training and recommended minimum technology specifications.

Benefits of VRI include:

- Increased access to qualified (certified and registered) interpreters, especially in languages of lesser diffusion.
- Allowing court users to see and talk to an interpreter in their language without extended delay, despite not being in the same room, or even the same city.
- Allowing court users to resolve short, non-complex, and uncontested hearings, even when on-site interpreters are unavailable, lowering the need to reschedule court visits.
- Allowing private and confidential VRI conversations, similar to in-person interpreting.

Following public comment, the revised guidelines will be presented to the Advisory Committee on Providing Access and Fairness, ITAC and the council for review and approval.

Alternatives Considered

These are suggested guidelines for remote interpreting for spoken language based on current best practices and, as such, should be subject to updating and revision by the Judicial Council to accommodate advances in technology that will support the delivery of interpreter services to LEP court users and help ensure quality communication with LEP court users.

Fiscal and Operational Impacts

The Governor's 2020 Budget Act provided funding to support trial courts for court interpreter services and establishment by the Judicial Council of a VRI program. Due to the COVID-19 pandemic, courts have successfully used VRI to provide remote interpreter services for hearings. The revised VRI guidelines will help to build on and standardize these efforts including establishment of a statewide VRI program.

Request for Specific Comments

In addition to comments on the proposed policy concepts as a whole, ITAC is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- 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?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. *(Draft) Recommended Guidelines and Minimum Specifications for Video Remote Interpreting (VRI) for Spoken Language Interpreted Events* (2021)
2. *Strategic Plan for Language Access in the California Courts* (2015),
https://www.courts.ca.gov/documents/CLASP_report_060514.pdf
3. *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language Interpreted Events* (2019),
<https://www.courts.ca.gov/documents/vri-guidelines.pdf>

CALIFORNIA JUDICIAL BRANCH

Recommended Guidelines and Minimum Specifications for Video Remote Interpreting (VRI) for Spoken Language- Interpreted Events

XX, 2021



Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
www.courts.ca.gov

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The *Recommended Guidelines and Minimum Specifications for Video Remote Interpreting (VRI) for Spoken-Language Interpreted Events* was adopted by the Judicial Council on XX, 2021. This document was prepared under the direction of a working group of the Information Technology Advisory Committee, which reviewed and updated the guidelines in 2020-21. These guidelines were adapted from the *Strategic Plan for Language Access in the California Courts*, which was adopted by the Judicial Council on January 22, 2015. The guidelines were last revised in March 2019, following a VRI pilot conducted in 2018.

For electronic copies of these guidelines and for more information, visit www.courts.ca.gov/VRI.htm.

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DRAFT

Introduction

California is home to a very diverse population, with over 200 languages and dialects spoken within its borders. Approximately 7 million of its residents are limited English proficient (LEP), meaning they read, write, speak, or understand English “less than very well.” Federal laws, such as Title VI of the Civil Rights Act of 1964 and Executive Order 13166, ensure that these individuals have meaningful access to any program or activity receiving federal financial assistance by prohibiting discrimination on the basis of race, color, or national origin. Accordingly, LEP individuals must be able to access the court system in a meaningful manner. In an effort to address this need, in January 2015, the Judicial Council of California adopted the [Strategic Plan for Language Access in the California Courts](#) (Language Access Plan, or LAP), which (1) provides the foundational components for ensuring that all LEP court users in the state have equal access to justice, and (2) sets forth guidance and recommendations to help courts expand their language services at the local court level. Two main components of the LAP are to increase qualified interpreter services in any court-ordered, court-operated proceeding as well as to increase the availability of language access services to all court users. The use of technological solutions to expand such services is a component of this plan and is specifically addressed by Goal 2 of the LAP, which highlights the need to incorporate technology to provide access in courtroom proceedings through the provision of remote interpreting and the establishment of recommended minimum technology specifications to facilitate its use.

About VRI

In order to achieve the goal of universal provision of interpreters in judicial proceedings, the LAP notes that appropriate use of technology must be considered. From the use of various forms of remote interpreting (telephonic or video) to developing multilingual audiovisual material, technology will, by necessity, be part of any comprehensive solution to the problem of lack of language access in judicial proceedings.

The use of remote interpreters in courtroom proceedings can be particularly effective in expanding language access. To increase LEP court user access to qualified interpreters, the LAP allows for the proper use of video remote interpreting (VRI) in the courts:

12. The use of in-person, certified and registered court interpreters is preferred for court proceedings, but courts may consider the use of remote interpreting where it is appropriate for a particular event. Remote interpreting may only be used if it will allow LEP court users to fully and meaningfully participate in the proceedings.

The LAP also notes that the quality of interpretation is of paramount importance and should never be compromised. In response to the COVID-19 pandemic in 2020, many California courts implemented remote video solutions to ensure access to justice and protect the health and safety of court staff, court users, and judicial officers. Today, courts have access to a wide variety of technology solutions that enable remote access to court proceedings, including off-site location of the interpreter, the LEP party, jail staff, judge or attorney. In both physical and virtual courtrooms, the quality of the interpretation continues to be of paramount importance and should never be compromised. If the effectiveness of the communication is in no way compromised and certain controls are in place, remote interpreting provides an important and viable way in which to provide LEP court users with immediate access to a qualified interpreter. As described in this document, remote interpreting allows LEP court users to fully and meaningfully participate in court proceedings when the court meets appropriate minimum specifications and provides training and resources for court staff and court users.

Among the benefits of remote interpreting is the facilitation of prompt availability of language access for litigants by providing certified and registered interpreter services with less wait time and fewer postponements; this saves both the court user's and the court's valuable time. In addition, having qualified interpreters more readily available through remote interpreting can decrease the use of less qualified interpreters, dismissals for failure to meet court deadlines,

and the frequency of attorneys or parties waiving interpreter services or proceeding as if the LEP person is not present, in order to avoid delays. By decreasing interpreter travel among venues and increasing the number of events being interpreted by individual interpreters, remote interpreting allows more LEP litigants to be served, in more areas, utilizing the same personnel and financial resources, thereby greatly expanding language access.

Remote access is not limited to providing interpreter services. It is a means to provide a variety of services in locations that are not near a courthouse or not easily accessible. For example, where satellite courts have been closed or where jails are located some distance from courthouses, remote technology has allowed courts to provide access and service to those locations. It is imperative that courts, and the branch as a whole, include remote access technology solutions in language access planning efforts.

Any introduction of remote interpreting in the courtroom will have to include, in advance, appropriate training and education for all personnel who will be involved in the court proceedings. Judicial officers, interpreter coordinators and other court staff will need to know how to use the available technology. This includes how to launch the programs and how to use the technology during remote court proceedings. Judicial officers in particular will have to understand the logistics of the remote interpretation process to ensure they are managing the courtroom and the proceedings appropriately. Similarly, interpreters will need training on the use of the technologies and platforms utilized by the court, as well as ensuring that audio is clear to adequately provide accurate and effective interpretation. As appropriate, attorneys, bailiffs, sheriffs and jail staff must also receive training and instructional material on the use of adopted platforms and technologies. Similarly, court staff must be trained and available to troubleshoot and address any technical problems with the equipment as the need arises.

LEP court users should also be informed of how to use the court's technologies and platforms. This may include translated instructions and recorded online orientations, etc. The LEP court user should be advised of the options for participation and the minimum technological

specifications required to support those options (e.g. telephone, Wi-Fi, etc.). The court should make alternative solutions available (e.g., telephonic interpretation or workstations at the court) if the LEP court user does not have access to the minimum technology necessary for effective virtual participation as described in this document.

About These Guidelines

These are suggested guidelines for remote interpreting for spoken language based on current best practices and, as such, should be subject to updating and revision by the Council to accommodate advances in technology that will support the delivery of interpreter services to LEP court users and help ensure quality communication with LEP court users.

Considerations and Guidelines for Video Remote Interpreting in Court Proceedings

When using VRI meeting minimum technology specifications and providing training are critical. Additionally, prior to selecting VRI for a particular courtroom event, the court should adhere to additional considerations and guidelines as described below.

Key Considerations

A. Minimum Technology Specifications for Remote Interpreting

When using VRI in any proceeding, the court should ensure that it has the equipment and technology to provide high-quality communications, regardless of the physical location of the participants. (See Appendix A for Minimum Technology Specifications).

B. Training

Prior to conducting VRI proceedings, the court should provide all persons participating in the VRI event adequate training and orientation in the use of the equipment, interactions and interpreting protocols.

Considerations for VRI for a court event

The initial analysis for determining whether a court proceeding is appropriate for VRI may be made by the interpreter coordinator, judicial officer, and/or court staff. The interpreter coordinator, judicial officer, and/or court staff should consider all of the following when using VRI:

- The anticipated length and complexity of the event, including complexity of the communications involved.
- The relative convenience or inconvenience to the court user.
- Whether the matter is uncontested.
- Whether the proceeding is of an immediate nature, such as arraignments for in-custody defendants, bail reductions, and temporary restraining orders.
- Whether the LEP or other parties are present in the courtroom or appearing remotely.
- The number of court users planned to receive interpretation from the same interpreter during the event.
- The efficient deployment of court resources.
- Whether the LEP party requires a relay interpreter; e.g., where there is an interpreter for an indigenous language who relays the interpretation in Spanish to another interpreter who then provides the interpretation in English. (The need for a relay interpreter does not preclude the use of VRI but might necessitate the presence of at least one of the interpreters in the courtroom or a combination of remote technologies.)
- Whether the LEP parties require different interpreters.

Guidelines for using VRI in a court proceeding

1. Need to Interrupt or Clarify

When using VRI, the court should consult with the interpreter to determine how best to facilitate interruptions or clarifications that may be needed. The court should suspend

and reschedule a matter if VRI is not facilitating effective communication due to technology issues or other reasons.

2. VRI Time Management

The court should be mindful that in remote interpreting, there may be additional lag time needed for interpreting and relay interpreting. In addition, remote interpreting may include increased fatigue and stress. Events involving remote interpreting should have shorter sessions or more frequent breaks.

3. Participants Who Must Have Access

The remote interpreter's voice must be heard clearly throughout the courtroom or in a remote courtroom session, and the interpreter must be able to hear all participants, whether they are in person or appearing remotely.

4. Visual/Auditory Issues, Confidentiality, and Modes of Interpreting

VRI is generally preferred over telephonic interpreting that does not provide visual cues. Several remote platforms provide options for confidential conversations with the LEP litigant, attorney and interpreter. Remote technologies may provide sight translation, consecutive, and simultaneous interpretation options.

5. Documents and Other Information

The court should ensure the availability of technology to communicate written information to the interpreter including a copy of exhibits being introduced, as well as information after a proceeding, such as an order, so the interpreter can provide sight translation to the LEP individual if needed.

6. Professional Standards and Ethics

The same rules for using qualified interpreters apply to assignments using VRI. It is the intent of the language access plan to expand the availability of certified and registered interpreters through the use of VRI. All interpreters performing VRI should be familiar with—and are bound by—the same professional standards and ethics as onsite court interpreters.¹

¹ The requirements for provisionally qualifying an interpreter can be found in Government Code section 68651(c) and California Rules of Court, rule 2.893.

7. Data Collection

- a. Courts using VRI in the courtroom, or in a remote courtroom session, should monitor the effectiveness of their technology and equipment. This may include periodic surveys and/or a method for feedback and complaints by in person and remote participants.
- b. For purposes of supporting funding requests, courts should collect data regarding VRI on an ongoing basis (e.g., number of interpreter sessions provided, number of languages, and quality of VRI solutions).
- c. The Court Interpreter Data Collection System (CIDCS) allows courts to track VRI as the method of interpretation. The data collected in CIDCS is used to support Budget Change Proposals, including augmentation requests for the Court Interpreter Fund and other language access projects, including funding for VRI equipment.

Visual/Auditory Issues, Confidentiality, and Modes of Interpreting When Working Remotely

1. A clear view of the LEP court user is more important than a view of every speaker. Although the default setting for various platforms displays the speaker, the courts may pin various courtroom participants to remain in view. Cameras on all stakeholders may be beneficial but may not be essential. A speakerphone is not recommended unless it accommodates the other requirements of these guidelines, including the ability to be part of a solution to allow for simultaneous interpreting when needed.
2. To ensure the opportunity for confidential attorney-client conferencing, the attorney should have the ability to speak confidentially with their LEP client with the assistance of an interpreter. This could be accomplished using a combination of personal communication devices such as smartphones, tablets, headphones, and/or individual handsets, depending on the physical location of each participant. Technology used to support virtual courtroom sessions must include some sort of breakout room or conference call functionality to provide for private conversations.

3. Interpreting in the courtroom regularly involves both simultaneous and consecutive modes of interpreting. This can be achieved in a variety of ways using existing and emerging technologies. In longer matters, failure to have a technical solution that can accommodate simultaneous interpreting will result in delays of court time and may cause frustration with remote interpreting. Courts should use a technical solution that will allow for simultaneous interpreting. However, there may be proceedings or connectivity issues (for example, very short matters via a telephone) in which consecutive interpreting is adequate to ensure language access. When using consecutive interpreting, the court should advise participants to speak clearly and in short sentences to help facilitate accurate interpretation.
4. Recognizing that courts may implement very different technical solutions for VRI, it is critical that prior to the start of an interpreted event all parties, judicial officers, court staff, jail staff, and officers of the court (including attorneys and interpreters) know how to allow for confidential conferencing when needed. For example, how to launch a virtual breakout room, add participants, and rejoin the hearing.
5. All participants, including the LEP party and the interpreters, need to check microphone and/or camera clarity before beginning interpretation. In addition, all participants, including the LEP court users and interpreters should also check their phone or internet connectivity to ensure adequate signal.
6. Both VRI interpreters and courts should receive training and be knowledgeable of general steps to address technical issues. If available, the courts should also have technical support readily available as needed.
7. Clear, concise operating instructions should be available to interpreters, courtroom staff, jail staff, and LEP court users regarding any technical specifications or procedures related to remote interpretation.

Note: There are different and other visual considerations, including visual confidentiality, if using VRI with American Sign Language (ASL). Please see www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf for a complete discussion of using VRI with ASL-interpreted events.

Appendix A—Minimum Specifications for Remote Interpreting

The following table provides guidelines for providing remote interpretation to LEP court users in court sessions that are initiated in a physical courtroom or a virtual courtroom. Solutions will need to support both consecutive interpretation (in open court when the speaker pauses after one or two sentences and allows the interpreter to interpret from the source language to the target language before the speaker continues on with their speech) and simultaneous interpretation (when the interpretation from the source language to the target language happens in real time). Solutions will also need the capability for breakout rooms that allow confidential conversations between the LEP, attorney and court interpreter.

Court users will receive instructions from the court on how to participate in remote hearings if they are appearing remotely. Court users may participate in remote hearings by using their smartphone or computer if the device has a microphone and internal or external video camera, and access to internet and Wi-Fi that supports reliable connectivity for sound and video image. Remote video connections can also be provided from a location within the courthouse for both the LEP and/or an interpreter (e.g., workstations at the courthouse that allow the LEP or interpreter to participate remotely via video). If the LEP can only connect using audio only (i.e., a phone without smartphone functionality and no video), then a telephone number will be provided to the LEP by the court for participation.

Courts will need to ensure that platforms used for remote hearings ensure data security for the court.

Court Information Technology (IT) personnel are highly encouraged to contact their assigned Judicial Council LAN/WAN design engineer for technical advice on network equipment and internet circuits. If court personnel are not sure who their design engineer is, they can e-mail LANWAN@jud.ca.gov and the appropriate team member will respond.

Minimum Specifications for Remote Interpreting

The following table provides guidelines for various scenarios to provide consecutive and simultaneous interpretation to LEP court users in court sessions that allow for remote appearances that are either:

1. Initiated in a physical courtroom with both in-person and remote participation, or
2. A virtual courtroom session, where all participants are remote.

All scenarios require a remote video solution that provides the following functionality:

- Breakout rooms for interpreters and LEP court participants to have confidential discussions with attorneys.
- Ability for the interpreter to toggle back and forth between a connection to speak with the LEP and to the court in English and the required language (consecutive interpreting) and to listen to proceedings and to speak with the LEP only in their required language (simultaneous interpreting).

1. Physical Courtroom with In-person and Remote Participants

Scenario	LEP Connection	Interpreter Connection	Audio
Interpreter and LEP Remote	<i>Remote video*</i>	<i>Remote video*</i>	<i>Internal (courtroom microphones) and external (remote session) audio connected to the courtroom public address (PA) system so all participants can be heard</i>
Interpreter in Person, LEP Remote	<i>Remote video*</i>	<i>Tablet device and headset to join the remote video session from within the courtroom</i>	
LEP in Person, Interpreter Remote	<i>Tablet device and headset to join the remote video session from within the courtroom</i>	<i>Remote video*</i>	

2. Virtual Courtroom with all Remote Participants

Scenario	LEP Connection	Interpreter Connection	Audio
Interpreter and LEP Remote	<i>Remote video*</i>	<i>Remote video*</i>	<i>Provided via remote video solution</i>

** If the LEP can only connect via telephone (no video), then a telephone number will be provided to the LEP by the court for participation. A remote video connection could be provided from a location within the courthouse for both LEP and/or an Interpreter.*

Public Outreach: Language Access Multilingual Educational Materials



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The Language Access Subcommittee of the Judicial Council's [Advisory Committee on Providing Access and Fairness](#) is pleased to announce a public outreach campaign to help educate limited English proficient (LEP) court users on common court processes. There are three components to the campaign: educational webinars, direct outreach to justice partners, and distribution of multilingual educational material to ethnic media. You may register for the webinars by visiting the [Language Access](#) webpage.

1. **Conduct language access educational webinar sessions:** The Judicial Council and the National Center for State Courts (NCSC) will host a series of language access educational webinar sessions for courts and court stakeholders to promote language access initiatives and highlight LEP community needs to access the courts. Due to the COVID-19 pandemic, the meetings will be held virtually, via Zoom.
 - Overview of Language Access Services in the Courts and Recent Innovations
March 17, 2021, 12:15 p.m. – 1:00 p.m. (PST)
 - Justice Partner and Community Organization Panel on Language Access
April 22, 2021, 12:15 p.m. – 1:00 p.m. (PST)
 - Multilingual Public Outreach Resources
May 13, 2021, 12:15 p.m. – 1:00 p.m. (PST)

All of the virtual sessions will be recorded and posted to the Judicial Council's Language Access webpage for access at any time.

Meetings will be language accessible with spoken language interpretation (available upon request) and will also include American Sign Language (ASL) interpreting.

Request for an ASL or a spoken language interpreter must be made at least seven (7) business days before each meeting and directed to: Kimberly Brooke, NCSC, at kbrooke@ncsc.org.

2. **Direct outreach to stakeholders throughout California:** In May 2021, following the last virtual session, Language Access Services will conduct e-mail follow-up outreach to stakeholders to provide them with a public outreach digital resource guide on how to utilize and distribute the multilingual educational materials located on the [Language Access Toolkit](#) to the communities they serve, including placement on websites, hard-copy distribution at in-person resource centers, and placement on social media channels. The guide will be sent to justice partners, community organizations, court leadership and staff, legal services organizations, law libraries, non-profit legal organizations including the State Bar of California, local/county bar associations, and ethnic bar associations around the state.
3. **Distribution of Materials to Ethnic Media Outlets:** In Summer 2021, the multilingual materials will be further distributed to different multiethnic media outlets. The public service announcements created for the campaign will run on ethnic media in different languages to educate the public about court processes and reach the different LEP communities served by the courts.

Public Outreach: Language Access Multilingual Educational Materials



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Additional Information

The Judicial Council's [Strategic Plan for Language Access in the California Courts](#) states that language access must start before a limited English proficient (LEP) court user reaches the physical courthouse. It must begin with community outreach and education efforts, web-based access, and the utilization of ethnic media outlets to educate the public. (Recommendations 53-55).

The council's Language Access Services worked with the NCSC to develop a suite of multilingual educational materials, including online and print materials, audio public service announcements and videos, to help inform LEP court users across the state about the availability of language access services in the courts and to provide information on basic court processes. The multilingual materials and resources are posted on the California Court's website in the [Language Access Toolkit](#).

Target language communities for which multilingual materials have been developed include: Cantonese, Farsi, Korean, Mandarin, Russian, Spanish, Tagalog, and Vietnamese. The materials include infographics, videos and public service announcements that are also available in English and include information on:

- ✓ Whether a Court Interpreter is Needed (and How to Request an Interpreter)
- ✓ How to Work with a Court Interpreter
- ✓ How to Prepare for a Small Claims Trial
- ✓ Serving Legal Papers
- ✓ Understanding Fee Waivers

A handout related to Coronavirus (COVID-19) was also developed in multiple languages that offers suggestions to ensure the safety of court interpreters and LEP court users:

- ✓ You and Your Court Interpreter: Staying Safe During COVID-19



The multilingual public outreach educational materials and other online language access resources are available at the links below:

- [Multilingual Public Outreach Materials](#)
- [Judicial Council Self Help](#)
- [Judicial Council of California Language Access](#)
- [Find Your Court](#)



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Language Access Services Updates February 2021



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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 and other members of the public may be excluded from meaningful participation in the judicial court process.

Strategic Plan for Language Access in the California Courts

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 LEP court users in all 58 superior courts.

Judicial Council Language Access Services (LAS) works with the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness (PAF), Court Interpreters Advisory Panel (CIAP) and other council advisory bodies to develop policy and support branch efforts to achieve and maintain access to justice for California’s limited English proficient (LEP) and deaf and hearing-impaired court users.

2020 Language Access Services Highlights

- ✓ **COVID-19 Pandemic.** In response to the global COVID-19 pandemic, Language Access Services worked with Judicial Council staff and Language Access Representatives to develop resources for courts, including remote solutions, recommendations to ensure court interpreter safety and translations of [common signs and notices](#) for the public. Since March 2020, staff conducted monthly webinar meetings with Language Access Representatives to keep the courts regularly connected, informed, and to share guidance and suggestions, including the use of technology.
- ✓ **2020 Language Need and Interpreter Use Study.** At its May 2020 meeting, the Judicial Council approved the [2020 Language Need and Interpreter Use Study](#). Language Access Services conducted the five-year study with findings and recommendations on language need and interpreter use in court proceedings, which is required under Government Code section 68563.
- ✓ **Funding.** For 2020-21, the annual appropriation for the Court Interpreter Program (TCTF 0150037) increased to approximately \$130 million (ongoing funding was added through a Budget Change Proposal to further advance the *Strategic Plan for Language Access in the California Courts*).
- ✓ **Video Remote Interpreting (VRI).** The 2020 Budget Act also included \$316,000 to implement VRI in 15 courthouses, along with council staff positions. Planning efforts are underway to establish a VRI program for the judicial branch to expand LEP court user access to qualified interpreters, including VRI trainings for judicial officers, court staff, and court interpreters.

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- ✓ **Signage and Technology Grant Program.** In April 2020 and November 2020, the council approved grants for various court signage and technology initiatives. The 2018 Budget Act included ongoing funding of \$1 million/year for signage and \$1.55 million/year for technology infrastructure support and equipment needs for the superior courts (distributed as grants) and council. The next cycle of the grant program will launch in Spring 2021.
- ✓ **Court Interpreter Data Collection System (CIDCS) Interpreter Portal.** Language Access Services implemented the optional CIDCS interpreter portal in Fall 2020. The portal allows court interpreters to update information on their profile and, if permitted by the courts, to enter their daily activity log (case event) information. Staff conducted an optional webinar training on the portal with interested court interpreters and court staff.

Additional Projects for 2021

- ✓ **Annual Language Access Survey.** As a follow-up to surveys conducted in 2016–20, the Language Access Services Program will send out the language access survey in Summer 2021 to all 58 superior courts in the state to determine courts' provision of language access services as of June 30, 2021, as well as areas that may need improvement.
- ✓ **California Rules of Court, Rule 1.300 (Access to programs, services, and professionals).** The National Center for State Courts will conduct a comprehensive review of strategies utilized by local courts and other states to support access to programs and services. In 2021, a draft report on findings will include recommendations and strategies for providing linguistically accessible court-ordered programs and services, to support courts with implementation of Rule 1.300.
- ✓ **Model Translation Guidelines for Courts.** Language Access Services will develop model translation guidelines for courts that provide guidance on the identification of vital documents for translation, including local forms, local court web content and other public-facing materials. The model translation guidelines will also provide guidance on the identification of languages for translation and procuring the services of professional translators. Specific guidance will be included for courts on use of machine translation for local forms, documents and web content.
- ✓ **Public Outreach Campaign.** For wider dissemination of multilingual educational materials hosted on the Language Access Toolkit, a public outreach campaign will take place in 2021 and include conduct of three educational webinars; direct outreach to various court stakeholders; and media buys/placements through ethnic media outlets, in order to educate LEP court users and communities across the state and to assist them in navigating the courts.

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- ✓ **Bilingual Interpreting Examination.** Due to the COVID-19 pandemic, the Bilingual Interpreting Examinations (BIEs) were canceled in all California locations in 2020, in order to adhere to the Governor's health and safety directives. The Court Interpreters Program is making plans to resume testing in 2021 under approved safety protocols.
- ✓ **Near Passer Trainings for Court Interpreter Candidates.** The Court Interpreters Program plans to conduct near passer trainings for court interpreter candidates beginning in May 2021. The near passer trainings will provide exam preparation and support for candidates with near passing scores to pass the BIE.

For More Information

- Language Access: <http://www.courts.ca.gov/languageaccess.htm>
- Language Access Toolkit: <https://www.courts.ca.gov/lap-toolkit-courts.htm>
- Public Outreach: <https://www.courts.ca.gov/42863.htm>
- Video Remote Interpreting (VRI): <https://www.courts.ca.gov/VRI.htm>
- Court Interpreters Program: <https://www.courts.ca.gov/programs-interpreters.htm>



Contact

Language Access Implementation: LAP@jud.ca.gov

Court Interpreters Program: Courtinterpreters@jud.ca.gov