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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

Title
California's Language Access Plan: Update on Development of the *Strategic Plan for Language Access in the California Courts*

Submitted by
Joint Working Group for California's Language Access Plan
Hon. Maria P. Rivera, Cochair, and Member of the Advisory Committee on Providing Access and Fairness
Hon. Manuel J. Covarrubias, Cochair, and Member of the Court Interpreters Advisory Panel

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Executive Summary

Following extensive gathering of stakeholder input, the Joint Working Group for California's Language Access Plan has prepared a draft *Strategic Plan for Language Access in the California Courts*. This informational report provides an overview for the public and the Judicial Council on the formation of the draft plan, along with a summary of highlights of stakeholder input and possible recommendations. The draft plan was posted on the California courts website for public comment on July 31, with the comment period continuing through September 29, 2014. Following the public comment process, the draft plan will be revised and a final plan will be presented to the Judicial Council for its review and adoption.

Previous Council Action

The California judicial branch has long supported the need to expand language access services in the courts. However, the branch has not yet adopted a comprehensive statewide language access plan that will provide recommendations, guidance, and a consistent statewide approach to ensure

language access to all limited English proficient (LEP) court users. The Joint Working Group for California's Language Access Plan, which comprises members of both the Court Interpreters Advisory Panel (CIAP) and the Advisory Committee on Providing Access and Fairness, along with other stakeholders and a consultant, was established in June 2013 to create a comprehensive statewide language access plan that will serve all of California's LEP court users. In October 2013, the joint working group provided an informational report to the council to update members on the working group's goals, timeline, and anticipated steps in the development of a comprehensive language access plan.[1] The status update included the working group's intent to solicit extensive stakeholder input followed by preparation of a draft plan to be submitted for public comment.

Methodology and Process

California is the most diverse state in the country, with approximately seven million LEP residents and potential court users dispersed over a vast geographic area and speaking more than 200 languages. Therefore, the effort to develop a comprehensive statewide language access plan included several forums to engage court leaders and other interested language access stakeholders across the state, in order to obtain valuable input. The joint working group conducted a series of listening sessions with court executive officers and presiding judges, court interpreter organizations (including the California Federation of Interpreters and contract interpreter groups), and legal services providers. At the listening sessions, participants reviewed the draft outline for the language access plan and discussed the significant challenges and opportunities for the California courts regarding language access.

Three public hearings on language access were then held in late February and early March 2014, in San Francisco, Los Angeles, and Sacramento. The notice for the public hearings—including the agenda, a fact sheet, and the draft outline—were provided in multiple languages and posted on the California Courts website.[2] At the hearings, experts provided input from local, state, national, health-care, court, and legislative perspectives. Interpreters in each region's top non-English spoken languages were provided at the hearings, and public comments were made in both English and non-English languages that included Spanish, Mixteco, and Cantonese. The audio of the hearings was simulcast on the California Courts website, and closed captioning was provided in real time in English and Spanish. After the hearings, audio and written comments, as well as prepared presentations from panelists, were posted to the joint working group's web page.[3] The thoughtful, varied, and valuable perspectives provided by all individuals and groups were instrumental in developing the draft plan.

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[1] California's Language Access Plan: Status Report, Item J for the October 25, 2013 Judicial Council business meeting, available at *www.courts.ca.gov/documents/jc-20131025-itemJ.pdf*.

[2] See LAP Joint Working Group web page, located at *www.courts.ca.gov/24466.htm*.

[3] *Ibid.*

After the public hearings, the joint working group began the complex task of reviewing and analyzing all stakeholder input to formulate appropriate recommendations for the draft plan. The joint working group's objective was to draft recommendations that would create a branchwide approach to providing language access services to court users throughout the state, while accommodating an individual court's need for a large degree of flexibility in implementing the plan recommendations. A primary goal is to incorporate language access as part of the core court services.

Concerns of Stakeholders

A wealth of information was provided by stakeholders during the listening sessions and in the public hearing and comment process. In preparing the draft *Strategic Plan for Language Access in the California Court*s, the joint working group studied and considered this thoughtful and invaluable information at length. Although the range of topics covered, the insights shared, and the experiences relayed were extensive, some salient themes surfaced throughout the planning process:

- LEP speakers who need to use the judicial system for a variety of civil cases—from family law to domestic violence to evictions—are unable to meaningfully access court processes because of language barriers.[4] In critical proceedings such as hearings and trials, LEP court users are often forced to resort to family members or friends to communicate with the court. These untrained interpreters are rarely equipped to relay the court's communication accurately and completely to the LEP litigant, and vice versa. Failure to ensure proper communication can lead to basic misunderstandings and confusion, the loss by LEP court users of important legal rights, or an inability to access remedies.

- Language access must be provided at all critical or significant points of contact that LEP persons have with the court system. LEP parties are often unable to handle even the very first steps in seeking legal recourse, such as knowing what remedies or legal protections may be available and where to seek them out, knowing what legal procedures to follow, and understanding how to fill out court forms as well as how and where to file them.

- Language access must start before an LEP court user reaches the courthouse doors; it must begin with community outreach and education efforts, web-based access, and the utilization of ethnic media outlets to educate the public. Language access services must be available upon entering the courthouse and throughout all components of court services, such as self-help centers, alternative dispute resolution services, and at the clerks' counters.

[4] The Legislature provides funding for interpreter services to the courts in a special item of the judicial branch budget (Program 45.45 of the Trial Court Trust Fund). At its public meeting on January 23, 2014, the Judicial Council approved recommendations that explicitly allow expenses for court interpreter funds from 45.45 to include costs for all appearances in domestic violence cases, family law cases in which there is a domestic violence issue, and elder abuse cases, as well as interpreters for indigent parties in civil cases.

- The California judicial branch has seen a drastic reduction in funding in recent years. Although some funding has been restored, due to various factors this has not resulted in any net increase in the total funding for the branch. Consequently, courts throughout the state are still struggling to provide the most basic level of service to their communities. Expansion of language access services, though supported by all stakeholders, poses fiscal demands that in part can be met by efficiencies in the provision of language services but, more importantly, will require additional funding appropriated for that purpose and not by shifting already scarce resources from other court services.

- Any efforts to improve the provision of language access services must include a more comprehensive mechanism for collecting data on LEP communities in California. Traditional sources of demographic data underestimate the existing numbers of LEP residents in the state, in particular with regard to linguistically isolated communities, migrant workers, and speakers of indigenous languages. Similarly, these data sources do not adequately track emerging languages.[5]

- There are questions about whether the existing pool of certified and registered court interpreters is sufficient to meet the possible demand, as services are expanded and projections about the cost of expanding language access throughout all court proceedings and points of contact vary widely. Although it is difficult at this stage to estimate the cost of expanded access when including all attendant costs, from technology to interpreter deployment to translation to training and qualification of staff to improved courthouse signage, there is information from which projections could be made.

- Technologies such as video remote interpreting (VRI), telephonic interpretation, web-based access, multilingual audiovisual tools, and others have an important role to play in the statewide provision of language access. However, courts must exercise care to ensure that the use of technology is appropriate for the setting involved, that safeguards are in place for ensuring access without deprivation of due process rights, and that high quality is maintained.

- Any effort to ensure meaningful language access to the court system for all Californians must include partnerships with stakeholders. These stakeholders include: community-based providers like social services organizations, domestic violence advocates, mental health providers, and substance abuse treatment programs; justice partners such as legal services organizations, court interpreter organizations, district attorneys, public defenders, law enforcement, jails, probation departments, and administrative agencies; and other language access experts.

[5] "Emerging languages" are those that are spoken by newly arrived immigrants who have not yet established themselves in significant enough numbers or for long enough periods of time to be as visible to service providers, census trackers, or other data collectors. They are varied and ever changing, as migration patterns shift.

- The branch should become more active in recruiting potential interpreters at the earliest stages of their education, particularly in high schools, and then expanding to community college and university programs. Courts should create partnerships with educational providers to develop a pipeline of potential interpreters and bilingual court employees.

- There is a critical need for training of judicial officers, court staff, and security personnel in (1) identifying and addressing the needs of court users at all points of contact with the court, (2) understanding distinct features of the various ethnic communities that can ensure respectful treatment of LEP court users, (3) ensuring that interpreters are, in fact, certified or are properly provisionally qualified, and (4) conducting courtroom proceedings in a manner that facilitates the maximum quality of interpretation.

Policy and Cost Implications

The draft *Strategic Plan for Language Access in the California Courts* proposes a measured, incremental approach to expand and enhance language access in the California courts for all of California's seven million LEP residents and potential court users. California has over 1,800 highly trained certified and registered court interpreters, significantly more than any other state. Overall, 250,000 interpreter service days are provided each year at an annual cost of over $87 million.[6] As indicated by stakeholders during the planning process, however, much work remains to be done, especially in the civil arena, to ensure all court users have meaningful access to the state's courts. Expansion of language access services will by necessity require creative solutions and securing additional court funding, without diminishing other core court operations.

One of the draft plan's key goals is to ensure that, "[a]s soon as it is feasible, but in no event later than 2020, qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events." This includes all court-ordered and court-operated proceedings, such as settlement conferences or mandatory mediation. While the courts are required by law to provide interpreters in criminal and most juvenile matters, California's courts are not mandated by state law to provide interpreters at court cost in civil matters.[7] However, civil cases such as family matters (including divorce, custody, and parental rights), evictions, guardianships, and conservatorships are critical to the lives of Californians. It is therefore the intent of the *Strategic Plan for Language Access in the California Courts* that the phase-in of interpreter services in civil proceedings and court-ordered/court-operated events be instituted immediately and be ongoing throughout the process of implementation of full language access.

The draft plan recommends a strategy for phasing in the expansion of spoken language interpreter services in all court matters, as well as the creation of scheduling protocols to ensure

[6] See *www.courts.ca.gov/documents/lr_TC-Interpreter-Program-FY-2012-2013.pdf*.

[7] See Cal. Gov. Code, § 68092: "Court interpreters' and translators' fees or other compensation shall be paid:[¶] (a) In criminal cases, by the court.[¶] (b) In civil cases, by the litigants, in proportions as the court may direct, to be taxed and collected as other costs."

the most efficient use of interpreters. The plan also proposes the thoughtful and responsible deployment of technological solutions, such as appropriate use of video remote technology and multilingual audiovisual tools, which provide language access while ensuring due process and high quality language services. The recommendations in the plan also set the framework for calculating the additional funding that will be needed to enable the courts to meet the increased demand on court resources that will arise from the branch's commitment to language access, without sacrificing any other court services.

Possible Recommendations

The draft *Strategic Plan for Language Access in the California Courts* outlines eight goals and 76 recommendations designed to address and meet the various language access needs of LEP court users at all points of contact with the courts. Each goal has an issue description, which captures the concerns heard at the listening sessions, at public hearings, or through public comment, followed by recommendations that outline strategies for providing language accessibility.

Goals:

I. Improve Early Identification of and Data Collection on Language Needs
II. Provide Language Access Services in All Judicial Proceedings
III. Provide Language Access Services at All Points of Contact Outside Judicial Proceedings
IV. Provide High Quality Multilingual Translation and Signage
V. Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers
VI. Provide Judicial Branch Training on Language Access Policies and Procedures
VII. Conduct Outreach to Communities Regarding Language Access Services
VIII. Identify Systems, Funding, and Legislation Necessary for Plan Implementation and Language Access Management

The draft *Strategic Plan for Language Access in the California Courts* identifies and advocates for the use of cost-effective methods to enhance language access throughout the courthouse, such as early identification of LEP court users, enhanced data collection, appropriate notice of language access services, multilingual self-help services and brochures, multilingual information on court websites (both audio recordings and written information), remote language services for interactions with court staff, and translated court signage and legal forms. A significant focus is placed on the appropriate qualification and use of a broad spectrum of language access providers, from court interpreters to bilingual employees to JusticeCorps volunteers, at the various points of contact that LEP court users have with the courts.

The draft plan identifies the kinds of training needed for judicial officers, court administrators, and court staff on how to understand and address the needs of LEP court users, including education in cultural competence, the optimal methods of managing a court proceeding in which interpreting services are being provided, the provision of language access services throughout the court system, and state and local language access policies.

Other subjects addressed in the draft plan include the recruitment and training of bilingual court staff and interpreters, the formation of partnerships with community organizations serving LEP populations, and the need for an infrastructure to address implementation, monitoring, and quality control of all language access services.

Implementation Efforts

When the joint working group presents the final plan to the council, in addition to a recommendation to adopt the plan, the working group anticipates that it will recommend that the council create a Language Access Implementation Advisory Committee. The successful implementation of the recommendations contained in California's Language Access Plan will require careful coordination with the related efforts of the Judicial Council Technology Committee.

Next Steps

Following the public comment process, the draft *Strategic Plan for Language Access in the California Courts* will be revised by the joint working group and a final plan will be presented to the Judicial Council for its review and adoption.

Relevant Strategic Plan Goals and Operational Plan Objectives

The draft *Strategic Plan for Language Access in the California Courts* supports Goal I of the Judicial Council's 2006–2012 strategic plan—Access, Fairness, and Diversity—which sets forth that:

- All persons will have equal access to the courts and court proceedings and programs;
- Court procedures will be fair and understandable to court users; and
- Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds.

The draft plan also aligns with the 2008–2011 operational plan for the judicial branch, which identifies additional objectives, including:

- Increase qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; and
- Increase the availability of language access services to all court users.

Attachment

1. Draft *Strategic Plan for Language Access in the California Courts*

CALIFORNIA JUDICIAL BRANCH

Strategic Plan for Language Access in the California Courts

Draft
July 29, 2014

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Letter from the Chief Justice of California

California's incredible diversity is one of its biggest assets—it also presents great challenges—but challenges as significant as these also provide great opportunities to thoughtfully consider the issues and craft an effective plan to address them.

The numbers tell the story of the access challenges facing Californians: approximately 40 percent of us speak a non-English language at home; there are more than 200 languages and dialects spoken; roughly 20 percent of us (nearly 7 million) have English language limitations.

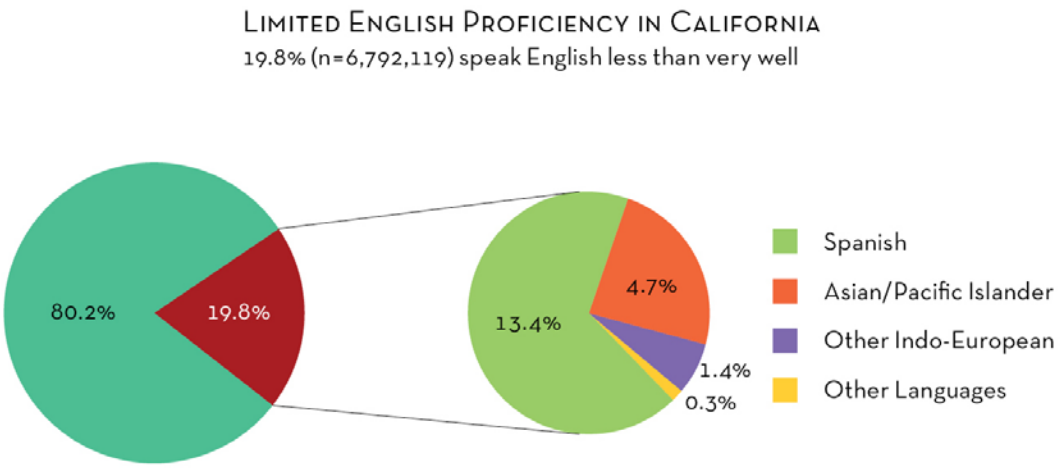
To address this enormous linguistic challenge for our court system, the Joint Working Group for California's Language Access Plan's charge is to develop a comprehensive, statewide language access plan that will provide recommendations, guidance, and a consistent statewide approach to ensure language access for all of California's limited English proficient (LEP) court users.

The task force is addressing one of my highest priorities for the judicial branch by looking at how we can provide full, meaningful, fair, and equal access to justice for all Californians. If individuals cannot understand what is happening in court, how to fill out legal forms, or how to find their way around the courthouse, there is no meaningful access. We need to identify the language barriers that litigants face every day in our courts and how we can better address those needs.

In August 2013, I announced my vision for improving access to justice for Californians, "Access 3D." Access to our justice system must be examined through a framework that looks at equal access, physical access, and remote access. We ensure physical access by keeping courthouses and courtrooms open, well-maintained and accessible to persons with disabilities; we ensure remote access by providing online resources and electronic access to our court system; and we ensure equal access by making judicial proceedings and all related court contacts available and comprehensible to all. Efforts to enhance language access for LEP court users are a critical component of this Access 3D framework.

Access to the courts for all LEP individuals is critical not just to guarantee access to justice in our state, but to ensure the legitimacy of our system of justice and the trust and confidence of Californians in our court system.

Tani G. Cantil-Sakauye
Chief Justice of California



Source: U.S. Census Bureau (2010)

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I. Introduction

"A failure to understand the system, the law, or the language of legal proceedings renders justice incomprehensible at best. At worst, it can result in severe injustice."

Justice in the Balance 2020[1]

The Joint Working Group for California's Language Access Plan affirms that public understanding of what happens in court is a cornerstone of access to justice.

The Strategic Plan for Language Access in the California Courts ("California's Language Access Plan") is the product of more than a year of research, gathering of critical input from stakeholders and justice partners, and policy development. The plan sets forth a comprehensive discussion of the challenges the branch faces in expanding language access, and provides goals and recommendations for the provision of a consistent statewide approach to ensure language access to all LEP court users in California.

a. Fundamental Issues Facing the Branch

California is the most diverse state in the country, with approximately 7 million limited English proficient (LEP) residents and potential court users speaking more than 200 languages and dispersed over a vast geographic area. The most commonly spoken languages vary widely both within and among counties; indigenous languages[2] have become more common and also more

[1] Prepared by the Commission on the Future of the California Courts, 1993. Available at *http://www.courts.ca.gov/documents/2020.pdf*.

[2] Throughout this language access plan, the term "indigenous languages" is used for minority languages that are native to a region and spoken by indigenous peoples. Many of these languages have limited or no written components. These indigenous languages present unique language access challenges because it is often difficult to find interpreters and language access providers who are able to speak both the indigenous language and English with enough proficiency for meaningful communication. Therefore, it is often necessary to provide relay interpreting, where the first interpreter renders the indigenous language into a more common foreign language

visible, particularly in rural areas; and the influx of new immigrants brings with it emerging languages[3] throughout the state.

The California courts, therefore, face unique challenges, particularly in courtrooms with high volume case calendars in which the vast majority of litigants are self-represented (such as traffic, family law, and, of course, small claims, where parties must represent themselves). Courts must confront these challenges with limited resources, having endured severe budget cuts during the past several years that have crippled their ability to maintain adequate levels of service, much less increase language access services to meet the growing need.

The diversity of California's population is matched by the diversity among, and within, its 58 counties. Alpine County has 2 judges and 1 courthouse location, with no staff interpreters. Los Angeles County has 477 authorized judges, 91 commissioners, and 26 referees.[4] The Los Angeles court employs over 300 staff interpreters spread among its 600 courtrooms in 38 courthouses; they serve 10 million residents, spread across 4,800 square miles. In addition, there are four court interpreter bargaining regions across the state, which often results in variations in agreed-upon work rules and conditions for employee interpreters.

(e.g., from one form of Mixteco to Spanish) and another interprets from the more common language to English (in our example, Spanish to English).

[3] "Emerging languages" are those that are spoken by newly arrived immigrants who have not yet established themselves in significant enough numbers or for long enough periods of time to be as visible to service providers, census trackers, or other data collectors. They are varied and ever changing, as migration patterns shift.

[4] Data as of June 2013.

To address this diversity, the California courts have a long history of developing multifaceted solutions to overcome language barriers. California is a leader in language access services, with over 1,800 highly trained certified and registered court interpreters, significantly more than any other state. Overall, 215,000 interpreter service days are provided each year at a cost of over $87 million each year.[5] These costs are expected to increase more in future years as courts expand interpreter services in civil matters. In addition, courts have employed hundreds of highly skilled bilingual employees, utilized dozens of bilingual JusticeCorps volunteers in many courthouses, and provided self-help assistance and other informational court services in multiple languages.[6] Individual courts have also developed their own innovative programs to increase the provision of services in languages other than English.[7]

Though much has been accomplished through all of these initiatives, the Chief Justice has determined that there must be a comprehensive statewide plan to address the needs of the state's LEP population in a more systematic fashion. In June 2013, the Chief Justice appointed a joint working group to develop this California courts' Language Access Plan, with the intent that it set forth useable standards for the provision of language access services across the superior

[5] See *www.courts.ca.gov/documents/lr_TC-Interpreter-Program-FY-2012-2013.pdf*

[6] See, for example, the California Courts Online Self-Help Center in English at *www.courts.ca.gov/selfhelp.htm* and in Spanish at *www.sucorte.ca.gov*; the JusticeCorps program detailed at *www.courts.ca.gov/justicecorps.htm*.

[7] Depending on local resources and regional bargaining agreements, court interpreters in California currently provide a variety of interpreter services for LEP court users, including simultaneous or consecutive interpretation of court proceedings, court-ordered programs for which an interpreter is required such as court-ordered: psychiatric evaluations; interviews with defendants and witnesses; sight translation of court documents; probate investigations; mediations sessions and child-custody evaluations, or other interpreter services as may be required by the court. See also the University of California Hastings College of the Law's study on *Enhancing Language Access Services for LEP Court Users* (2013), found at *www.courts.ca.gov/documents/jc-20130426-info3.pdf*) discussing the various approaches by local courts throughout the state to providing language access.

courts statewide, while allowing local courts to retain a measure of control over the allocation of their internal resources and the terms of their labor agreements.

This plan acknowledges, through some of the recommendations contained herein, that many beneficial practices are already in place in courts around the state. These successful practices are being included as recommendations in this plan to show appreciation for emerging best practices and to highlight effective approaches that local trial courts have taken, of their own initiative, to promote language accessibility. The intent of these recommendations is to provide, as much as possible, a checklist of questions that trial courts may encounter, or have encountered, as they expand language access to the public they serve.

The plan also recommends that the California Courts of Appeal and Supreme Court of California discuss and adopt applicable parts of the plan with any necessary modifications. Fundamental to California's Language Access Plan is the principle that the plan's implementation will be adequately funded so the expansion of language access services will take place without impairing other court services.

b. Summary of the Plan

California's Language Access Plan proposes a measured, incremental process to expand and enhance language access in the California courts. While the plan allows for a large degree of flexibility for the state's diverse courts and communities, it also proposes consistent standards

so that all Californians can expect a basic level of service and language access regardless of where they live within the state's borders.[8]

The language access plan includes an assessment and prioritization of all of the points of contact between LEP court users and the courts. In this way, a greater level of skill and resources can be targeted at the most critical points of contact, such as hearings, trials, and other court proceedings,[9] while more flexible services can be provided at other points of contact, such as self-help centers and the clerk's office. The plan also considers and addresses points of contact before LEP users even arrive at the courthouse, since it is at these points where LEP users may get discouraged from accessing the judicial system if they perceive, accurately or not, that their language needs will not be met. This targeted resource allocation would require improved data collection on the languages spoken in each county.

The plan also identifies and advocates for the use of cost-effective methods to enhance language access throughout the courthouse, such as multilingual self-help services and brochures, multilingual information on court websites (both spoken and written), remote

[8] The legal requirements relating to access for deaf or hard of hearing court users are governed by the Americans with Disabilities Act (ADA) and other relevant statutes. However, deaf or hard of hearing court users and their interpreters should be considered as part of any language access plan implementation whenever appropriate, by, for example, including deaf or hard of hearing court users and their interpreters on "I Speak" cards or in centralized pilots. Provision of standards related to language access for deaf or hard of hearing court users will not be included in this plan since courts are already legally mandated to provide deaf or hard of hearing court users with disability and related language access (see ADA and section 504 of the Rehabilitation Act of 1973). Where access may not be provided to deaf or hard of hearing court users under the ADA, the courts will provide access as part of their compliance with this plan.

[9] For purposes of this plan, "court proceedings" includes any civil or criminal proceeding presided over by a judicial officer, such as a judge, commissioner, or temporary judge; "court-operated" programs or events will refer to any service or activity operated or managed by the court.

language services for interactions with court staff, and translated court signage and legal forms. A significant focus is placed on the appropriate qualification and utilization of a variety of language access providers, from court interpreters to bilingual employees to JusticeCorps volunteers, at the various points of contact that LEP court users have with our courts.

The plan identifies the kinds of training needed for judicial officers, court administrators, and court staff on how to understand and address the needs of LEP court users, including education in cultural competence, the optimal methods of managing a court proceeding in which interpreting services are being provided, the provision of language access services throughout the court system, and state and local language access policies.

Other subjects addressed in the plan include the recruitment and training of bilingual staff and interpreters, and the formation of partnerships with community organizations serving LEP populations. The plan also includes provisions for an infrastructure to address implementation, monitoring, and quality control of all language access services.

To ensure adequate resources to implement such a broad-spectrum plan, the branch must build in efficiencies and cost savings. The plan therefore recommends a strategy for phasing in the expansion of spoken language interpreter services in all court matters, and the creation of scheduling protocols to ensure the most efficient use of interpreters. The plan also proposes the thoughtful and responsible deployment of technological solutions, such as appropriate use of video remote technology and multilingual audiovisual tools, which provide language access

while ensuring due process and high quality language services. The recommendations in the plan also set the framework for identifying the additional funding that will be needed to enable the courts to meet the increased demand on court resources that will arise from the branch's commitment to language access without sacrificing any other court services.

To assist courts and all interested persons with understanding how the various recommendations contained in California's Language Access Plan can be gradually phased in for implementation by the courts and the Judicial Council during the next five years (2015–2020), Appendix A groups all of the plan's recommendations into one of three categories:

- **PHASE I:** These recommendations are urgent or should already be in place. Actions to begin implementation of these recommendations should begin by year 1 (2015).
- **PHASE II:** These recommendations are less urgent or require completion of Phase I tasks. Actions to carry out these recommendations may begin immediately and should begin by years 2–3 (2016–2017).
- **PHASE III:** These recommendations are not urgent, or are complex and will require significant foundational steps, time, and resources to be completed by 2020. Actions to carry out these recommendations may begin immediately (2015) or over time as the necessary foundational steps are put in place.

The recommendation to provide language access services in all court matters by 2020, both criminal and civil, with the appropriate phase-in process, and to document language access needs and actual provision of services, will appear through all three phases, as it is the overarching goal of California's Language Access Plan.

c. The Planning Process

The joint working group's effort to develop a comprehensive statewide language access plan began with the dissemination of a large body of information to the members of the working group, including language access plans of other states, the American Bar Association (ABA) Standards for Language Access in Courts, the California Federation of Interpreter's position paper on video remote interpreting, prior reports on language access needs and solutions in California courts, and the National Center for State Courts' Call to Action. Additional reports and materials were received over the course of the planning process. A complete list of the background information considered and utilized by the working group can be found in Appendix G. The working group also held three in-person meetings and numerous conference calls to debate ideas.

To complete the information-gathering process, the working group held meetings with court leaders and other stakeholders, held public hearings, and invited and received both written and oral public comment. This input included:

- Listening sessions with language access stakeholders, namely:
    - Independent interpreter organizations;
    - Legal services providers representing various communities throughout the state;
    - The California Federation of Interpreters; and
    - Presiding judges and court executive officers.
- Three public hearings (in San Francisco, Los Angeles, and Sacramento) with comments from 29 panelists providing input from local, statewide, national, health-care, court,

education, and legislative perspectives. Audio for the three hearings was broadcast on the web and included closed captioning in English and Spanish. American Sign Language (ASL) and spoken language interpreters were provided for audience members and persons providing oral comment.

Panelists included:

- Court executive officers representing the diversity of needs and challenges faced by different courts throughout the state;
- Legal services organizations and community advocates representing client populations in large urban areas such as Los Angeles, in Asian-American Pacific Islander and Latino communities throughout California, and in rural communities with significant numbers of indigenous language speakers;
- The president of the California State Bar, Assembly Member Ed Chau, and a representative from the California Department of Education;
- The president and representatives of the largest organization representing court interpreters in California, the California Federation of Interpreters (CFI); and
- A national expert from the National Center for State Courts, the director of the New Mexico Administrative Office of the Courts, and the Senior Director of National Diversity and Inclusion for Kaiser Foundation Health Plan, Inc.

During the public comment portion of the public hearings the working group heard extensive oral comments and received a significant body of written comments and prepared statements, including comments from LEP court users (some of whom spoke in their primary languages, with their comments interpreted into English), court interpreters, community representatives, legal services providers, and education providers.[10]

Additionally, there will be a public comment period of 60 days following Judicial Council's approval and release of this draft of California's Language Access Plan.

Key themes from stakeholder input:

Stakeholders provided a wealth of information during the listening sessions and in the public hearing and comment process. In preparing this language access plan, the joint working group has studied and considered this thoughtful and invaluable information at length. Although the range of topics covered, the insights shared, and the experiences relayed were extensive, some salient themes surfaced throughout the planning process:

- California has consistently led the nation in its provision of language access to LEP court users, particularly considering that the language diversity in our state far surpasses that of any other state in the country. However, much remains to be done, especially in the civil arena, to ensure all court users have meaningful access to the state's courts.
- The California judicial branch has seen a drastic reduction in funding in recent years. Although some funding has been restored, due to various factors this has not resulted in

[10] See *www.courts.ca.gov/24466.htm* for links to written public comments and prepared testimonies for the three public hearings.

any net increase in the total funding for the branch. Consequently, courts throughout the state are still struggling to provide the most basic level of service to their communities. Expansion of language access services, though supported by all stakeholders, poses fiscal demands that must be satisfied by efficiencies in the provision of language services and, most importantly, by additional funding appropriated for that purpose and not by shifting already scarce resources from other court services.

- Any efforts to improve the provision of language access services must include a more comprehensive mechanism for collecting data on LEP communities in California. Traditional sources of demographic data underestimate the existing numbers of LEP residents in the state, in particular with regard to linguistically isolated communities, migrant workers, and speakers of indigenous languages. Similarly, these data sources do not adequately track emerging languages.
- LEP speakers who need to use the judicial system for a variety of civil cases—from family law to domestic violence to evictions—are unable to meaningfully access court processes because of language barriers. In critical proceedings such as hearings and trials, LEP users are often forced to resort to family members or friends to communicate with the court. These untrained interpreters are rarely equipped to relay the court's communication accurately and completely to the LEP litigant, and vice versa. Failure to ensure proper communication can lead to the loss by LEP users of important legal rights, an inability to access remedies, or basic misunderstandings and confusion.
- Language access must be provided at all critical or significant points of contact that LEP persons have with the court system. LEP parties are often unable to handle even the

very first steps in seeking legal recourse, such as knowing what remedies or legal protections may be available and where to seek them out, knowing what legal procedures to follow, and understanding how to fill out court forms as well as how and where to file them. Language access must start before an LEP user reaches the courthouse doors; it must begin with community outreach and education efforts, web-based access, and the utilization of ethnic media outlets to educate the public. And it must then be available upon entering the courthouse and throughout all components of court services, such as self-help centers, alternative dispute resolution services, and the clerks' counters.

- Projections about the cost of expanding language access throughout all court proceedings and points of contact vary widely. There are questions about whether the existing pool of court interpreters who are certified or registered by the Judicial Council and available to work throughout the state is sufficient to meet the possible demand as services are expanded, with differing views regarding the existing capacity. Although it is difficult at this stage to estimate the cost of expanded access when including all attendant costs, from technology to interpreter deployment to translation to training and qualification of staff to improved courthouse signage, there is a substantial body of information whereby projections could be made.
- Technologies such as video remote interpreting (VRI), telephonic interpretation, web-based access, multilingual audiovisual tools, and others have an important role to play in the statewide provision of language access. However, courts must exercise care to ensure that the use of technology is appropriate for the setting involved, that

safeguards are in place for ensuring access without deprivation of due process rights, and that high quality is maintained.

- Any effort to ensure meaningful language access to the court system for all Californians must include partnerships with stakeholders. These stakeholders include: community-based providers like social services organizations, domestic violence advocates, mental health providers, and substance abuse treatment programs; justice partners such as legal services organizations, court interpreter organizations, district attorneys, public defenders, law enforcement, jails, probation departments, and administrative agencies; and other language access experts.
- Courts should become more proactive in recruiting potential interpreters at the earliest stages of their education, particularly in high schools and community colleges. Courts should create partnerships with educational providers to develop a pipeline of potential interpreters and bilingual court employees.
- There is a critical need for training of judicial officers, court staff, and security personnel in (1) identifying and addressing the needs of court users at all points of contact with the court, (2) understanding distinct characteristics of the various ethnic communities that can ensure respectful treatment of LEP court users, (3) ensuring that interpreters are, in fact, certified or are properly provisionally qualified, and (4) conducting courtroom proceedings in a manner that facilitates the maximum quality of interpretation.

d. Relevant Judicial Branch Goals

California's Language Access Plan effort supports Goal I of the Judicial Council's most recent strategic plan—Access, Fairness, and Diversity—which sets forth that:

- All persons will have equal access to the courts and court proceedings and programs;
- Court procedures will be fair and understandable to court users; and
- Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds.

The language access plan also aligns with the most recent operational plan for the judicial branch, which identifies additional objectives in support of Goal I, including:

- Increase qualified interpreter services in court-ordered/court-operated proceedings and seek to expand services to additional court venues; and
- Increase the availability of language access services to all court users.

e. Structure of the Language Access Plan

California's Language Access Plan identifies eight major goals around which the plan is organized. Each goal includes an issue description to (1) provide background on the problem/issue that the goal is intended to address, (2) discuss the relevant input received by the joint working group during the public participation process, and (3) highlight California's unique opportunities and challenges. The issue descriptions contained within each of the eight goals inform the recommendations that are designed to help achieve that particular goal. The plan also includes appendices that provide more detailed information on plan components,

such as guidelines for the provision of video remote interpreting and tools to assist in the delivery of language access services.

II. STRATEGIC GOALS AND POLICIES

Goal I: Improve Early Identification of and Data Collection on Language Needs

Goal Statement

The Judicial Council will identify statewide language access needs of limited English proficient (LEP) Californians, and the courts will identify the specific language access needs within local communities, doing so as early as possible in court interactions with LEP Californians.

Issue Description

Stakeholders unanimously agreed that the failure to identify the language needs of LEP court users early enough in the court process causes ripple effects throughout the system. When the need for a court interpreter is not identified in advance of a court appearance, courts and litigants may be forced to rely on untrained interpreters, often family or friends of the litigant, to provide language services. As referenced above when discussing the key themes from stakeholders' input, untrained interpreters may lead to significant misunderstandings and a resulting lack of redress for LEP litigants. Their use can also cause confusion and slow the court process. Overall, the use of unqualified interpreters can result in serious and potentially dangerous consequences, such as necessary protective orders not being issued. Also

challenging are situations when no interpreter (trained or untrained) can be found, and the matter has to be continued to a later date, causing monetary and resource losses for LEP court users and the courts. When justice is delayed, both litigants and the courts lose in the process.

As language access services are expanded into more types of cases, early identification of LEP court users will become even more critical. Early identification makes it possible for courts to schedule qualified interpreters efficiently when calendaring cases in the various courtrooms where they are needed. It similarly allows courts to assign bilingual staff more efficiently to appropriate areas within the courthouse, and to share court interpreters across counties through the cross-assignment process when staff interpreters are not available in one court but free in another. Early identification also reduces delays for the courts by minimizing the need to continue cases when the need for an interpreter becomes apparent too late in the process. Also, by allowing courts to address an LEP litigant's legal matters without unnecessary delays, early identification increases court user satisfaction.

a. Early Identification of Language Needs

Assessing the number of LEP persons likely to seek out court services, and the frequency of contact of these LEP persons with the courts, will help provide LEP court users with improved access to court services. The identification of the language needs of LEP court users should occur through a number of mechanisms, from an LEP person's self-identification to identification by court staff, justice partners, and judicial officers. While courts should encourage an individual's self-identification as LEP, courts should not rely on that exclusively.

Some LEP court users may fail to request language access services because they may misjudge the level of proficiency required to communicate in court or be afraid of discrimination or bias.

Further, assessing the need for language services must occur throughout the life of the case. While providing information about language access at the filing of a case is critical, it is important to recognize and provide for the fact that an LEP person's need for such services may precede the filing of a case or may arise after a court ruling. Ideally, courts should have a system for documenting the requests that are made and whether the request was met, including proceedings both in and out of court.

Recommendations:

1. Courts will identify the language access needs of their LEP court users at the earliest possible point of contact with the LEP person; the language needs will be clearly and consistently documented in the case management system and in court records.
2. Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest[11] in a case, and should track whether the services were provided or the request was denied.
3. Courts should establish protocols by which justice partners[12] can indicate to the court that an individual requires a spoken language interpreter at the earliest possible point of contact with the court system.

[11] "Persons with a significant interest" include persons with a significant interest or involvement in a case or with legal decision-making authority, such as: victims; legal guardians or custodians of a minor involved in a case as a party, witness, or victim; and legal guardians or custodians of adults involved in a case as a party, witness, or victim.

4. Courts will establish mechanisms that invite LEP persons to self-identify as needing language access services upon contact with any part of the court system (using, for example, "I speak" cards [see page 47 for a sample card]). In the absence of self-identification, judicial officers and court staff should proactively seek to ascertain a court user's language needs.
5. Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about available services must be available throughout the duration of a case. (See also Recommendation 35, regarding notice.)

b. Data Collection

In order to determine the language access needs both in any given court's community and statewide, the Judicial Council and individual courts should augment existing data collection. Currently, to plan for the provision of interpreter services, the Judicial Council is required to conduct a study of spoken language interpreter use in the trial courts, every five years. The next study is due to the Legislature in 2015.[13] Key findings from the study published in 2010 covering the years 2004 through 2008 include the following:

[12] Justice partners include legal services providers, law enforcement agencies, public defenders, district attorneys, county and city jails, child protective services staff, domestic violence advocates and shelters, and others.

[13] To better inform future decisions regarding interpreter use for limited English proficient (LEP) court users in civil proceedings, the *2015 Language Need and Interpreter Use Study* will also collect data and conduct analysis on interpretations in these areas. Findings and recommendations from this study will assist in the future designation of the languages to include in the certification program for court interpreters. An additional component of the study will explore use of interpreters in civil proceedings. Currently, there are court interpreter certification exams given for the following designated languages: American Sign Language, Arabic, Eastern Armenian, Cantonese,

- Courts provided more than 1 million days of spoken language interpretive services in 147 languages;
- 17 languages accounted for 98.5% of all service days (see table, Appendix E);
- Spanish continued to be the most used language, representing 83% of all mandated service days in the state; and
- Statewide, the only significant changes in the number of service days by language were increases in Spanish (11%) and Mandarin (89%).

When anticipating language needs, courts should not exclusively rely on the numbers provided by the U.S. Census and American Community Survey (ACS). The type of detailed, local information that courts need to identify the language needs of their constituents is not adequately captured by these more traditional methods of demographic data collection. Further, many ethnic and linguistic minorities and emerging LEP communities are underreported in these sources of data, as was commented by community-based organizations during the public hearings.

Organizations working with specific populations have collected their own data to identify areas where the census data may not accurately reflect our state's linguistic diversity. For example, California Rural Legal Assistance conducted a comprehensive study[14] of migrant farm workers that provides useful information on indigenous languages spoken in different areas of our state. Other reliable sources of data that courts might contact to determine the unique needs of their

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Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. Farsi has been designated for certification, but is not yet certified. Even though Western Armenian and Japanese are certified languages, there is no bilingual interpreting exam presently available.

[14] Available at *www.crla.org/sites/all/files/content/uploads/News/NewsUpdate/IFS-ReportJan10.pdf*

communities are the California Department of Education, the Migration Policy Institute, and local welfare agencies that track the language needs of government assistance recipients at the local level. Engaging community-based agencies such as legal services agencies, refugee organizations, and community social services providers can provide local courts with a better understanding of the language needs of the communities they serve. Partnering with agencies that serve LEP users in the court's community can also lead to the development of culturally appropriate and effective strategies for the early identification of LEP users needing court services.

With regard to the provision of language access services, courts currently track and report the amounts spent on interpreter services. To gauge overall need, courts should also track and report amounts spent on other services such as translations and multilingual signage or videos. This information will be essential to the support of any funding request.

In sum, data collection efforts will assist with early identification of a how a court may need to expand its language services. It will provide critically necessary information to support funding requests, and will help courts determine how to best deploy court interpreters and bilingual staff and equipment to maximize effective and efficient language services.

Recommendations:

6. The Judicial Council and the courts should expand and improve data collection on interpreter services, and expand language services cost reporting to include

amounts spent on other language access services and tools such as translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. This information will be critical in supporting funding requests as the courts expand language access services into civil cases.

7. The Judicial Council and the courts should look at other sources of data beyond the U.S. Census, such as school systems, health departments, and local community-based agencies, to assist in anticipating language needs for court programs and proceedings.

Goal II: Provide Language Access Services in All Judicial Proceedings

Goal Statement

As soon as it is feasible, but in no event later than 2020, qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events.[15]

a. Provision of Qualified Interpreters[16] in Court Proceedings

[15] Within the context of this plan, the term "provided" (as in "qualified court interpreters will be provided") means at no cost to the LEP court user and without cost recovery.

[16] The term "qualified interpreter" for purposes of this language access plan refers to:
(1) certified and registered interpreters as credentialed by the Judicial Council and who are in compliance with the *Professional Standards and Ethics for California Court Interpreters*, and
(2) "provisionally qualified" interpreters (non-certified and non-registered) who are determined to be qualified on a provisional basis.
Currently, California Rules of Court, rule 2.893 determines the procedure for provisionally qualifying someone to interpret in a criminal or juvenile proceeding. No such rule of court exists at this time for civil proceedings, but

Issue Description

Court proceedings such as hearings and trials are arguably the most critical events during which a limited English speaker will need high quality language assistance services to communicate with the participants in the proceeding. Existing law mandates that interpreters be provided by the court for parties, at no cost to them, for all criminal cases including felonies, misdemeanors, and infractions (including traffic cases).[17] Similarly, interpreters must also be provided if the defendant in a criminal case is a juvenile and the case proceeds as a juvenile delinquency matter. In juvenile dependency cases, interpreters must be provided by the court if the court appoints an attorney for the minor or a parent and the appointment of the interpreter is necessary to ensure the effective assistance of counsel.[18] In addition, on a discretionary basis, the court provides interpreters to parties as needed in proceedings involving domestic violence, ancillary family law matters, and elder or dependent adult abuse protective orders, or where a party needing interpreter services is indigent.

Under California law, courts are not required to provide interpreters in civil matters.[19] Yet civil cases such as family law matters, evictions, guardianships, and conservatorships are critical to the lives of Californians. A large percentage of litigants in these types of cases, including LEP litigants, represent themselves in court and thus do not have the assistance of an attorney to explain the procedures or the law, or to help them present their case to a judicial officer.

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adoption of a parallel rule of court for provisional qualification in civil proceedings is recommended in this plan under Goal VIII, Recommendation 71.

[17] Cal. Const., art. I, § 14: "A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings." Government Code section 68092(a) provides that the court shall pay for interpreters' fees in criminal cases.

[18] Cal. Rules of Court, rule 5.534(h)(1)(A) and (B); *In re Emilye A. v. Ebrahim A*. (1992) 9 Cal.App.4th 1695.

[19] Gov. Code, § 68092(b).

Without access to a qualified interpreter, LEP litigants and the courts often must resort to untrained interpreters who, as discussed elsewhere in this plan, often do not understand legal terminology or court procedures, resulting in errors in interpretation and miscommunications. Using a well-meaning but unqualified interpreter, whose performance no one may be able to assess, can mask these miscommunications and errors, thus giving the appearance—but no assurance—of meaningful access. Additionally, in an effort to communicate with LEP court users, judicial officers sometimes ask the lawyers or advocates for these litigants to interpret for their clients or for witnesses, which creates significant conflicts of interest and ethical issues for these providers, while preventing them from properly focusing on the tasks for which they are present in the courtroom.

In many civil matters where fundamental interests are at stake, such as housing, personal safety, or the determination of a parental relationship, the cost to LEP litigants of retaining their own certified or registered interpreter (or the chance of being charged for interpreter services provided by the court after the case) can be prohibitive. It is for this reason that many of the stakeholders submitting spoken and written public comment emphasized the need for courts to provide interpreters free of cost to the LEP litigant. Some LEP litigants, particularly in more complex limited and unlimited civil matters, may have the financial means to pay for their own interpreter (even if not initially, possibly after a money judgment is issued in their favor). However, the Joint Working Group is cognizant of a potential chilling effect on LEP litigants, including their initial decisions whether to pursue a legal course of action, if they are required

to pay for their own court interpreters. For this reason, it is the goal of this plan that certified and registered interpreters be provided by courts without cost to the LEP court user.

Even when the right to an interpreter is recognized by law, or when an interpreter is allowed to be provided by the court at court expense, there may not always be a qualified interpreter available. When no certified or registered interpreter is available to interpret in criminal matters, the court is required to make specific findings before provisionally qualifying a proposed interpreter to interpret for a given proceeding. This is accomplished through a series of mandated steps, including a finding of good cause, and the completion of a Judicial Council form, as laid out in rule 2.893 of the California Rules of Court. Because interpreters are not required in civil cases, there is no official mechanism for qualifying noncertified or nonregistered court interpreters in such cases.[20] Additionally, although a court user may be entitled to an interpreter, there is no designated process for them to waive the provision of an interpreter, should they wish to do so.[21]

The lack of universal provision of interpreters in civil matters creates problems throughout the branch. Stakeholders providing input during the plan development process have repeatedly pointed out that, when noncertified and nonregistered interpreters are used in civil cases, the courts rarely use any formal process for establishing the proposed interpreter's qualifications or

[20] Goal VIII addresses recommendations for statutory or rule changes that may be necessary to expand the use of interpreters in civil proceedings.

[21] Goal VIII addresses a recommendation for a new rule of court regarding guidelines for a waiver of interpreter services by an LEP court user. Recommendation 50 under Goal VI addresses the necessary training that will be required for judicial officers and court staff to ensure understanding of the waiver requirements, including the appropriateness of waiver and any potential for misuse.

ability to interpret appropriately. The procedures that are used also differ among courts and even within courts, depending on the judicial officer or the court staff. The lack of consistent standards for the provision and appointment of interpreters in civil cases, the lack of training for court staff and bench officers, and the lack of tools for assessing interpreter performance were all cited as critical issues to address in order to ensure that language access services are meaningful and competent.

With respect to the qualification process itself, court certified and registered interpreters in California are credentialed by the Judicial Council, with testing, continuing education, and ethical requirements overseen by the Judicial Council's Court Language Access Support Program[22] unit. The speakers at the listening sessions and public hearings agreed that California is a leader in its credentialing of court interpreters. As Goal V states, the plan recommends that the existing standards for credentialing remain and, where appropriate, be further developed. Further discussion is provided below under the issue description in Goal V.

Recommendations:

8. Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court's resources, either in terms of availability of appropriately qualified interpreters or

[22] More information at *http://www.courts.ca.gov/programs-interpreters.htm*.

availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (begin by year 1, 2015):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (begin by years 2-3, 2016–2017):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil [23]

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-

[23] The priority order for case types is subject to change pending enactment of Assembly Bill 1657 (2013–2014), which is sponsored by the Judicial Council.

operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

9. Pending adoption of a rule of court for civil matters similar to California Rules of Court, rule 2.893, when good cause exists (as originally referenced in Gov. Code, § 68561(c), and as specified in the INT-120 form[24]), a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth in the recommended new rule of court)**.** (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 71, on adding a rule of court for civil cases.)

b. Provision of Court Interpreters in Court-Ordered/Court-Operated Proceedings

Issue Description

Legal services providers, community members, court administrators, and justice partner representatives expressed concern that LEP litigants frequently find themselves in a court-ordered proceeding, outside of a courtroom, that is critical for compliance with court rulings or procedures. In these settings, court users are even less likely to obtain interpreter services, given the limited resources faced by many courts. For example, just as the court hearing on custody should be accessible to LEP litigants, Family Court Services mediation—a mandatory process for parents who are not in agreement about child custody or visitation—should

[24] The form and instructions are available at *www.courts.ca.gov/documents/int120.pdf*.

similarly be fully available to LEP parents. During the public hearing process, legal services advocates and others criticized the common use of unqualified and sometimes entirely inappropriate interpreters—such as family, friends, or even opposing parties—for these events. Courts should not create a situation for an LEP court user that conditions his or her compliance on participation in a program for which no language access exists. If resources are so limited that interpreters or other appropriate modes of language access services are not available, courts should develop mechanisms for an LEP court user to comply with the court's order by participating in a comparable, yet linguistically accessible, program or activity, or by waiving participation for the LEP user. This last alternative is least preferable as, presumably, these court programs and activities are critical for the proper resolution of a case. LEP persons should not be burdened with a less desirable alternative to resolve their court matters (for example, paying a fine rather than attending traffic school) because there are no linguistically accessible options available. It is also important to note that the LEP court user will not receive the benefit of the services deemed necessary to address the issue that resulted in the classes or other remedial services being ordered.

Recommendations:

10. Beginning in 2015, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered/court-operated proceedings to all LEP litigants, witnesses, and persons with a significant interest in

the case. [25] If a judge does not order the services due to language capacity, there should be some consideration of the impact of that determination.

c. Use of Technology for Providing Access in Courtroom Proceedings

Issue Description

In order to achieve the goal of universal provision of interpreters in judicial proceedings, the 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 be, by necessity, 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.

Among the benefits of remote interpreting are the fact that remote interpreting facilitates the prompt availability of language access for litigants by providing certified and registered interpreter services with less waiting time and fewer postponements, saving both the court user's and the court's valuable time. In addition, having qualified interpreters more readily available through remote interpreting can decrease dismissals for failure to meet court deadlines and decrease 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 time between venues and increasing the number of events being interpreted

[25] This includes all court-ordered/court-operated proceedings, such as settlement conferences or mandatory mediation. As for out-of-court events (such as referrals to counseling or parenting classes) and with respect to other court-related services (such as court-appointed guardians, custody evaluators, or forensic accountants) this Plan suggests that the courts make reasonable efforts to locate competent bilingual professionals who can make those services linguistically accessible to LEP court users.

by individual interpreters, remote interpreting allows more LEP litigants to be served, in more areas, with the same interpreter and financial resources, thereby greatly expanding language access. Courts additionally highlighted that remote access is not just for interpreting; it is a means to provide a whole variety of services in places far away from our courthouses. For example, where satellite courts have been closed, or where jails are far away from courthouses, remote interpreting has allowed courts to continue to provide a level of language access service to those locations. Short proceedings like arraignments can also be done remotely, saving travel time and costs. It is important that courts, and the branch as a whole, integrate language access planning with information technology planning, to accommodate and anticipate all the differing capabilities expected of remote access technology, for total bandwidth, infrastructure, equipment, and training.[26]

On the other hand, as explained by many in the listening sessions, there are disadvantages to remote interpreting as well. Remote interpreting may be perceived, accurately or not, as providing second-tier language access services while also potentially compromising the accuracy and precision of the interpretation. Some studies have shown that interpreter accuracy and level of fatigue is affected when providing services remotely, particularly where the event exceeds 15 to 20 minutes in length.[27] Additionally, remote interpreting can dilute the

[26] The successful implementation of the recommendations contained in California's Language Access Plan will require careful coordination with the related efforts of the Judicial Council Technology Committee, especially on the issues of ensuring the necessary infrastructure, equipment, training, and technical support for the use of remote interpreting.

[27] Braun, Sabine, "Recommendations for the use of video-mediated interpreting in criminal proceedings," in *Videoconference and Remote Interpreting in Criminal Proceedings,* eds. Braun, Sabine, and Taylor, Judith L. (Guildford: University of Surrey, 2011) at p. 279, available at

control an interpreter is able to exercise in ensuring accurate interpretation and removes the important visual context of the setting and, potentially, the nonverbal cues of both the LEP speaker and others in the courtroom. All of these are factors for consideration when remote interpreting is being used to facilitate language access in the courtroom.

Any introduction of remote interpreting in the courtroom will have to include, in advance, appropriate training and education for all participants in court proceedings. Judicial officers, interpreter coordinators, and other court staff will need to be familiar with the factors that make an event appropriate for remote technologies, as well as with the technologies themselves, and with the potential pitfalls of using remote technology, so problems can be anticipated or resolved quickly, or the remote interpretation terminated. Judicial officers in particular will have to understand the remote interpretation process to ensure they are managing the courtroom and the proceedings appropriately. Similarly, interpreters will have to be trained on the use of the technologies utilized by the court, as well as on the particular challenges that remote interpretation may create, such as the earlier onset of interpreter fatigue, an inability to adequately see or hear the participants, and the criticality of immediately reporting any impediment to performance or other ethical issues. Court staff must be trained and available to repair any mechanical problems with the equipment. It should also be noted that any technology improvements that affect the terms and conditions of employment for court-employed interpreters could trigger an obligation to bargain over the impacts of the technology change.

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http://epubs.surrey.ac.uk/303017/2/14_Braun_recommendations.pdf. Part of the AVIDICUS Project, aimed at assessing the viability of video-mediated interpreting in the criminal justice system.

Multilingual audiovisual material can be effectively used in courtrooms to expand language access, and it is a simple use of technology that is relatable to all court users. For example, in some courtrooms where a particular type of case is heard (e.g., AB 1058 governmental child support calendars), general introductory remarks that educate the litigants on some basic legal principles and procedures are often provided. For those courtrooms or calendars for which it makes sense, courts might develop a short multilingual video to communicate those introductory remarks to LEP persons. Some of these videos might also be made available on the court's website to orient litigants to what will be expected of them in court before their court appearance. These videos will also help address a common concern, expressed by legal services providers working with LEP populations, that this language access plan include development of tools for serving low literacy populations and speakers of indigenous languages or non-written languages. When videos are not available, a live interpreter who is offsite might be used via video equipment to provide interpretation of the judge's general introductory remarks before a calendar is called.

Recommendations:

11. The use of in-person, certified and registered court interpreters is preferred for court proceedings and court-ordered/court-operated events, but courts may consider the use of remote interpreting where it is appropriate for a particular proceeding.

12. Remote interpreting in the courtroom should be used only after the court has considered, at a minimum, the specific factors set forth in Appendix B, "Factors and Considerations for Remote Interpreting," or other factors that may develop as the technology evolves.
13. Courts using remote interpreting should strive to provide video, used in conjunction with enhanced audio equipment, for courtroom interpretations, rather than relying on telephonic interpreting.
14. In order to maximize the use and availability of California's highly qualified certified and registered interpreters, the Judicial Council should consider creating a pilot program through which certified and registered interpreters in high frequency languages would be available to all courts on a short-notice basis to provide remote interpreting services, subject to local labor agreements.
15. The Judicial Council should explore the feasibility of creating multilingual standardized videos for certain case types that lend themselves to generalized, not localized, legal information, and provide them to courts in the state's top eight languages and captioned in other languages.

d. Considerations when appointing interpreters

Issue Description

Interpreter representatives in particular expressed concerns about the lack of education in the judicial branch regarding the very challenging conditions that busy trial courtrooms present for interpreters. Interpreting is a highly specialized skill that requires a great degree of training and preparation. It is mentally taxing, and studies confirm that not only do interpreting mistakes

increase after 20 to 30 minutes, but an interpreter's ability to self-monitor and self-correct correspondingly diminishes in this time. This interpreter fatigue can result in mental exhaustion and a corresponding decrease in the accuracy of interpretation, which can have serious consequences for an LEP person's case outcome. Court administrators and judicial officers should be mindful of this reality in scheduling interpreters for longer matters, in allowing for rest breaks, and in the overall management of the courtroom.

Three regional court interpreter coordinators currently assist courts with accessing staff interpreters through a manual cross-assignment system. This system could be improved with automation and expanded to coordinate additional language access resources.

Calendar coordination is another important tool for appointing interpreters in an efficient manner. However, legal services providers and others have raised concerns that calendaring matters specifically for certain LEP populations in order to ensure the availability of interpreters can tacitly allow law enforcement agencies, such as Immigration and Customs Enforcement, to target LEP users. Therefore, any efforts to maximize the use and availability of interpreters by identifying court proceedings where interpreters will be required must be done in a way that does not create unique risks for LEP court users, or have a chilling effect on their access to court services.

Certified and registered interpreters also alerted the joint working group to concerns about the misrepresentation by some interpreters of their credentials. For example, some interpreters

used by the court claim to be certified or registered but fail to provide certification or registration numbers (as issued by the Judicial Council upon credentialing) or provide false numbers, and courts do not verify whether in fact these interpreters have been certified or registered by the Judicial Council. In other instances, court staff and judicial officers, unaware that private agencies may follow internal certification processes by which they "certify" their interpreters, fail to ensure that the certification asserted by a prospective interpreter is only his or her agency's designation, and not the credentialing level that can only be provided by the staff of the Judicial Council. Similarly, court staff and bench officers do not always verify that an interpreter does indeed have his or her interpreter oath on file with the court, and may allow an interpreter to provide services without submitting to the interpreter oath.

On the issue of appointing interpreters to court proceedings, stakeholders raised concerns about the use of court bilingual staff as interpreters. Bilingual staff play a critical role in providing language access in the court and their appropriate use and qualifications are addressed in other areas of this plan. For purposes of Goal II, however, judicial officers and court staff should understand that certified and registered interpreters possess highly specialized skills in language and interpreting techniques that are required in courtroom proceedings, skills which bilingual staff do not usually possess. Additionally, placing bilingual staff in the position to act as interpreters may create ethical dilemmas for them as their roles vis-à-vis the litigant and the court process become different, and information they may have gathered as staff may now impede their ability to interpret impartially and objectively. Therefore, it is critical that if bilingual staff are ever to be appointed to interpret in court

proceedings, all of the required steps for finding good cause and for provisional qualification be followed.

As has been discussed earlier, the use of friends or family as interpreters can create serious issues concerning meaningful and accurate interpretation of proceedings. It should be noted here that, in addition to the absence of quality control, there are other factors that should preclude the use of friends and family as translators in court proceedings: they are not neutral parties, and usually have an inherent conflict or bias; they may have a personal interest in misinterpreting what is being said; and, if minors, they may suffer emotionally from being put in "the middle" of conflict between or on behalf of their parents. It was the consensus of the stakeholders addressing this issue that minor children of litigants should never be used to interpret in court proceedings.

Recommendations:

16. When appointing a noncertified, nonregistered interpreter, courts must avoid appointing persons with a clear or perceived conflict of interest such as opposing parties or witnesses, or family members of opposing parties, or attorneys.
17. Family members and friends of the LEP court user may be appointed for courtroom proceedings only if (a) they meet the provisional qualification requirements, (b) an admonition regarding real or perceived conflicts of interest is provided, and (c) all parties knowingly and voluntarily consent to that person as the interpreter.
18. Minors who are family members of the LEP court user will not be appointed to interpret for courtroom proceedings.

19. Courts should avoid appointing bilingual court staff to interpret in courtroom proceedings; if the court does appoint staff, he or she must meet all of the provisional qualification requirements.
20. Judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, are not misrepresenting their credentials, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.)
21. The Judicial Council should expand the existing formal regional coordination system to improve efficiencies in interpreter scheduling for court proceedings and cross-assignments between courts throughout the state, consistent with applicable labor agreements. (See Recommendation 29, addressing coordination for bilingual staff and interpreters for non-courtroom events.)
22. Court staff and judicial officers must understand and consider the mental exertion and concentration required for courtroom interpreting when scheduling interpreting events, for example, by appointing a team of interpreters for long proceedings, appointing multiple interpreters for multiple parties, and identifying situations where justice partners have the responsibility or capacity to provide additional certified or registered interpreters for their clients or witnesses.
23. Courts should develop methods for using interpreters more efficiently and effectively, for example, by use of calendar coordination, and coordination with justice partners who will be providing interpreters. Courts should develop these

systems in a way that does not create risks for LEP court users, or have a chilling effect on their access to court services.

Goal III: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Goal Statement

By 2020, courts will provide language access services at all points of contact in the California courts. Courts will provide notice to the public of available language services.

Issue Description

As described elsewhere in this plan, LEP court users' language needs are not limited to the courtroom; the public's need for language assistance extends to all points of contact. While courtroom proceedings are critical, and therefore require the highest quality of language access services, other events and points of contact in the courthouse can also have a significant impact on case outcomes, the ability to procedurally and substantively advance a case forward, or the ability to proceed expeditiously. A person's ability to access the court system and seek legal redress or protection begins long before the LEP court user enters the courtroom to attend a hearing. Therefore, this language access plan embraces the principle that it is the courts' responsibility to provide language access throughout the continuum of court services, from the first time an individual tries to access the court's website, or walks in the door of the courthouse, to posthearing events necessary to comply with court orders.

As reported by legal services providers and their clients at public hearings and in public comment, language barriers confront an LEP person from the moment he or she walks into a courthouse or before when trying to get information by phone or from the court's website. From the most basic inability to communicate what language they speak to the challenges presented by English-only signs and instructions, this lack of services can leave court users aimlessly wandering the courthouse until frustration leads them to abandon their efforts, no matter how critical their legal need. The inability to understand and fill out mandatory forms and the bewilderment created by legal terminology and court instructions set forth only in English—all while dealing with the stresses of legal problems or even personal safety—have left all too many LEP legal services clients, self-help center users, and community members in a state of legal paralysis.

Experts and others who spoke at the various public hearings agreed that many of these points of contact do not require the skills of a qualified court interpreter. Many of the needs of thousands of LEP court users require only competent and properly qualified bilingual individuals who can provide a more basic level of language access service. It was suggested that courts should explore different strategies for maximizing the use of bilingual staff to make more services available. Other tools can be made available at major points of contact to help improve access; for example, the ready availability of "I speak" cards (like the sample below) at all points of contact can help LEP users indicate to staff what language they speak.

Translated materials such as referrals, informational brochures, and instructions can help communicate important information, such as how to prepare forms and how to file and serve them. Remote interpreting via telephone or video can also help staff at counters or self-help centers to provide linguistically competent services. Multilingual signage (discussed in detail under Goal IV), can also help LEP users feel less lost and more able to negotiate the complex environment of the courthouse. Multilingual audiovisual material (for example, kiosks) can also expand language access by instructing LEP court users what forms they may need or where they must go within the courthouse.

As was pointed out during the public hearings and listening sessions by court administrators, judicial officers, and other stakeholders, in order to rely on bilingual staff, it will be vital for courts to take proactive steps to recruit and train bilingual individuals to serve at the more

critical junctures, for example, where domestic violence form packets are disseminated (and explained). Where recruitment is challenging, educational providers should be enlisted to help identify potential sources for outreach and hiring by the court; they might also become partners in the training of these staff. In addition, bilingual staff should receive enhanced compensation for using their language skills. When facing budgetary obstacles to enhance language access, community volunteers whose language skills have been vetted can be a valuable resource to increase services. During the public hearings, the joint working group learned that the Department of Education issues a "Seal of Biliteracy" to high school students in certain districts who pass a proficiency exam. Tapping into these and other sources of trained bilingual community members can significantly increase the court's ability to serve its constituents in a competent and culturally proficient manner. At the core, it is vital that there be appropriate screening, monitoring, supervision, and training of staff and volunteers to ensure the quality and competency of the services provided.[28]

Recommendations:

24. The court in each county will designate an office or person that serves as a language access resource for court staff and judicial officers. This person or persons should be able to describe all the services the court provides and what services it does not provide, and should be able to disseminate all of the court's multilingual written information as requested.

[28] It should be noted that any use of bilingual staff for interpreting may create an apparent or real conflict with local court's current regional memorandum of understanding (MOU) language regarding "scope of unit work." Before considering the use of bilingual staff, courts should review their regional MOUs and the MOUs applicable to the bilingual employees, to determine whether and how best to propose such changes.

25. Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. (See Recommendation 47, which discusses possible standards for the appropriate qualification level of bilingual staff at these locations.)
26. All court staff who engage with the public will have access to language assistance tools, such as translated materials and resources, multi-language glossaries and "I speak" cards, to determine a court user's native language, direct him or her to the designated location for language services, and/or provide the LEP individual with brochures, instructions, or other information in the appropriate language.
27. Courts should strive to recruit bilingual staff fluent in the languages most common in that county. In order to increase the bilingual applicant pool, courts should conduct outreach to educational providers in the community, such as local high schools, community colleges, and universities, to promote the career opportunities available to bilingual individuals in the courts.
28. Courts will develop written protocols or procedures to ensure LEP court users obtain adequate language access services where bilingual staff are not available. For example, subject to applicable local labor agreements, the court's interpreter coordinator could be on call to identify which interpreters or staff are available to provide services in the clerk's office or self-help center. Additionally, the use of remote technologies such as telephone access to bilingual staff persons in another location or remote interpreting could be instituted.

29. The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings, while being mindful of regional memoranda of understanding.
30. The courts and the Judicial Council should consider creating a pilot to implement the use of remote interpreter services for counter help and at self-help centers, incorporating different solutions, including cloud-based fee-for-service models or a court/ centralized bank of bilingual professionals.
31. The courts should consider a pilot to implement inter-court, remote attendance at workshops, trainings, or "information nights" conducted in non-English languages using a variety of equipment, including telephone, video-conferencing (WebEx, Skype), or other technologies.
32. In matters with LEP litigants, courts should ensure that court-appointed professionals, such as psychologists, mediators, social workers, and guardians, can provide linguistically accessible services to the same degree that their services are provided to English speakers. Where no such language capability exists, subject to local labor agreements, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters.
33. Courts should consider the use of bilingual volunteers to provide language access services where appropriate. Bilingual JusticeCorps volunteers and legal interns, who

are extensively trained and properly supervised in court self-help centers, are a reliable resource for expanding language access, so long as their use does not conflict with any memoranda of understanding.

34. The courts should consider creating pilot programs to implement the use of language access kiosks in lobbies or other public waiting areas to provide a variety of information electronically, such as on a computer or tablet platform, in the court area's top five spoken languages.

35. Courts must provide notice of the availability of language access services and related language access policies at all points of contact with the court in English, the top five languages spoken in that court's county, and, if applicable, in every other language spoken by 5 percent or more of the county's population. Notice should be provided to the public, and to community-based organizations, justice partners, legal services offices, and other entities working with LEP populations. (See also Recommendation 54.) For example, notices should be posted on the court's website, in the courthouse at information counters, in court brochures, in a document included with initial service of process, at court-community events, in public service notices and announcements in the media, including ethnic media, and in any embassies or consulates located in the county. To address low literacy populations and speakers of languages that do not have a written component, video and audio recordings should be developed to provide this notice.

Goal IV: Provide High Quality Multilingual Translation and Signage

Goal Statement

The Judicial Council, assisted by the courts, will identify best practices and resources for the highest quality of document translation and court signage in all appropriate languages.

Issue Description

Accurate and effective translation services are essential to ensure that documents and court signage commonly accessible to the public are available to limited-English speakers in their native languages. It is important to recognize, however, that not all languages have a written component, and some LEP persons may also have literacy challenges in their native language. Any strategies to provide translated materials should consider the manner of delivery of these materials to account for these factors, such as creating video and/or audio of the information otherwise available in writing. Video- and audio-based information will also benefit English speakers who have low literacy or who prefer to receive information through mechanisms other than written materials.

The California Courts Online Self-Help Center,[29] for example, provides hundreds of pages of information for court users in English and Spanish, but also incorporates videos on issues such as mediation in small claims, unlawful detainer, and civil harassment cases in English, Spanish, and Russian, as well as English/Spanish videos on issues pertaining to the child custody, juvenile

[29] In English at *www.courts.ca.gov/selfhelp.htm* and in Spanish at *www.sucorte.ca.gov*.

delinquency, and juvenile dependency processes. The Online Self-Help Center also has audio recordings of the most common domestic violence information sheets in English and Spanish and instructional videos for completion of common court forms, such as divorce petitions and responses, fee waivers, and domestic violence restraining orders.

While the statewide self-help website provides generalized information, stakeholders pointed out that local courts have inconsistent policies regarding the provision of translated information on their local websites. Most courts only provide information on local procedures in English and do not have local forms available in other languages. Some provide links to the statewide website, but others do not. When translations are provided, legal services providers and their clients report inconsistencies in quality, with translation errors rendering some of the information legally incorrect and thus unusable.

With respect to Judicial Council forms, the Judicial Council has translated the most critical domestic violence forms into Spanish, Chinese, Korean, and Vietnamese, and most of the key family law forms and information sheets into Spanish. The joint working group received comments from legal services providers asking why all forms in a "set" (e.g., all family law forms) are not translated, and urged the group to include in the language access plan a recommendation that more forms be translated, particularly for conservatorships and guardianships, which are highly technical.

Court administrators and legal services providers alike recognized the significant costs associated with translations, but agreed that efficiencies can be built into the system, such as through better statewide coordination of translations so that general information may be translated at the state level for use by all courts. Thus, court forms, juror information, and general educational material (in written or audio/video form) can be translated through a centralized process and provided to courts for any necessary local adaptation. A centralized process can also incorporate quality control mechanisms to ensure that the translations are performed by competent and qualified translators with experience with court and legal translation and certification from the American Translators Association (ATA). Where appropriate, translator qualification may also be established by the translator's experience or education, such as a degree or certificate from an accredited university in the United States or the equivalent from another country in translation or linguistic studies.

In the meantime, existing tools can be used immediately to improve language access. While providing written translations of individual court orders may not always be feasible, it is fundamental to our judicial system that all court users understand the court orders that are issued. To this end, and where Judicial Council forms exist, courtrooms should have translated versions of these order forms (for information only) to provide to LEP parties, who can then look at their English court order side by side with the translated form in order to understand and comply with the order.

Easy-to-understand signage is also essential to help LEP court users navigate the courthouse and ensure they receive appropriate services. At the San Francisco public hearing, an expert presented that access starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. It is accomplished through the strategic and immediate visual location of common important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. Static signage materials (printed materials or signs) can be augmented by dynamic or electronic signage, which allows courts to more easily update information provided to court users in multiple languages, similar to digital signs in airports. A suggestion was also made at the public hearings for courts to create virtual courthouse tours on the web, which will enable court users to navigate a virtual courthouse prior to their actual visit. A similar app could also be created for smartphones, tablet computers, and other mobile devices. These important navigational tools can help to remove confusion and language access barriers, and reduce the apprehension that many court users may have about going to an unfamiliar courthouse.

Recommendations:

36. The Judicial Council will create a Translation Advisory Committee to develop and formalize a translation protocol for Judicial Council translations of forms, written materials, and audiovisual tools. The committee should collaborate with interpreter organizations and courts to develop a legal glossary in all certified languages, taking into account regional differences, to maintain consistency in the translation of legal terms. The committee's responsibilities will also include identifying qualifications for

translators, and the prioritization, coordination, and oversight of the translation of materials. The qualification of translators should include a requirement to have a court or legal specialization and be accredited by the American Translators Association (ATA), or to have been determined qualified to provide the translations based on experience, education, and references. Once the Judicial Council's translation protocol is established, individual courts should establish similar quality control and translation procedures for local forms, informational materials, recordings, and videos aimed at providing information to the public. Local court website information should use similarly qualified translators. Courts are encouraged to partner with local community organizations to accomplish this recommendation.

37. The Judicial Council's staff will post on the California Courts website written translations of forms and informational and educational materials for the public as they become available and will send notice to the courts of their availability so that courts can link to these postings from their own websites.
38. The staff of the Judicial Council should assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse, and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation. Where more localized signage is required, courts should have all public signs translated into that court community's top five languages or, if more appropriate, into any

languages spoken by 5 percent or more of the population served by the court. At the minimum, all such materials should be available in English and Spanish.

39. Courts will provide sight translation of court orders and should consider providing written translations of those orders to LEP persons when needed. At a minimum, courts should provide the translated version of the relevant Judicial Council form to help litigants compare their specific court order to the translated template form.
40. The Judicial Council, partnering with courts, should ensure that new courthouse construction efforts, as well as redesign of existing courthouse space, are undertaken with a focus on making courthouses more easily navigable by all LEP persons.
41. The Judicial Council's staff will provide information to courts interested in better wayfinding strategies, multilingual (static and dynamic) signage, and other design strategies that focus on assisting LEP court users.
42. Courts will provide signage and brochures throughout the courthouse and in court-operated programs to inform LEP users of the ability to request language access services. The signage and brochures should be in the top five languages spoken in that court's community, or at least every language spoken by 5 percent or more of the population.

Goal V: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Goal Statement

The courts and the Judicial Council will ensure that all providers of language access services deliver high quality services. Courts and the Judicial Council will establish proficiency standards for bilingual staff and volunteers appropriate to the service being delivered, offer ongoing training for all language services providers, and proactively recruit persons interested in becoming interpreters or bilingual court staff.

Issue Description

Proficiency Standards

Court-certified and registered interpreters in California are credentialed by the Judicial Council, with testing, continuing education, and ethical requirements overseen by the council's staff in the Court Language Access Support Program (CLASP) unit. As described above, the speakers during the listening sessions and public hearings agreed that California has been and continues to be a leader in credentialing of its court interpreters, and this plan recommends that such high standards continue and be built upon. Some interpreters raised concerns that the current examination process that adopts the testing standards set by the Consortium for Language Access in the Courts' Certification Test may have lowered the qualifications required of new interpreters. After consideration and research, the joint working group, advised by the Judicial Council's Court Interpreters Advisory Panel, decided that, at this time, the testing and

certification procedures remain appropriate and ensure that only the most qualified interpreters are able to pass and become certified or registered.

As interpreters are deployed in more and more civil cases, all stakeholders agreed that systematic training in the legal terminology utilized and procedural steps followed in civil case types would be beneficial for those interpreters who have not had experience in the civil arena. Similarly, as remote interpreting is gradually phased in for the expansion of language access, training will be necessary for interpreters and court personnel alike with regard to the technology and the optimum manner of using such equipment.

As has been stated in Goal II, the court should provide qualified interpreters for all court proceedings. However, the majority of interactions LEP users have with the court system will be outside the courtroom and will be handled by bilingual staff or volunteers. Therefore, courts must ensure that the individuals assigned to communicate with the LEP public be qualified and trained.

As legal services providers, their clients, and many others commented during the public hearings or commented during listening sessions—and as detailed in the discussion of Goal III—LEP court users must be able to obtain accurate and complete information throughout their encounters with the court system. Stakeholders all agree that different points of contact with the public, by their nature, involve different levels of interaction between staff and an LEP court user. For example, a bilingual court clerk working the cashier window will need to be able to

carry out basic monetary transactions in another language with an LEP court user and perhaps provide some standardized information on policies and procedures for paying fines. A bilingual staff person at a self-help center, on the other hand, will have to be able to communicate completely, almost with native-like fluency with an LEP court user needing assistance in understanding court procedures and in preparing forms. The self-help staff person must be able to understand nuanced conversations and questions, provide technical information using the correct legal terminology (in all relevant languages), and be precise in their use of language. A bilingual staff person at the filing counter in the clerk's office may not need to be proficient in writing in another language, but a bilingual family law facilitator may have to write instructions in another language or translate documents.

Many courts have internal procedures for determining the bilingual abilities of court staff, from new hires to existing staff. There is currently no uniform procedure for courts to test language proficiencies, but courts wishing to examine their existing policies or establish a standard for hires may take advantage of the Oral Proficiency Exam (OPE),[30] currently used by the staff of the Judicial Council's Court Language Access Support Program (CLASP) unit to credential most registered interpreters. The OPE is a speaking-ability test that uses the guidelines established by the American Council on the Teaching of Foreign Languages (ACTFL)[31] to provide scores that correlate with a given level of language proficiency. Courts can look at the ACTFL guidelines to adapt them to the court setting and determine what OPE scores are appropriate for the

[30] Information on the Oral Proficiency Exam (OPE) is available at *https://www.prometric.com/en-us/clients/California/Pages/CA-COURT-ORAL-PROFICIENCY-EXAM.aspx*.

[31] The American Council on the Teaching of Foreign Languages describes five major levels of proficiency: Distinguished, Superior, Advanced, Intermediate, and Novice. Available at *www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012/english/speaking*.

different possible points of contact between LEP court users and bilingual staff.[32] The joint working group reviewed the different levels and determined that ACTFL's "intermediate mid" should be the minimum proficiency required for persons designated as bilingual staff, while allowing courts to exercise their discretion as to the circumstances or points of contact when a higher or lower level of proficiency may be required.

Various legal services providers and LEP users have observed that court staff and written materials sometimes use different translated words or phrases to refer to the same legal or technical term. Bilingual staff and volunteers must be trained in legal terminology so that terms are used consistently by all persons having contact with the public. The Judicial Council and the courts should therefore collaborate on an agreed-upon glossary of legal terms. This glossary should take into account differences in usage due to the country of origin and linguistic background of the LEP communities served by a given court's community.

While court interpreters and bilingual staff are the primary language access providers in day-to-day interactions with the court, translators who translate written material from one language to another are also key providers. Translators may translate court forms, exhibits, court signs, websites, scripts for video or other audiovisual tools, etc. The language skills required for qualified translation are unique, different from those required for interpretation and much

[32] An additional resource courts may want to consider when assessing the proficiency of bilingual staff is the Interagency Language Roundtable's skill description for interpreter performance. The ILR is a nonfunded federal interagency organization established for the coordination and sharing of information about language-related activities at the federal level. The skill descriptions, located at *www.govtilr.org/Skills/interpretationSLDsapproved.htm* provide a rating system for assessing the language abilities of in interpreters in government settings, and may be of guidance for courts in assessing bilingual staff who do not need the higher specialization of interpreters but may need similar language skills.

more advanced than those required of bilingual staff. Though many court interpreters are also qualified translators, not all are. Certified and registered court interpreters are not tested on their written skills in the non-English language, and only the American Translators Association (ATA) provides certification in translation, though not specific to the law or the court system. Therefore, it is critical that courts use competent, qualified translators for providing language access through any medium that requires written content.

Recruitment

While training and qualification of existing resources is critical, many participants in the public hearings and listening sessions pointed out the shortages throughout the state in qualified language access providers. To begin to address this gap between the supply and demand for language services providers, the Judicial Council and local courts should pursue strategies to enhance the recruitment of individuals who wish to seek a career as language access providers for the court, whether as certified and registered interpreters or as bilingual staff. Although some interpreters, including members of the California Federation of Interpreters, were of the opinion that there are adequate numbers of interpreters to provide most or all of court hearing interpretation in all civil matters and court-mandated services, it is nevertheless vital to continue recruitment efforts so there will continue to be an adequate number of interpreters in future years.

The total number of certified and registered interpreters has increased to over 1,800 after a significant drop in the year 2000 when there were only 1,108 total interpreters. However, the

total number of Spanish-certified court interpreters today (1,315) is still lower than it was in 1995, when there were 1,536 Spanish-certified court interpreters.[33] The passage rate for the certification examination is low,[34] and many individuals give up on the process of becoming certified or registered due to the cost of repeated exams. Court partnerships with educational institutions, including community colleges and state universities, are essential to promote the better preparation of prospective interpreters since they are uniquely placed to train students to pass the certification and registration exams. Similarly, partners such as public defenders, district attorneys, and legal aid providers can offer internship opportunities to prospective interpreters to expose them to, and prepare them for, a career in legal interpreting.

Education providers can also play a critical role in assisting courts in identifying bilingual Californians who may want to pursue a career in public service by working in the court system, and in helping to build the language skills of these prospective public servants. In fact, many community colleges and universities throughout the state are concentrating efforts to train bilingual students to serve as language services providers in the government and medical sectors. Courts and the legal system as a whole would greatly benefit from tapping into these resources. Even at the high school level, and earlier, schools can partner with their local courts to provide information and education to children about the benefits of building on language skills to improve opportunities for growth and employment after high school. Courts should include schools, colleges, and universities in court-community events where students have an

[33] See *2000 Language Need and Interpreter Use Study*, Table 3.6, at p. 3.13, available upon request.
[34] Between July 2010 and June 2012, the exam pass rate for bilingual interpreting exams was approximately 10.8%.

opportunity to observe court professionals, from interpreters to bilingual court staff to judicial officers, as a complement to both civics education and career exploration.

Community-based organizations too can be powerful partners for courts in the recruitment of bilingual persons to work for the courts. They have insights into the barriers to education and employment for members of their communities, awareness of existing job training and skill-development programs, and the ability to help courts identify untapped resources for recruitment and training of prospective bilingual court employees. Internships and volunteer opportunities in the courts, under the supervision, guidance, and support of educational providers and community-based organizations, can be an avenue for recruitment of future court language service providers.

Recommendations:

43. Courts, the Judicial Council, and the Court Interpreters Advisory Panel (CIAP) will ensure that all interpreters providing language access services to limited English proficient court users are qualified and competent. Existing standards for qualifications should remain in effect and will be reviewed regularly by the CIAP.
44. The online statewide orientation program for new interpreters will continue to be available to facilitate orientation training for new interpreters immediately upon passage of the credentialing examination.
45. The Judicial Council and the courts should work with interpreter organizations and educational providers (including the California community college and state

university systems) to examine ways to better prepare prospective interpreters to pass the credentialing examination. These efforts should include:

- Partnering to develop possible exam preparation courses and tests, and
- Creating internship and mentorship opportunities in the courts and in related legal settings (such as work with legal services providers or other legal professionals) to help train and prepare prospective interpreters in all legal areas.

46. The Judicial Council, interpreter organizations, and educational groups should collaborate to create training programs for those who will be interpreting in civil cases and those who will be providing remote interpreting.
47. Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to "Intermediate mid" as defined under the Oral Proficiency Exam guidelines. (See Appendix F.) The existing Oral Proficiency Exam available through the Judicial Council's Court Language Access Support Program (CLASP) unit may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency.
48. Beyond the specified minimum, the Judicial Council staff will work with the courts to (a) identify standards of language proficiency for specific points of public contact within the courthouse, and (b) develop and implement an online training for bilingual staff.

49. The Judicial Council staff will work with educational providers, community-based organizations, and interpreter organizations to identify recruitment strategies to encourage bilingual individuals to pursue the interpreting profession or employment opportunities in the courts as bilingual staff.

Goal VI: Provide Judicial Branch Training on Language Access Policies and Procedures

Goal Statement

Judicial officers, court administrators, and court staff will receive training on language access policies, procedures, and standards, so they can respond consistently and effectively to the needs of LEP court users, while providing culturally competent language access services.

Issue Description

Throughout the planning process—from input during listening sessions to oral and written comments during the public hearings—stakeholders reiterated their concerns about the need for appropriate training of court staff and judicial officers. Judges and court administrators expressed concern with respect to their own lack of training in how to determine whether a noncertified or nonregistered interpreter is capable of providing competent language access services. Legal services providers reported a lack of knowledge on the part of court staff regarding more specialized language needs, such as an awareness of the diversity of languages spoken within a given county, the varieties of indigenous languages, and tools for identifying

the preferred language for an LEP court user. They experienced wide disparities in the manner in which interpreters are appointed and scheduled (e.g., in which types of cases, and under what circumstances, incidental usage of interpreters in civil matters is requested or permitted). There were also inconsistencies in the method for provisionally qualifying noncertified or nonregistered interpreters, and in the awareness of when, if ever, it is appropriate to ask attorneys or advocates to interpret for their clients. Finally, advocates expressed concern over the court's referrals of LEP parties to court-appointed professionals who may or may not be linguistically accessible or culturally competent. (Recommendation 32 above provides mechanisms to ensure courts contract with providers who provide services accessible to and by LEP persons.)

Interpreters expressed concerns about a general misunderstanding among court staff, judicial officers, and even other participants in the court process (including attorneys) of the interpreter's role and ethical constraints. Similarly, interpreters described a lack of awareness of the highly specialized skills required for court interpreting, the mental and physical toll of interpreting for periods longer than 30 minutes, the challenges fast-paced, crowded courtrooms pose for the interpreter, and ways to improve communication and courtroom management to optimize the task of an interpreter.

Language access stakeholders also expressed concern that court staff may not be aware of language access policies for their courts, an issue amplified by the lack of consistency among and even within courts. The absence or perceived absence of clear guidelines at the local and

state level can cause confusion for court administrators and staff, thus highlighting the critical need for ongoing trainings on existing policies and on the statewide policies to be established via this language access plan. Training on policies must also include information and tools for court staff and judicial officers on identifying an individual's need for language services and properly documenting the language services need, even when unable to provide the services.

Any training for court staff and judicial officers should address, as well, the challenges faced by court interpreters when performing their jobs. Courtroom personnel and bench officers must understand the importance of effective courtroom management, the need to control the speed of the proceeding, the interpreter's ethical obligations to assess and report impediments to his or her performance, and the mental toll that interpreting takes on even the most qualified and seasoned interpreter.

Recommendations:

50. Judicial officers, including temporary judges, court administrators, and court staff will receive systematic training regarding the judicial branch's language access policies and requirements as delineated in California's Language Access Plan, as well as the policies and procedures of their individual courts. Courts should schedule additional training when policies are updated or changed. These trainings should include:

- Optimal methods for managing court proceedings involving interpreters, including the challenges of interpreter fatigue and the need to control rapid rates of speech and dialogue;
- The interpreter's ethical duty to clarify issues during interpretation and to report impediments to performance;
- Required procedures for the appointment and use of a provisionally qualified interpreter and for an LEP court user's waiver, if requested, of interpreter services;
- Methods for verifying the credentials of an interpreter;
- Available technologies and minimum technical and operational standards for providing remote interpreting; and
- Working with LEP court users in a culturally competent manner.

The staff of the Judicial Council will develop curricula for statewide and regional trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs.

51. Information on local and statewide language access resources, training and educational components identified throughout this plan, glossaries, signage, and other tools for providing language access should be readily available to all court staff through individual courts' intranets.
52. Judicial Council staff should develop bench cards that summarize salient language access policies and procedures and available resources to assist bench officers in addressing language issues that arise in the courtroom.

Goal VII: Conduct Outreach to Communities Regarding Language Access Services

Goal Statement

The Judicial Council and the courts will undertake comprehensive outreach to, and engage in partnership with, LEP communities and the organizations that serve them.

Issue Description

The role of courts is to serve their communities by providing a process for resolving disputes. Educating the community about court services is one of the ways by which the courts instill trust and confidence in the legal system. As legal services providers and LEP participants commented during the three public hearings, many LEP individuals do not come to the courthouse for legal help because they mistrust courts, misunderstand the role of the court system, and lack knowledge of their legal rights and what the court can do for them. They also believe, often for good reason, that they will not be able to communicate effectively in their language.

Engaging the community through outreach is critical to establishing the legitimacy of the court system and creating respect for the institution—and by extension—for the orders and decisions it makes. This must include outreach to LEP communities to explain that the court is there to serve them and is linguistically accessible to them. Additionally, ongoing outreach efforts, at the both the state and local levels, provide the best means for securing community input on

language access needs. Establishing mechanisms to receive community feedback regarding the effectiveness, or lack thereof, of the court's language access services is a key component to ensuring community trust and quality control of the court's services. (Goal VIII addresses complaint mechanisms and related systems to manage and oversee language access policies at the state and local levels.)

These outreach efforts must be multifaceted. Courts can leverage existing community resources to notify their constituents of language access services as well as court services as a whole. To do this, courts can ensure information and notices are disseminated to community-based organizations, legal services providers, bar associations, and others and can use ethnic media and local news sources in outreach efforts. Outreach may also include the use of multi-lingual audiovisual tools to provide general information about language access services, court procedures, and available resources, such as self-help centers. Video and audio technologies are efficient and effective ways to reach potential LEP users at large.

The oral and written comments submitted to the working group emphasized the need for partnerships. Partnering with community-based organizations and providers, such as social services, legal services providers, faith-based organizations, job training programs, adult school programs, and elementary, middle, and high schools, is the most effective way for courts to reach LEP populations that have traditionally avoided the courts. These partners can also help courts identify community needs and community resources and can help courts improve the quality of their language access services and their responsiveness to their communities. They

can also help courts target more isolated LEP communities that are not normally reached through more traditional outreach mechanisms. Partners can help distribute information, educate the public, and even provide community space and language access for court-community events and informational and educational clinics about court services such as self-help centers or alternative dispute resolution (ADR) programs.

As was discussed in connection with Goal V, outreach can also be effective in any effort to develop a pipeline of language access providers. Courts, via outreach to community-based organizations and educational institutions, can engage bilingual community members by (a) offering potential employment opportunities and a meaningful chance to help their communities, (b) providing opportunities for participation in the court as trained volunteers to learn about the justice system and to gain experience and job skills, and (c) encouraging these community members to invest the time and resources required to study and prepare to become a certified or registered court interpreter. (Goal V provides a specific recommendation for these partnerships to increase the pool of qualified language access providers throughout the court system.)

Recommendations:

53. Courts should establish partnerships with local community-based organizations, including social services providers, legal services organizations, government agencies, and minority bar associations to gather feedback to improve court services

for LEP court users and disseminate court information and education throughout the community.

54. Courts should take affirmative steps to inform the public about language access services available in the courts by, among other means, ongoing communication with community-based organizations and other stakeholders.
55. To maximize both access and efficiency, multilingual audio and/or video recordings should be used to provide important general information and answers to frequently asked questions.
56. Courts should collaborate with local media and leverage the resources of media outlets, including ethnic media that communicate with their consumers in their language, as a means of disseminating information throughout the community about language access services, the court process, and available court resources.

Goal VIII: Identify Systems, Funding, and Legislation Necessary for Plan Implementation and Language Access Management

Goal Statement

In order to complete the systematic expansion of language access services, the Judicial Council will (1) secure adequate funding that does not result in a reduction of other court services; (2) propose appropriate changes to the law, both in statutory amendments and changes to the rules of court; and (3) develop systems for implementing the language access plan, for

monitoring the provision of language access services, and for maintaining the highest quality of language services.

a. Increased Funding

Issue Description

As was discussed at the outset of this plan, the California judicial branch has seen significant funding cutbacks in past years forcing courts to close courtrooms and courthouses, cut hours of operations, lay off staff, and decrease or eliminate services altogether. Although this year some funding was restored, it was offset by the imposition of other financial obligations on the branch and a reduction in court revenues. Accordingly, courthouses throughout the state still struggle to meet their court users' most basic needs. For example, the presiding judge of Riverside County reported that residents of Needles—many of whom are low income, LEP individuals—must now travel 200 miles to reach the nearest courthouse. It is therefore imperative that funding provided by the Legislature for increasing language access not be obtained at the expense of reductions in any other branch funding.

Although basic, ongoing funding from the Legislature is essential, there are other opportunities for limited funding for individual courts, in particular for projects designed to address the needs of low-income or LEP communities, especially in the areas of domestic violence and elder or dependent adult abuse. Some grant possibilities in recent years have included funding for innovative initiatives to use technology to expand access to the judicial system, partnership grants with legal services providers funded by the Equal Access Fund, pilot projects addressing

particular needs of a court's communities, and State Bar grants for one-time discrete projects. Grant funding may have limitations, however, since it often provides resources for one-time projects or needs, such as translation or signage, but may not be available for ongoing operational costs necessary to keep a project running beyond the original grant period. Also, judicial ethics and other concerns may limit the court's ability to seek funding, so courts will have to decide what opportunities are available, reasonable, and worth the court's investment in the grant application and compliance processes.

Recommendations:

57. The judicial branch will advocate for sufficient funding to provide comprehensive language access services without jeopardizing funding for any other court services or operations. The funding requests should reflect the incremental phasing in of the language access plan.
58. Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to effectuate the recommendations of California's Language Access Plan. This may include information being gathered in connection with the recent Judicial Council decision to expand the use of Program 45.45 funds for civil cases where parties are indigent;[35] information being gathered for the 2015 Language Need and Interpreter Use Report; and information that can be extrapolated from the Resource Assessment Study

[35] The Legislature provides funding for interpreter services to the courts in a special item of the judicial branch budget (Program 45.45 of the Trial Court Trust Fund). At its public meeting on January 23, 2014, the Judicial Council approved recommendations that explicitly allow expenses for court interpreter funds from 45.45 to include costs for all appearances in domestic violence cases, family law cases in which there is a domestic violence issue, and elder abuse cases, as well as interpreters for indigent parties in civil cases.

(which looks at court staff workload), as well as other court records (e.g., self-help center records regarding LEP court users).

59. Judicial Council staff should pursue other funding opportunities from federal, state, or nonprofit entities, such as the National Center for State Courts, which are particularly suitable for one-time projects such as translation of documents or production of videos.
60. Courts should pursue other funding opportunities at the national, state, or local level to support the provision of language access services. Courts should seek, for example, one-time or ongoing grants from public interest foundations, state or local bar associations, federal, state, or local governments, and others.

b. Language Access Plan Management

Issue Description

Stakeholders participating throughout the planning process agreed that, in order to ensure the success of a statewide language access plan, it is necessary to create systems for implementing the plan, for compliance and monitoring of its effects on language access statewide, and for tracking the need for ongoing adjustments and improvements. Participants in the court system, from legal services providers to interpreters to court users themselves, emphasized the need for quality control measures, including mechanisms for making and resolving complaints about all aspects of the courts' language access services.

The Judicial Council's Court Language Access Support Program (CLASP) unit and the statewide Language Access Coordinator will be instrumental in providing a centralized office for supporting the management of the language access plan and in being available as a resource to local courts needing technical assistance or support to implement the provisions of this language access plan as well as develop local procedures and policies. CLASP, in conjunction with other Judicial Council staff working on language access issues, can coordinate the sharing of existing language access materials developed by providers and courts throughout the state and nationally, and can coordinate efforts for developing further statewide materials (which local courts can then adapt to their unique needs). Because LEP court users may have language access needs for appellate matters (for example, needing assistance at the counter or understanding forms or procedures), this plan also recommends that the California Courts of Appeal and Supreme Court of California discuss and adopt applicable parts of the plan with necessary modifications.

A multifaceted complaint procedure is also essential to ensure the quality of the language access services delivered. Development of such a procedure must include, among other considerations, conferring with union representatives and impacted service providers to ensure the creation of a complaint system that will be respected by all who either provide or receive services. All participants in the court system, including LEP court users, attorneys, legal services providers, community-based organizations, interpreters, judicial officers, and other justice partners, must be able to register complaints if a court fails to provide adequate language access services, or if the services provided are of poor quality, whether the service involves

bilingual staff, written translation, or interpreters. Any complaint procedure must be available to all, consistent and transparent, with procedures and forms available in multiple languages, and should be utilized in a way that protects LEP court users or other interested persons from actual or perceived negative repercussions either to them personally or to the outcome of their case.

Complainants should be able to file their complaints confidentially, and advocates and attorneys should be allowed to register complaints or concerns on behalf of their LEP clients. Similarly, court staff, administrators, judicial officers, and interpreters must be able to file a complaint with the Judicial Council regarding serious problems or concerns with the quality of interpretation provided by a given interpreter (whether this interpreter is a court employee, independent contractor, certified, registered, or provisionally qualified).

The confidentiality of any complaint process should be broadly communicated to all court users. In addition, information about the complaint process and any forms should be available in at least the top five languages spoken in the court's community. Where not available in a certain language, the court should ensure the availability of bilingual staff or an interpreter to assist the LEP user in completing the complaint form and to explain the written procedures.

Recommendations:

61. The Judicial Council will create a Language Access Implementation Advisory Committee **(name TBD)** to develop a phased implementation plan for presentation

to the council. As part of its implementation plan, the committee will identify the yearly costs required to phase in the LAP recommendations.

62. The implementation committee will develop a single online complaint form, capable of being completed electronically or downloaded for printing and completion in writing, that is available statewide as a mechanism for monitoring all concerns related to language access at the local or statewide level. The form should be used as part of multiple processes identified in the following recommendations of this plan.
63. The implementation committee will develop a compliance and monitoring system for California's Language Access Plan. This system will include the oversight of the plan's effects on language access statewide and at the individual court level, and a mechanism for assessing the need for ongoing adjustments and improvements to the plan.
64. The Judicial Council, together with stakeholders, will develop a process by which the quality and accuracy of an interpreter's skills and adherence to ethical requirements can be reviewed. The system that is developed will be clearly communicated to court staff, judicial officers, attorneys, and in plain language to court users (e.g., LEP persons and justice partners).
65. The Translation Committee (as described in Recommendation 36 above), in consultation with the implementation committee, will develop a process to address complaints about the quality of Judicial Council–approved translations, including

translation of Judicial Council forms, the California Courts Online Self-Help Center, and other Judicial Council–issued publications and information.

66. Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may seek review of a court's provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. The process must consider and avoid any conflicts with local labor agreements. Local courts may choose to model their local procedures after those developed by the Judicial Council or by the implementation committee. Absent extraordinary or unusual circumstances, complaints must first be filed with the court at issue and referred to the Judicial Council only upon a failure by the court to adequately respond to the LEP court user's complaint.
67. The implementation committee will develop a process by which a litigant or his or her legal representative may request a review of the outcome of any complaint submitted to a court regarding provision of, or failure to provide, appropriate language access services, as described in Recommendation 66 above.
68. The Judicial Council should create a statewide repository of language access resources, whether existing or to be developed, that includes translated materials, audiovisual tools, and other materials identified in this plan in order to assist courts in efforts to expand language access.
69. The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of California's Language Access Plan with necessary modifications.

c. Necessary Court Rules, Forms, and Legislation for Plan Implementation

Issue Description

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 California's Language Access Plan. Such actions should include clarification of existing statutes and development of rules of court for provisional qualification of interpreters in civil cases and for an LEP court user's waiver, if requested, of interpreter services.

During the public hearings and listening sessions, court administrators described the difficulties that certain aspects of the Trial Court Interpreter Employment and Labor Relations Act pose for courts in their efforts to efficiently schedule interpreters. Of particular concern was Government Code section 71802, which limits individual courts from using a particular independent contractor more than 100 days per calendar year per trial court, and also requires that courts offer independent interpreters who have been appointed more than 45 court days in the same year the opportunity to apply for employment. Court administrators expressed concern that adding additional civil case types that require an interpreter will cause courts to reach the 100-day limit for individual independent court interpreter contractors more quickly, making them unavailable to meet the court's future needs within that year, while also forcing independent contractors to accept opportunities in counties outside their geographic area of choice. Administrators also raised concerns about the inefficiencies of requiring that interpreter

coordinators be certified or registered interpreters, which then limits the time that the credentialed coordinator can provide interpreting services.

In addition to the recommendations listed below, the joint working group recognizes that additional rules, statute, or form changes may be necessary to implement the recommendations contained in this plan.

Recommendations:

70. The Judicial Council should, under Government Code section 68564, establish procedures and guidelines for determining "good cause" to appoint non-credentialed court interpreters in civil matters.
71. The Judicial Council should add a new rule of court (similar to rule 2.893 addressing criminal and juvenile delinquency matters) to address the appointment of non-credentialed interpreters in civil proceedings.
72. The Judicial Council should sponsor legislation to amend Government Code section 68560.5(a) to delete the exception for small claims proceedings.
73. 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 credentialed except for a finding of good cause to appoint a non-credentialed interpreter.
74. The Judicial Council should update the interpreter-related court forms (INT-100-INFO, INT-110, INT-120, and INT-200) as necessary to be consistent with this plan.

75. The implementation committee should evaluate existing law, including a study of any negative impacts of the Trial Court Interpreter Employment and Labor Relations Act on the provision of appropriate language access services. The evaluation should include, but not be limited to, whether any modifications should be proposed for existing requirements and limitations on hiring independent contractors beyond a specified number of days.
76. The Judicial Council should develop a rule of court establishing a procedure by which LEP persons may, at any point, be allowed to waive the services of an interpreter so long as the waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel (if any); and is approved by the appropriate judicial officer, exercising his or her discretion. At any point later in the proceedings, the LEP person may, by a showing of good cause, request an order vacating the waiver and appointing an interpreter.

Appendix A: Phase-In of Recommendations

Recommendations #2 and # 8 will be repeated through all three phases of implementation. It is the intent of California's Language Access Plan that the phase-in of interpreter services in civil proceedings, per Goal II of providing qualified interpreters in all court proceedings by 2020, and the documentation of language access needs and actual provision of services be instituted immediately and be ongoing throughout the process of implementation of full language access.

PHASE I: These recommendations are urgent or should already be in place. Actions to begin implementation of these recommendations should begin by year 1 (2015).

#1 Language access needs identification. Courts will identify the language access needs of their LEP court users at the earliest possible point of contact with the LEP person; the language needs will be clearly and consistently documented in the case management system and in court records.

#2 Requests for language services. Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest in a case, and should track whether the services were provided or the request was denied.

#3 Protocol for justice partners to communicate language needs. Courts should establish protocols by which justice partners can indicate to the court that an individual requires a spoken language interpreter at the earliest possible point of contact with the court system.

#4 Mechanisms for LEP court users to self-identify. Courts will establish mechanisms that invite LEP persons to self-identify as needing language access services upon contact with any part of the court system (using, for example, "I speak" cards [see page 47 for a sample card]). In the absence of self-identification, judicial officers and court staff will also proactively seek to ascertain a court user's language needs.

#5 Information for court users about availability of language access services. Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about available services must be available throughout the duration of a case. (See also, Recommendation 35, regarding notice.)

#6 Expansion of language services cost reporting. The Judicial Council and the courts should expand and improve data collection on interpretation services, and expand language services cost reporting to include amounts spent on other language access services and tools such as translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. This information will be critical in supporting funding requests as the courts expand language access services into civil cases.

#8 Expansion of court interpreters to all civil proceedings. Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court's resources, either in terms of availability of appropriately qualified interpreters or availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (begin by year 1, 2015):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (begin by years 2-3, 2016–2017):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

#11 Preference for in-person interpreters. The use of in-person, certified and registered court interpreters is preferred for court proceedings and court-ordered/court-operated events, but courts may consider the use of remote interpreting where it is appropriate and advantageous for a particular proceeding.

#12 Remote interpreting in the courtroom. Remote interpreting in the courtroom should be used only after the court has considered, at a minimum, the specific factors set forth in Appendix B, "Factors and Considerations for Remote Interpreting," or other factors that may develop as the technology evolves.

#13 Use of video for remote interpreting. Courts using remote interpreting should strive to provide video, used in conjunction with enhanced audio equipment, for courtroom interpretations, rather than relying on telephonic interpreting.

#16 Avoiding conflicts of interest. When appointing a noncertified, nonregistered interpreter, courts must avoid appointing persons with a clear or perceived conflict of interest such as opposing parties or witnesses, or family members of opposing parties, or attorneys.

#17 Appointment of family and friends to interpret. Family members and friends of the LEP court user may be appointed for courtroom proceedings only if (a) they meet the provisional qualification requirements, (b) an admonition regarding real or perceived conflicts of interest is provided, and (c) all parties knowingly and voluntarily consent to that person as the interpreter.

#18 Appointment of minors to interpret. Minors who are family members of the LEP court user will not be appointed to interpret for courtroom proceedings.

#20 Verifying credentials of interpreters. Judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, are not misrepresenting their credentials, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.)

#22 Considerations regarding appointment of interpreters. Court staff and judicial officers must understand and consider the mental exertion and concentration required for courtroom interpreting when scheduling interpreting events, for example, by appointing a team of interpreters for long proceedings, appointing multiple interpreters for multiple parties, and identifying situations where justice partners have the responsibility or capacity to provide additional certified or registered interpreters for their clients or witnesses.

#24 Designation of language access office or representative. The court in each county will designate an office or person that serves as a language access resource for court staff and judicial officers. This person or persons should be able to describe all services the court provides, and what services it does not provide, and should be able to disseminate all of the court's multilingual written information as requested.

#25 Identification of critical points of contact. Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. (See Recommendation 47, which discusses possible standards for the appropriate qualification level of bilingual staff at these locations.)

#33 Use of bilingual volunteers. Courts should consider the use of bilingual volunteers to provide language access services where appropriate. Bilingual JusticeCorps volunteers and legal interns, who are extensively trained and properly supervised in court self-help centers, are a reliable resource for expanding language access, so long as their use does not conflict with any memoranda of understanding.

#36 Establishment of Translation Committee. The Judicial Council will create a Translation Committee to develop and formalize a translation protocol for Judicial Council translations of

forms, written materials, and audiovisual tools. The committee should collaborate with interpreter organizations and courts to develop a legal glossary in all certified languages, taking into account regional differences, to maintain consistency in the translation of legal terms. The committee's responsibilities will also include identifying qualifications for translators, and the prioritization, coordination, and oversight of the translation of materials. The qualification of translators should include a requirement to have a court or legal specialization and be accredited by the American Translators Association (ATA), or to have been determined qualified to provide the translations based on experience, education, and references. Once the Judicial Council's translation protocol is established, individual courts should establish similar quality control and translation procedures for local forms, informational materials, recordings, and videos aimed at providing information to the public. Local court website information should use similarly qualified translators. Courts are encouraged to partner with local community organizations to accomplish this recommendation.

#37 Posting of translations on web. The Judicial Council's staff will post on the California Courts website written translations of forms and informational and educational materials for the public as they become available and will send notice to the courts of their availability so that courts can link to these postings from their own websites.

#43 Standards for qualifications of interpreters. Courts, the Judicial Council, and the Court Interpreters Advisory Panel (CIAP) will ensure that all interpreters providing language access services to limited English proficient court users are qualified and competent. Existing standards for qualifications should remain in effect and will be reviewed regularly by the CIAP.

#44 Online orientation for new interpreters. The online statewide orientation program for new interpreters will continue to be available to facilitate orientation training immediately upon passage of the credentialing examination.

#45 Training for prospective interpreters. The Judicial Council and the courts should work with interpreter organizations and educational providers (including the California community college and state university systems) to examine ways to better prepare prospective interpreters to pass the credentialing examination. These efforts should include:

- Partnering to develop possible exam preparation courses and tests, and
- Creating internship and mentorship opportunities in the courts and in related legal settings (such as work with legal services providers or other legal professionals) to help train and prepare prospective interpreters in all legal areas.

#46 Training for interpreters on civil cases and remote interpreting. The Judicial Council, interpreter organizations, and educational groups should collaborate to create training programs for those who will be interpreting in civil cases and those who will be providing remote interpreting.

#47 Language proficiency standards for bilingual staff. Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they

communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to "Intermediate mid" as defined under the Oral Proficiency Exam guidelines. (See Appendix F.) The existing Oral Proficiency Exam available through the Judicial Council's Court Language Access Support Program (CLASP) unit may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency.

#48 Standards and online training for bilingual staff. Beyond the specified minimum, the Judicial Council staff will work with the courts to (a) identify standards of language proficiency for specific points of public contact within the courthouse, and (b) develop and implement an online training for bilingual staff.

#50 Judicial branch training regarding language access plan. Judicial officers, including temporary judges, court administrators, and court staff will receive systematic training regarding the judicial branch's language access policies and requirements as delineated in California's Language Access Plan, as well as the policies and procedures of their individual courts. Courts should schedule additional training when policies are updated or changed. These trainings should include:

- Optimal methods for managing court proceedings involving interpreters, including the challenges of interpreter fatigue and the need to control rapid rates of speech and dialogue;
- The interpreter's ethical duty to clarify issues during interpretation and to report impediments to performance;
- Required procedures for the appointment and use of a provisionally qualified interpreter and for an LEP court user's waiver, if requested, of interpreter services;
- Methods for verifying the credentials of an interpreter;
- Available technologies and minimum technical and operational standards for providing remote interpreting; and
- Working with LEP court users in a culturally competent manner.

The staff of the Judicial Council will develop curricula for statewide and regional trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs.

#52. Benchcards on language access. Judicial Council staff should develop bench cards that summarize salient language access policies and procedures and available resources to assist bench officers in addressing language issues that arise in the courtroom.

#57 Advocacy for sufficient funding. The judicial branch will advocate for sufficient funding to provide comprehensive language access services without jeopardizing funding for any other court services or operations. The funding requests should reflect the incremental phasing in of the language access plan.

#58 Use of data for funding requests. Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to effectuate the recommendations of California's Language Access Plan. This may include information being gathered in connection with the recent Judicial Council decision to expand the use of Program 45.45 funds for civil cases where parties are indigent; information being gathered for the 2015 Language Need and Interpreter Use Report; and information that can be extrapolated from the Resource Assessment Study (which looks at court staff workload), as well as other court records (e.g., self-help center records regarding LEP court users).

#59 Pursuit by the Judicial Council of other funding opportunities. The Judicial Council should pursue other funding opportunities from federal, state, or nonprofit entities, such as the National Center for State Courts, which are particularly suitable for one-time projects such as translation of documents or production of videos.

#60 Pursuit by courts of other funding opportunities. Courts should pursue other funding opportunities at the national, state, or local level to support the provision of language access services. Courts should seek, for example, one-time or ongoing grants from public interest foundations, state or local bar associations, federal, state, or local governments, and others.

#61 Language Access Implementation Committee. The Judicial Council's staff will create a Language Access Advisory Implementation Committee (name TBD) to develop a phased implementation plan for presentation to the council. As part of its implementation plan, the committee will identify the yearly costs required to phase in the LAP recommendations.

#62 Single complaint form. The implementation committee will develop a single online complaint form, capable of being completed electronically or downloaded for printing and completion in writing, that is available statewide as a mechanism for monitoring all concerns related to language access at the local or statewide level. The form should be used as part of multiple processes identified in the following recommendations of this plan.

#68 Statewide repository of language access resources. The Judicial Council will create a statewide repository of language access resources, whether existing or to be developed, that includes translated materials, audiovisual tools, and other materials identified in this plan in order to assist courts in efforts to expand language access.

#69 Adoption of plan by the California Courts of Appeal and California Supreme Court. The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of California's Language Access Plan with necessary modifications.

#70 Procedures and guidelines for good cause. The Judicial Council should, under Government Code section 68564, establish procedures and guidelines for determining "good cause" to appoint non-credentialed court interpreters in civil matters.

#71 New rule of court for appointment of interpreters in civil proceedings. The Judicial Council should add a new rule of court (similar to rule 2.893 addressing criminal and juvenile delinquency matters) to address the appointment of non-credentialed interpreters in civil proceedings.

#76 New rule of court regarding waiver of interpreter. The Judicial Council should develop a rule of court establishing a procedure by which LEP persons may, at any point, be allowed to waive the services of an interpreter so long as the waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel (if any); and is approved by the appropriate judicial officer, exercising his or her discretion. At any later point in the proceedings, the LEP person may, by a showing of good cause, request an order vacating the waiver and appointing an interpreter.

PHASE II: These recommendations are less urgent or require completion of Phase I tasks. Actions to carry out these recommendations may commence immediately and should commence by years 2–3 (2016–2017).

#2 Requests for language services. Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest in a case, and should track whether the services were provided or the request was denied.

#7 Review of other data beyond the U.S. Census. The Judicial Council and the courts should look at other sources of data beyond the U.S. Census, such as school systems, health departments, and local community-based agencies, to assist in anticipating language needs for court programs and proceedings.

#8 Expansion of court interpreters to all civil proceedings. Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court's resources, either in terms of availability of appropriately qualified interpreters or availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (begin by year 1, 2015):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (begin by years 2-3, 2016–2017):

Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

#9 Provisional qualification requirements. Pending adoption of a rule of court for civil matters similar to California Rules of Court rule 2.893, when good cause exists (as originally referenced in Gov. Code, § 68561(c), and as specified in the INT-120 form), a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth in the recommended new rule of court). (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 71 to add a rule of court for civil cases.)

#10 Provision of qualified interpreters in all court-ordered/court-operated proceedings. Beginning in 2015, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered/court-operated proceedings to all LEP litigants, witnesses, and persons with a significant interest in the case. If a judge does not order the services due to language capacity, there should be some consideration of the impact of that determination.

#14 Pilot for central pool of remote interpreters. In order to maximize the use and availability of California's highly qualified certified and registered interpreters, the Judicial Council should consider creating a pilot program through which certified and registered interpreters in high frequency languages would be available to all courts on a short-notice basis to provide remote interpreting services, subject to local labor agreements.

#19 Appointment of bilingual staff. Courts should avoid appointing bilingual court staff to interpret in courtroom proceedings; if the court does appoint staff, he or she must meet all of the provisional qualification requirements.

#21 Expansion of regional coordination system. The Judicial Council should expand the existing formal regional coordination system to improve efficiencies in interpreter scheduling for court proceedings and cross-assignments between courts throughout the state, consistent with applicable labor agreements. (See Recommendation 29, addressing coordination for bilingual staff and interpreters for non-courtroom events.)

#23 Methods for calendaring and coordination of court interpreters. Courts should develop methods for using interpreters more efficiently and effectively, for example, by use of calendar coordination, and coordination with justice partners who will be providing interpreters.

#26 Provision of language access tools to court personnel. All court staff who engage with the public will have access to language assistance tools, such as translated materials and resources, multilanguage glossaries or "I speak" cards, to determine a court user's native language, direct him or her to the designated location for language services, and/or provide the LEP individual with brochures, instructions, or other information in the appropriate language.

#27 Recruitment of bilingual staff. Courts should strive to recruit bilingual staff fluent in the languages most common in that county. In order to increase the bilingual applicant pool, courts should conduct outreach to educational providers in the community, such as local high schools, community colleges, and universities, to promote the career opportunities available to bilingual individuals in the courts.

#28 Development of protocols for where bilingual staff are not available. Courts will develop written protocols or procedures to ensure LEP court users obtain adequate language access services where bilingual staff are not available. For example, subject to applicable local labor agreements, the court's interpreter coordinator could be on call to identify which interpreters or staff are available to provide services in the clerk's office or self-help center. Additionally, the use of remote technologies such as telephone access to bilingual staff persons in another location or remote interpreting could be instituted.

#29 Policies that promote sharing of bilingual staff and interpreters among courts. The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings, while being mindful of regional memoranda of understanding.

#30 Pilot for remote assistance at counters and in self-help centers. The courts and the Judicial Council should consider creating a pilot to implement the use of remote interpreter services for counter help and at self-help centers, incorporating different solutions, including cloud-based fee-for-service models or a court/- centralized bank of bilingual professionals.

#31 Pilot for remote assistance for workshops. The courts should consider a pilot to implement inter-court, remote attendance at workshops, trainings, or "information nights" conducted in non-English languages using a variety of equipment including telephone, video-conferencing (WebEx, Skype), or other technologies.

#32 Qualifications of court-appointed professionals. In matters with LEP litigants, courts should ensure that court-appointed professionals, such as psychologists, mediators, social workers, and guardians, can provide linguistically accessible services to the same degree that their services are provided to English speakers. Where no such language capability exists,

subject to local labor agreements, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters.

#35 Notice of available language access services. Courts must provide notice of the availability of language access services and related language access policies at all points of contact with the court in English, the top five languages spoken in that court's county, and, if applicable, in every language spoken by 5 percent or more of the county's population. Notice should be provided to the public, and to community-based organizations, justice partners, legal services offices, and other entities working with LEP populations. (See also Recommendation 54.) For, example, notices should be posted on the court's website, in the courthouse at information counters, in court brochures, in a document included with initial service of process, at court-community events, in public service notices and announcements in the media, ethnic media, and in any embassies or consulates located in the county. To address low literacy populations and speakers of languages that do not have a written component, video and audio recordings should be developed to provide this notice.

#38 Signage throughout courthouse. The staff of the Judicial Council should assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse, and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation. Where more localized signage is required, courts should have all public signs translated into that court community's top five languages or, if more appropriate, into any languages spoken by 5 percent or more of the population served by the court. At the minimum, all such materials should be available in English and Spanish.

#39 Translation of court orders. Courts will provide sight translation of court orders and should consider providing written translations of those orders to LEP persons when needed. At a minimum, courts should provide the translated version of the relevant Judicial Council form to help litigants compare their specific court order to the translated template form.

#40 Accessible courthouses. The Judicial Council, partnering with courts, should ensure that new courthouse construction efforts, as well as redesign of existing courthouse space, are undertaken with a focus on making courthouses more easily navigable to all LEP persons.

#41 Wayfinding strategies. The Judicial Council's staff will provide information to courts interested in better wayfinding strategies, multilingual (static and dynamic) signage, and other design strategies that focus on assisting LEP court users.

#49 Recruitment strategies for language access providers. The Judicial Council staff will work with educational providers, community-based organizations, and interpreter organizations to identify recruitment strategies to encourage bilingual individuals to pursue the interpreting profession or employment opportunities in the courts as bilingual staff.

#63 Compliance and monitoring system. The [language access] implementation committee will develop a compliance and monitoring system for California's Language Access Plan. This system will include the oversight of the plan's effects on language access statewide and at the individual court level, and a mechanism for assessing the need for ongoing adjustments and improvements to the plan.

#72 Legislation to delete exception for small claims proceedings. The Judicial Council should sponsor legislation to amend Government Code section 68560.5(a) to delete the exception for small claims proceedings.

#73 Legislation to require credentialed interpreters for small claims. 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 credentialed except for a finding of good cause to appoint a non-credentialed interpreter.

#74 Updating of interpreter-related forms. The Judicial Council should update the interpreter-related court forms (INT-100-INFO, INT-110, INT-120, and INT-200) as necessary to be consistent with this plan.

#75 Evaluation of Trial Court Interpreter Employment and Labor Relations Act. The implementation committee should evaluate existing law, including a study of any negative impacts of the Trial Court Interpreter Employment and Labor Relations Act on the provision of appropriate language access services. The evaluation should include, but not be limited to, whether any modifications should be proposed for existing requirements and limitations on hiring independent contractors beyond a specified number of days.

PHASE III: These recommendations are not urgent, or are complex and will require significant foundational steps, time, and resources to be completed by 2020. Actions to carry out these recommendations may be put into place immediately (2015), or over time as the necessary foundational steps are put in place.

#2 Requests for language services. Courts will consistently document the need for language services by any of the parties, witnesses, or other persons with a significant interest in a case, and should track whether the services were provided or the request was denied.

#8 Expansion of court interpreters to all civil proceedings. Qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events. Where immediate expansion of language access into all civil proceedings overtaxes a court's resources, either in terms of availability of appropriately qualified interpreters or availability of funding for interpreting services, language access will be phased in by case type as follows:

Phase I (begin by year 1, 2015):

- Domestic Violence (including actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, as well as actions and proceedings in the following matters in which a protective order has been granted or is being sought: (1) the Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act, commencing with Section 15600 of the Welfare and Institutions Code).
- Unlawful Detainers
- Determination and Termination of Parental Rights
- Conservatorships/Guardianships

Phase II (begin by years 2-3, 2016–2017):
Where resources permit providing qualified interpreters in additional case types, courts will provide interpreters in the following cases, in order:

- Other Family Law
- Civil Harassment
- Other Civil

In deploying resources, the provision of interpreters in courtroom proceedings should take priority over the provision of interpreters in court-ordered/court-operated proceedings, the goal being to provide interpreters in all courtroom proceedings well before 2020.

#15 Creation of multilingual standardized videos. The Judicial Council should explore the feasibility of creating multilingual standardized videos for certain case types that lend themselves to generalized, not localized, legal information, and provide them to courts in the state's top eight languages and captioned in other languages.

#34 Pilot programs for language access kiosks. The courts should consider creating pilot programs to implement the use of language access kiosks in lobbies or other public waiting areas to provide a variety of information electronically, such as on a computer or tablet platform, in the court area's top five spoken languages.

#42 Signage and brochures. Courts will provide signage and brochures throughout the courthouse and in court-operated programs to inform LEP users of the ability to request language access services. The signage and brochures should be in the top five languages spoken in that court's community, or at least every language spoken by 5 percent or more of the population.

#51 Language access resources on intranet. Information on local and statewide language access resources, training and educational components identified throughout this plan, glossaries, signage, and other tools for providing language access should be readily available to all court staff through individual courts' intranets.

#53 Partnerships to disseminate information. Courts should establish partnerships with local community-based organizations, including social services providers, legal services organizations, government agencies, and minority bar associations to gather feedback to improve court services for LEP court users and to disseminate court information and education throughout the community.

#54 Affirmative steps to inform public. Courts should take affirmative steps to inform the public about language access services available in the courts by, among other means, ongoing communication with community-based organizations and other stakeholders.

#55 Multilingual audio or video recordings to inform public. To maximize both access and efficiency, multilingual audio and/or video recordings should be used to provide important general information and answers to frequently asked questions.

#56 Collaboration with media. Courts should collaborate with local media and leverage the resources of media outlets, including ethnic media that communicate with their consumers in their language, as a means of disseminating information throughout the community about language access services, the court process, and available court resources.

#64 Complaints regarding court interpreters. The AOC, together with stakeholders, will develop a process by which the quality and accuracy of an interpreter's skills and adherence to ethical requirements can be reviewed. The system that is developed will be clearly communicated to court staff, judicial officers, attorneys, and in plain language to court users (e.g., LEP persons and justice partners).

#65 Complaints regarding statewide translations. The Translation Committee (as described in Recommendation 36 above), in consultation with the implementation committee, will develop a process to address complaints about the quality of Judicial Council–approved translations, including translation of Judicial Council forms, the California Courts Online Self-Help Center, and other Judicial Council–issued publications and information.

#66 Complaints at local level regarding language access services. Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may seek review of a court's provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. The process must consider and avoid any conflicts with local labor agreements. Local courts may choose to model their local procedures after those developed by the Judicial Council or by the implementation committee. Absent extraordinary or unusual circumstances, complaints must first be filed with the court at issue and referred to the Judicial Council only upon a failure by the court to adequately respond to the LEP court user's complaint.

#67 Requesting review of local complaint outcome. The implementation committee will develop a complaint process by which a litigant or his or her legal representative may request a

review of the outcome of any complaint submitted to a court regarding provision of, or failure to provide, appropriate language access services, as described in Recommendation 66 above.

Appendix B: Factors and Considerations for Remote Interpreting[36]

The use of remote interpreting (RI) in the courtroom should rest on considerations of the following factors and conditions:

A. Minimum Technology Requirements for Remote Interpreting
Prior to instituting RI in any proceedings, the court should ensure that it has the equipment and technology to provide high quality communications.

B. Memoranda of Understanding
Prior to instituting RI in any proceedings, the court must make sure that the use of RI complies with provisions of relevant labor agreements.

C. Training
Prior to instituting RI in a proceeding, the court should ensure that all persons who will be involved in the RI event have adequate training in the use of the equipment, in interpreting protocols, and in interactions with LEP persons.

D. Considerations for determining appropriateness of RI:
Not all courtroom proceedings are appropriate for RI. The initial analysis for determining whether a court proceeding is appropriate for RI will most likely be made by the interpreter coordinator who may choose to consult with the interpreter being considered for the assignment. Courtroom proceedings that are lengthy, complex, or involve more than simple evidence are not typically appropriate for RI. Additionally, the interpreter coordinator or the judicial officer or both should consider all of the following before deciding to use RI:
    - The efficient deployment of court resources;
    - The relative convenience or inconvenience to the court user;
    - The anticipated length and complexity of the event, including complexity of the communications involved;
    - 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 party is present in the courtroom;
    - The number of court users planned to receive interpretation from the same interpreter;
    - 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. (The need for a relay interpreter does not preclude the use of RI, but might necessitate the presence of at least one of the interpreters in the courtroom.)

E. Need to Interrupt or Clarify, and Suspend and Reschedule
When using RI 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

[36] This appendix contains suggested guidelines based on current best practices and, as such, should be subject to updating and revision to accommodate advances in technology that will help ensure quality communication with LEP court users. It should also be noted that any technology improvements that affect the terms and conditions of employment for court-employed interpreters may trigger an obligation to bargain over the impacts of the technology change.

reschedule a matter if, for technology or other reasons, RI is not facilitating effective communication.

F. VRI and RI Challenges
The court shall be mindful of the particular challenges involved in remote interpreting, including increased fatigue and stress; events involving remote interpreting should have shorter sessions and more frequent breaks.

G. Participants Who Must Have Access
Participants must be able to hear the remote interpreter's voice clearly and the interpreter must be able to hear all participants. For purposes of this section, "participants" refers to judicial officers, parties, counsel for the parties, witnesses, persons with a significant interest, and courtroom staff.

H. Visual/Auditory Issues, Confidentiality, and Modes of Interpreting
Video remote interpreting is generally preferred over other methods of remote interpreting that do not provide visual cues, such as telephonic interpreting. However, there will be situations where VRI is not possible or is not necessary.
(See Appendix D for visual/auditory issues and requirements for confidentiality that must be considered and accounted for when implementing RI.)

I. Documents and Other Information
The court shall ensure the availability of technology to communicate written information to the interpreter, especially regarding correct spellings such as names of individuals and streets that may be involved in a proceeding, and 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.

J. Professional Standards and Ethics
Interpreters performing RI must be approved by the Judicial Council and appear on the council's Master List of Court Interpreters, and be bound by the same professional standards and ethics as onsite court interpreters. If there is no interpreter available on the master list in a particular language, then a provisionally qualified interpreter may provide services using RI.[37]

K. Data Collection
   a. Courts using RI in the courtroom should monitor the effectiveness of their technology and equipment, and the satisfaction of participants.
   b. For purposes of supporting funding requests, courts should track resource savings from the use of RI on an ongoing basis (e.g., increased certified/registered interpreter availability to assist with additional events due to the use of RI, and any cost savings).

[37] The requirements for provisionally qualifying an interpreter are located at Government Code section 68561(c).

Appendix C: Suggested Language for the Judge When Considering Objections Related to Remote Interpreting

We will have a court certified/registered __*(insert language)*_____interpreter help us with these proceedings.

The interpreter is at a remote location and will appear in court via video- (or audio-) conference. Please remember to speak slowly and clearly and not speak at the same time as each other.

Do parties and counsel have any objections to the interpreter remotely participating by remote interpreting for today's proceedings?

[Judge rules on objections, if any, or assists in resolving concerns.]

IF PROCEEDING WITH VRI:

Parties and counsel had no objections to the use of remote interpreting, so the court will proceed with today's hearing.

[or]

Parties and counsel objected to the use of remote interpreting, but the court has overruled those objections, so the court will proceed with today's hearing.

IF NOT PROCEEDING WITH VRI:

Parties and counsel objected to the use of remote interpreting. The court will not continue with today's hearing at this time and will reset this matter for a qualified *(insert language)*_____ language interpreter to be available in person.

Suggested Language to Include in the Minutes:

Interpreter *(name)*_____ is present by video remote conferencing and sworn to interpret *(insert language)*_____ language for *(name)*_____. Sworn oath on file with the Superior Court of California, County of _____.

Appendix D: 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 cameras on all stakeholders may be beneficial, it may not be essential. A speakerphone is not recommended unless it accommodates the other requirements of this appendix, 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 available an individual handset, headset, or in-the-ear communication device to speak with and listen to the interpreter.

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 (for example, very short matters) in which consecutive interpreting is adequate to ensure language access.

4. Recognizing that courts may implement very different technical solutions for RI, it is critical that prior to the start of an interpreted event all parties, judicial officers, court staff, and officers of the court (including attorneys and interpreters) know how to allow for confidential conferencing when needed.

5. All participants, including the LEP party and the interpreters, need to check microphone and/or camera clarity before beginning interpretation.

6. Both RI interpreters and courts should have technical support readily available.

7. Clear, concise operating instructions should be posted with the RI equipment.

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 E: Top 17 Languages Accounting for 98.5% of All Service Days From 2004-2008

Rank	Language	Service Days (Avg. per year)
1	Spanish	167,744
2	Vietnamese	6,968
3	Korean	3,687
4	Mandarin	3,143
5	Russian	2,753
6	Eastern Armenian	2,493
7	Cantonese	2,117
8	Punjabi	2,083
9	Farsi	1,760
10	Tagalog	1,645
11	Hmong	1,523
12	Khmer	1,191
13	Laotian	861
14	Arabic	794
15	Japanese	655
16	Mien	570
17	Portuguese	328

Note: This table is adapted from Table 1 of the *2010 Language Need and Interpreter Use Study.* American Sign Language is the second-most used language in the state, with 37,335 total service days, but was covered in Appendix Table 2.5 of the 2010 study.

The *2010 Language Need and Interpreter Use Study* can be found at: *www.courts.ca.gov/documents/language-interpreterneed-10.pdf*

Appendix F: Minimum Proficiency Level for Designation of Staff as Bilingual

As used by the Oral Proficiency Exam, and based on the definitions (reproduced below) provided by the American Council on the Teaching of Foreign Languages, courts must establish a proficiency level of "Intermediate Mid" as the minimum standard for designating staff as bilingual for purposes of California's Language Access Plan. Courts may wish to select a higher standard depending on the position being filled.

INTERMEDIATE MID

Speakers at the Intermediate Mid sublevel are able to handle successfully a variety of uncomplicated communicative tasks in straightforward social situations. Conversation is generally limited to those predictable and concrete exchanges necessary for survival in the target culture. These include personal information related to self, family, home, daily activities, interests and personal preferences, as well as physical and social needs, such as food, shopping, travel, and lodging.

Intermediate Mid speakers tend to function reactively, for example, by responding to direct questions or requests for information. However, they are capable of asking a variety of questions when necessary to obtain simple information to satisfy basic needs, such as directions, prices, and services. When called on to perform functions or handle topics at the Advanced level, they provide some information but have difficulty linking ideas, manipulating time and aspect, and using communicative strategies, such as circumlocution.

Intermediate Mid speakers are able to express personal meaning by creating with the language, in part by combining and recombining known elements and conversational input to produce responses typically consisting of sentences and strings of sentences. Their speech may contain pauses, reformulations, and self-corrections as they search for adequate vocabulary and appropriate language forms to express themselves. In spite of the limitations in their vocabulary and/or pronunciation and/or grammar and/or syntax, Intermediate Mid speakers are generally understood by sympathetic interlocutors accustomed to dealing with non-natives.

Overall, Intermediate Mid speakers are at ease when performing Intermediate-level tasks and do so with significant quantity and quality of Intermediate-level language.

INTERMEDIATE HIGH

Intermediate High speakers are able to converse with ease and confidence when dealing with the routine tasks and social situations of the Intermediate level. They are able to handle

successfully uncomplicated tasks and social situations requiring an exchange of basic information related to their work, school, recreation, particular interests, and areas of competence.

Intermediate High speakers can handle a substantial number of tasks associated with the Advanced level, but they are unable to sustain performance of all of these tasks all of the time. Intermediate High speakers can narrate and describe in all major time frames using connected discourse of paragraph length, but not all the time. Typically, when Intermediate High speakers attempt to perform Advanced-level tasks, their speech exhibits one or more features of breakdown, such as the failure to carry out fully the narration or description in the appropriate major time frame, an inability to maintain paragraph-length discourse, or a reduction in breadth and appropriateness of vocabulary.

Intermediate High speakers can generally be understood by native speakers unaccustomed to dealing with non-natives, although interference from another language may be evident (e.g., use of code-switching, false cognates, literal translations), and a pattern of gaps in communication may occur.

ADVANCED LOW

Speakers at the Advanced Low sublevel are able to handle a variety of communicative tasks. They are able to participate in most informal and some formal conversations on topics related to school, home, and leisure activities. They can also speak about some topics related to employment, current events, and matters of public and community interest. Advanced Low speakers demonstrate the ability to narrate and describe in the major time frames of past, present, and future in paragraph-length discourse with some control of aspect. In these narrations and descriptions, Advanced Low speakers combine and link sentences into connected discourse of paragraph length, although these narrations and descriptions tend to be handled separately rather than interwoven. They can handle appropriately the essential linguistic challenges presented by a complication or an unexpected turn of events. Responses produced by Advanced Low speakers are typically not longer than a single paragraph. The speaker's dominant language may be evident in the use of false cognates, literal translations, or the oral paragraph structure of that language. At times their discourse may be minimal for the level, marked by an irregular flow, and containing noticeable self-correction. More generally, the performance of Advanced Low speakers tends to be uneven. Advanced Low speech is typically marked by a certain grammatical roughness (e.g., inconsistent control of verb endings), but the overall performance of the Advanced-level tasks is sustained, albeit minimally. The vocabulary

of Advanced Low speakers often lacks specificity. Nevertheless, Advanced Low speakers are able to use communicative strategies such as rephrasing and circumlocution. Advanced Low speakers contribute to the conversation with sufficient accuracy, clarity, and precision to convey their intended message without misrepresentation or confusion. Their speech can be understood by native speakers unaccustomed to dealing with non-natives, even though this may require some repetition or restatement. When attempting to perform functions or handle topics associated with the Superior level, the linguistic quality and quantity of their speech will deteriorate significantly.

Appendix G: Resource List

Commission on the Future of the California Courts, *Justice in the Balance 2020* (1993), available at *www.courts.ca.gov/documents/2020.pdf*

National Center for State Courts, *A National Call to Action, Access to Justice for Limited English Proficient Litigants: Creating Solutions to Language Barriers in State Courts* (July 2013), at *www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/A-National-Call-To-Action.aspx*

Kaiser Permanente, Qualified Bilingual Staff Model & Program at *http://kpgbs.org*, and Healthcare Interpreter Certificate Program at *http://kphci.org/*

Asian Americans Advancing Justice, *A Community of Contrasts: Asian Americans, Native Hawaiians and Pacific Islanders in Los Angeles County* (2013), at *www.advancingjustice-la.org/system/files/CommunityofContrasts_LACounty2013.pdf*

Asian Americans Advancing Justice, *A Community of Contrasts: Asian Americans, Native Hawaiians and Pacific Islanders in California* (2013), *www.advancingjustice-la.org/system/files/Communities_of_Contrast_California_2013.pdf*

California's Indigenous Farmworkers: Final Report of the Indigenous Farmworker Study (IFS) to the California Endowment (Jan. 2010), at *www.crla.org/sites/all/files/content/uploads/News/NewsUpdate/IFS-ReportJan10.pdf*

Neighborhood Legal Services of Los Angeles County, *Justice Silenced: The Harms Suffered by Litigants Denied Access in Los Angeles Superior Courts* (Mar. 2014)

Registry of Interpreters for the Deaf (RID), Standard Practice Papers, at *www.rid.org/interpreting/Standard%20Practice%20Papers/index.cfm*

The California Court's Online Self-Help Center, in English at *www.courts.ca.gov/selfhelp.htm*, and in Spanish (Centro de ayuda en línea) at *www.sucorte.ca.gov*

The JusticeCorps program detailed at *www.courts.ca.gov/justicecorps.htm*

University of California Hastings College of the Law's study on *Enhancing Language Access Services for LEP Court Users* (2013), at *www.courts.ca.gov/documents/jc-20130426-info3.pdf*

Written public comments and prepared presentations for the three public hearings held in February and March 2014 regarding language access, at *www.courts.ca.gov/24466.htm*

Demographic data for California's English Learner population, available at *http://data1.cde.ca.gov/dataquest/*

State Seal of Biliteracy, available at *www.cde.ca.gov/sp/el/er/sealofbiliteracy.asp*

California Court Interpreters Program, also known as the Court Language Access Support Program (CLASP), at *www.courts.ca.gov/programs-interpreters.htm*

"Interpreter Orientation: Working in the California Courts." This online course is also available to current interpreters for continuing education credit, at *www.courts.ca.gov/21714.htm*

The California Court Interpreters Program has commissioned various studies and reports related to its testing program, other testing programs, and other related issues, available at *www.courts.ca.gov/2686.htm*

Professional Standards and Ethics for Court Interpreters (May 2013), at *www.courts.ca.gov/documents/CIP-Ethics-Manual.pdf*

Trial Court Interpreters Program Expenditure Report for Fiscal Year 2012–2013, at *www.courts.ca.gov/documents/lr_TC-Interpreter-Program-FY-2012-2013.pdf*

Recommended Guidelines for Video Remote Interpreting (VRI) for ASL-Interpreted Events (2012), *at www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf*

Sabine Braun, "Recommendations for the use of video-mediated interpreting in criminal proceedings," in *Videoconference and Remote Interpreting in Criminal Proceedings,* eds. Sabine Braun and Judith L. Taylor (Guildford: University of Surrey, 2011), 265–287, at *http://epubs.surrey.ac.uk/303017/2/14_Braun_recommendations.pdf*

Video Remote Interpreting Position Statement, California Federation of Interpreters (September 2013), available at *http://www.calinterpreters.org/wp-content/uploads/2013/10/CFI_VRI_Position.pdf*

Information regarding the Oral Proficiency Exam (OPE) available at *https://www.prometric.com/en-us/clients/California/Pages/CA-COURT-ORAL-PROFICIENCY-EXAM.aspx*

The American Council on the Teaching of Foreign Languages proficiency levels, at *www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012/english/speaking*

Interagency Language Roundtable's skill descriptions for interpreter performance, at *www.govtilr.org/Skills/interpretationSLDsapproved.htm*

Consortium for Legal Access in the Courts, Professional Issues Committee, *Guide to Translation of Legal Materials* (National Center for State Courts, Apr. 2011), available at *www.ncsc.org/education-and-careers/state-interpreter-certification/~/media/files/pdf/education%20and%20careers/state%20interpreter%20certification/guide%20to%20translation%20practices%206-14-11.ashx*

Institute for Local Government, *Language Access Laws and Legal Issues: A Local Official's Guide* (2011), at *www.ca-ilg.org/sites/main/files/file-attachments/resources__Language_Access_Guide_formatted_9-27-11_0.pdf*
A Local Official's Guide to Language Access Laws (2013) 10 Hastings Race & Poverty L.J. 31

American Bar Association (ABA) Language Access website:
www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/language_access.html

American Bar Association, Standing Committee on Legal Aid and Indigent Defendants, *Standards for Language Access in Courts* (Feb. 2012). at
www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_standards_for_language_access_proposal.authcheckdam.pdf

U.S. Department of Justice, Language Access Plan (Mar. 2012), at
www.justice.gov/open/language-access-plan.pdf

U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed.Reg. 41455–41472 (June 18, 2002), at *www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf*

Exec. Order No. 13166, Improving Access to Services for Persons With Limited English Proficiency, 65 Fed.Reg. 50121–50122 (Aug. 11, 2000), and U.S. Department of Justice, Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance, 65 Fed.Reg. 50123–50125 (Aug. 11, 2000), both at *www.justice.gov/crt/about/cor/Pubs/eolep.pdf*

Limited English Proficiency, a federal interagency website, at *www.lep.gov/*

Memorandum to Federal Agencies from U.S. Attorney General Eric Holder Reaffirming the Mandates of Executive Order 13166 (Feb. 17, 2011), at
www.lep.gov/13166/AG_021711_EO_13166_Memo_to_Agencies_with_Supplement.pdf

Reporting and Complaint Processes in Other States

Wisconsin: *https://www.wicourts.gov/services/public/interpretercomplaint.htm*

Tennessee: *www.tsc.state.tn.us/sites/default/files/docs/grievance_discipline_process_april_2012.pdf*

http://rid.org/ethics/file_complaint/

Ohio: *www.supremecourt.ohio.gov/JCS/interpreterSvcs/compliance/Process.pdf*

North Carolina: *www.nccourts.org/_Surveys/LA/languageaccess.htm*

Georgia: *http://w2.georgiacourts.org/coi/files/Rule%20on%20Interpreters%20-%20FINAL_JULY.pdf*

Nebraska: *http://supremecourt.ne.gov/sites/supremecourt.ne.gov/files/reports/courts/language-access-plan.pdf* (see Appendix 20)

Arkansas: *https://courts.arkansas.gov/sites/default/files/tree/Arkansas%20LEP%20Plan.pdf* (pp. 15–16)

Alaska: *www.law.state.ak.us/pdf/criminal/LanguageAccessPlan.pdf* (pp. 19–20)

New York: *http://labor.ny.gov/formsdocs/dipa/la1.pdf*

Training Tools From Other States

Ohio: *www.ohiochannel.org/MediaLibrary/Media.aspx?fileId=140618*

Minnesota: *www.mncourts.gov/?page=4347*