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April 18, 2013

Hon. Noreen Evans, Chair  
Senate Judiciary Committee  
State Capitol, Room 4085  
Sacramento, California 95814

Subject: SB 597 (Lara), as amended April 15, 2013 - Support if funded and amended  
Hearing: Senate Judiciary Committee – April 23, 2013

Dear Senator Evans:

The Judicial Council would be pleased to support SB 597 (Lara), which creates a pilot project to provide interpreter services in specified civil matters, if a specific funding source not already allocated to other court operations was identified for the pilot, and amendments were made to ensure that courts can effectively implement the pilot in the current fiscally challenging times.

The Judicial Council has historically supported efforts to expand language access in civil proceedings with appropriate funding, and sponsored legislation in 2008 and 2009 (AB 3050 (Jones) and AB 663 (Jones)) that bears a striking resemblance to SB 597. The council remains in support of the concept of piloting the provision of interpreter services in civil proceedings, but cannot support SB 597 unless a clear funding source is identified, the pilot courts responsibility to comply with the requirements of the pilot are limited to the amount of that funding and the available pool of interpreters, and the pilot contains language specifically authorizing the use of technology in providing the required services.

The council believes that any effective pilot project to provide interpreters in civil cases must include the use of technological solutions to provide interpreter services. The Judicial Council recently piloted the use of video-remote interpreter services for American Sign Language interpreters and found that the use of this technology significantly reduced the cost of providing this service in those cases in which it was deemed appropriate by reducing the travel costs for these interpreters. While SB 597 does not preclude the use of technological solutions, the council thinks it is critical that any legislative requirement to expand interpreter services into civil proceedings expressly acknowledge the role of technology in meeting the need efficiently and effectively.

The council also recommends that SB 597 be amended to specify its funding source and to fully fund the costs of the pilot including administration and evaluation of the projects. To make the pilots workable in the current resource limited times, language must be added to limit the responsibility of the pilot courts to provide interpreter services to those which can be provided within the funding amount, and to acknowledge that courts may not be able to provide a qualified interpreter in some matters due to a shortage of interpreters. This language is needed because there is so much uncertainty about the existing demand for interpreters in these cases. The California Constitution requires interpreters to be provided in all cases in which a person is charged with a crime, but foreign language interpreters are not required in civil actions other than juvenile dependency proceedings. While many courts provide interpreters in family law matters involving domestic violence pursuant to a Judicial Council grant program, the remainder of the need in civil is met through a variety of means (e.g., bilingual attorneys translate for clients or bilingual family members serve as interpreters). Because courts have not collected data on the need for these services, it is not possible to estimate what the demand will be before the pilot commences. As a result, courts need the flexibility to allocate the resources that are provided appropriately to ensure that the pilot does not saddle courts with unfunded costs or require unnecessary delays because an interpreter cannot be located. For these reasons, the council's support of SB 597 must be conditioned on the inclusion of language providing this flexibility and limiting the obligation of the courts. We worked with then Assembly Member Jones to craft such language for his legislation, and continue to see it as vital to a successful pilot that courts will want to participate in.

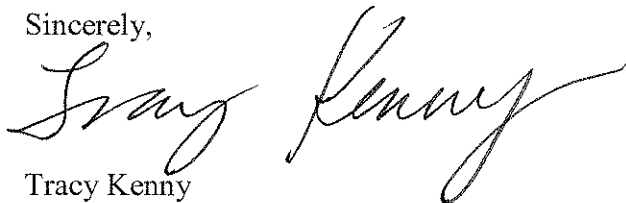
If these amendments and funding for the pilots can be included in SB 597, then the Judicial Council would be ready to support the legislation and advocate for its passage.

Hon. Noreen Evans

April 18, 2013

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Sincerely,

A handwritten signature in cursive script, reading "Tracy Kenny". The signature is written in black ink and is positioned above the printed name and title.

Tracy Kenny

Attorney

TK/yc-s

cc: Members, Senate Judiciary Committee

Hon. Ricardo Lara, Member of the Senate

Ms. Ronak Daylami, Counsel, Senate Judiciary Committee

Ms. June Clark, Deputy Legislative Secretary, Office of the Governor

Mr. Mike Petersen, Consultant, Senate Republican Office of Policy