



## JUDICIAL COUNCIL OF CALIFORNIA

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# MEMORANDUM

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Date	Action Requested
August 17, 2017	Recommend for Judicial Council Sponsorship
To	Deadline
Members of the Policy Coordination and Liaison Committee	N/A
From	Contact
Laura Speed Supervising Attorney, Governmental Affairs	Laura Speed, 916-323-3121 laura.speed@jud.ca.gov Mary Bustamante, 916-263-7999 mary.bustamante@jud.ca.gov
Subject	
Proposal for Judicial Council-Sponsored Legislation: Disposition of the West Los Angeles Courthouse	

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### Executive Summary

The West Los Angeles Courthouse facility in Los Angeles County has been permanently closed and is unsuitable to the needs of the judicial branch. The City of Los Angeles has expressed an interest in acquiring the closed court facility while the County of Los Angeles has previously notified the Judicial Council that it is not interested in acquiring the West Los Angeles Courthouse facility. The local court supports the disposition of this facility.

On August 16, 2017, the Facilities Policies Working Group (FPWG) reviewed the status of the West Los Angeles Courthouse and relevant law. The FPWG voted to move the matter to the Judicial Council with the recommendation that the council authorize and approve the sale of the West Los Angeles Courthouse in a fair market value transaction with the proceeds to be directed to the Immediate Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407 (Perata; Stats, 2008, ch. 311) or any other Judicial Council facilities fund authorized by the Legislature.

Because of the City of Los Angeles' desire to purchase the courthouse, and the proposed sale

will need legislative approval, this item is being brought to the Policy Coordination and Liaison Committee (PCLC) before the September 15, 2017 Judicial Council meeting, when the council will take up the disposition of the courthouse.

### **Recommendation**

Contingent on Judicial Council action on the Facilities Policies Working Group (FPWG) recommendation with respect to the West Los Angeles Courthouse, the FPWG recommends the Judicial Council sponsor legislation authorize the disposition of the West Los Angeles Courthouse in a fair market value transaction with the proceeds to be directed to the Immediate Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407 (Perata; Stats, 2008, ch. 311) (“ICNA”) or any other Judicial Council facilities fund authorized by the Legislature.

### **Previous Council Action**

In April 2015 the Judicial Council declared the San Pedro Courthouse as surplus with proceeds from its sale deposited in the Special Fund for Economic Uncertainties (SFEU), and authorized its disposition and sponsorship of legislation to accomplish that goal. The legislation authorizing the disposition of the San Pedro Courthouse (AB 1900 (Jones-Sawyer) Stats. 2016, ch. 510, codified at Government code section 70395) authorized the sale of that facility as nonsurplus with proceeds directed to the ICNA.

In February 2016, the Judicial Council authorized and approved the sale of the Corning Courthouse to Tehama County and the Chico Courthouse to Butte County in fair market value transactions with proceeds from those sales treated in the same manner as in the final form of legislative authorization for disposition of the San Pedro Courthouse. In December, 2016, the Judicial Council authorized and approved the sale of the Firebaugh, Reedley, and Clovis Courthouses in Fresno County and the Avenal and Corcoran Courthouses in Kings County as nonsurplus with proceeds from those sales directed to the ICNA. Senate Bill 403 (Canella) which would authorize the sales of the above courthouses is currently moving through the legislative process.

### **Comments, Alternatives Considered, and Policy Implications**

No alternatives were considered given that the authorizing legislation is required by statute.

### **Attachment**

1. Attachment A: Report to the Judicial Council re: Court Facilities: Disposition of West Los Angeles Courthouse dated August 17, 2017



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 14–15, 2017

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Title	Agenda Item Type
Court Facilities: Disposition of West Los Angeles Courthouse	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	September 15, 2017
Recommended by	Date of Report
Facilities Policies Working Group	August 1, 2017
Hon. Douglas P. Miller, Chair	Contact
Hon. Marla O. Anderson, Vice-Chair	Mary Bustamante, 916-263-7999 <a href="mailto:mary.bustamante@jud.ca.gov">mary.bustamante@jud.ca.gov</a>
	Charles Martel, 415-865-4967 <a href="mailto:charles.martel@jud.ca.gov">charles.martel@jud.ca.gov</a>

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### Executive Summary

The West Los Angeles Courthouse facility has been permanently closed and is unsuitable to the needs of the judicial branch. The City of Los Angeles has expressed an interest in acquiring the closed court facility while the County of Los Angeles has previously notified the Judicial Council that it is not interested in acquiring it. The local court supports the disposition of this facility. To eliminate the council's continuing liability and expense in holding this facility and to realize the value of those assets in a fair market value sales transaction, the Facilities Policies Working Group recommends that the Judicial Council authorize the sale of this facility as nonsurplus property and direct council staff to take all actions necessary to dispose of it.

### Recommendation

The Facilities Policies Working Group recommends that the Judicial Council, effective September 15, 2017:

1. Authorize and approve the sale of the West Los Angeles Courthouse as nonsurplus property in a fair market value transaction subject to obtaining statutory authorization for the disposition of the facility;
2. Direct council staff to take all actions necessary to:
  - a. Obtain statutory authorization to dispose of the facility with the proceeds to be directed to the Immediate and Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407 (Perata; Stats. 2008, ch. 311) or any other Judicial Council facilities fund authorized by the Legislature, and
  - b. Draft and negotiate a real property disposition agreement and any other related necessary documents for the disposition of this facility, which agreement and documents may be contingent on legislative authorization for the disposition of the property; and
3. Delegate to the Administrative Director or his designee the authority to sign a real property disposition agreement and any other related necessary document for the facility, which agreement and documents may be contingent on legislative authorization for the disposition of the property.

### **Previous Council Action**

The Judicial Council has not previously acted on the West Los Angeles Courthouse facility; however, the Judicial Council has previously taken action on other permanently closed court facilities where the state held title to the property.

In April 2015, the Judicial Council declared the San Pedro Courthouse as surplus property, with proceeds from its sale to be deposited in the Special Fund for Economic Uncertainties (SFEU), and authorized its disposition and sponsorship of legislation to accomplish that goal. In December 2015, the Judicial Council approved sponsorship of an alternative proposal to authorize the disposition of the San Pedro Courthouse as nonsurplus property to allow the judicial branch to retain the proceeds of its sale in the Immediate and Critical Needs Account (ICNA) of the State Court Facilities Construction Fund.

In February 2016, the Judicial Council authorized and approved the sale of the Corning Courthouse to Tehama County and the Chico Courthouse to Butte County in fair market value transactions with proceeds from those sales treated in the same manner as in the final form of legislative authorization for disposition of the San Pedro Courthouse.<sup>1</sup>

In December 2016, the Judicial Council authorized and approved the sale of the Firebaugh, Reedley, and Clovis Courthouses in Fresno County and the Avenal and Corcoran Courthouses in Kings County as nonsurplus properties with proceeds from those sales directed to the ICNA.

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<sup>1</sup> The legislation authorizing disposition of the San Pedro Courthouse (Assem. Bill 1900 [Jones-Sawyer]; Stats. 2016, ch. 510, codified at Gov. Code, § 70395) authorized the sale of that facility as nonsurplus property with proceeds directed to the ICNA.

## **Rationale for Recommendation**

### **Background**

The State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts, is the record titleholder<sup>2</sup> of the West Los Angeles Courthouse facility, which it acquired through the Senate Bill 1732<sup>3</sup> transfer process. The state holds 100 percent equity interest in this facility.

The West Los Angeles Courthouse facility is located at 1633 Purdue Avenue in Los Angeles and is an approximately 37,340 square-foot building on 2.7+/- acres. The two-story building contains four courtrooms, four judges' chambers, and clerk and administrative space. The Los Angeles Superior Court closed the facility to the public in June 2013 for budgetary and operational reasons. In an appraisal dated August 6, 2017, the fair market value of the West Los Angeles Courthouse was \$38,880,000. The Judicial Council is responsible for the ongoing costs of operations and maintenance of the facility.

This West Los Angeles Courthouse facility is unsuitable to the needs of the judicial branch and the court supports the sale of the facility (see Attachment A). The court has had discussions with the City of Los Angeles, which has expressed an interest in the courthouse property. The County of Los Angeles has previously notified the Judicial Council that it is not interested in acquiring the courthouse property. The council and judicial branch as a whole will benefit from the transaction because of the elimination of operations and maintenance costs and liability risks associated with the closed facility, and because sales proceeds will be directed to ICNA or another Judicial Council facilities fund authorized by the Legislature.

### **Legal authority**

Every sale of state-owned real property such as the West Los Angeles Courthouse must be specifically authorized by statute.<sup>4</sup> The language of the authorizing legislation will determine where proceeds from such sale will be deposited.

As noted above, in 2016 the Legislature authorized the sale of the San Pedro Courthouse as non-surplus property, with the sales proceeds staying within the judicial branch and deposited into

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<sup>2</sup> The Judicial Council in the past referred to its staff as "the Administrative Office of the Courts." Rule 10.81(b)(4) of the California Rules of Court provides as follows:

The Judicial Council will continue to perform all duties, responsibilities, functions, or other obligations, and bear all liabilities, and exercise all rights, powers, authorities, benefits, and other privileges attributed to the "Administrative Office of the Courts" or "AOC" arising from contracts, memorandums of understanding, or other legal agreements, documents, proceedings, or transactions. The Judicial Council may be substituted for the "Administrative Office of the Courts" or "AOC" wherever necessary, with no prejudice to the substantive rights of any party.

<sup>3</sup> Stats. 2002, ch. 1082.

<sup>4</sup> *People v. Chambers* (1951) 37 Cal.2d 552.

the ICNA.<sup>5</sup> Legislation introduced in February 2017 authorizing the sale of seven other court facilities<sup>6</sup> also as nonsurplus and also with proceeds from those sales staying within the judicial branch in the ICNA is currently pending.<sup>7</sup>

In this case, the sale of the West Los Angeles Courthouse would be treated in the same manner as the other recent sales of closed courthouses—as nonsurplus with sales proceeds retained within the judicial branch for facilities purposes. The language of the authorizing legislation will determine where exactly those funds would be deposited within the judicial branch for facilities purposes, which in the past has been the ICNA.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for comment. Staff has received written communication from the Superior Court of Los Angeles County stating that the West Los Angeles Courthouse is no longer being used for court operations, the court does not intend to resume court operations at the court location, and the court supports the disposition of the facility (see Attachment A).

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

Council staff will first pursue a sale of the West Los Angeles Courthouse facility to the City of Los Angeles at fair market value; however, if the Judicial Council is unable to reach an agreement with the City of Los Angeles, council staff will then offer the property to other potential buyers at fair market value.

Out-of-pocket costs will be incurred in the disposition process, including costs of appraisals and possibly title and escrow fees. Any such costs incurred by the council will, however, be offset by the sale proceeds.

### **Attachments and Links**

1. Attachment A: E-mail from Sherri Carter, Court Executive Officer, Superior Court of Los Angeles County

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<sup>5</sup> Assem. Bill 1900 (Jones-Sawyer); Stats. 2016, ch. 510, codified at Gov. Code, § 70395.

<sup>6</sup> The Corning Courthouse in Tehama County and the Chico Courthouse in Butte County as approved by the Judicial Council in February 2016, and the Firebaugh, Reedley, and Clovis Courthouses in Fresno County and the Avenal and Corcoran Courthouses in Kings County as approved by the council in December 2016.

<sup>7</sup> See Sen. Bill 403 (Cannella), 2017–2018 Reg. Sess.

From: Sherri R. Carter [SRCarter@lacourt.org]  
Sent: Monday, August 21, 2017 5:07 PM  
To: Bustamante, Mary  
Subject: RE: West Los Angeles Disposition

The Los Angeles Superior Court has vacated the West LA Courthouse and is supportive of the Judicial Council disposing of the facility.

Sherri

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## INVITATION TO COMMENT

### LEG17-\_\_

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Title	Action Requested
Proposed Legislation (Small Claims): Provision of Court Interpreters	Review and submit comments by October 13, 2017
Proposed Rules, Forms, Standards, or Statutes Amend Government Code section 68560.5(a) and Code of Civil Procedure section 116.550	Proposed Effective Date January 1, 2019
Proposed by Language Access Plan Implementation Task Force Hon. Mariano-Florentino Cuéllar, Chair Civil and Small Claims Advisory Committee Hon. Raymond M. Cadei, Chair	Contact Douglas G. Denton, 415-865-7870 douglas.denton@jud.ca.gov Elizabeth Tam-Helmuth, 415-865-4604 elizabeth.tam@jud.ca.gov

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### Executive Summary and Origin

On January 22, 2015, the Judicial Council adopted the *Strategic Plan for Language Access in the California Courts* (the Language Access Plan, or LAP). The plan provides a comprehensive set of 75 recommendations to help create a branchwide approach to providing language access services to court users throughout the state while accommodating an individual court's need for flexibility in implementing the plan recommendations. In order to complete the systematic expansion of language access services, including the provision of court interpreters in small claims actions when court resources allow, the Language Access Plan Implementation Task Force and Civil and Small Claims Advisory Committee recommend that the Judicial Council sponsor legislation to: (1) amend Government Code section 68560.5(a) to delete an exception stating that interpreters are not required in small claims proceedings; and (2) amend Code of Civil Procedure section 116.550 to authorize courts to appoint certified and registered interpreters in small claims proceedings. Revised Code of Civil Procedure section 116.550 also makes clear that courts should follow the provisional qualification process if a certified or registered interpreter is not available. It also provides judges with discretion to appoint a temporary interpreter to assist a court user during a small claims hearing if a certified/registered or provisionally qualified interpreter is not available even after a continuance, or at the first hearing if the judge makes a similar determination of unavailability, depending on the



complexity of the case. These changes to the statute also conform to recent changes recommended by the Court Interpreters Advisory Panel to California Rules of Court, Rule 2.893, regarding the appointment of noncertified interpreters in court proceedings.

## **Background**

In January 2015, following an extensive stakeholder participation process that included public hearings and public comment, the Judicial Council adopted the *Strategic Plan for Language Access for the California Courts*.<sup>1</sup> The LAP provides a comprehensive set of recommendations to help create a branchwide approach to providing language access services to court users throughout the state while accommodating an individual court's need for flexibility in implementing the plan recommendations. The plan set forth a goal that by 2017, and beginning immediately where resources permit, qualified interpreters will be provided in the California courts to limited English proficient (LEP) court users in all courtroom proceedings and in all court-ordered, court-operated events by 2020.

The Chief Justice established the Language Access Plan Implementation Task Force (Task Force) in March 2015, pursuant to recommendations in the LAP.<sup>2</sup> Chaired by Supreme Court Justice Mariano-Florentino Cuéllar, with Judge Manuel J. Covarrubias of the Superior Court of Ventura County serving as vice-chair, the Task Force has a three- to five-year charge and is overseen by the Judicial Council's Executive and Planning Committee.

Effective January 1, 2015, Evidence Code section 756 provides that qualified interpreters should be provided to LEP court users in all court proceedings, including small claims proceedings, at no cost to the parties, regardless of the income of the parties. If sufficient funding is not available to provide interpreters in all civil matters, the statute sets forth an order of priority for courts to follow in deploying interpreters. Small claims matters are in priority group 8, "all other civil matters," the lowest of the priority groups (Assembly Bill 1657, Stats. 2014, ch. 721.) Separate statutes currently exempt small claims cases from the definition of court proceedings in which qualified interpreters must be appointed and specifically authorize a court to permit an individual (other than an attorney) to assist an LEP party in small claims proceedings (Government Code section 68560.5(a) and Civil Code of Procedure section 116.550).

The LAP states that legislative action to amend, delete, or add statutory language, and Judicial Council action to create or revise court forms or rules of court will be necessary to fully and effectively implement the recommendations contained in this Language Access Plan. Such actions should include clarification of existing statutes. . ." (LAP, p. 78). Two specific LAP recommendations describe legislation necessary to ensure qualified interpreters, subject to court resources, are provided in small claims actions:

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<sup>1</sup> The full report, *Strategic Plan for Language Access in the California Courts*, may be viewed at [www.courts.ca.gov/documents/CLASP\\_report\\_060514.pdf](http://www.courts.ca.gov/documents/CLASP_report_060514.pdf).

<sup>2</sup> Information regarding the Language Access Plan Implementation Task Force is available at <http://www.courts.ca.gov/LAP.htm>.

LAP Recommendation #71. The Judicial Council should sponsor legislation to amend Government Code section 68560.5(a) to include small claims proceedings in the definition of court proceedings for which qualified interpreters must be provided.

LAP Recommendation #72. The Judicial Council should sponsor legislation to amend Code of Civil Procedure section 116.550 dealing with small claims actions to reflect that interpreters in small claims cases should, as with other matters, be certified or registered, or provisionally qualified where a credentialed interpreter is not available.

### **Prior Circulation**

On April 7, 2016, the PCLC approved an original proposal from the Task Force to amend Government Code section 68560.5(a) and Code of Civil Procedure section 116.550 to move forward for public comment. That original proposal would have deleted the provisions in these statutes identified by LAP Recommendations 71 and 72, effective January 1, 2018. The original proposal was out for public comment until June 14, 2016. Following this public comment period, the Civil and Small Claims Advisory Committee (the Committee) provided internal comments to the Task Force. These comments raised concerns about whether sufficient interpreter resources would be available by the effective date of the proposed legislation to fully address the language access needs in small claims cases and about the impact on small claims litigants and the courts if such resources were not available. (When proposed changes to Government Code section 68560.5(a) circulated previously, no objections/negative comments were submitted.)

Pursuant to LAP Recommendations 71 and 72, the Task Force subsequently approved a revised proposal at its October 17, 2016, open meeting to go forward to PCLC for 2017 legislation, but did not alter the proposal to address the Committee's concerns. The Committee then requested that the Task Force proposal for 2017 legislation be delayed until compromise language could be developed between the Task Force and the Committee regarding proposed amendments to Code of Civil Procedure section 116.550 to address the Committee's concerns.

In 2017, a joint working group comprised of three Task Force members and three Committee members developed compromise language for Code of Civil Procedure section 116.550. The attached proposal was subsequently approved by the Task Force on August 9, 2017, and by the Civil and Small Claims Advisory Committee on August 16, 2017, to go out for public comment.

### **The Proposal**

In order to complete the systematic expansion of language access services, including the provision of court interpreters in small claims actions when court resources allow, the Task Force and Civil and Small Claims Advisory Committee recommend that the Judicial Council sponsor legislation to: (1) amend Government Code section 68560.5(a) to delete an exception stating that interpreters are not required in small claims proceedings; and (2) amend Code of Civil Procedure section 116.550 to authorize courts to appoint certified and registered

interpreters in small claims proceedings. The revised statute also makes clear that courts should follow the provisional qualification process if a certified or registered interpreter is not available. To address the concerns raised by the Committee, the statute also provides judges with discretion to appoint a temporary interpreter to assist a court user during a small claims hearing if an attempt to secure a certified/registered or provisionally qualified interpreter was not successful either (1) after the matter was continued to allow for a further search or (2) at the first hearing if the judge determines that appointment of a temporary interpreter is appropriate without a further postponement, depending on the complexity of the case.

These changes to the statute also conform to recent changes recommended by the Court Interpreters Advisory Panel to California Rules of Court, Rule 2.893, regarding the appointment of noncertified interpreters in court proceedings.<sup>3</sup> That rule change is anticipated to go into effect on January 1, 2018. Once proposed changes to Code of Civil Procedure section 116.550 go into effect, there may be minor additional changes that need to be made to Rule 2.893 to ensure that the rule conforms to the amended statute.

Judicial Council-sponsored legislation to amend California Government Code section 68560.5(a) and Civil Code of Procedure section 116.550 as described below (to delete the exception for small claims proceedings, and permit courts to appoint qualified [certified and registered] interpreters for small claims, respectively) will ensure that, when resources allow, qualified and adequate interpreter services are provided in small claims proceedings. Proposed revisions to the Code of Civil Procedure section 116.550 to include small claims proceedings would authorize the appointment of qualified (certified/registered) interpreters in small claims matters, similar to the provision of court interpreters for all other court proceedings, which benefits California's LEP court users. The revisions would also require courts to follow the steps for provisionally qualifying interpreters (California Rules of Court, Rule 2.893) when there is no qualified (certified/registered) interpreter available. Judges will have discretion to appoint a temporary interpreter to assist a court user during a small claims hearing only if an attempt to secure a certified/registered or provisionally qualified interpreter was not successful after the matter was postponed, or at the first hearing if the judge similarly determines that appointment of a temporary interpreter is appropriate, depending on the complexity of the case.

### **Alternatives Considered**

As noted above in the Prior Circulation section, the Task Force proposed and previously circulated for public comment a different proposal. That proposal did not move forward because of Committee concerns about that proposal's impact on small claims litigants and courts.

In response to the prior circulation, one commenter suggested that the proposed revision for Code of Civil Procedure section 116.550 should say "may appoint" an interpreter rather than "shall appoint," to ensure that it is consistent with Government Code § 68092.1(b), and the

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<sup>3</sup> The proposed revision of CA Rule of Court 2.893 is available at: <https://jcc.legistar.com/View.ashx?M=F&ID=5363414&GUID=6500BEDC-E838-446D-A281-159425243764>

priority order established by Evidence Code section 756 (where small claims matters fall under Priority 8). The proposed revision to Code of Civil Procedure section 116.550 that has been approved by the Task Force and Committee for recirculation incorporates this suggested change (see attached).

The Task Force did not consider the option of not recommending any change to these statutes. Failure to amend the above-referenced statutes will result in confusion and is contrary to provisions in both the LAP and the newly enacted provisions of Evidence Code section 756, which provides that qualified interpreters should be provided to LEP court users in all court proceedings, subject to available resources, including small claims proceedings.

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

Two of the six commenters who submitted public comment on the prior proposal shared the need to train judicial officers and court staff regarding the proper appointment of certified and registered interpreters, and provisionally qualified interpreters, in accordance with California Rules of Court. Further, one commenter suggested that court websites will need to be updated, court signage should be posted to inform court users regarding the availability of court interpreters, and notice to attorneys and the public should be posted on the Judicial Council website and individual court websites. In terms of outreach, courts may need to inform all interested stakeholders regarding the changes. One commenter suggested local bar associations be informed about the changes so they are able to inform their attorney members.

The proposed amendments (effective January 1, 2019) continue the expansion of language services in the courts, including the provision of court interpreters in small claims actions when court resources allow. This will require that more qualified interpreters in more languages be made available for parties and witnesses. The Governor's budget for fiscal year 2016–2017 appropriated an additional \$7 million, ongoing, for the expansion of court interpreter services in civil proceedings. An additional ongoing amount up to \$4 million for continued expansion will also be requested by the Judicial Council for fiscal year 2018–2019. If approved, trial courts throughout the state should have funding available to address and meet increased costs necessary to provide interpreter services. To the extent funding is not yet sufficient to provide interpreters in all civil matters, courts may not be able to provide interpreters immediately in small claims matters, which are contained within the lowest priority group.

## **Request for Specific Comments**

In addition to comments on the proposal as a whole, the Task Force and Committee are interested in comments on the following:

- If the proposed amendments regarding the provision of interpreters in small claims matters become law, what operational changes for the courts may be necessary (e.g., training, updating forms, updating court web pages, or interpreter scheduling)?
- If the proposed amendments are made to the California Code, what are some recommended steps to help inform attorneys, judicial officers, court staff, and/or court interpreters regarding the changes?

### **Attachments and Links**

1. Text of Government Code section 68560.5(a), at page 7
2. Text of Code of Civil Procedure section 116.550, at page 8

Government Code section 68560.5(a) would be amended, effective January 1, 2019, to read:

- 1 (a) “Court proceeding” means a civil, criminal, or juvenile proceeding, or a deposition in a
- 2 civil case filed in a court of record. ~~However, “court proceeding” does not include a small~~
- 3 ~~claims proceeding.~~

Code of Civil Procedure section 116.550 would be amended, effective January 1, 2019, to read:

- 1 (a) If the court determines that a party does not speak or understand English sufficiently to  
2 comprehend the proceedings or give testimony, and needs assistance in so doing, the  
3 court may *appoint an interpreter* ~~permit another individual (other than an attorney) to~~  
4 ~~assist to interpret for that party. The requirements of Government Code section 68561~~  
5 *apply to the appointment of interpreters in small claims matters.*  
6
- 7 ~~(b) Each small claims court shall make a reasonable effort to maintain and make available to~~  
8 ~~the parties a list of interpreters who are able and willing to aid parties in small claims~~  
9 ~~actions either for no fee, or for a fee which is reasonable considering the nature and~~  
10 ~~complexity of the claims. The list shall include interpreters for all languages that require~~  
11 ~~interpretation before the court, as determined by the court in its discretion and in view of~~  
12 ~~the court's experience.~~
- 13
- 14 ~~(c) Failure to maintain a list of interpreters, or failure to include an interpreter for a particular~~  
15 ~~language, shall not invalidate any proceedings before the court.~~
- 16
- 17 ~~(d) If a court interpreter or other competent interpreter is not available to aid a party in a~~  
18 ~~small claims action, at the first hearing of the case the court shall postpone the hearing~~  
19 ~~one time only to allow the party the opportunity to obtain another individual (other than~~  
20 ~~an attorney) to assist that party. Any additional continuances shall be at the discretion of~~  
21 ~~the court.~~
- 22
- 23 ~~(d)~~ *(b) Notwithstanding the provisions of Government Code section 68651, if a court makes a*  
24 *finding that a certified or registered court interpreter or an interpreter provisionally*  
25 *qualified under the Rules of Court is not available to aid a party in a small claims action,*  
26 *at the first hearing of the case the court should consider postponing the hearing,*  
27 *depending on the complexity of the matter, in order to attempt to obtain a certified or*  
28 *registered court interpreter or an interpreter that has been provisionally qualified. If at*  
29 *the next court hearing the court makes a similar finding of unavailability, or upon such a*  
30 *finding at the original hearing if it is not continued, the court may allow use of an*  
31 *individual as a "temporary interpreter" under the provisions of the Rules of Court to*  
32 *assist as an interpreter during the hearing. Any other continuances shall be at the*  
33 *discretion of the court.*
- 34
- 35 (c) *The Judicial Council shall adopt Rules of Court to implement this statute.*