JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on June 26, 2015

Title
Judicial Council Report to the Governor and Legislature: 2015 Language Need and Interpreter Use Study

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Court Interpreters Advisory Panel
Hon. Steven K. Austin, Chair
Christina Volkers, Vice-Chair

Agenda Item Type
Action Required

Effective Date
June 25, 2015

Date of Report
January 2015

Contact
Sonia Sierra Wolf, 415-865-4288
sonia.sierrawolf@jud.ca.gov

Executive Summary

The Court Interpreters Advisory Panel recommends that the Judicial Council approve the *2015 Language Need and Interpreter Use Study* for submission to the Governor and Legislature. The study, conducted by the National Center for State Courts, details interpreter use in the trial courts for the fiscal year (FY) period FY 2009–FY 2013 and projects future language need.

Recommendation

Under Government Code section 68563, every five years the Judicial Council of California is required to submit to the Governor and the Legislature a study of spoken language need and interpreter use in the trial courts.

The National Center for State Courts (NCSC) was contracted to conduct the *2015 Language Need and Interpreter Use Study* under the direction of the Judicial Council's Court Language Access Support Program. On April 16, 2015, NCSC presented its findings and recommendations to the Court Interpreters Advisory Panel (CIAP). CIAP unanimously approved that the report be

submitted to the Judicial Council for approval and subsequent submission to the Governor and Legislature as required.

Previous Council Action

On October 11, 2000, the Judicial Council approved the *2000 Language Need and Interpreter Use Study* for submission to the Governor and Legislature and approved CIAP's recommendation to designate Armenian, Cambodian (Khmer), Mandarin, Russian, and Punjabi for inclusion in the Court Interpreter Certification Program.

On April 21, 2006, the Judicial Council approved the *2005 Language Need and Interpreter Use Study* for submission to the Governor and the Legislature and adopted CIAP's recommendation that no additional languages be designated for inclusion in the Court Interpreter Certification Program.

On August 27, 2010, the Judicial Council approved the *2010 Language Need and Interpreter Use Study in California Superior Courts* for submission to the Legislature and the Governor in accordance with Government Code section 68563. Subsequently, the Administrative Director, per the authority delegated by the Judicial Council, approved CIAP's recommendation to designate Farsi for inclusion in the Court Interpreter Certification Program.

Rationale for Recommendation

Government Code section 68563 requires the Judicial Council to submit a report on language and interpreter use and need in court proceedings to the Legislature and the Governor every five years. Therefore, CIAP recommends that the Judicial Council approve the *2015 Language Need and Interpreter Use Study* (see Attachment A) for submission to be in compliance with Government Code section 68563.

Comments, Alternatives Considered, and Policy Implications

Study Overview

The purpose of this report is to provide the Judicial Council with (1) a comprehensive study on interpreter use in spoken languages for the period FY 2009–2013 and (2) information on future language need for consideration of changes to the designation of languages for certification in required proceedings. Required proceedings cited in the report include criminal and juvenile proceedings, domestic violence proceedings (including elder abuse), and family law matters in which protective orders are sought. The express authorization to provide interpreters in other civil matters was not effective until January 1, 2015, and thus was not included in the analysis in this report.

The NCSC conducted an analysis of data from the trial courts, JBSIS (Judicial Branch Statistical Information System), Phoenix, the 2010 Census, and the American Community Survey.

Key Findings

Following are key findings regarding interpreter use in required proceedings:

- Over 1 million service days of interpretation were provided in the state courts during the four-year study period.

- The total number of interpreter service days declined about six percent from year one to year four of the study period (FY 2009–2010 to FY 2012–2013), although the pattern varied slightly by region. During the same time, filings of cases for which interpreters were required declined by 21 percent, suggesting that a high level of interpreter services was maintained during this period.

- Interpreter service days were concentrated in Region 1 (which includes the Superior Court of Los Angeles County), which provided about one-third of the total service days. The remaining two-thirds were divided almost evenly across the remaining three regions.[1]

- Spanish accounted for 72 percent of all interpretation in the state courts during the study period. No other language accounted for more than 4 percent of the remaining service days.

- Whereas some languages are interpreted in significant proportions in all regions (e.g., Spanish, Cantonese, and Tagalog), others are concentrated in one or two regions (e.g., Arabic and Punjabi).

- Statewide, the vast majority of service-day assignments are full-day sessions (71 percent), although this pattern varies by region.

- The proportion of service days provided by interpreters who are court employees remained relatively constant, at about two-thirds of the total.

Recommendations based on future language needs

NCSC proposed a set of criteria that could be used to identify languages to be considered for designation and de-designation. Based on the benchmark of 2,000 annual service days of use, the NCSC made the following recommendations to the Judicial Council:

[1] The four regions are established by Government Code section 71807 as follows: Region 1—Los Angeles, Santa Barbara, and San Luis Obispo Counties; Region 2—counties of the First and Sixth Appellate Districts, except Solano County; Region 3—counties of the Third and Fifth Appellate Districts; and Region 4—counties of the Fourth Appellate District.

1. Retain the classification of Arabic, Eastern and Western Armenian, Cantonese, Farsi, Khmer, Korean, Mandarin, Punjabi, Russian, Spanish, Tagalog, and Vietnamese as designated languages.

2. Consider establishing a certification program for testing and certifying court interpreters in Farsi.

3. Consider de-designation of the Japanese language.

4. Consider de-designation of the Portuguese language.

5. Monitor the usage of the Hmong, Lao, and Romanian languages for possible future designation.

Implementation Requirements, Costs, and Operational Impacts

No implementation requirements, costs, or operational impacts are associated with submitting this report to the Governor and Legislature.

Relevant Strategic Plan Goals and Operational Plan Objectives

Adoption of this report is consistent with two judicial branch strategic goals. The first is Goal I, Access, Fairness, and Diversity, specifically objective 5 of the related operational plan, which calls for increasing the availability of language-assistance services to all court users, increasing qualified interpreter services in mandated court proceedings, and seeking to expand services to additional court venues. The second is strategic Goal IV: Quality of Justice and Service to the Public.

The Court Interpreters Advisory Panel has amended its 2015 Annual Agenda to include the objective of formulating a policy for de-designation of languages, consistent with recommendations 3 and 4 cited above. After a policy is developed later this year, CIAP will bring its recommendation to the Judicial Council for approval.

Attachments

1. Attachment A: *2015 Language Need and Interpreter Use Study*

ATTACHMENT A

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

HON. TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

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Chair, Executive and Planning Committee

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MR. MARTIN HOSHINO
Administrative Director,
Judicial Council

Report Summary

Report title: *2015 Language Need and Interpreter Use Study*

Statutory citation: Government Code section 68563

Date of report: January 2015

The Judicial Council has submitted a report to the Governor and Legislature in accordance with the requirements of Government Code section 68563.

The following summary of the report is provided under the requirements of Government Code section 9795.

The study was conducted by the National Center for State Courts (NCSC) and covers a period of four fiscal years (FYs), FY 2009–2010 through FY 2012–2013.

The report is divided into two key parts: Interpreter Use in Required Proceedings and Projecting Future Language Need. Required proceedings cited in the report include criminal and juvenile proceedings, domestic violence proceedings (including elder abuse), and family law matters in which protective orders are sought.

After reviewing all available data, the NCSC report authors recommend that the Judicial Council (1) consider the de-designation of the languages Japanese and Portuguese, and (2) continue the classification of Farsi as a designated language and establish a certification program for testing and certifying court interpreters in Farsi.

The Court Interpreters Advisory Panel, on behalf of the Judicial Council, is currently addressing the above recommendations and will present its findings and recommended actions to the Judicial Council.

The full *2015 Language Need and Interpreter Use Study* is available at *www.courts.ca.gov/7466.htm*. A printed copy of the report may be obtained by calling 415-865-4288.

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

Mr. Martin Hoshino
Administrative Director
Judicial Council

Ms. Jody Patel
Chief of Staff
Leadership Services Division

COURT OPERATIONS SERVICES
Ms. Donna Hershkowitz
Director

Court Language Access Support Program
Ms. Catharine Price
Manager

National Center for State Courts
Primary Author of Report

2015

Language Need and Interpreter Use Study

National Center for State Courts

For more information on the California Language Access Support Program (CLASP), please contact:

Catharine Price, Manager
Court Operation Services | California Language Access Support Program
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688
415-865-7783 | cat.price@jud.ca.gov

2015 Language Need and Interpreter Use Study

Prepared for:
Judicial Council of California

Prepared by:
National Center for State Courts

Richard Schauffler, Co-Principal Investigator
Brian Ostrom, Ph.D., Co-Principal Investigator
Scott Graves, Ph.D., Court Research Associate
Shannon Roth, Program Specialist

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Sheran Morton, Court Executive Officer
Mary Calderon, Director of Court Operations

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Bryan Borys, Ph.D., Senior Advisor

Superior Court of California, County of Orange
Selina Gelzhiser, Business System Analyst, Court Technology
Francis Kan, Applications Developer, Court Technology
Ginger Lamar, Unit Manager, Court Reporter/ Interpreter Services
Lynn Land, Administrative Analyst, Operations Support Division
Sean Lillywhite, Court Interpreter Manager

Superior Court of California, County of San Diego
Katherine Williams, Court Operations Manager, South County and Interpreters
Nancy Eberhardt, Assistant Court Executive Officer, East County Division and North County Division

Superior Court of California, County of Ventura
Tracy Clark, Manager, Interpreter Services

Judicial Council of California

Court Operations Services
Donna Hershkowitz, Director
Dianne Bolotte, Assistant Director

Office of Court Research
Leah Rose-Goodwin, Manager
Chris Belloli, Supervising Research Analyst
Deana Farole, Supervising Research Analyst
Karen Viscia, Senior Court Research Analyst
Jens Zeschky, Research Analyst

Court Language Access Support Program
Catharine Price, Manager
Sherry Goodman, Regional Court Interpreter Coordinator, Regions 1 and 4
Elizabeth Tam, Court Services Analyst (formerly Regional Court Interpreter Coordinator, Region 2)
Valeria DaSilva-Sasser, Regional Court Interpreter Coordinator, Region 3

Center for Families, Children and the Courts
Bonnie Rose Hough, Managing Attorney
Karen Cannata, Supervising Research Analyst

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Executive Summary

Purpose

As the policymaking body for the judiciary, the Judicial Council of California is responsible to provide direction for the fair and impartial administration of justice in the state courts of California. The provision of language access services is a fundamental right guaranteed by the California Constitution[1] that aims to ensure equal access to justice for litigants with limited English proficiency. Government Code § 68563 requires that the Judicial Council conduct a study of language and interpreter use in the trial courts every five years and report its findings to the Governor and the Legislature.[2]

The purpose of this report is to provide the Judicial Council with a comprehensive report on interpreter use in spoken languages for the period 2009-2013 and to provide the information on future language need required to consider changes to the designation of languages for certification.

Key Findings

Part One: Interpreter Use in Required Proceedings

- Over one million service days of interpretation were provided in the state courts during the study period.[3] The total number of interpreter service days declined about 6 percent over the study period, 2009-2013, although the pattern varied slightly by region. During the same time, filings of cases for which interpreters are required declined by 21 percent, suggesting that a high level of interpreter services was maintained during this period.

- Interpreter service days were concentrated in Region 1 (which includes Los Angeles), which provided about one-third of the total. The remaining two-thirds was divided almost evenly across the remaining three regions.

- Spanish accounted for 72 percent of all interpretation in the state courts during the study period. No other language accounted for more than 4 percent of the remaining service days.

- While some languages are interpreted in significant proportions in all regions (e.g., Spanish, Cantonese, Tagalog), others are concentrated in one or two regions (e.g., Arabic, Armenian [all types], Punjabi).

- Statewide, the vast majority of service day assignments are full day sessions (71 percent), although this pattern varies by region.

- The proportion of service days provided by interpreters who are court employees remained relatively constant at about two-thirds of the total.

[1] Cal. Const., Article I § 14.

[2] Cal. Gov. Code § 68563, accessed at http://codes.lp.findlaw.com/cacode/GOV/1/8/2/4/s68563

[3] A service day is an assignment to interpret one or more court proceedings completed by a staff (employee) or contract interpreter. A service day can be a full, half-day, or night session.

- About three-quarters of the contractor interpreters who provided service during the study period were certified or registered interpreters.

- Misdemeanor cases and Felony cases account for about half of all service days.

Part Two: Future Language Need

Modeling of future language need employs three primary factors: changes in the Limited English Proficient (LEP) populations, changes in filings of new cases, and changes in interpreter service days by language. Given that a primary purpose of the future need analysis is to classify languages for possible designation or de-designation, the analysis focuses on the 19 most frequently occurring languages. Of these 19 languages, 15 are currently designated.

Based on review of trends in caseload and LEP populations and patterns of use of court interpreter services during the study period, and using the benchmark of 2,000 annual service days of use in the courts for designation, the following recommendations are made for consideration by the Judicial Council:

- Recommendation 1: The Judicial Council should retain the classification of Arabic, Eastern Armenian, Western Armenian, Cantonese, Khmer, Korean, Mandarin, Punjabi, Russian, Spanish, Tagalog, and Vietnamese as designated languages with established certification programs.

- Recommendation 2: The Judicial Council should continue the classification of Farsi as a designated language and should establish a certification program for testing and certifying court interpreters in this language.

- Recommendation 3: The Judicial Council should consider the de-designation of the Japanese language.

- Recommendation 4: The Judicial Council should consider the de-designation of the Portuguese language.

- Recommendation 5: The Judicial Council should monitor the usage of the Hmong, Lao, and Romanian languages for possible future designation.

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Part One: Interpreter Use in Required Proceedings

I. Introduction

Statewide administrative oversight of the provision of court interpreters is the responsibility of the Court Language Access Support Program (CLASP), which is part of the Judicial Council's Court Operations Service, Operations and Programs Division. The CLASP is charged with managing the testing and certification of court interpreters, as well as their training and continuing education and professional development requirements.[4]

The CLASP staff works under the direction of the Judicial Council and its Court Interpreters Advisory Panel (CIAP), which "assists the Judicial Council with the advancement of language access to the courts. The panel makes recommendations to the council on policies and procedures including but not limited to, interpreter use and need, certification, registration, and professional conduct."[5] As part of that requirement, this report was reviewed by the CIAP as well as by staff of the CLASP prior to submission to the Judicial Council.

The current study evaluates the service days[6] utilized for the provision of court interpreter services for these required case types[7]:

- Traffic Infraction
- Non-traffic Infraction
- Misdemeanor (Traffic and Non-Traffic)
- Felony
- Delinquency
- Dependency
- Domestic Violence (including Elder Abuse)
- Paternity (where protection order is sought)
- Dissolution (where protection order is sought)
- Legal Separation (where protection order is sought)
- Nullity (where protection order is sought)

Data on interpreter use from FY 09-10 through FY 12-13 are analyzed along a number of dimensions, including:

- Region
- Language

[4] See http://www.courts.ca.gov/documents/Fact_Sheet-_Court_Interpreters.pdf for additional details.

[5] See http://www.courts.ca.gov/programs-interpreters.htm, accessed April 24, 2014 for additional background.

[6] A service day is an assignment to interpret one or more court proceedings completed by a staff (employee) or contract interpreter. A service day can be a full, half-day or night session.

[7] The term "required" applied to interpreted case types shall, in this report, refer to case types, caseloads, service days, and proceedings for which California law provides that interpreter services be paid for by the court in all or many circumstances. This is true for all criminal cases and juvenile proceedings (see CA Evid. Code § 752) and for domestic violence, paternity, dissolution, legal separation, and nullity actions in which a protective order has been granted or sought "to the extent that any of these funds are made available" (see CA Evid. Code § 755[e]). See http://www.leginfo.ca.gov/cgi-bin/displaycode?section=evid&group=00001-01000&file=750-757, accessed December 2, 2014 for additional information.

- Session type
- Interpreter employment status
- Interpreter certification status
- Case type

A Brief Description of the Organization of Court Interpreter Services

Court interpreters are provided to litigants involved in any of the required case types; trial court expenditures for these interpreter services are reimbursed by the Trial Court Trust Fund Program 45.45 appropriation.[8]

Court interpreters work either as superior court employees or as independent contractors. Compensation for employees is set by local contracts and pay scales, while compensation rates for contract interpreters is set by the Judicial Council, which determines rates for full-day, half-day, and night sessions, while also allowing for local flexibility.

For collective bargaining and some administrative purposes, court interpreters working as employees in the superior courts of California are grouped into four regions. These regions correspond to appellate districts, although two of the four regions combine two appellate districts into one region. See the adjacent map of the four regions. Staff interpreters can be cross-assigned between courts within a region as well as between courts in different regions, according to the manner specified in each region's memorandum of understanding (MOU).[9]

Court interpreters of spoken languages interpret one or more of the more than 200 languages spoken in California. The languages most heavily used are "designated" and interpreters of those languages must pass both a written examination in English and a bilingual interpreting examination in their non-English spoken language to become certified court interpreters. The current designated languages for which interpreters may be certified are Arabic, Eastern Armenian, Western Armenian, Cantonese, Japanese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese.[10]

For languages that are not "designated," interpreters are classified as registered court interpreters after passing a written examination and oral proficiency examination in English and an oral proficiency examination in their non-English language. Bilingual interpreting examinations are not developed for languages that are not "designated."

Interpreters who do not undertake and pass one of these examination routes are considered noncertified/nonregistered for the purposes of this report.

[8] At its January 23, 2014 business meeting, the Judicial Council amended the policy to allow unexpended funds to be used for additional court proceedings. See http://www.courts.ca.gov/documents/jc-20140123-itemD.pdf

[9] Note that the superior courts in the counties of Solano and Ventura do not belong to one of the regions. However, for purposes of analysis of interpreter use and need throughout this report, the Superior Court of California, County of Ventura, is considered part of Region 1, and the Superior Court of California, County of Solano, is considered part of Region 2.

[10] Farsi was designated effective January 1, 2011, thus a program for testing and certifying Farsi interpreters did not exist during the study period of this report. (See Judicial Council: Fact Sheet: Court Interpreters Program, p. 3 (March 2013)).

Court Interpreter Region Map

Data Sources for Court Interpreter Services

The primary sources of data for this study include fiscal data from the Program 45.45 expenditure records for court interpreter employees and contractors for FY 09-10 through FY 12-13 for all 58 superior courts as well as a variety of data sources recording the use of interpreters that are summarized in Table 1 below.

Because interpreter assignments are not fully reported by the Court Interpreter Data Collection System (CIDCS) and other information systems used in superior courts, expenditure data were used to weight the assignment data up to be fully representative of the interpreter services provided. A full description of the methodology employed in creating the master data set for this analysis is contained in Appendix A.

Table 1. Data Sources on Interpreter Use

Data Source	Region 1	Region 2		Region 3		Region 4
Court Interpreter Data Collection System (CIDCS)	Los Angeles[a] San Luis Obispo Santa Barbara Ventura[b]	Alameda Contra Costa Del Norte Humboldt Lake Marin Mendocino Monterey	San Benito San Francisco San Mateo Santa Clara Santa Cruz Solano[b] Sonoma	Amador Butte Calaveras Colusa El Dorado Fresno Glenn Kern Kings Lassen Madera Mariposa Merced	Placer Plumas Sacramento San Joaquin Shasta Siskiyou Stanislaus Sutter Tehama Tulare Tuolumne Yolo Yuba	Imperial Riverside San Bernardino San Diego
FTE Position Tallies	Los Angeles[a]					
Reporter Interpreter Tracking System (RITS)						Orange[c]
Vision						Orange[c]
Independent Data Systems[d]		San Francisco	Stanislaus	Amador Nevada	Sacramento	
No Data Source		Napa		Alpine Modoc Mono	Sierra Trinity	Inyo
Phoenix (Expenditure Data)	All	All		All		All

[a] Los Angeles' Superior Court entered a small number of grant-funded, non-Program 45.45 interpreter assignments into CIDCS and provided aggregate service positions staffed by language and location.

[b] For purposes of analysis of interpreter use and need throughout this report, the Superior Court of California, County of Ventura, is considered part of Region 1, and the Superior Court of California, County of Solano, is considered part of Region 2.

[c] The Superior Court in Orange County uses RITS for scheduled interpreter assignments and Vision to record certain completed interpreter assignments.

[d] Several courts provided interpretation data separately to supplement or substitute for CIDCS data.

II. Statewide and Regional Interpreter Use in Spoken Languages

Overview

California's superior courts provided over one million service days of interpretation services in the required proceedings during the study period, FY 09-10 through FY 12-13. California tracks interpreter use through the number of service days, based on expenditure data. For the purpose of this report, a service day is defined as a completed assignment in which interpretation has been conducted in one or more required court proceedings. A service day can consist of interpretation for one or more cases, and can be completed as either a full-day, half-day, or night session. By examining the specific profile of each court's staff and contract interpreter service days, and the specific rates of pay in use in each region during the study period, expenditure data and assignment data for each court was used to estimate the number of total service days completed in each court. It is important to understand that a service day does not measure the actual time spent in providing interpreter services or interpreter workload; rather, it is a measure of interpreter service as reflected in expenditures.[11]

The statewide and regional total service days by year are reported below in Table 2. Region 1, which includes Los Angeles, accounts for approximately one-third of these service days. Region 4, which includes Orange and San Diego, accounts for an additional one-quarter of the total. The balance of these service days is provided by Region 2 (22 percent) and Region 3 (19 percent). These proportions closely mirror those reported in the previous study period, 2004-2008. The total number of service days declined about 6 percent over this four-year period, with the largest decrease occurring in Region 1 (10 percent), followed by Region 3 (9 percent), and Region 4 (3 percent). In Region 2, on average there was no change in the number of service days during this period.

Table 2. Total Service Days, Required Proceedings, by Region[12]

	Service Days					
	FY09-10	FY10-11	FY11-12	FY12-13	Total	Percent
Region 1	95,672	88,972	88,645	86,115	359,404	**34%**
Region 2	59,828	57,418	60,527	59,681	237,455	**22%**
Region 3	50,553	53,366	50,893	45,838	200,650	**19%**
Region 4	64,079	65,492	66,070	62,366	258,008	**24%**
Statewide	**270,133**	**265,247**	**266,135**	**254,001**	**1,055,516**	**100%**

[11] See Appendix A for a more detailed discussion of the methodology used to combine expenditure data with data on assignments.

[12] Statistics reported in this and all subsequent tables in this report are estimated based on weighted counts as well as estimates for courts that did not report through the CIDCS information system. See Appendix A for a detailed explanation.

This modest decline is not surprising, since during this same time period the total number of cases filed statewide for the required case types declined by about 21 percent as shown in Table 3 below.[13] Assuming that the proportion of required case types requiring an interpreter remains constant as a share of the total caseload, the fact that the rate of decline of service days of interpretation provided in required case types was less than the rate of decline in total number of required case types suggests that provision of interpreter service has been maintained and even possibly improved during this time period. An analysis of the reasons for declining filings of required case types is beyond the scope of this report, but the decline may be linked to factors such as the decline in crime rates and the reduction in budgets and services provided by all justice system partners, including the courts.

Table 3. Total Filings, Required Case Types

	2009	2010	2011	2012
Total Filings, Required Case Types	8,525,306	8,136,946	7,385,198	6,716,548
4-year percent change				**-21%**

Service Days by Language

The statewide totals by language for the study period FY 09-10 through FY 12-13 are shown in Table 4 as well as the percentage of all service days each language makes up of the total. The overall ranking of the languages has remained largely the same as reported during the previous study period (2004-2008). Not surprisingly, Spanish remains the primary language in which interpretation was provided, representing about 72 percent of all interpreter service days. The remaining interpreter service days of spoken language interpretation are divided across a large number of languages, each of which accounts for less than 4 percent of the total service days.

[13] Caseload estimates provided by the Office of Court Research, Court Operations Services, Operations and Programs Division, Judicial Council of California. Case types in all information systems documenting interpreter use do not align completely, and for that reason these statistics should be considered estimates.

Table 4. Total Service Days, 30 Most-Interpreted Spoken Languages

Language	Total	Percent
Spanish	759,409	71.9%
Vietnamese	40,711	3.9%
Korean	25,568	2.4%
Mandarin	22,966	2.2%
Farsi	18,927	1.8%
Cantonese	17,605	1.7%
Russian	17,262	1.6%
Tagalog	14,606	1.4%
Arabic	14,558	1.4%
Punjabi	13,105	1.2%
Khmer	9,864	0.9%
Japanese	6,872	0.7%
Hmong	6,755	0.6%
Lao	5,990	0.6%
Romanian	4,591	0.4%
Hindi	4,080	0.4%
Armenian (unknown)	3,899	0.4%
Armenian, Eastern	3,742	0.4%
Tongan	3,351	0.3%
Portuguese	3,283	0.3%
Armenian, Western	3,019	0.3%
Pashto	2,457	0.2%
Samoan	2,292	0.2%
Thai	2,091	0.2%
Amharic	2,051	0.2%
Slovak	1,817	0.2%
French	1,741	0.2%
Mongolian	1,585	0.2%
Mien	1,572	0.1%
Mixteco	1,527	0.1%
Other/Unknown	38,222	3.6%
Total	**1,055,516**	**100.0%**

Table 5 reports the number of service days in required proceedings per year for the 30 most frequently interpreted spoken languages. The annual total number of service days shown at the bottom of each column reflects some year-to-year variation, with an overall slight decline of about 6 percent from FY 09-10 to FY 12-13, from 270,133 to 254,001 service days. As noted above, this is consistent with the overall decline in the caseload for required case types throughout the state.

Languages that appear to have experienced slight increases in service days include Korean, Mandarin, Cantonese, Farsi, and Arabic. On the other hand, Hmong, Lao, and Hindi appear to have experienced slight declines. However, caution must be exercised to avoid over-interpreting what may be the result of inconsistencies in reporting of these data within and among regions.

Table 5. Total Service Days, 30 Most-Interpreted Spoken Languages

	Service Days				
Language	**FY09-10**	**FY10-11**	**FY11-12**	**FY12-13**	**Total**
Spanish	196,981	192,549	191,196	178,683	759,409
Vietnamese	9,686	10,595	10,539	9,891	40,711
Korean	6,048	6,392	6,279	6,849	25,568
Mandarin	4,824	5,242	6,217	6,683	22,966
Farsi	4,745	4,343	4,550	5,289	18,927
Cantonese	4,020	4,313	4,640	4,633	17,606
Russian	4,086	4,065	4,610	4,500	17,262
Tagalog	4,170	3,502	3,583	3,351	14,606
Arabic	2,914	3,163	3,809	4,673	14,558
Punjabi	4,536	2,837	2,983	2,748	13,105
Khmer	2,786	2,425	2,473	2,179	9,864
Japanese	1,970	1,571	1,685	1,646	6,872
Hmong	1,907	1,737	1,527	1,585	6,755
Lao	1,705	1,636	1,269	1,379	5,990
Romanian	1,041	1,136	1,189	1,225	4,591
Hindi	1,509	964	972	635	4,080
Armenian (unknown)	839	646	818	1,597	3,899
Armenian, Eastern	1,036	897	905	904	3,742
Tongan	1,814	423	683	431	3,351
Portuguese	772	739	790	982	3,283
Armenian, Western	924	731	674	690	3,019
Pashto	752	695	516	494	2,457
Samoan	558	624	661	450	2,292
Thai	600	549	403	540	2,091
Amharic	352	456	472	771	2,051
Slovak	405	505	468	439	1,817
French	329	238	345	828	1,741
Mongolian	343	247	394	601	1,585
Mien	393	363	422	394	1,572
Mixteco	405	383	383	356	1,527
Other and Unknown	7,683	11,283	10,681	8,575	38,222
Total	**270,133**	**265,247**	**266,135**	**254,001**	**1,055,516**

The statewide trends observed in Table 5 can be further understood by examining important regional differences, which can be seen in Table 6 adjacent. Table 6 reports the percentage of the statewide total for each interpreted language that is provided in each region in required proceedings. Here it must be noted, as was the case in the previous study period, that the statistical method required to weight the assignment data may overstate the service days provided in languages (typically, languages other than Spanish) that most courts do not typically provide through interpreters who are court employees but rather through the use of contractors). This is because there is some evidence that the CIDCS data generally represent a larger proportion of reported service days for the expenditures for contractors than for employees, and contractors tend to be used for languages other than Spanish.[14] Nonetheless, several observations are worth noting.

Spanish language interpretation is provided in the highest volume in Region 1, which includes Los Angeles. In the other regions, the distribution of Spanish language interpretation is rather even. This table illustrates that while some language communities are somewhat dispersed among the regions (e.g., Spanish, Cantonese, Tagalog), others are concentrated in a specific region (e.g., Arabic in Region 4, Armenian (all types) in Region 1, Punjabi in Region 3).

[14] See Appendix A for a discussion of how assignment data were weighted using expenditure data.

Table 6. Proportion of Reported Language Use by Region, 30 Most-Interpreted Spoken Languages

Language	Region 1	Region 2	Region 3	Region 4	Total
Spanish	40.4%	20.5%	18.6%	20.4%	100%
Vietnamese	12.6%	40.1%	7.9%	39.4%	100%
Korean	34.9%	19.7%	1.5%	43.9%	100%
Mandarin	23.1%	29.0%	2.5%	45.3%	100%
Farsi	21.6%	52.1%	16.5%	9.8%	100%
Cantonese	22.8%	31.2%	10.1%	35.9%	100%
Russian	12.6%	42.7%	8.6%	36.1%	100%
Tagalog	18.6%	18.4%	44.6%	18.4%	100%
Arabic	9.8%	26.3%	6.2%	57.7%	100%
Punjabi	3.1%	29.6%	61.9%	5.4%	100%
Khmer	43.6%	9.1%	21.7%	25.6%	100%
Japanese	1.5%	4.8%	92.0%	1.6%	100%
Hmong	32.8%	20.8%	3.0%	43.4%	100%
Lao	2.7%	9.0%	58.4%	29.8%	100%
Romanian	.1%	4.6%	47.5%	47.8%	100%
Hindi	29.1%	29.3%	4.1%	37.5%	100%
Armenian (unknown)	44.9%	.3%	16.0%	38.7%	100%
Armenian, Eastern	86.4%	1.5%	6.4%	5.7%	100%
Tongan	.5%	65.6%	4.7%	29.3%	100%
Portuguese	7.2%	47.7%	18.5%	26.6%	100%
Armenian, Western	88.1%	.2%	10.6%	1.2%	100%
Pashto	.0%	9.4%	5.6%	85.0%	100%
Samoan	.0%	21.9%	5.0%	73.1%	100%
Thai	22.4%	20.2%	2.9%	54.4%	100%
Amharic	.1%	62.6%	5.3%	32.0%	100%
Slovak	.0%	.5%	98.6%	.8%	100%
French	2.2%	66.4%	.8%	30.6%	100%
Mongolian	.4%	91.8%	4.2%	3.6%	100%
Mien	.0%	20.0%	80.0%	.0%	100%
Mixteco	58.1%	14.4%	24.9%	2.6%	100%
Other/Unknown	1.9%	18.8%	30.9%	48.4%	100%
Total	**34.1%**	**22.5%**	**19.0%**	**24.4%**	**100%**

Service Days by Session Type

Table 7 reports on the number of service days in required proceedings by session type by region and statewide. Statewide, the number and proportion of full-day sessions remained relatively constant at about 71 percent. Half-day sessions account for almost all of the remaining service days, with night sessions making up less than half of one percent of the total. Night sessions are not as commonly conducted throughout the state. In Region 1 night sessions are rare, as was the case during the last reporting period 2004-2008. Regions 2, 3, and 4 make comparatively more use of night sessions, but they remain a very small percentage of the service days in required proceedings.

Table 7. Total Service Days, by Session Type

	Service Days					
	FY09-10	FY10-11	FY11-12	FY12-13	Total	Percent
Statewide						
Full-day	191,217	191,092	187,912	176,478	746,699	**71%**
Half-day	78,284	73,617	77,753	77,320	306,975	**29%**
Night	632	538	470	203	1,842	**<1%**
Total	**270,133**	**265,247**	**266,135**	**254,001**	**1,055,516**	
Region 1						
Full-day	85,655	76,814	79,524	76,887	318,880	**89%**
Half-day	10,012	12,158	9,121	9,225	40,516	**11%**
Night	5	0	0	3	8	**<1%**
Total	**95,672**	**88,972**	**88,645**	**86,115**	**359,404**	
Region 2						
Full-day	24,907	32,343	28,520	24,670	110,441	**47%**
Half-day	34,546	24,783	31,708	34,933	125,970	**53%**
Night	375	292	299	78	1,044	**<1%**
Total	**59,828**	**57,418**	**60,527**	**59,681**	**237,455**	
Region 3						
Full-day	29,047	28,596	27,875	27,193	112,711	**56%**
Half-day	21,376	24,620	22,929	18,578	87,503	**44%**
Night	130	150	88	68	436	**<1%**
Total	**50,553**	**53,366**	**50,893**	**45,838**	**200,650**	
Region 4						
Full-day	51,607	53,340	51,992	47,728	204,668	**79%**
Half-day	12,350	12,056	13,995	14,585	52,986	**21%**
Night	122	96	83	53	354	**<1%**
Total	**64,079**	**65,492**	**66,070**	**62,366**	**258,008**	

Given the volume of Spanish language interpretation, it is not surprising that Spanish interpretation is mostly conducted with full-day sessions. Table 8 below summarizes the breakdown of session types by Spanish compared to the remaining 30 most-interpreted spoken languages.

Table 8. Distribution of Session Types, by Language

	Full-Day	Half-Day	Night
Spanish	77.3%	22.5%	<1%
Remaining 30 Most Interpreted Spoken Lanugages	50.8%	49.1%	<1%
Other and Unknown	48.6%	51.3%	<1%

Service Days by Employment Status

The employment status of the interpreters statewide remained fairly constant during the reporting period, as measured by the service days provided for required proceedings, shown in Table 9 below. Statewide, employees accounted for about two-thirds (67 percent) of all service days in required proceedings, while contractors accounted for the remainder (33 percent). However, the relative proportion of service days performed by employees and contractors varies by region, and the pattern reported below is largely consistent with that reported in the previous study period. Within Region 1, the service days provided by employees represent about 93 percent of the total; in Region 2, employees provided 63 percent of the total; in Region 3, employees provided 53 percent of the total; finally, in Region 4, employees provided just under half (49 percent) of the total service days.

Within the regions and over the four-year time period, different patterns can be observed. The number of service days provided by employees declined in Region 1 from FY 09-10 to FY 10-11, and again from FY 11-12 to FY 12-13. In Region 2, the number of service days provided by employees rose and peaked in FY 11-12, then declined slightly in FY 12-13. In Region 3, the number of service days provided by employees rose gradually and then declined slightly in the last year, while in Region 4 the employee service days increased in each year, while service days provided by contractors declined.

Table 9. Total Service Days, by Employment Status

	Service Days					
	FY09-10	FY10-11	FY11-12	FY12-13	Total	Percent
Statewide						
Employees	178,540	176,570	180,958	176,164	712,232	**67%**
Contractors	91,593	88,677	85,177	77,836	343,284	**33%**
Total	**270,133**	**265,247**	**266,135**	**254,001**	**1,055,516**	
Region 1						
Employees	89,044	82,007	82,129	79,443	332,623	**93%**
Contractors	6,628	6,965	6,516	6,672	26,781	**7%**
Total	**95,672**	**88,972**	**88,645**	**86,115**	**359,404**	
Region 2						
Employees	36,098	36,266	38,432	37,747	148,544	**63%**
Contractors	23,730	21,151	22,095	21,934	88,910	**37%**
Total	**59,828**	**57,418**	**60,527**	**59,681**	**237,455**	
Region 3						
Employees	24,879	27,441	27,725	25,652	105,697	**53%**
Contractors	25,674	25,925	23,168	20,186	94,953	**47%**
Total	**50,553**	**53,366**	**50,893**	**45,838**	**200,650**	
Region 4						
Employees	28,518	30,856	32,672	33,322	125,369	**49%**
Contractors	35,561	34,636	33,398	29,044	132,639	**51%**
Total	**64,079**	**65,492**	**66,070**	**62,366**	**258,008**	

Service Days by Certification Status

Table 10 below reports the total service days in required proceedings by certification status of the interpreter providing the service. Statewide, certified or registered interpreters provided about 91 percent of the service days in required proceedings, on average, during the reporting period. Approximately 8 percent of the service days were provided by noncertified, nonregistered interpreters. (The certification status of the interpreter could not be established in the remaining service days, which represent about 1 percent of the total.) While Regions 1 and 4 maintained a relatively constant proportion of service days completed by certified or registered interpreters during the four years covered by this reporting period, in Regions 2 and 3 the proportion of service days completed by certified or registered interpreters increased, by 3 and 10 percent respectively, from FY 09-10 to FY 12-13.

Employment Status and Certification Status in Context

The data in Tables 9 (employee status) and 10 (certification status) can also be used together to examine the employment status of certified/registered interpreters. Table 11A shows the proportion of certified or registered interpreter service days completed by interpreter employees and interpreter contractors. Employees completed 74 percent (712,232 days) of those service days, while interpreter contractors completed 26 percent (252,316).

Table 10. Total Service Days, by Certification Status

	Service Days					
	FY09-10	FY10-11	FY11-12	FY12-13	Total	Percent
Statewide						
Certified/Registered	243,330	241,074	244,831	235,312	964,548	**91%**
Noncertified/Nonregistered	24,259	21,953	19,482	17,038	82,733	8%
Contractor (Unspecified)	2,543	2,220	1,822	1,650	8,235	1%
Total	**270,133**	**265,247**	**266,135**	**254,001**	**1,055,516**	
Region 1						
Certified/Registered	95,166	88,486	88,082	85,498	357,232	**99%**
Noncertified/Nonregistered	506	486	563	617	2,171	**1%**
Total	**95,672**	**88,972**	**88,645**	**86,115**	**359,404**	
Region 2						
Certified/Registered	50,328	47,780	52,968	51,754	202,830	**85%**
Noncertified/Nonregistered	9,500	9,638	7,559	7,927	34,625	**15%**
Total	**59,828**	**57,418**	**60,527**	**59,681**	**237,455**	
Region 3						
Certified/Registered	38,517	43,740	42,025	39,674	163,956	**82%**
Noncertified/Nonregistered	9,493	7,406	7,046	4,515	28,459	**14%**
Contractor (Unspecified)	2,543	2,220	1,822	1,650	8,235	**4%**
Total	**50,553**	**53,366**	**50,893**	**45,838**	**200,650**	
Region 4						
Certified/Registered	59,319	61,068	61,756	58,386	240,530	**93%**
Noncertified/Nonregistered	4,760	4,424	4,314	3,980	17,478	**7%**
Total	**64,079**	**65,492**	**66,070**	**62,366**	**258,008**	

Table 11B shows that the 252,316 service days completed by certified or registered contract interpreters represent 74 percent of the total service days completed by contractors, a similar proportion to that reported during the previous study period 2004-2008.

Table 11A. Statewide Total Service Days, Certification Status by Employment

	Service Days					
Certified/Registered	FY09-10	FY10-11	FY11-12	FY12-13	Total	Percent
Employees	178,540	176,570	180,958	176,164	712,232	74%
Contractors	64,791	64,504	63,873	59,148	252,316	26%
					964,548	

Table 11B. Statewide Total Service Days, Contractors by Certification Status

	Service Days					
Certification Status	FY09-10	FY10-11	FY11-12	FY12-13	Total	Percent
Certified/Registered	64,791	64,504	63,873	59,148	252,316	74%
Noncertified/Nonregistered	24,259	21,953	19,482	17,038	82,733	24%
Contractor (Unspecified)	2,543	2,220	1,822	1,650	8,235	2%
					343,284	

Service Days by Case Type

Interpreter services are required for a specific set of proceedings, which are reported in Table 12 below. About half of these interpreted proceedings are criminal cases: Misdemeanor cases make-up about 27 percent of all service days and Felony cases represent about 24 percent. Delinquency and Traffic cases comprise the next largest shares (approximately 9 percent each), followed by Paternity (approximately 5 percent) and Dependency (approximately 4 percent). These proportions are similar to those reported in the previous study period, and they remained relatively constant from year to year during this study period. A significant share of the records (19 percent) cannot be attributed to a specific case type due primarily to the overuse of the "Other" case type in CIDCS without the provision of any additional information. Another significant limitation of these data is that the use of interpreters in Dissolution cases for all languages is underreported, because the CIDCS user interface does not include Dissolution as a discrete choice of case type for data entry. Instead, courts must choose "Other" for case type and then manually enter additional text to specify Dissolution. As a result, very few cases appear to be reported, and no conclusions should be drawn about the true proportion of Dissolution cases among the case types in the following tables describing interpreter use by case type.[15]

[15] The term Paternity is used in listing required case types, while the CIDCS user interface list of required case types labels cases as Family (Child Support) and "Other" with a specification of "Family" or "Paternity."

Table 12. Total Service Days, by Case Type[16]

	Service Days					
Case Type	**FY09-10**	**FY10-11**	**FY11-12**	**FY12-13**	**Total**	**Percent**
Misdemeanor	76,881	71,369	67,259	63,922	279,431	26.5%
Felony	68,130	64,723	61,038	58,601	252,493	23.9%
Traffic	25,053	24,387	25,037	24,802	99,280	9.4%
Delinquency	22,630	24,338	23,009	20,531	90,508	8.6%
Paternity	11,944	11,838	13,118	13,074	49,975	4.7%
Dependency	9,584	9,826	9,432	8,614	37,456	3.5%
Infraction	6,421	6,794	7,737	7,328	28,281	2.7%
Domestic Violence	3,398	3,506	3,908	3,963	14,775	1.4%
Dissolution	586	493	438	402	1,919	.2%
Other and Unknown	45,505	47,973	55,158	52,763	201,398	19.1%
Total	**270,133**	**265,247**	**266,135**	**254,001**	**1,055,516**	**100.0%**

Table 13 below shows regional variation in the provision of interpreter services in required proceedings. The proportion of service days used for each case type is relatively consistent across regions.

Table 13. Total Service Days, by Case Type by Region[17]

	Service Days			
Case Type	**Region 1**	**Region 2**	**Region 3**	**Region 4**
Misdemeanor	26%	27%	21%	30%
Felony	27%	24%	23%	21%
Traffic	10%	13%	8%	7%
Delinquency	10%	8%	8%	7%
Paternity	5%	5%	5%	3%
Dependency	4%	4%	2%	4%
Infraction	2%	1%	1%	7%
Domestic Violence	1%	3%	1%	1%
Dissolution	<1%	<1%	<1%	<1%
Other and Unknown	15%	15%	31%	19%
Total	**100%**	**100%**	**100%**	**100%**

[16, 17] Dissolution cases are underreported. See explanation on previous page.

Service Days by Language by Case Type

The provision of interpretation services by language by case type is displayed in Table 14. This table illustrates the proportion of each language's service days that were used by case type. For example, Amharic and Mongolian service days show a high proportion of interpreter service days consumed in Traffic cases. Japanese, Thai, and Tongan stand out for the high proportion of their use in Misdemeanor cases, while Afghani, Armenian, Samoan, and Tagalog do the same for Felony cases. Tongan and Khmer show relatively high shares of their service days in Delinquency cases. Due to problems with incomplete reporting by specific courts, several languages whose use is concentrated in a small number of courts (e.g., Hmong, Lao) have a high proportion of service days whose case type is unknown.

III. Conclusion

The general patterns of interpreter use in the study period FY 09-10 through FY 12-13 resemble those in the previous study period 2004-2008. Generally speaking, trends in populations tend to be gradual, and thus, absent a political or economic catastrophe or natural disaster that displaces large numbers of people geographically, language use and the need for interpreter services also tend to change gradually.

One difference between the previous study and the current one is that the employment status of interpreters appears to have stabilized. During the previous study period, employment of interpreters was evolving, and a shift from contract to employee interpreters was taking place. In this study period, employment appears rather constant, with the notable exception that the overall decline in filing of required case types throughout the state does appear to have resulted in a slight contraction of the number of service days performed by interpreter employees.

This highlights a feature of this study period: the decline in the filing of new cases over time, including cases requiring the use of an interpreter. As noted earlier, the reasons for this decline are beyond the scope of this report, but are most likely related to reduction in the resources and thus the work of law enforcement, prosecutors, social service and other state agencies, as well as the trial courts.

The incomplete and inconsistent nature of the interpreter use data in the various data systems in use throughout the state make it difficult to reliably describe all but the most general changes over time. Nevertheless, at the highest level, the analysis indicates that these data can provide a basic description of interpreter use and, when combined with additional data about population demographics, immigration, and caseload trends, can serve as the basis for estimating future language need on a statewide basis. In the next section, future language need is analyzed, taking into account both population demographics and caseload trends.

Table 14. Proportion of Reported Language Use by Case Type[18]

Language	Misdemeanor	Felony	Traffic	Delinquency	Paternity	Dependency	Infraction	Domestic Violence	Dissolution	Other and Unknown
Spanish	26%	25%	9%	10%	5%	4%	2%	1%	<1%	18%
Vietnamese	32%	26%	7%	5%	5%	3%	7%	1%	<1%	12%
Korean	30%	20%	10%	7%	3%	3%	11%	1%	1%	14%
Mandarin	32%	20%	14%	3%	4%	2%	11%	2%	1%	12%
Cantonese	19%	19%	14%	5%	4%	2%	2%	2%	<1%	34%
Farsi	28%	17%	12%	3%	5%	2%	8%	3%	2%	20%
Tagalog	32%	35%	3%	5%	3%	5%	1%	2%	1%	14%
Russian	20%	14%	9%	4%	3%	2%	2%	1%	<1%	44%
Arabic	26%	15%	9%	4%	4%	7%	9%	4%	2%	19%
Punjabi	25%	19%	8%	3%	3%	1%	1%	4%	<1%	37%
Khmer	25%	24%	6%	14%	4%	5%	2%	1%	<1%	18%
Hmong	8%	29%	4%	9%	5%	4%	1%	<1%	<1%	39%
Japanese	36%	17%	10%	5%	4%	2%	8%	2%	1%	13%
Lao	24%	32%	5%	9%	3%	3%	2%	<1%	<1%	21%
Romanian	24%	13%	2%	3%	2%	2%	4%	1%	<1%	48%
Hindi	33%	24%	7%	6%	4%	6%	4%	4%	<1%	13%
Armenian (unknown)	17%	38%	5%	5%	3%	2%	6%	1%	<1%	23%
Armenian, Eastern	23%	27%	13%	8%	4%	3%	2%	1%	<1%	19%
Tongan	38%	12%	7%	15%	1%	2%	5%	4%	3%	12%
Portuguese	22%	27%	15%	5%	6%	4%	3%	2%	<1%	14%
Armenian, Western	24%	29%	11%	9%	5%	3%	2%	1%	<1%	16%
Pashto	35%	33%	5%	6%	1%	6%	2%	1%	<1%	11%
Samoan	31%	33%	1%	10%	2%	7%	1%	<1%	<1%	16%
Thai	36%	15%	7%	5%	5%	11%	7%	2%	1%	12%
Amharic	22%	24%	22%	1%	9%	5%	2%	3%	<1%	11%
Slovak	1%	0%	1%	<1%	<1%	<1%	<1%	<1%	<1%	99%
French	25%	15%	8%	1%	11%	2%	5%	2%	<1%	30%
Mongolian	33%	12%	27%	<1%	<1%	2%	<1%	4%	<1%	21%
Mien	24%	29%	7%	9%	2%	1%	1%	2%	<1%	26%
Mixteco	51%	24%	3%	9%	1%	6%	2%	3%	<1%	2%
Other/Unknown	30%	17%	10%	9%	2%	5%	6%	1%	1%	18%
Average	**26%**	**24%**	**9%**	**9%**	**5%**	**4%**	**3%**	**1%**	**<1%**	**19%**

[18] Dissolution cases are underreported. See explanation on page 16.

欢迎

Part Two: Projecting Future Language Need

I. Introduction

Earlier sections of this report describe the use of interpreters during the period 2009-2013. The purpose of Part II is to produce an estimate of the future need for interpretation statewide in required case types by language drawing on population demographics and caseload filing trends. This analysis is designed to support efforts by the Judicial Council of California in determining whether to classify additional languages as "designated" for the purposes of court interpreter testing and certification as well as to identify languages for possible de-designation over the next five years.

The strength of the California economy provides important context for forecasting the future need for interpreters. In California, the profile of state court activity observed during the period of the current analysis (2009-2013) is likely anomalous because of the negative impact of the recent recession on filings. At the same time, it should be noted that the relationship between the economy and caseloads is not a simple linear one. Caseloads are not always directly correlated to the economy; as the Judicial Council noted in its press release[19] announcing the annual statistical report, some caseloads (e.g., misdemeanors, small claims, most types of unlimited civil) declined, while others (e.g., felony, dependency, and probate cases) increased. Some of the declines preceded the recession, while others appear to have coincided with it. Nevertheless, the purpose of this high-level environmental scan is to establish the context of any future forecast; the question is simply whether the economy (and with it, the state budget) is recovering and will continue to do so, and whether modest growth patterns observed over the last two decades in California's caseloads will again become the norm.

For reasons outlined below, the answer to those questions are most likely yes, and realistic estimates of future need should take into account recent caseload trends in the context of an improving economic picture. As noted in the first section of this report, aggregate state court filings and court interpreter service days both declined over the past four years. This trend is unlikely to continue. Although there is always an inherent risk in economic forecasting, an environmental scan of current thinking on the California economy shows evidence of improving economic performance. For example, the Public Policy Institute of California notes, "California's economy is making a strong recovery from the Great Recession" and advises that the state's "long-term economic prospects are fundamentally strong."[20] Also, the economic forecast to 2017 published by the state's Department of Finance indicates continuous and gradual improvement in major indicators.[21] Likewise, a six-year projection of "gross state product" by the Eberhardt School of Business at the University of the Pacific estimates average annual growth in California of about 3 percent per year, in line with what was observed in the years immediately preceding the recession. A JP Morgan Chase two-year forecast is even more optimistic. Therefore, the upcoming forecasts assume an economic situation characterized by stability and moderate growth.[22]

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[19] See Judicial Council, "Court Filings Decrease in Fiscal Year 2012–2013" press release dated August 12, 2014, at: http://www.courts.ca.gov/26853.htm#sthash.X5sZHKOd.dpuf

[20] Sarah Bohn, California's Future: Economy, published by the Public Policy Institute of California, accessed August 9, 2014 at http://www.ppic.org/content/pubs/report/R_114SBR.pdf

[21] California Department of Finance, California Economic Forecasts, accessed August 21, 2014, at http://www.dof.ca.gov/HTML/FS_DATA/LatestEconData/FS_Forecasts.htm

[22] See economic forecasts from University of the Pacific's Eberhardt School of Business at http://forecast.pacific.edu/cametroforecast/news%20release%20September%202014.pdf and JP Morgan Chase at https://www.chase.com/content/dam/chasecom/en/commercial-bank/documents/california-economy.pdf

With that in mind, the forecast proceeds in the context of modest recovery and growth in filings. The forecast does not make direct use of economic indicators in the model (e.g., unemployment rates, housing starts, rate of inflation, etc.). Modeling of future language need employs three primary factors: changes in the Limited English Proficient (LEP) populations, changes in filings of new cases, and changes in interpreter service days by language. While movement among these three factors is often associated, there is far from perfect correlation. Said differently, a given increase in LEP population does not always result in a similar increase in filings. And perhaps more importantly for this analysis, a proportional change in LEP population for a specific language does not necessarily translate into the same proportional change for interpreter service days for that language. The fundamental task for projecting future need is appropriately analyzing and integrating these three trends.

The remaining sections in Part II of this report describe the data sources and statistical techniques used to produce the following five-year projections of need. Projections are based on:

- LEP population trends by language
- Caseload trends
- Interpreter service day trends by language

Given that a primary purpose of the future need analysis is to classify languages for possible designation or de-designation, the analysis focuses on the 21 languages most frequently used in the courts (See Table 4 in Part I). These are all the languages where a total of at least 3,000 interpreter service days were recorded during the four-year study period.[23] Moreover, this set of languages includes all languages currently designated as well as those in the pool for potential designation.

II. LEP Population and Language Trends and Projections

Overview of the California Population

California is the most populous state, and has the highest share of foreign-born residents. An excellent source for comprehensive and up-to-date information on language usage is the annual American Community Survey (ACS) published by the U.S. Census Bureau. The ACS employs a monthly series of samples to produce its annual estimates. Given the sampling plan used, the most accurate estimates come from a combined 5-year estimate and these data are therefore used in this analysis. For additional detail on the characteristics of ACS language population data and its unique advantages for the purposes of this study, see Appendix C.

According to the 2008-2012 ACS 5-year estimates, the foreign-born population in California is estimated at 10,104,739 of the total estimated population of 37,325,068, or about 27 percent.[24] This percentage has not changed from that reported in the previous study period (2005-2008).[25] California's total population is projected to continue

[23] It should be noted that, just as during the previous study period, the data are not sufficient to understand the workload of West Armenian and East Armenian separately, and whether one or both languages should continue to be designated. Much of the data in CIDCS was simply labeled "Armenian" and for that reason, along with the fact that the ACS survey data uses a single "Armenian" category, all three categories were combined into a single "Armenian" category. This reduces the 21 top languages to 19 languages.

[24] Selected Characteristics of the Native and Foreign-born Populations, 2008-2012 American Community Survey 5-year Estimates, http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_5YR_S0501.

[25] See Table 6.1 on page 87 in 2010 Language Need and Interpreter Use in California Superior Courts, San Francisco: Judicial Council of California, 2010.

to grow at a slow but steady rate of 1 percent per year, as it did in the 1990s and 2000s. The pattern established at the end of the twentieth century is expected to persist: domestic migration out of California will largely offset population increase though international immigration to California.[26]

Among the total population age 5 years and older, about 44 percent report speaking a language other than English at home, and approximately 20 percent are estimated to speak English less than "very well." The percentage of households (not individuals) who are considered linguistically isolated is estimated at about 10 percent.[27] These proportions are very similar to those reported in the previous reporting period.[28]

The diversity of languages spoken in California is well documented in the ACS 5-year estimates. For the purposes of this report, three items, used in combination, provide the key information needed. Below are the three specific questions asked on the survey:[29]

- Does this person speak a language other than English at home?
  - Yes
  - No
- If yes, what is this language?
- How well does this person speak English?
  - Very well
  - Well
  - Not well
  - Not at all

Answers to these three survey items are combined in the analysis to derive a measure of the LEP population by language spoken at home (presumed to be the respondent's native language) for those whose self-rated proficiency in English is less than "very well."[30]

For the purposes of this report, the ACS survey items identifying the language spoken at home by those whose proficiency in English is less than "very well" are used to classify the language communities of interest for estimating future interpreter need by language. This decision allows the use of consistently gathered US Census Bureau data and provides comparability with the previous report to the Judicial Council on this topic.

[26] See Population discussion p 46ff in S. Bohn et al., California's Future, Public Policy Institute of California, http://www.ppic.org/content/pubs/report/R_114BKR.pdf, accessed August 4, 2014.

[27] Ibid.

[28] Judicial Council of California, Table 6.1, op. cit.

[29] See U.S. Census Bureau, 2011 American Community Survey facsimile at http://www.census.gov/prod/2013pubs/acs-22.pdf

[30] See definition used and variations described in Migration Policy Institute, LEP Data Brief, Limited English Proficient Individuals in the United States: Number, Share, Growth, and Linguistic Diversity, December 2011, accessed through http://www.lep.gov/demog_data/demog_data.html August 8, 2014.

The primary purpose of this analysis is to inform state-level policy on language designation based on projected statewide need in required cases.[31] In building the model of statewide need, this report explicitly documents and incorporates variation in language need at the regional level. ACS data and LEP populations are assembled at the county level and then combined into the four regions for which court interpreter services are organized. The regional analysis shows that, for example as indicated in Table 6 earlier in this report, the population speaking Tongan is concentrated in Region 2, while the Spanish-speaking population is more evenly distributed among all four regions. Regional-level data is then summed to the state level for the purpose of describing statewide language need.

Statewide and Regional Changes in Population and Language Use

The statewide LEP population of California has remained very stable over the period 2009-2012. Table 15 summarizes these data by language spoken at home of the LEP population in the columns under the heading "Statewide ACS." Statewide, the total LEP population speaking the 19 most frequently interpreted languages increased only 0.5 percent during this period. The percentage change is calculated using a weighted average that emphasizes the most recent years of the study period. A weighted average gives greater influence to more recent rates of change in LEP population, while also ensuring long-term trends within each language are incorporated into the model.[32]

Looking at individual languages, the Spanish-speaking population, by far the largest segment of this population, essentially remained stable. The largest statewide gains were registered by LEP speakers of Arabic, followed by LEP speakers of Tongan, Punjabi, and Mandarin. Declines were registered for speakers of Japanese and Portuguese, continuing a trend observed in the previous study period as well. Overall, the statewide pattern is one of relative stability and slow growth for most LEP language populations.

The weighted average percentage change from the study period is used to project the trend for each LEP population by language spoken at home, as shown in the "Statewide Projections" columns in Table 15. Over the next five years, five of the 19 LEP populations have projected growth rates greater than 5 percent; nine populations are projected to grow between 0.5 and 5 percent; three populations are estimated to stay relatively flat with growth rates between -0.5 and +0.5 percent; and two populations are projected to drop by more than -0.5 percent.

To more easily see the forecast for each individual language, the data from Table 15 are displayed in the following figures that show LEP populations by language, actual and projected for the 5 calendar years (CY) following the current study period. Figure 1 shows the statewide total LEP population, along with the LEP population that speaks Spanish at home. The remaining figures show the actual and projected LEP populations grouped by relative size of the LEP populations.

[31] The term "required" applied to interpreted case types shall, in this report, refer to case types, caseloads, service days, and proceedings for which California law provides that interpreter services be paid for by the court in all or many circumstances. This is true for all criminal cases and juvenile proceedings (see CA Evid. Code § 752) and for domestic violence, paternity, dissolution, legal separation, and nullity actions in which a protective order has been granted or sought "to the extent that any of these funds are made available" (see CA Evid. Code § 755[e]). See http://www.leginfo.ca.gov/cgi-bin/displaycode?section=evid&group=00001-01000&file=750-757, accessed December 2, 2014 for additional information.

[32] Data beyond FY 12-13 and CY 2012 were not available for caseloads and population, respectively, when this report was prepared. Thus, projections for CY 2013 and FY 13-14 are estimated. For a detailed discussion of methodologies, see Appendix B.

Table 15: LEP Populations, ACS and Projected, by Language Spoken at Home

Rank	Language	Statewide ACS FY09-10	FY10-11	FY11-12	FY12-13	Weighted Average
1	Spanish	4,574,993	4,607,654	4,612,672	4,567,197	-0.3%
2	Vietnamese	281,889	294,973	299,705	308,280	2.7%
3	Korean	211,331	223,352	224,136	224,964	1.2%
4	Mandarin	206,000	223,879	233,671	247,996	6.0%
5	Farsi	68,909	69,557	73,666	73,712	2.2%
6	Cantonese	299,034	306,849	305,999	307,130	0.5%
7	Russian	70,960	72,035	71,961	74,237	1.8%
8	Tagalog	230,062	238,747	243,523	251,001	2.8%
9	Arabic	42,802	45,914	49,355	54,675	9.1%
10	Armenian (all)	82,401	85,338	89,433	92,409	3.9%
11	Punjabi	45,599	46,905	51,172	54,516	6.8%
12	Khmer	36,938	39,263	40,464	40,870	2.6%
13	Japanese	72,047	71,760	68,964	65,847	-3.6%
14	Hmong	30,817	34,695	36,394	36,075	3.3%
15	Lao	18,268	18,328	18,884	18,934	1.2%
16	Romanian	9,008	9,070	8,520	8,897	0.3%
17	Hindi	25,139	27,081	28,047	29,873	5.7%
18	Tongan	3,202	3,486	3,791	4,046	7.8%
19	Portuguese	25,140	24,738	22,684	23,327	-1.6%
	Total	**6,334,539**	**6,443,624**	**6,483,041**	**6,483,986**	**0.5%**
	Other languages	295,759	305,639	313,808	319,827	2.4%

Rank	Language	Statewide Projections FY13-14	FY14-15	FY15-16	FY16-17	FY17-18
1	Spanish	4,551,776	4,536,407	4,521,090	4,505,824	4,490,610
2	Vietnamese	316,723	325,398	334,311	343,467	352,874
3	Korean	227,775	230,622	233,504	236,423	239,377
4	Mandarin	262,801	278,489	295,114	312,731	331,400
5	Farsi	75,302	76,926	78,586	80,281	82,013
6	Cantonese	308,752	310,382	312,021	313,668	315,325
7	Russian	75,573	76,933	78,318	79,727	81,162
8	Tagalog	258,108	265,416	272,931	280,658	288,605
9	Arabic	59,650	65,078	71,000	77,460	84,509
10	Armenian (all)	95,974	99,676	103,521	107,514	111,661
11	Punjabi	58,211	62,156	66,368	70,866	75,669
12	Khmer	41,921	42,998	44,103	45,237	46,400
13	Japanese	63,460	61,160	58,943	56,806	54,747
14	Hmong	37,262	38,489	39,756	41,064	42,416
15	Lao	19,161	19,391	19,623	19,858	20,096
16	Romanian	8,924	8,952	8,979	9,006	9,034
17	Hindi	31,585	33,396	35,310	37,334	39,474
18	Tongan	4,360	4,698	5,063	5,455	5,879
19	Portuguese	22,950	22,579	22,214	21,855	21,501
	Total	**6,520,267**	**6,559,143**	**6,600,751**	**6,645,234**	**6,692,749**
	Other languages	327,524	335,407	343,479	351,746	360,211

Figure 1. LEP Population Trend and Forecast: Total and Spanish

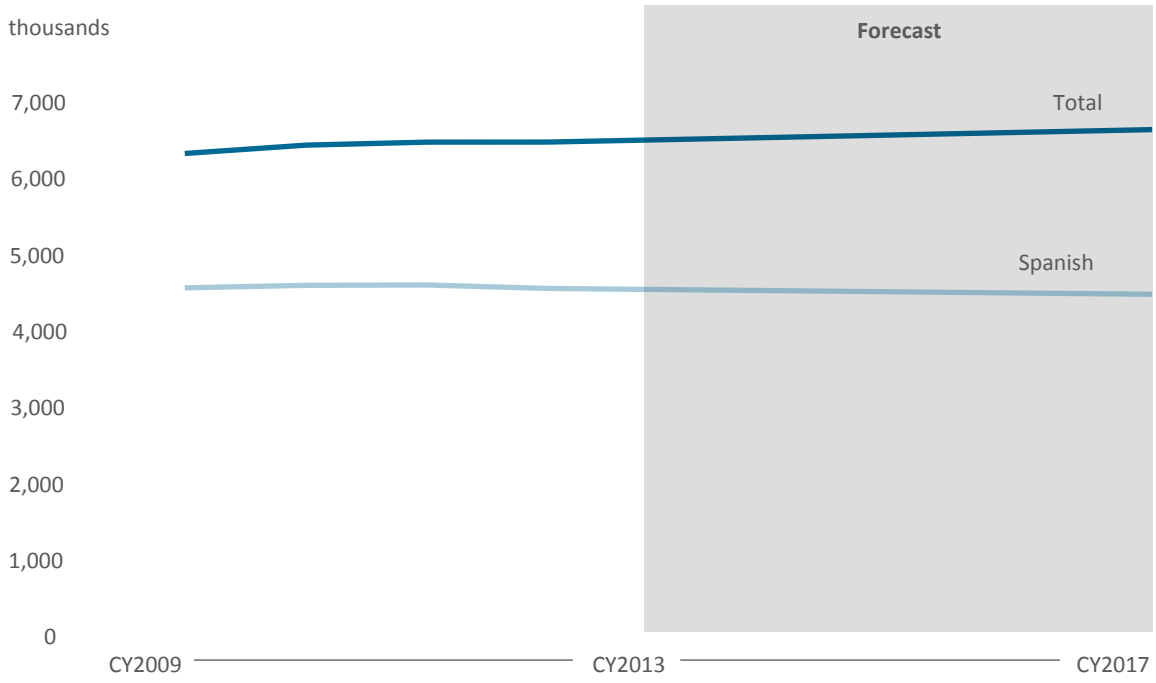


Figure 2. LEP Population Trend and Forecast: Vietnamese, Korean, Mandarin, Cantonese, and Tagalog

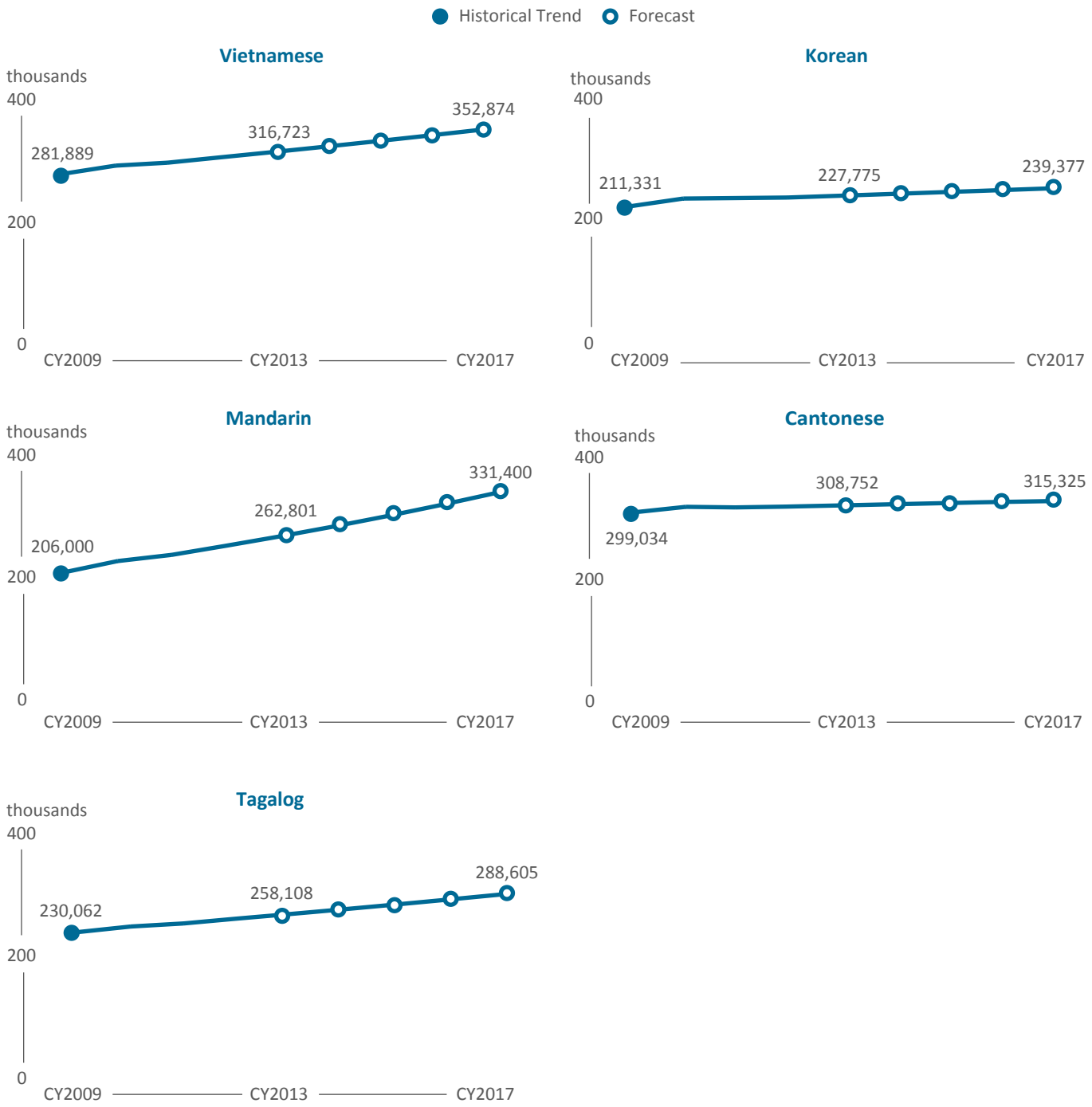


Figure 3. LEP Population Trend and Forecast: Farsi, Russian, Armenian, and Japanese

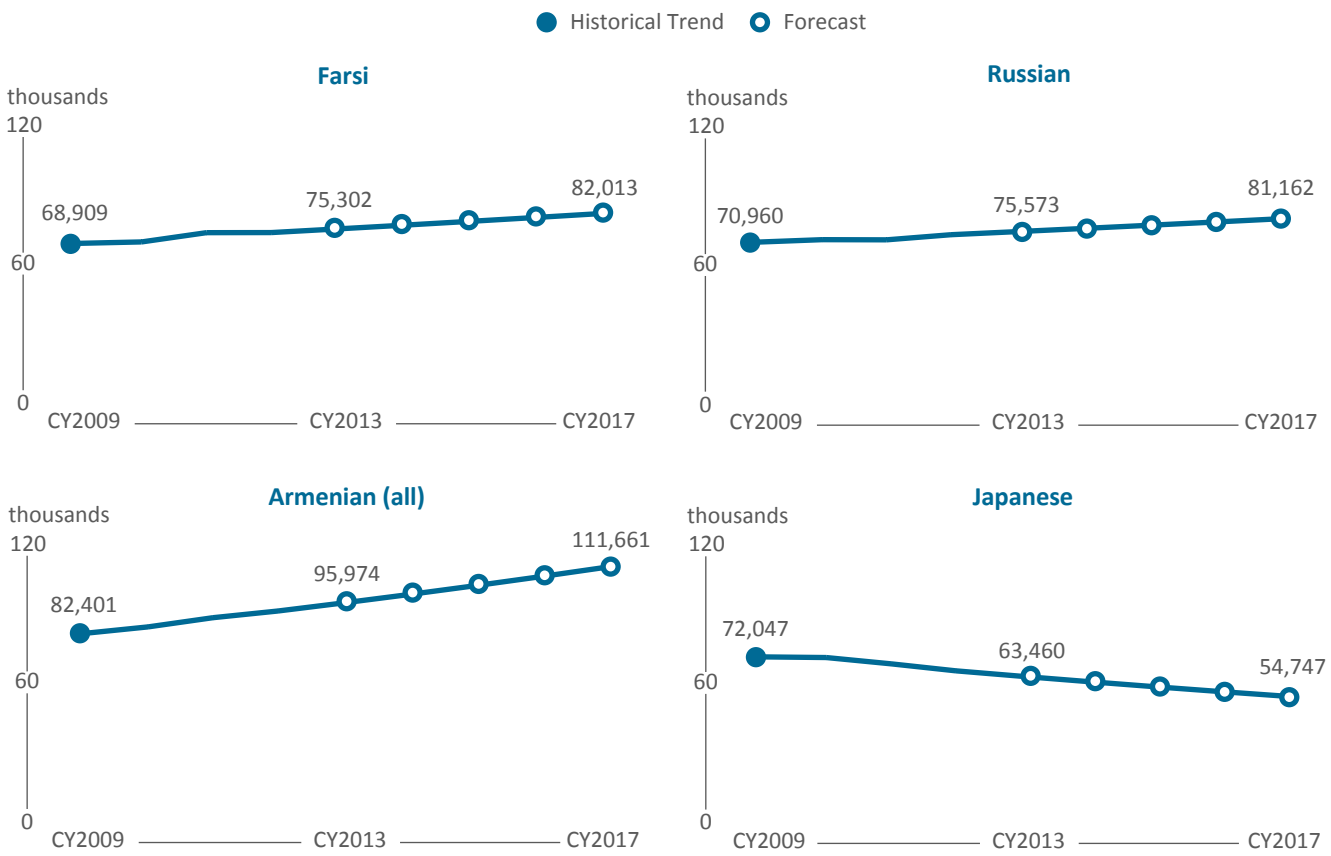


Figure 4. LEP Population Trend and Forecast: Arabic, Punjabi, Khmer, and Hmong

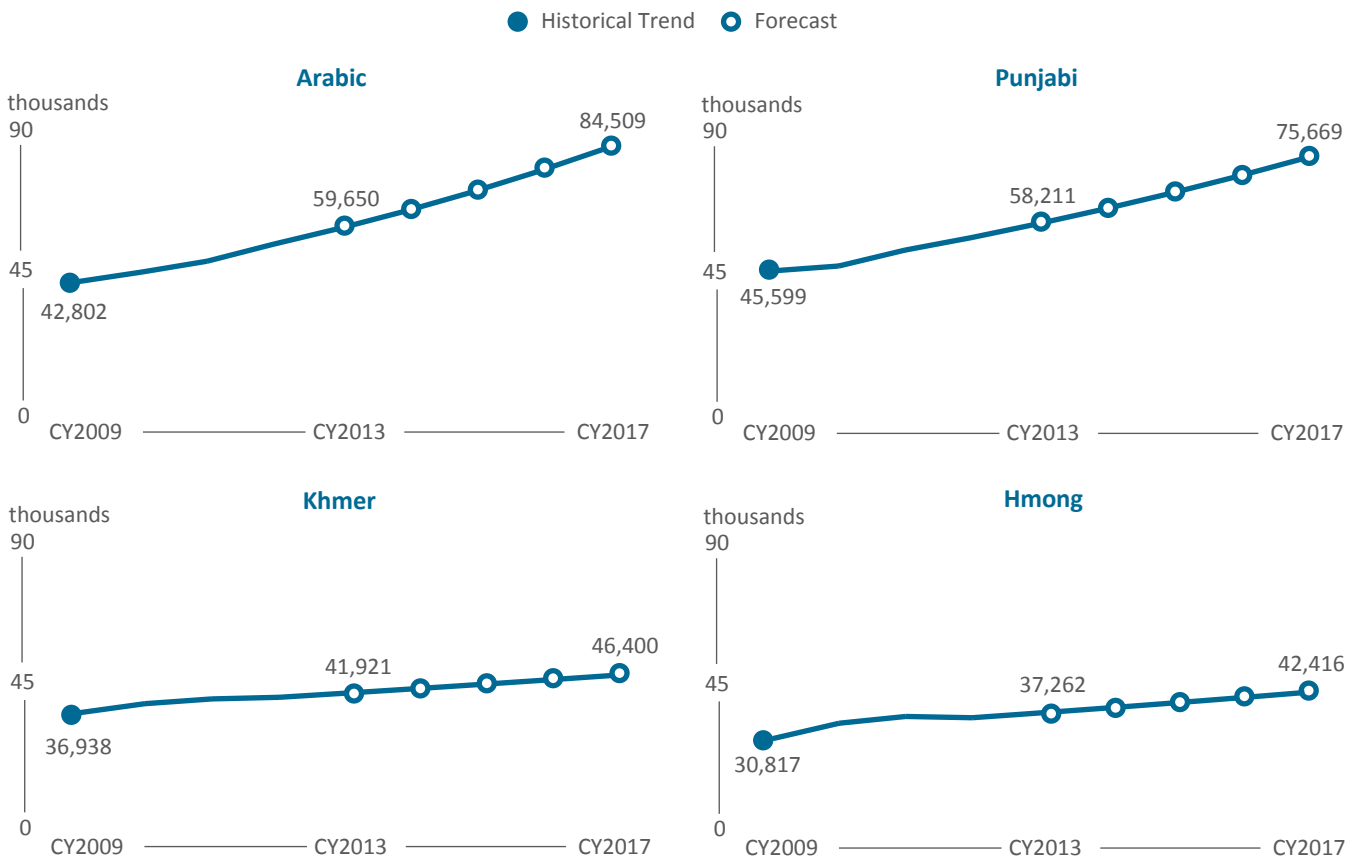


Figure 5. LEP Population Trend and Forecast: Lao, Hindi, and Portuguese

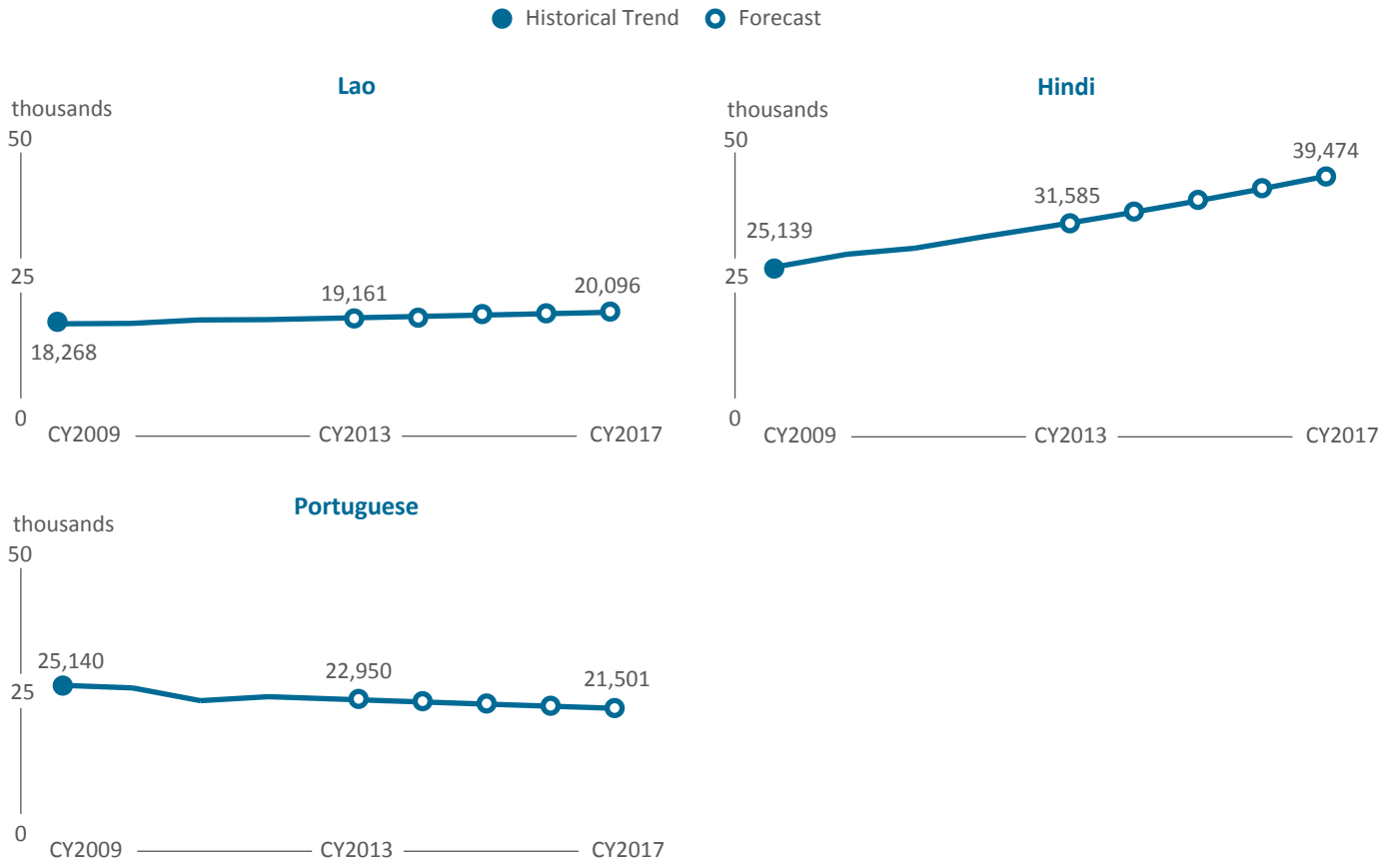
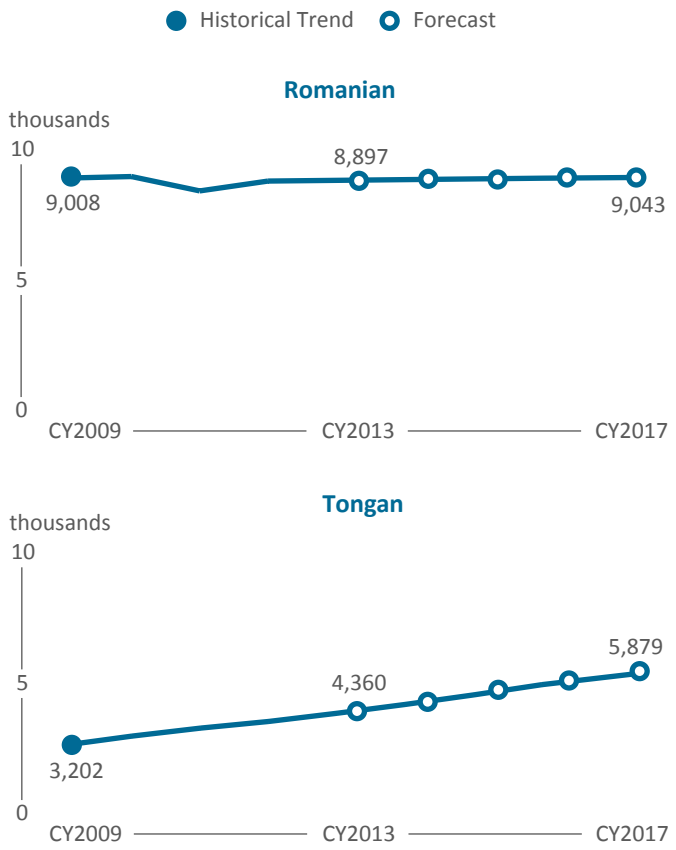


Figure 6. LEP Population Trend and Forecast: Romanian and Tongan



For most LEP populations, the projection estimates a gradual positive growth, based on recent historical trends. Spanish is projected to remain largely flat, although the Spanish language community is perhaps the one most sensitive to changes in national immigration policies, and thus most subject to change. The declining population trends for Japanese and Portuguese speakers are projected to continue.

III. Required Caseload Trends and Projections

Undoubtedly, the period of the current study (2009-2013) was a time of turmoil for the California economy that also affected the state's judicial branch. These years were marked by freezes, if not declines, to court budgets and staffing levels as well as a clear downturn in court case filing trends. With respect to caseloads, improving economic news means filing patterns observed during the study period are unlikely to persist into the future and will not serve as an appropriate basis for forecasting. As a consequence, to estimate future caseload trends in California, growth rates from the period prior to the recession were used.

The recession is generally dated to December 2007 to June 2009,[33] although the effects varied by state and persisted after the officially described end point. Caseload data for FY 02-03 to FY 12-13[34] suggest that the effects of the recession were reflected in a continuous decline in aggregate filings starting in FY 08-09. In the most recent year for which data were provided, the Judicial Council noted that this decline coincided with budget cuts, fee increases, and reduction of access through reduced hours and closure of courthouses.[35] In addition, some declines were likely due to the worsening economy and a lower volume of business transactions over the past few years. However, it now seems likely that a result of the recovering economy will be a return to a closer approximation of business as observed prior to the major recessionary disruption.

The five-year forecast of the required caseload shows resumption of a pattern similar to that observed prior to the onset of the recession, as shown in Figure 7. The forecasting model reflects the likelihood that caseloads have bottomed out and will resume a pattern of slow growth. This modeling strategy is grounded on the assumptions of a slow but steady increase in population and a return to economic growth.

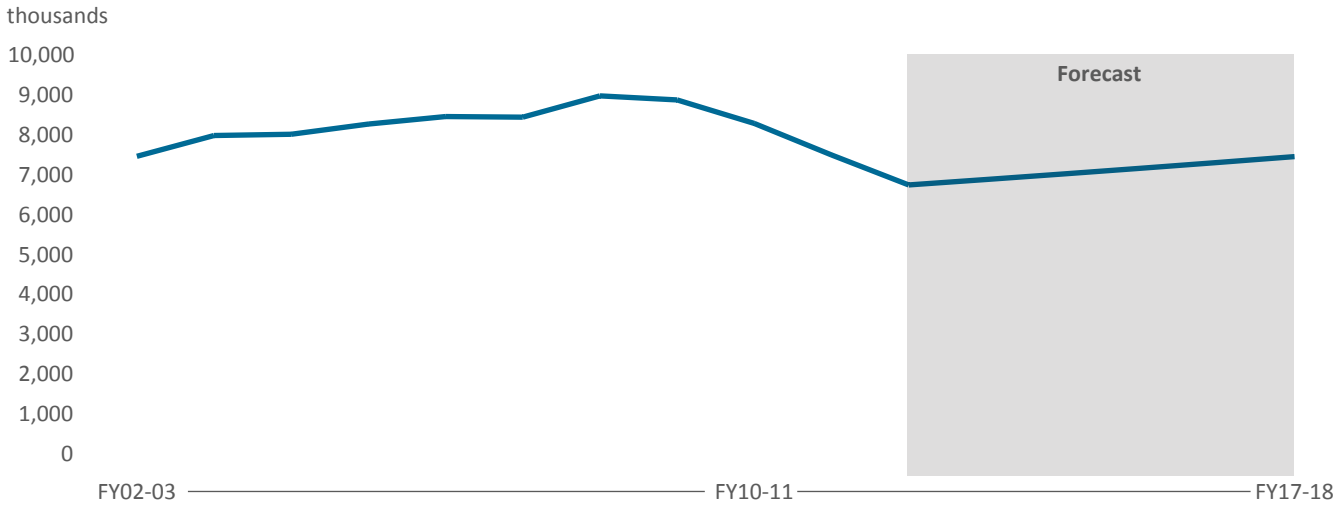
The weighted average growth rate for the pre-recession period FY 02-03 through FY 07-08 was used to project future caseload growth. The projection suggests that the required caseload will resume climbing back to pre-recession levels over the next five years; by FY 17-18, total required caseload statewide is estimated to return to just below the level in FY 01-02.

[33] See for example Bureau of Labor Statistics at http://www.bls.gov/spotlight/2012/recession/pdf/recession_bls_spotlight.pdf

[34] Data from the Resource Allocation Study provided by the Office of Court Research, Judicial Council of California. Although these data are not identical at the case type level with those case types defined as required for interpretation, they contain the most important case types and constitute the highest quality data set for the purpose of trend evaluation.

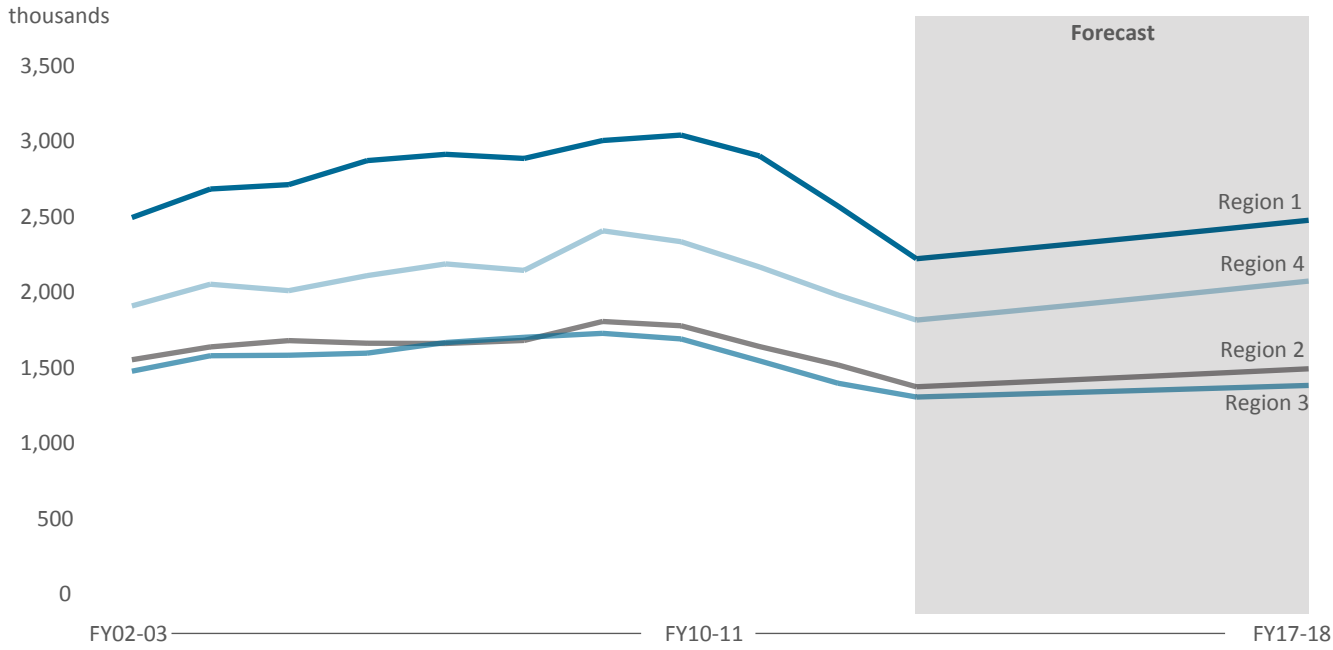
[35] See "Court Filings Decrease in Fiscal Year 2012-2013" at http://www.courts.ca.gov/26853.htm

Figure 7. Statewide Required Caseload



Recognizing that required caseload trends vary somewhat by region, the weighted average growth rates for each region for the pre-recession period FY 01-02 through FY 07-08 were calculated and used to project future growth (shown in Figure 8, Required Caseloads by Region by Year). The chart illustrates slight regional variation as caseloads begin climbing back to pre-recession levels over the next five years.

Figure 8: Required Caseloads by Region by Year



IV. Required Service Days by Language Trends and Projections

The LEP population projections and required caseload projections provide the context for the projection of future need for interpreter service days by language. Based on the future estimates for interpreter service days by language, evaluation of the issues related to the designation of the most frequently used languages for certification is now possible.[36] The projection of service days statewide for the top 19 languages is based on the measured relationship between caseloads and service days during the study period as well as the projected growth rates of required caseloads and the LEP population by language. The results of these projections for the top 19 languages are shown in Figures 9 (statewide) and 10 (by region).

[36] A language is designated by the Judicial Council for certification "depending on the results of studies of language use in the courts and other administrative factors." See FAQs at http://www.courts.ca.gov/2683.htm.

Figure 9: Required Service Days Statewide, Trend and Projection

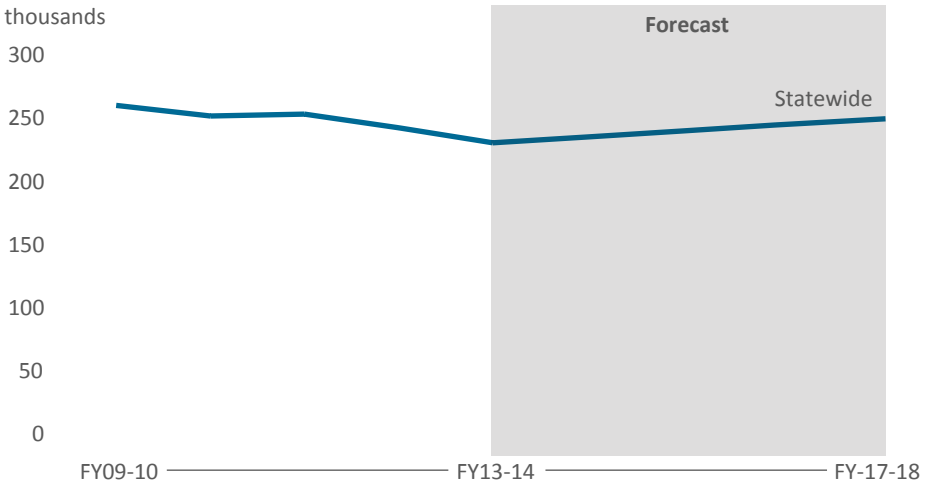
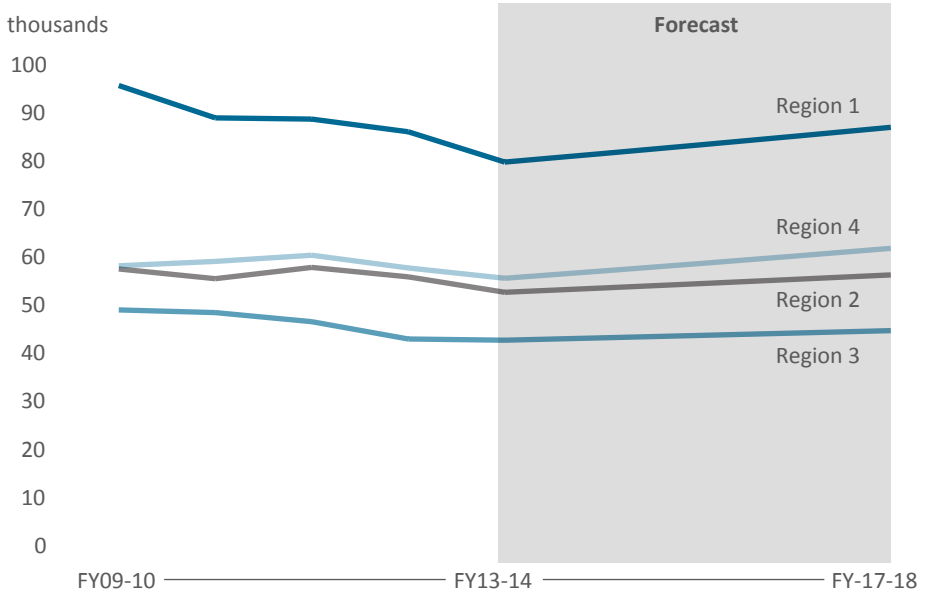


Figure 10: Required Service Days by Region, Trend and Projection



The projected future service days for the top 19 languages proceeds through a two-step process. The first step produces the five-year projection for aggregate service day, while the second step converts the forecast of aggregate service days into service day estimates for each of the 19 languages.[37]

[37] See Appendix B for a more complete explanation of the method used to forecast service days by language.

Step one begins by calculating the rates of required service days to caseload in each of the four regions during the study period so as to take into account each region's specific trends in interpreter use. An overall weighted average of these rates was calculated by region for the study period 2009-2013. These weighted average rates were then applied to the caseload forecasts by region (discussed in section 6.2) to produce five-year projections of service days. Regional projections were summed to obtain a statewide aggregate estimate of future service days.

In step two, the estimate of aggregate service days is differentiated by language drawing on the relationship between service days by language and LEP populations observed between 2009 and 2013. The annual weighted rates of change for both service days and LEP populations are combined to produce a single estimate of the projected growth of each of the 19 languages. The results of the five-year projections are shown by language, statewide, in Table 16 below. Currently designated languages are shown in italics.

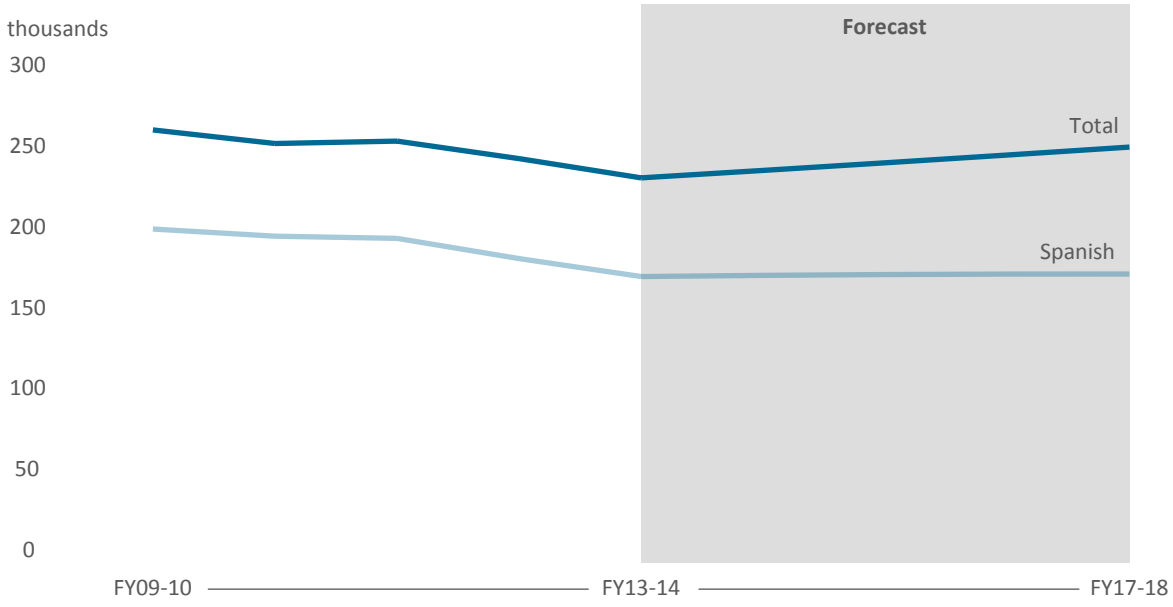
Table 16: Statewide Service Days, Trend and Projected

		Reported Trend				Projected				
Rank	**Language**	**FY09-10**	**FY10-11**	**FY11-12**	**FY12-13**	**FY13-14**	**FY14-15**	**FY15-16**	**FY16-17**	**FY17-18**
1	*Spanish*	196,981	192,549	191,196	178,683	167,572	168,294	168,807	169,092	169,126
2	*Vietnamese*	9,686	10,595	10,539	9,891	9,526	9,824	10,120	10,410	10,692
3	*Korean*	6,048	6,392	6,279	6,849	6,763	7,151	7,553	7,966	8,389
4	*Mandarin*	4,824	5,242	6,217	6,683	6,959	7,759	8,641	9,610	10,671
5	*Farsi*	4,745	4,343	4,550	5,289	5,331	5,755	6,205	6,682	7,184
6	*Cantonese*	4,020	4,313	4,640	4,633	4,531	4,746	4,965	5,187	5,411
7	*Russian*	4,086	4,065	4,610	4,500	4,419	4,647	4,880	5,119	5,360
8	*Tagalog*	4,170	3,502	3,583	3,351	3,174	3,219	3,260	3,298	3,331
9	*Arabic*	2,914	3,163	3,809	4,673	5,119	6,004	7,035	8,231	9,616
10	*Armenian (all)*	2,799	2,274	2,396	3,191	3,349	3,764	4,225	4,737	5,302
11	*Punjabi*	4,536	2,837	2,983	2,748	2,611	2,656	2,698	2,738	2,774
12	*Khmer*	2,786	2,425	2,473	2,179	2,036	2,038	2,037	2,034	2,028
13	*Japanese*	1,970	1,571	1,685	1,646	1,532	1,527	1,519	1,510	1,499
14	Hmong	1,907	1,737	1,527	1,585	1,516	1,553	1,589	1,623	1,656
15	Lao	1,705	1,636	1,269	1,379	1,304	1,320	1,335	1,348	1,359
16	Romanian	1,041	1,136	1,189	1,225	1,203	1,264	1,327	1,391	1,456
17	Hindi	1,509	964	972	635	574	556	537	519	500
18	Tongan	1,814	423	683	431	433	466	500	537	575
19	*Portuguese*	772	739	790	982	698	716	734	750	767
	Total	**258,312**	**249,906**	**251,391**	**240,553**	**228,649**	**233,259**	**237,969**	**242,780**	**247,696**

The trend in total statewide interpreter service days is projected to reverse course and begin rising back toward levels observed in the early part of the study period. At the level of individual language, the general upward trend is tempered by the varying projected growth rates in LEP populations. Notably, Spanish remains essentially flat, while most other languages are expected to show slow to moderate growth. Some observed trends in individual languages during the study period are difficult to interpret and likely reflect inconsistent reporting in CIDCS. For example, Hindi, Punjabi, and Tongan service day counts show abrupt drops from FY 09-10 to FY 10-11 and relative stability in the years following. The extent of the initial drop in these instances and the observed stability at the new lower level suggests the need to discount the impact of the first year value to more accurately describe the trend.[38] Therefore, while it is likely that the FY 09-10 values overstate actual service days, the forecasting methodology used in this report serves to temper the extent of decline and provide a more realistic basis for projecting future need.

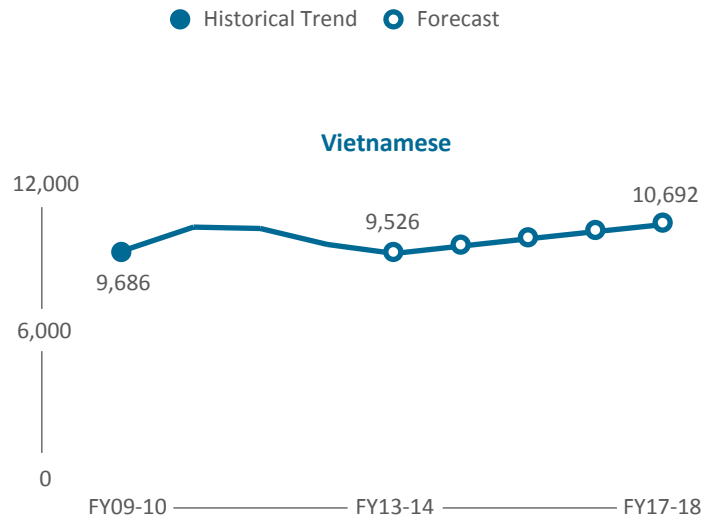
The following figures provide a means to more readily see the service day trends and projections by language. Languages are grouped together by relative size, and Spanish is shown along with the statewide total since it comprises the vast majority of interpreter use.

Figure 11: Statewide Service Days, Trend and Projection: Total and Spanish



[38] This view receives additional support when it is noted that in all three cases, high service day counts for these specific languages during FY 09-10 data come primarily from two superior courts, and thus may be the result of reporting anomalies.

Figure 12: Statewide Service Days, Trend and Projection: Vietnamese and Korean



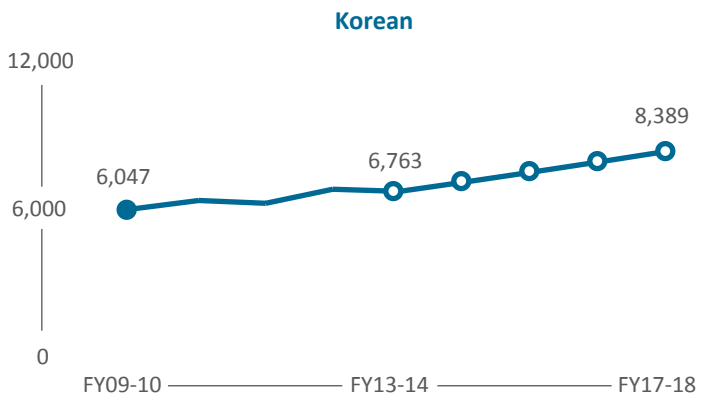


Figure 13: Statewide Service Days, Trend and Projection: Mandarin, Farsi, Cantonese, Russian, and Tagalog

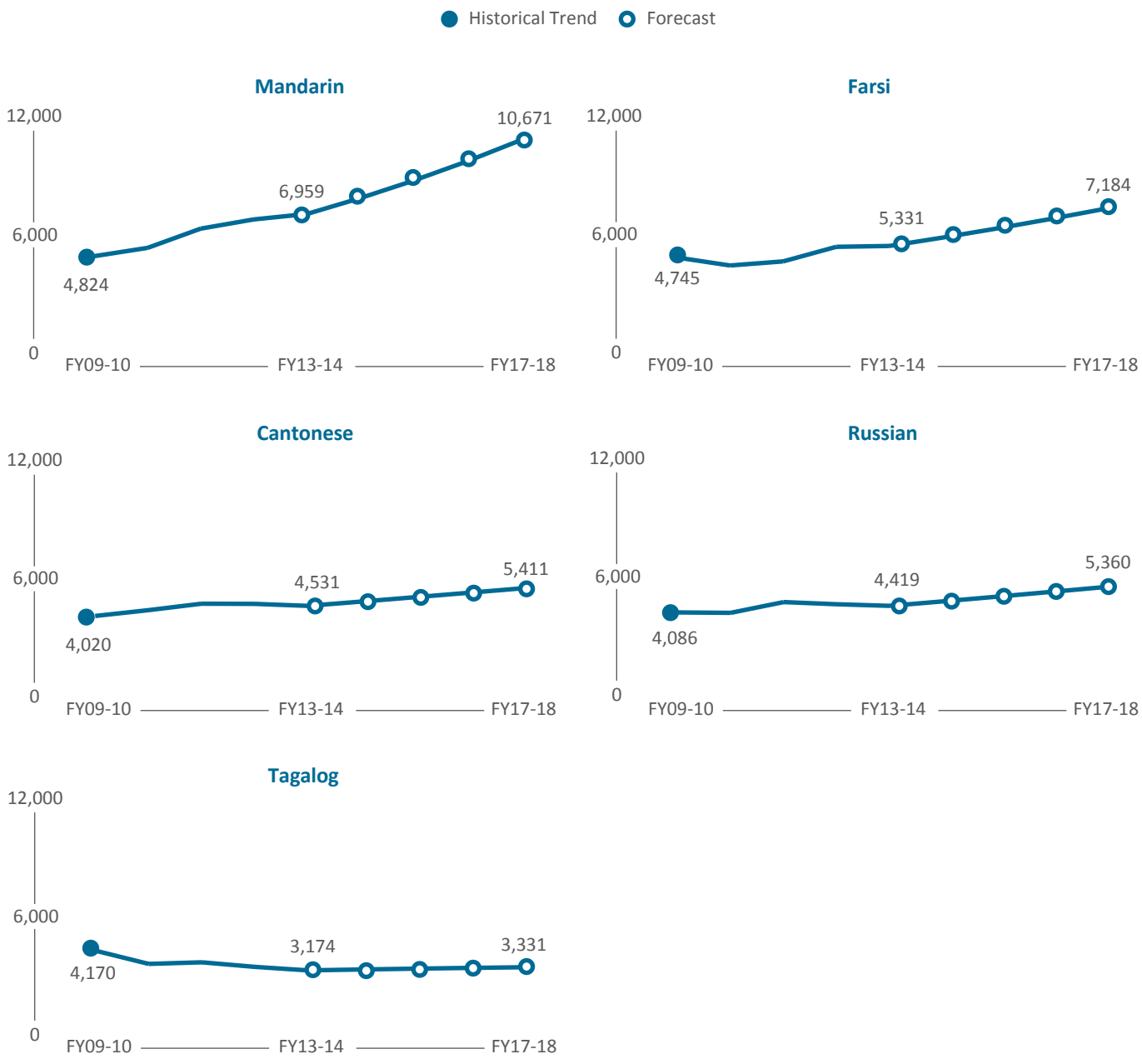


Figure 14: Statewide Service Days, Trend and Projection: Arabic, Armenian, Punjabi, and Khmer

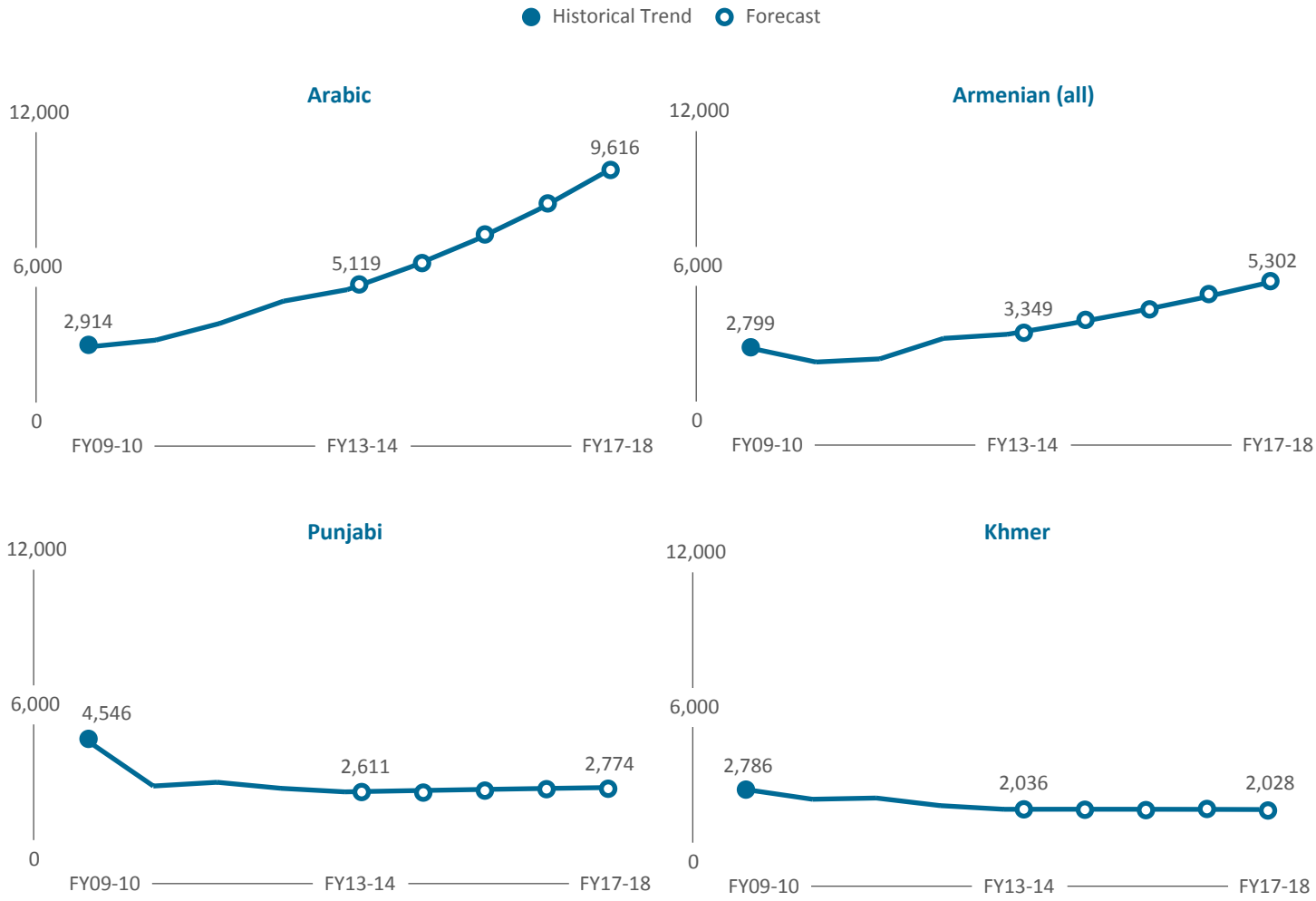


Figure 15: Statewide Service Days, Trend and Projection: Japanese, Hmong, and Lao

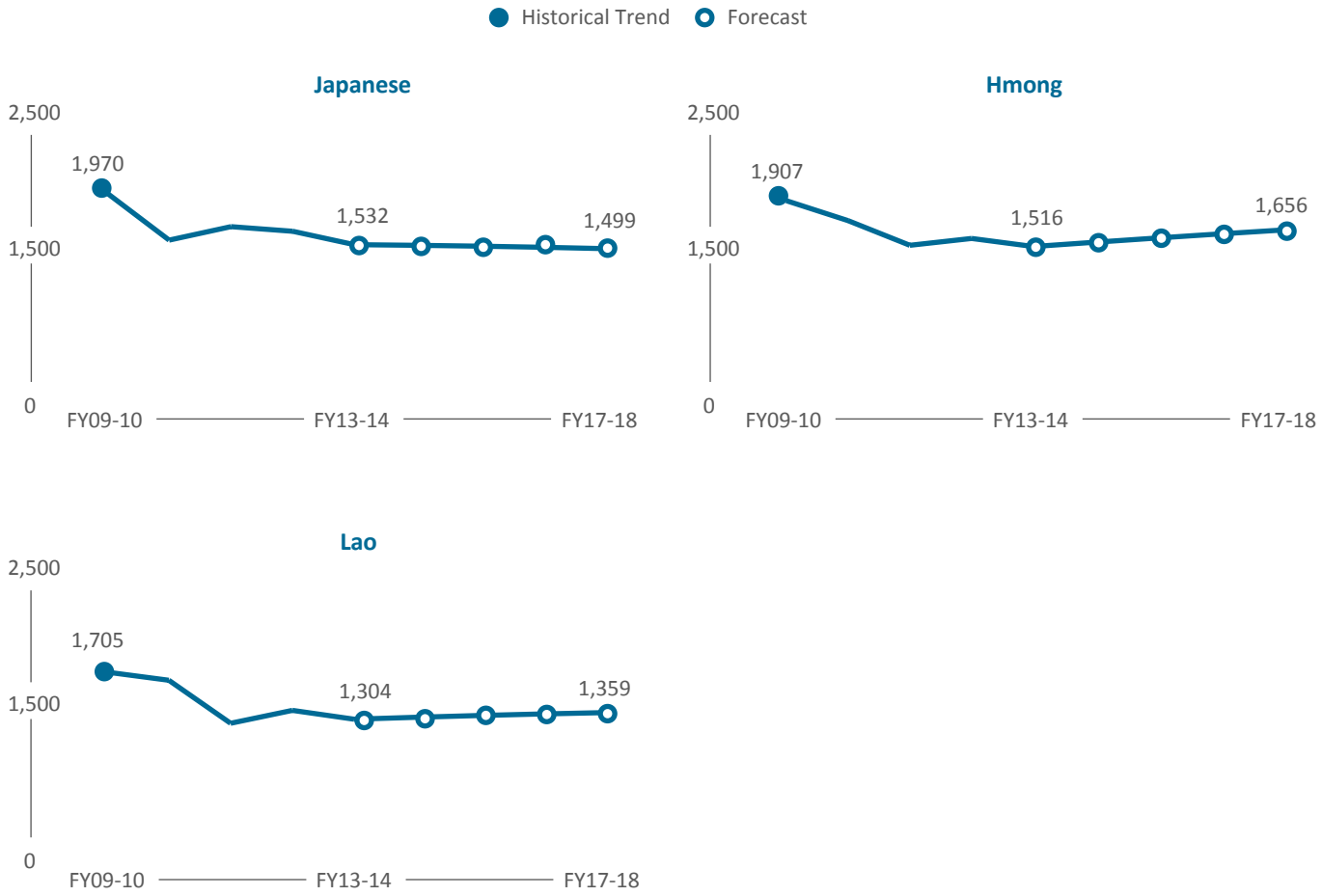
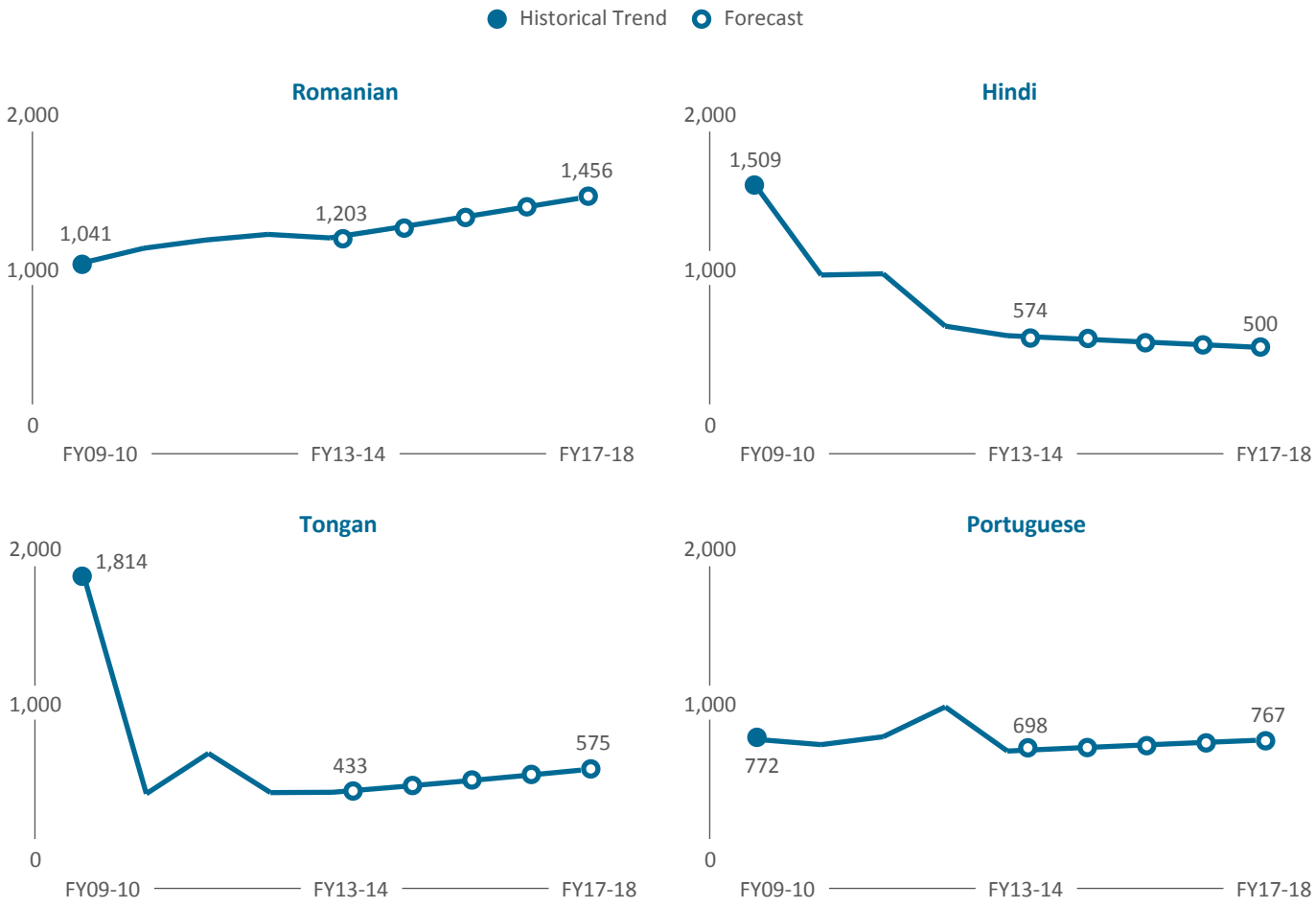


Figure 16: Statewide Service Days, Trend and Projection: Romanian, Hindi, Tongan, and Portuguese



V. Designation and De-Designation of Languages

The Judicial Council reviews the usage of interpreter services and may designate or de-designate a language "depending on the results of studies of language use in the courts and other administrative factors."[39] The designation of a language is a matter of statewide policy for the judicial branch and the threshold is based on a statewide perspective across all regions. Presumably, among the administrative factors considered are the costs associated with developing bilingual interpreting exams and other related costs. While some languages might be heavily used within a particular region and the need to provide interpretation in those languages an important concern for local court administrators, that does not necessarily mean that the statewide need rises to the level appropriate for certification. That said, the issue is not the geographic distribution of a language per se, but the extent to which it is used in the courts, and whether that satisfies the criteria established by the Judicial Council. A language that reaches the statewide threshold level of use to be set by the Judicial Council has achieved that level, regardless of whether it is concentrated in one region or distributed throughout all regions. The question of where to set the level of usage that qualifies a language for status as a designated language remains to be determined by the Judicial Council, on the basis of this study and other administrative considerations.

The preceding sections in this report describe the methods used to estimate statewide interpreter usage (service day) trends and projections drawing on both statewide LEP population trends and projections and statewide caseload trends and projections.[40] The result of this analysis is presented in Table 16 and serves as the primary source for the following recommendations. Currently designated languages are shown in italics.

A close look at Table 16 on page 36 shows a logical, statistical threshold distinguishing higher from lower interpreter usage among the top 19 languages to be at about 2,000 service days per year. In FY 12-13, this statistical cut-point occurs between Khmer (2,179 service days) and Japanese (1,646 service days), a difference of about 25 percent in statewide service days; this gap is projected to continue. As a consequence, this study suggests the following three tiers when evaluating languages for designation:

- Tier 1: A language should be designated when statewide annual interpreter usage exceeds 2,000 service days.
- Tier 2: A language should be monitored for possible designation or de-designation when statewide annual interpreter usage is between 1,500 and 2,000 service days.
- Tier 3: A language should be considered for de-designation when statewide annual interpreter usage is less than 1,500 days; in addition, no language should be considered for future designation when statewide usage is less than 1,500 days.

[39] See FAQs on the Court Interpreter section of the Judicial Council web site at http://www.courts.ca.gov/2683.htm.

[40] How these interpreter services are provided (e.g., staff interpreters, contract interpreters, video remote interpretation, cross-assignment, telephonic services) is not within the scope of this report and data does not exist to convert service days into other units such as assignments, cases, or FTE interpreters.

The three tiers offer a guideline for assessing the status of currently designated and undesignated languages as well as highlighting languages where service day trends support monitoring for a possible change in status.[41] Languages in Tier 1 and Tier 2 are examined below, while all languages outside the top 19 languages are automatically placed in Tier 3.

Tier 1: Designated Languages

Table 16 on page 36 shows that the highest volume of service days tends to be among the currently designated languages. In addition, languages in the top part of the table are projected to remain high and thus justify maintaining their status as designated languages.[42]

Tier 1 Recommendations

Recommendation 1: The Judicial Council should retain the classification of Arabic, Eastern Armenian, Western Armenian, Cantonese, Khmer, Korean, Mandarin, Punjabi, Russian, Spanish, Tagalog, and Vietnamese as designated languages with established certification programs.

The most recent addition to the set of designated languages is Farsi, which is the fifth most used language in court interpretation. Table 16 shows that the high level of Farsi interpretation is projected to continue to increase. This trend has been persistent and was also noted in the previous study.[43] Farsi was designated effective January 1, 2011, but the necessary examination is not yet available.[44]

Recommendation 2: The Judicial Council should retain the classification of Farsi as a designated language and should establish a certification program for testing and certifying court interpreters in this language.

Tier 2 and Tier 3: Future Designation or De-Designation

Seven languages in the top 19 have annual service counts of less than 2,000 days. This report recommends that languages posting annual service day counts generally in the range of 1,500 to 2,000 service days be monitored for possible designation or de-designation. De-designation may be considered for languages that show steady decline in service days as well as decreases in the LEP population. In contrast, consideration should be given to designating currently non-designated languages in the bottom half of Table 16 where evidence shows relatively high and rising demand for interpreters. Two descriptive factors are suggested to support this effort.

First, the monitoring process of languages for possible designation should begin as the trend in service day counts approach the 1,500 day mark. This volume of service days clearly suggests a strong demand for interpreter services. Currently, Hmong, Lao, and Romanian each comprise between 1,200 and 1,600 service days per year. Moreover, service day projections show continued growth for all three languages.

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[41] The previous study suggested the use of 2,000 service days as a possible bench mark for designation, although a break point at 1,500 service days was ultimately used for that study period. See 2010 Language Need and Interpreter Use in California Superior Courts, San Francisco: Judicial Council of California, 2010, p. 100.

[42] As noted earlier in this report, the data are not sufficient to understand the workload of West Armenian and East Armenian separately, and whether one or both languages should continue to be designated.

[43] See 2010 Language Need and Interpreter Use in California Superior Courts, San Francisco: Judicial Council of California, 2010, p. 101.

[44] See Judicial Council of California, Fact Sheet on Court Interpreters, March 2013, p. 3 fn. 3.

In contrast, the number and trend of service days for two currently designated languages raise the possibility of de-designation. Japanese is projected to continue to fall toward the 1,500 day threshold, while Portuguese is projected to remain near the level of 1,000 annual service days.

Second, consideration should be given to whether there is evidence that demand for interpreter services for a particular language is changing at a rate greater than or less than the corresponding rate of change in the overall LEP population. The number of LEP speakers of a given language is a useful indication of possible need for interpreter services, but is not a perfect measure of the frequency with which that language is interpreted in court. Said differently, all language populations do not use the courts equally or in direct proportion to the size of their population. Cantonese, for example, ranks sixth among spoken language service days from 2009 to 2013, but Cantonese speakers are estimated to be the second largest LEP group in California during the same period. The previous report made use of the concept of "court utilization rate" to capture these differences, but the data for this study period do not allow reliable computation of that indicator as originally designed.

For this reason, a measure of proportional usage by language was designed to assess the relative usage that different language communities make of interpretive services in the courts. Proportional usage is defined as the ratio of the proportion of a language's share of required interpreter service days in a given year relative to the proportion of the total LEP population speaking that language. A proportional usage value greater than 1 means that service days for a particular language make up a greater proportion of overall service days than the share of that language within the overall LEP population. In practice, it means that speakers of that specific language make above average use of court interpretation services relative to what is observed across the top 19 languages. A proportional usage value less than 1 indicates relatively below average use of court interpretation services.

Table 17 below brings together information on the trend in service days, projected LEP population growth, and proportional usage for the five non-designated languages in the top 19 as well as Japanese and Portuguese (which are currently designated, and indicated by italics).

Table 17: Statewide Service Days, LEP Population, and Proportional Usage

Language	Current Service Days FY12-13	Projected Service Days FY17-18	Projected LEP Population Growth	2009-2012 Proportional Usage
Japanese	1,646	1,497	▼	<1
Hmong	1,585	1,654	▲	>1
Lao	1,379	1,358	▲	>1
Romanian	1,225	1,455	none	>1
Portuguese	982	767	▼	<1
Hindi	635	499	▲	<1
Tongan	431	575	▲	>1

▼ = Decreasing

▲ = Increasing

For three languages (Japanese, Hindi, and Portuguese) service day projections are declining and the proportional usage value is less than 1. In the case of Japanese and Portuguese, a projected decline in LEP population coupled with a proportional usage value less than 1 explains why service day projections are falling for both languages. Additionally, even with moderate growth in LEP population, as is projected for Hindi, the low value of proportional usage explains why there is unlikely to be a corresponding rise in interpreter service days.

For Tongan, a slight rise in both LEP population and service days is projected. However, even though the proportional usage factor is greater than 1, the relatively low count of service days means that Tongan is not currently viewed as a candidate for designation.

The three remaining languages, Hmong, Lao and Romanian, should all be monitored for possible consideration for future designation. In all instances, current annual service day counts exceed 1,200. Moreover, the value for proportional usage exceeds 1 for all three languages. This means that while LEP population is not expected to rise dramatically for any of the three languages, the number of service days is expected to increase, nearing or exceeding the 1,500 service day threshold in all cases by FY 17-18.

Tier 2 and Tier 3 Recommendations

Recommendation 3: The Judicial Council should consider the de-designation of the Japanese language.
Adopting the value of 2,000 service days as the threshold for designation means Japanese no longer meets the criteria for designation. The use of Japanese interpretation has been in steady decline and the Japanese-speaking LEP population has been decreasing steadily throughout this study period as well as during the previous study period. There is no reason to think that these longstanding trends will change.

Recommendation 4: The Judicial Council should consider the de-designation of the Portuguese language.
It is immediately apparent that the currently designated language with the lowest usage in terms of service days is Portuguese. The analysis of current trends and projected need show that the level of Portuguese remains far below that of any other designated language; in fact, Portuguese ranks at the bottom of the top 19 languages examined in Table 16. The level of interpreter service days used for Portuguese is far less than the 2,000 service day threshold as well as the 1,500 day threshold used in the previous report. In addition, the LEP population speaking Portuguese at home is the only one besides the Japanese-speaking LEP population that is clearly and steadily declining.

Recommendation 5: The Judicial Council should monitor the usage of the Hmong, Lao, and Romanian languages over the next five-year period for possible future designation.
Of the three undesignated languages with service day counts above 1,200, Hmong has the largest LEP population and also the fastest projected growth rate over the next five years. However, speakers of Hmong tend to make use of interpreter services at a rate lower than speakers of Lao and Romanian, thus somewhat dampening their projected future need for interpreter service days. By contrast, the need for Romanian interpreter services is projected to grow much faster. Although the Romanian LEP population growth is projected to be flat, the proportional usage of Romanian is high, in fact the highest of all languages. Lao lies between these two languages in terms of LEP population growth and proportional usage.

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Appendix A Data Sources and Methodology

Process for Measuring Interpreter Use in California

The data infrastructure of the interpreter program at the state and local levels in California remains largely unchanged from that described in the 2010 report.[45] The main sources of data are summarized below, along with the transformations required to make maximum use of the reported interpreter use and expenditure data. If the data in CIDCS were complete and consistent, and if all courts reported through CIDCS, summarizing interpreter use would be a straightforward analytical exercise. However, because the data sources suffer from inconsistency and incompleteness, as well as non-participation by individual courts, a series of estimates and transformations must be applied to each data file to appropriately weight reported service day and assignment data to produce a master file for analysis.

A multi-step process was used to construct the master data file. These steps are:

- Step 1: Assemble all available *reported interpreter use data* from multiple data sources.
- Step 2: Clean the reported data, aggregate to the level of service day, and classify by case type.
- Step 2: Estimate the future Limited English Proficient (LEP) population of California, by language, using the U.S. Census Bureau's American Community Survey (ACS) data.
- Step 3: Review statewide interpreter expenditure data for comparison with reported interpreter use data.
- Step 4: Expand reported interpreter use data using an expansion factor derived from reported interpreter service days and actual interpreter expenditures.
- Step 5: Build the master set.

Together, these steps are used to assemble, clean and weight reported interpreter use data to produce the best approximation of total interpreter service days used in required case types in California. Each step is addressed subsequently.

Methodology Used to Calculate Total Interpreter Services in Required Case types

Step 1: Assemble reported interpreter use data

Five main sources and configurations of data, described below, were used to compile information on the reported use of spoken language interpreters in California.

A. Court Interpreter Data Collection System (CIDCS)

The primary source of data for tracking interpreter use is the statewide Court Interpreter Data Collection System (CIDCS) established by the Judicial Council and used by most superior courts to varying degrees. During the time period of this study, annual data exist in CIDCS for interpreter use in forty-eight of the fifty-eight superior courts in California.[46] A summary of the courts reporting in CIDCS follows.

[45] See Institute for Social Research, "2010 Language Need and Interpreter Use in California Superior Courts," pp. 5-9. May 2010 (San Francisco: Judicial Council of California).

[46] The Los Angeles Superior Court is not included in this table in this context, since it only reports a small number of what were formerly non-Program 45.45, grant-funded interpreter assignments in CIDCS, and its required interpreter use estimate types relies on other data, as explained in this appendix.

Table A1. Superior Courts Reporting Required Interpreter Use in CIDCS

Region 1	Region 2		Region 3		Region 4
San Luis Obsipo	Alameda	San Benito	Amador	Placer	Imperial
Santa Barbara	Contra Costa	San Francisco	Butte	Plumas	Riverside
Ventura	Del Norte	San Mateo	Calaveras	Sacramento	San Bernardino
	Humboldt	Santa Clara	Colusa	San Joaquin	San Diego
	Lake	Santa Cruz	El Dorado	Shasta	
	Marin	Solano	Fresno	Siskiyou	
	Mendocino	Sonoma	Glenn	Stanislaus	
	Monterey		Kern	Sutter	
			Kings	Tehama	
			Lassen	Tuolumne	
			Madera	Tulare	
			Mariposa	Yolo	
			Merced	Yuba	

CIDCS provides data that describes the number of service days,[47] half-day and full-day sessions, and type of interpreter (certified/registered, non-certified/non-registered, staff interpreter (employee), contractor) by language. These data allow for analysis of interpreter use in superior courts.

B. Partial CIDCS and Partial Independent Data Systems

Five California superior courts provided interpreter data largely through a blend of sources that drew on both CIDCS and alternative data sources. That is, CIDCS was used at the start of the study period, but data entry into CIDCS subsequently ceased as the courts migrated away from that reporting platform. In these courts, post-CIDCS data were obtained from different, court-specific independent data systems.

For these five courts, data were typically provided in spreadsheets containing data elements that allowed the data to be merged with the CIDCS data. In some instances the data elements are equivalent (e.g., language, case type), while in others the data elements reported provided a basis for creating equivalent variables (e.g., a start time and stop time reported for an assignment allowed the creation of a half-day or full-day session variable for that assignment that aligns with the CIDCS session type variable).

Table A2. Superior Courts Reporting Interpreter Use in Independent Data Systems

Region 1	Region 2	Region 3	Region 4
none	San Francisco	Amador	none
	Stanislaus	Nevada	
		Sacramento	

[47] A service day is an assignment to interpret one or more court proceedings completed by an employee or contract interpreter. A service day could be a full, half-day or night session.

The sole exception in Table A2 is the superior court in Nevada County, which did not report at all through CIDCS, but provided all its data for the study period through a series of independent data files. These files were merged into CIDCS data in the same manner as those from other independent data system.

C. Estimating Service Days for Non-reporting Courts

Interpreter use was not documented in CIDCS or other data sources in seven courts, shown below.

Table A3. Superior Courts Not Reporting Interpreter Use

Region 1	Region 2	Region 3	Region 4
none	Napa	Alpine	Inyo
		Modoc	
		Mono	
		Sierra	
		Trinity	

As discussed more fully below, Program 45.45 expenditure data for interpreter services provided by these courts (obtained from the Judicial Council) was used to create estimates of interpreter service days. Estimates of interpreter use for each of these seven courts were produced by matching the missing courts with comparable reporting courts.

Comparable or peer courts for the seven missing courts (Alpine, Inyo, Modoc, Mono, Napa, Sierra, and Trinity) were selected from the same interpreter region, according to geographic proximity and similarity in population and caseload. Respectively, the peer courts chosen for each were Colusa, Imperial, Plumas, Colusa, Mendocino, Lassen, and Shasta. Simulation of interpreter service days for each missing court was performed by modifying the number of service days in the corresponding peer court according to their differences in county population and caseload. The modifications adjust the estimates of interpreter activity to account for the fact that, for instance, the population of Shasta County is considerably larger than neighboring Trinity County, but Shasta typically has fewer case filings per person than Trinity.

The percentage of overall expenditures in Program 45.45 represented by these seven courts from FY 09-10 to FY 12-13 was approximately 0.16 percent, so the risk of distorting the statewide picture by using these estimated peer court values was minimal.

D. RITS and Vision data from the Superior Court of California, County of Orange

Of considerable significance to this study are two large superior courts in the County of Orange and the County of Los Angeles that use other information systems to manage their interpreter programs. The Superior Court of California, County of Orange, does not utilize the CIDCS system at all, while the Superior Court of California, County of Los Angeles, uses CIDCS for only a small number of grant-funded domestic violence and family assignments. The approach to the data for each of these courts is described separately.

The superior court in Orange County manages its interpreter program in two local information systems. Incorporating the data from this court into the analysis required several steps, which are described subsequently.

Data for court interpretation in Orange is compiled in two databases. The first database, called the Reporter Interpreter Tracking System (RITS), is used to track interpreter assignments at the inception of the assignment for all case types. This information is complemented by the data in the Vision system, the second database, which documents completed interpreter assignments in certain case types. Data from these two systems were combined into a single file by matching on date, case number, and language. RITS data also contain variables that align with CIDCS data: full and half-day session, language, case type, employment status, and certification status.

As noted in the 2010 report, the Vision system includes only partial information on required case types: criminal and infractions (felonies, misdemeanors, and infractions). Vision excludes the remaining required case types. Although case type alignment with CIDCS data is not complete, Vision data that are collected include variables that match CIDCS: language and case type.

The decision was made to merge data from RITS and Vision so as not to replicate the problem of the previous study, which excluded Orange from important parts of the analysis and thereby underrepresented the true spoken language caseload in Orange and in Region 4. For the purposes of this report, the non-criminal assignments documented in RITS are assumed to have been completed as described (language, case type, interpreter status), allowing this information to be used to create a full picture of interpreter work in Orange. While it may be that some small percentage of these assignments did not occur for various reasons, it is unlikely that these unfulfilled assignments represent a significant proportion of all interpreter activity. Ignoring these assignments would bias case type distribution, as the data from Orange would exclude non-criminal case types. Criminal assignments in RITS are included only when they match with completed assignments reported in Vision.

E. Interpreter Use in the Superior Court of California, County of Los Angeles

The Superior Court in Los Angeles does not use CIDCS to report completed interpretation assignments for all required case types. Only a small number of grant-funded domestic violence and family cases are captured in CIDCS for Los Angeles. The court manages its interpreter program through the use of paper forms known as Daily Activity Logs (DAL). However, the DALs are not consistently or uniformly completed, nor is DAL information entered in a database or spreadsheet or other electronic form.

The court does document the assignment of staff interpreters, all of whom are certified interpreters, by court location, FTE, and language. Consequently, it is possible to estimate the interpreter workload in Los Angeles by using interpreter staffing FTE data by court location, language and status (representing full-time, part-time, and as-needed positions). The number and type (e.g., full-time, half-time) of employee positions was used to calculate the total service days for each year. An estimate of contractor interpreter days was also developed. The methods used to estimate interpreter use in Los Angeles are described more fully in the upcoming sections.

Step 2: Clean the Data and Classify Service Days by Case Type

Once all the reported interpreter use data were assembled, NCSC staff undertook basic data cleaning and checked for completeness and consistency of reporting for key data elements: region, language, session type, interpreter employment status, interpreter certification status and case type. Four of six variables were submitted in unique data fields and, for available data, were found to be essentially complete and consistently reported by assignment across all courts. The language variable required some standardization where different terms are used in the various data sources to de-

scribe the same language (e.g., Binisaya, Visayan, and Cebuano were aggregated into Cebuano) or simple variations in spelling (e.g., Kanjobal and Qanjobal were aggregated into Kanjobal). In one instance, records did not distinguish between East Armenian and West Armenian, and referred only to Armenian. Since a significant number of those service days originated in Los Angeles (where the staff interpreters speak both East and West Armenian) and Orange (where the information system does not differentiate) and since there was no empirical basis for allocating these service days, they are reported as "Armenian (unknown)."

The one variable that required a more complex treatment is case type. A first task in addressing the case type variable was to ensure consistent classification. Case type identifying information potentially resides in multiple places in the data files, and each field (Case Type, Event Type, and text boxes for comments) was therefore examined for the existence of clear case type information and to determine the possibility of assigning a correct case type. Only when all reported data in the record were examined and found deficient was a case classified as belonging to an Unknown case type. Even with this level of scrutiny, however, a significant proportion (19 percent) of the cases could not be assigned to a required case type due to this missing information.

Once the examination of the case type variable was completed, NCSC staff turned to the task of aggregating reported assignment level data into service days. This task is necessary because the basic unit of analysis in this study is interpreter service day. Due to consistency in reporting, consolidating the data by service day was straightforward for all data elements except case type. Therefore, decision rules were developed to aggregate assignment level data into service days by case type.

In the course of a single service day, an interpreter may provide services for several court procedures within one or more than one case. Although some service days are spent working on one case or more than one case of the same type, many interpreters work on more than one type of case within the same service day. For instance, an interpreter may work on a series of traffic cases in the morning and a misdemeanor trial in the afternoon, or provide services for several legal separation and paternity hearings in the same day. An interpreter may also work on a series of non-traffic infractions as well as one or more non-required case types, such as unlawful detainer or small claims. In order to associate service days with case types, some rules must be developed to prioritize and link case categories with service days when work is performed on more than one type of case.

Service days devoted to handling a single required case type were categorized as that case type. When a service day contained interpretations for more than one required case type, it was assigned the type that was interpreted most frequently within that day, when a unique mode existed. For service days when more than one case type was interpreted with equal frequency, a hierarchy was used to assign a case type to the service day. The hierarchy is based on the California judicial needs assessment ranking, reflecting the average time required by judges in the processing of cases by type.

The ranking is as follows:

1. Dependency
2. Felony
3. Delinquency
4. Legal Separation/Dissolution/Nullity (where protection order is sought)

5. Domestic Violence (including Elder Abuse)
6. Paternity (where protection order is sought)
7. Misdemeanor (Traffic and Non-traffic)
8. Traffic Infraction
9. Non-traffic Infraction
10. Other

This hierarchy was used to categorize service days by case type when more than one type was recorded with the same frequency.[48]

With respect to Orange County, once the RITS and Vision data files were merged, the same methodology described above was used to classify the service days by case type.

The information available from Los Angeles does not include deployment of interpreter staff and contactors by case type. NCSC staff investigated the possibility of estimating interpreter service days by case type in Los Angeles by drawing on the observed experience of other superior courts. For this analysis, comparison courts were selected with the most complete data in CIDCS.[49] Then, the mix of case types in Los Angeles was compared to the mix of case types in the comparison courts and found to be very similar—the correlation coefficient of caseload mix between the two groups each year averages over 0.6. The relatively high correlation led NCSC staff to conclude that the risk of distortion is minimal and the caseload mix in the comparison courts was used to estimate the use of interpreters by case type in Los Angeles. Thus, if on average Spanish language interpreters in the most complete CIDCS courts spend 20 percent of their service days on felony cases, the same percentage of service days was allocated to felony cases for the interpreters in Los Angeles.

Step 3: Review Statewide Interpreter Expenditure Data

Fiscal data from the Program 45.45 expenditure records for court interpreter employees and contractors for FY 09-10 through FY 12-13 for all 58 superior courts provided by staff of the Judicial Council were reviewed.

Step 4: Expand Service Days to Align with Expenditures

As has been documented, to develop a profile of interpreter activity in required cases for many superior courts in California, it is necessary to augment data from CIDCS with data from other alternative sources. For purposes of this report, and to ease discussion in the remaining sections of this appendix, the number of reported interpreter service days will be referred to as CIDCS data regardless of source.

[48] A decision rule was also required regarding individual assignments that include both required and non-required case types. Since the primary goal for the current report is to document interpreter use in required case types, service days were defined as "required" if a required case type was among the types interpreted in the course of the day. A small portion (less than 1 percent) of service days overall were identified as containing only non-required, civil case types and those service days were excluded from all analyses in this report.

[49] The counties used to model case type distribution for Los Angeles were Butte, Contra Costa, El Dorado, Fresno, Kings, Lake, Madera, Mendocino, Merced, Monterey, Placer, Riverside, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, Santa Clara, Shasta, Sutter, Tulare, Ventura, Yolo, and Yuba.

The CIDCS data consists of records entered by courts after completion of assignments. Interpreter activity reported in CIDCS underreports the amount of interpreter work actually being done in two distinct ways. First, not all courts enter all of the interpreter assignments in CIDCS, so the number of service days worked is truncated. Second, the interpretation activity performed within each service day is not always entered completely, so the number of cases and events for which interpreter services are provided is censored.[50] Thus, entries in CIDCS understate the number of sessions interpreters complete and the amount of work completed within those sessions.

In order to make the fullest use of the available CIDCS data and to overcome the limitations imposed by the incompleteness of the records, several statistical methods were used and definitions adopted to develop a more complete picture of interpreter use in California using the reported interpreter activity.

Completeness Ratio and Expansion Factor

As in the previous study period, the CIDCS reported assignment data are incomplete for interpreter services both assigned and delivered. However, since superior courts operate their interpreter programs on a cost reimbursement basis, it is reasonable to assume that the expenditure data from Judicial Council represent a relatively complete accounting of the service provided, as measured in dollars.

The Program 45.45 expenditure data were used to weight the reported CIDCS assignments up to match the expenditure data, employing a similar methodology to that used in the previous study period. To provide for the tightest estimations using this method, the completeness ratios and expansion factors were calculated and applied only for those time periods in which fiscal data and CIDCS data could be tightly aligned. The fiscal year data were available for FY 09-10 through FY 12-13. CIDCS data were aligned with those fiscal year parameters using the date information in that database.

First, the number of service days per fiscal year for each court was calculated, distinguishing between full and half-day sessions completed by employees, certified or registered contractors, and noncertified/nonregistered contractors. In this way, each court's specific profile by employment status and session type provided the basis for individually weighting up its reported assignments to align with its expenditures. Compensation rate information for service days were obtained from the regional Memoranda of Understanding in effect during the study period (for interpreter employees) and the Payment Policies for Contract Court Interpreters adopted by the Judicial Council of California (for contract interpreters).

For the Orange superior court, the same process as described above was used to compute the expansion factor and weight the reported work up to expenditures. This was necessary because just as in the CIDCS courts, some assignments are not reported in the information systems and service days are underreported.

For the Los Angeles superior court, interpreter employee service days were estimated based on the reported number and type (e.g., full-time, half-time) of interpreter positions used by the court. Estimated service days were then converted to a calculated cost of recorded interpreter use by multiplying service days by appropriate interpreter compensa-

[50] In this context, censored means that interpreter services were provided on a given day, but the extent of interpreter activity within that day is not known.

tion rate information, as described above. Annual calculated cost was then compared to annual expenditure data to create an expansion factor for the use of interpreter employees in Los Angeles. During the study period, the work of interpreter employees represented about 90 percent of interpreter personnel expenditures, with contractors representing about 9 percent.

To account for interpreter contractors in Los Angeles, it was possible to create an estimate for contractor service days (both certified/registered and noncertified/nonregistered interpreter contractors) using Program 45.45 expenditure data because it is organized by employment and certification status. The allocation of contractor service days by language was estimated using historical data from the previous study period, patterns from other courts in the same geographic region, as well as the small number of service days reported for grant-funded domestic violence and family service days reported in CIDCS. While this results in an estimate, the fact that the overwhelming majority of interpreter work is conducted by staff interpreters whose language is known means that the contractor estimates do not significantly influence the bigger picture of interpreter work in Los Angeles.

Interpreting Expansion Factors

To help understand the concept of an expansion factor, an example of how this process works in combination with a completeness ratio is illustrated in Table A4 below. Simply put, if a court reports service days whose estimated expenditure is less than its actual expenditures as reported in the Phoenix financial information system at the Judicial Council, its reported service days are assumed to be incomplete. The completeness ratio expresses this as a percentage: in this example the court has a completeness ratio for interpreter employees of .83; it is estimated to be reporting only 83 percent of the work being performed by interpreter employees (95,496 divided by 114,700). To align the reported service days of work with the expenditures for this class of interpreters, the reported service days must be multiplied by the inverse of the completeness ratio (114,700 divided by 95,496, or 1.20). The number 1.20 is defined as the expansion factor. The same process is repeated for each class of interpreters based on employment status and certification status to arrive at a set of three expansion factors.

Table A4. Calculation of Completeness Ratio and Expansion Factor, Sample Court

	Employee Services			Certified/Registered Contractor Services			Noncertified/Nonregistered Contractor Services		
	Service Days Reported	Pay Rate	Cost of Reported Service	Service Days Reported	Pay Rate	Cost of Reported Service	Service Days Reported	Pay Rate	Cost of Reported Service
Full-day	260	$273	$ 70,970	544	$282	$153,533	52	$175	$ 9,100
Half-day	162	$151	$ 24,527	436	$157	$ 68,260	118	$ 92	$10,856
Nights	0	$151	$ 0	0	$157	$ 0	0	$ 92	$ 0
Totals	422		$ 95,496	980		$221,793	170		$19,956
	Employee Salaries Reported by Phoenix		$114,700	Contractor Expenditure Reported by Phoenix		$288,030	Contractor Expenditure Reported by Phoenix		$25,278
		Completeness	**0.83**		**Completeness**	**0.77**		**Completeness**	**0.79**
		Expansion Factor	**1.20**		**Expansion Factor**	**1.30**		**Expansion Factor**	**1.27**

These expansion factors are used to weight up the reported service days and create a more accurate estimate of the total number of service days completed. The calculation is illustrated in Table A5 below, showing the reported service days for each class of interpreters multiplied by its expansion factor. This process was repeated for each court for each fiscal year.

Table A5. Application of Expansion Factor to Reported Service Days, Sample Court

Employment/ Certification Status	Reported Service Days		Expansion Factor		Weighted Service Days
Employees	422	x	1.20	=	**506**
Certified/Registered Contractors	980	x	1.30	=	**1,273**
Noncertified/Nonregistered Contractors	170	x	1.27	=	**215**

Since the reported service days also contain other attributes (e.g., language, session type, case type), the data for those elements are also weighted up in the process of weighting up the service days.

Differentiating Expansion Factors by Employment Status

An unavoidable consequence of using the records of interpretations in CIDCS to represent the full quantity of reported and unreported interpreter services as measured by employee and contracted interpreter expenditures is that the characteristics of interpretation records that are reported are magnified. Interpreter activities that are reported more consistently will be overrepresented in the expanded counts relative to activities that are recorded with less fidelity. Thus, the work (i.e., languages, case types) of contractor interpreters, whose work is reported by courts more regularly in CIDCS than the work of employees, may be overrepresented in the expanded data. This means, for example, that the volume of languages other than Spanish may be somewhat magnified in the expanded data, since most Spanish language interpretation is done by interpreter employees and thus underreported.

Using the number and type of service days per court and fiscal year in combination with compensation rates, the cost of recorded interpreter use was calculated and an expansion factor was computed for each court, comparing the interpreter services documented in CIDCS for employee and contract interpreters by certification status annually to the expenditures for those same interpreter services in the same time period (calendar year assignment data were reorganized into fiscal years, to align with the expenditure data). Expansion factors were computed for both contractor and employee interpreters. In this way, the data were adjusted for the fact that underreporting of the work performed by interpreter employees usually takes place at a higher and different rate than underreporting by interpreter contractors. This can be seen from Table A6 which illustrates that interpreter contractor expansion factors generally reflect better reporting (i.e., are lower) than those for interpreter employees. The table also illustrates how these ratios varied over time within regions and among regions during the study period.

These expansion factors were calculated for each court, for both employee and contract interpreters, based on the reported data, maintaining each court's employee-to-contractor ratio. The reported work was then weighted using the expansion factor, so that the estimated total interpreter service days align with for the total reported expenditures for each court.

Table A6. Expansion Factors by Employment Status

	Expansion Factors							
	FY09-10		FY10-11		FY11-12		FY12-13	
	Employee	Contractor	Employee	Contractor	Employee	Contractor	Employee	Contractor
Region 1	1.39	2.61	1.43	1.49	1.41	1.42	1.48	1.85
Region 2	4.05	3.88	8.71	2.24	12.48	1.59	10.20	1.90
Region 3	11.25	1.72	6.35	1.42	16.05	1.25	5.26	1.40
Region 4	3.02	1.70	2.87	1.85	2.92	1.53	2.73	1.18
Statewide	**4.93**	**2.48**	**4.84**	**1.75**	**8.22**	**1.45**	**4.92**	**1.58**

Differentiating Expansion Factors by Court and Language

Additional perspective into the expansion factors can be gained by examining those factors by court and by language. Table A7 reports the expansion factors by court by fiscal year, and provides the total number of service days reported by each by each court.[51] High values indicate underreporting: the higher the expansion factor, the greater the problem with underreporting. Where N/A appears, no data were reported in CIDCS at all by that court for that fiscal year, and the year is not included in the calculation of averages. Expansion factors were calculated for each court on an annual basis, as described above. Looking at the expansion factor along with the Average Annual Reported Service Days allows contextualization of the underreporting in CIDCS; if a court's reported data were expanded by a factor of 1.43 in a particular fiscal year, for example, this column gives a sense of the average size of the number to which that factor was applied to arrive at the total estimated service days for that year.

[51] Expansion factors are not shown for the seven courts that did not report any interpreter use data at all.

Table A7. Expansion Factors by Court, by Fiscal Year

		Expansion Factors				
Court	Region	FY09-10	FY10-11	FY11-12	FY12-13	Average Annual Reported Service Days
Los Angeles	1	1.21	1.20	1.19	1.15	65,999
Ventura	1	1.61	1.67	1.62	1.68	4,075
Santa Barbara	1	1.22	1.31	1.34	1.65	2,624
San Luis Obispo	1	1.30	1.26	1.38	1.02	970
Santa Clara	2	1.43	1.46	1.45	1.63	7,009
San Francisco	2	1.67	2.55	1.70	.84	5,034
Contra Costa	2	1.23	1.12	1.08	1.12	3,756
Sonoma	2	2.08	2.00	2.76	2.40	2,418
Monterey	2	1.91	1.94	2.05	2.11	2,374
Alameda	2	10.60	5.23	3.56	8.10	2,340
San Mateo	2	106.66	7.11	2.53	1.89	1,618
Solano	2	2.17	2.24	1.83	1.54	1,066
Santa Cruz	2	2.58	3.81	1.94	5.90	676
Mendocino	2	1.30	1.22	1.22	1.21	419
Humboldt	2	1.12	1.38	1.82	.89	286
San Benito	2	2.85	1.53	1.53	.54	217
Lake	2	1.10	2.00	1.58	1.48	188
Marin	2	5.31	49.29	27.65	3.88	181
Del Norte	2	3.24	2.40	2.17	2.70	83
Sacramento	3	1.30	1.28	1.26	1.18	9,764
Fresno	3	1.39	1.32	1.26	1.35	4,647
Tulare	3	1.19	1.31	1.33	1.34	3,684
Kern	3	1.71	3.35	2.15	1.60	2,859
San Joaquin	3	1.43	1.42	1.38	1.46	2,814
Merced	3	1.55	1.42	1.69	1.65	2,655
Yolo	3	1.34	1.28	1.27	1.39	1,349
Madera	3	1.14	1.11	1.15	1.28	1,332
Placer	3	1.43	1.54	1.79	1.71	1,015
Kings	3	1.09	1.19	1.31	1.23	667
Sutter	3	1.48	1.51	1.47	1.75	536
El Dorado	3	1.37	1.74	1.63	2.01	373
Butte	3	1.39	1.38	1.50	1.40	324
Shasta	3	1.76	1.72	2.31	2.07	319
Tehama	3	1.82	2.05	2.15	2.38	257
Colusa	3	2.06	3.15	2.93	2.28	213
Glenn	3	1.24	1.29	1.26	1.20	209
Siskiyou	3	1.32	1.54	1.60	1.91	166
Nevada	3	1.48	1.61	2.22	3.31	137
Amador	3	.93	.63	.63	1.68	111
Yuba	3	1.75	1.59	1.67	1.61	97
Stanislaus	3	N/A	1,659.31	24.29	11.06	75
Lassen	3	3.69	3.01	3.15	5.75	45
Calaveras	3	2.04	2.03	3.24	7.54	44
Tuolumne	3	2.47	2.98	3.73	18.74	31
Mariposa	3	N/A	N/A	4.29	2.81	20
Plumas	3	3.44	2.57	4.92	6.52	17
San Diego	4	1.37	1.31	1.34	1.54	11,268
San Bernardino	4	1.14	1.13	1.12	1.14	11,030
Riverside	4	1.20	1.21	1.37	1.51	7,883
Orange	4	7.43	7.49	7.43	6.75	3,375
Imperial	4	1.47	1.12	1.17	1.18	1,240

Expansion factors can also be examined by language, as shown in Table A8 below. The higher the expansion factor, the more the service days for that language were expanded. The expansion factors shown are the *average* of the expansion factors for that language, for all courts. Since each court will have a different expansion factor and a different number of reported service days, its overall contribution to the total expanded service days will vary. For that reason, multiplying the *average* expansion factor times the Total Reported Service Days will not result in the exact number of expanded service days for that language shown in Table 5 in the report.

Table A8. Expansion Factors by Language

	Expansion Factors	
Language	**Average Expansion Factor**	**Total Reported Service Days**
Spanish	1.58	548,638
Vietnamese	2.43	18,865
Korean	3.57	9,307
Mandarin	2.58	8,837
Farsi	3.56	4,169
Cantonese	1.75	11,065
Russian	1.70	8,352
Tagalog	2.41	6,699
Arabic	2.91	4,971
Punjabi	1.76	7,259
Khmer	1.96	6,448
Japanese	3.63	2,279
Hmong	1.39	4,803
Lao	1.66	3,524
Romanian	2.07	2,220
Hindi	4.13	1,694
Armenian (unknown)	2.93	2,223
Armenian, Eastern	1.38	3,075
Tongan	3.54	947
Portuguese	2.10	1,468
Armenian, Western	1.31	2,510
Pashto	5.62	437
Samoan	2.84	806
Thai	2.93	935
Amharic	2.46	834
Slovak	1.27	1,431
French	3.11	560
Mongolian	2.60	610
Mien	1.48	1,062
Mixteco	1.51	1,011
Other/Unknown	3.06	12,477

Step 5: Build the Master Data Set

A master data set was created by combining CIDCS service days with the supplemental data provided by other counties, including the two data sources for the Superior Court of Orange County. Because the Los Angeles data were imputed at an aggregate level, as estimated service days rather than as counts of individual case-level interpretations or reported service days, incorporating Los Angeles completely into the master data file would have required producing marginal distributions for every variable across every other variable. Instead, the marginal distributions for the variables needed were calculated for a given comparison. For this reason, a separate file was maintained for Los Angeles data. The master data set and the Los Angeles data were then used to generate the summary statistics included in this report.

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Appendix B

Language Need: Data Sources and Methodology

Process for Estimating Future Language Need

Future language need is projected based on the historical patterns of court interpreter service days by language, combined with other factors described below. The guiding parameter for this section of the report remains the required case types for which the courts are obliged by law to provide interpreter services.[52] Thus, the estimation of future language need in the case types currently required takes the volume and proportions of past interpreter use as an unbiased indicator of interpreter need for those years. The purpose of the estimate of future language need in this report is to provide a foundation for determining what languages should be classified as designated languages by the Judicial Council. The time frame for the projections was five years, the time that will elapse before the next iteration of this report.

A multi-step process was used to develop the projections of language need. These steps are:

- Step 1: Conduct an environmental scan of California macroeconomic conditions that could influence caseload or population trends.
- Step 2: Estimate the future Limited English Proficient (LEP) population of California, by language, using the U.S. Census Bureau's American Community Survey (ACS) data.
- Step 3: Estimate the future caseload in required case types, using the Judicial Council's historical filings data from the Resource Allocation Study (RAS).
- Step 4: Estimate the future required service days for the top 19 languages using a two-step process. The first step produces the five-year projection for aggregate service days, while the second step converts the forecast of aggregate service days into service day estimates for each of the 19 languages.
- Step 5. Analyze resulting service day projections to determine the threshold values for designated languages as well as for possible de-designation of languages.

These steps result in a projection of future language need and recommendations regarding the classification of languages as designated languages. Each step is described in detail below.

[52] The term "required" applied to interpreted case types shall, in this report, refer to case types, caseloads, service days, and proceedings for which California law provides that interpreter services be paid for by the court in all or many circumstances. This is true for all criminal cases and juvenile proceedings (see CA Evid. Code § 752) and for domestic violence, paternity, dissolution, legal separation, and nullity actions in which a protective order has been granted or sought "to the extent that any of these funds are made available" (see CA Evid. Code § 755[e]). See http://www.leginfo.ca.gov/cgi-bin/displaycode?section=evid&group=00001-01000&file=750-757, accessed December 2, 2014, for additional information.

Step 1: Conduct environmental scan

Key sources of near-term forecasts of the California economy were reviewed, principally forecasts by the Public Policy Institute of California, the California Department of Finance, and the Eberhardt School of Business, as documented in footnotes in the report. The purpose of this high-level scan was to evaluate the strength of the post-recession California economy as background to projecting caseload and population trends.

Step 2: Estimating the future LEP Population by Language

A. Selecting the Most-Interpreted Spoken Languages

To focus attention on the languages of greatest interest for designation, analysis was restricted to the 21 most-interpreted spoken languages, a group that includes all of the currently designated languages, as well as several languages that are not currently designated, but produce a substantial number of service days of interpretation. While many more languages are interpreted in the California courts, the frequency with which they are used is relatively low and far below the historical threshold for classification as designated.

Data limitations found in the sources of court data (CIDCS and others) for required service days and demographic data used for projection of future need led to the combination of Eastern Armenian and Western Armenian, together with the unspecified "Armenian" language category, into a single language group. More specific information permitting forecasts of the two languages based on population was unfortunately not available in the American Community Survey (ACS) data published by the U.S. Census, which is the source of LEP population estimates. As a result of collapsing these three languages into a single Armenian category, interpreter service days are forecast for a total of the 19 most prolific languages and language groups, rather than the 21 most-interpreted spoken languages referenced in the first paragraph of Step 2, above.

B. Aligning ACS data with interpreter data by language

Having selected the languages of interest, the next step in the process was to develop a methodology for estimating LEP population growth by language. The main source of data for this purpose was the American Community Survey (ACS). But before proceeding to forecasting, it was necessary to align the ACS language categories with those used in interpreter data.

In addition to the constitutionally required decennial census, the United States Census Bureau conducts the American Community Survey, an ongoing data collection effort continued throughout each calendar year, whose full implementation began in 2005.[53] The ACS collects data from approximately 1 percent of American households with the goal of providing reliable yearly statewide population estimates for a wide variety of demographic, social, and economic variables. Among the variables collected for the ACS are the language spoken at home for each household and the level of English proficiency for the survey respondent. Following the methodology in the previous report to the Judicial Council and common practice in the literature, a Limited English Proficient (LEP) person is defined as a person over the age of 5 who reported speaking English "less than very well" in the ACS survey.

[53] For a complete description, see the Census Bureau web site at http://www.census.gov/acs/www/

The ACS produces three separate products on a yearly basis: 1-year, 3-year, and 5-year estimates. Each is based on a set of data collected over the previous 1, 3, or 5 years, respectively. The 1- and 3-year estimates are both sufficient for reliable statewide estimates, but not for estimates of geographic subdivisions with sparser populations, including several California counties, which are not included in the 1- or 3-year products. The 5-year estimates, however, include every county in California, individually or combined with one or more neighboring counties. Due to greater completeness, the 5-year estimates were used for this report; the first 5-year estimates available are for 2009.

Using the detailed language identifiers in the ACS, equivalent responses for each language among the top 19 languages in required interpreter service days were identified. As noted above, the ACS specifies "Armenian" as a response to the language commonly spoken at home, but does not document a more specific designation into Eastern or Western Armenian. Due to this limitation, Eastern and Western Armenian service days estimated from the CIDCS and supplemental interpreter data were collapsed with the preexisting, unspecified "Armenian" category in CIDCS to create an "Armenian" language group.

The language designations in ACS and in interpreter service data failed to overlap perfectly in another regard as well. In addition to Cantonese and Mandarin, the ACS identified a large group of respondents as speaking "Chinese," a category not reported in CIDCS or other sources of interpreter data. Moreover, the proportion of individuals in California who were reported as speaking "Chinese" at home was substantially larger than those speaking Cantonese and Mandarin, according to the ACS.

Assuming that most, if not all, of those identified as "Chinese" speakers in the ACS spoke either Cantonese or Mandarin, two options were considered. The first option was to exclude "Chinese" speakers, which would result in a dramatic undercounting of the absolute number of Cantonese and Mandarin speakers, but maintain the reported proportion of Cantonese to Mandarin speakers in the ACS. Assuming that "Chinese" speakers were misidentified uniformly from both language populations across the state, this would capture their proportions relative to each other, but not their magnitude or proportion relative to other languages.

The second option was to divide the identified "Chinese" speakers between the two languages (Cantonese and Mandarin) according to their proportion at some geographic level of aggregation. Choosing the second approach, "Chinese" speakers in the LEP population in the ACS were apportioned by year to Cantonese and Mandarin in accordance with the relative sizes of the Cantonese and Mandarin populations in each interpreter region, permitting a better allocation of the "Chinese" group than a simple statewide apportionment, based on variations in population demographics by region.

C. Forecasting LEP population by language

The ACS 5-year datasets covering the period from 2009 to 2012 provides fairly precise estimates of the number of LEP individuals from households speaking a language other than English at home in California statewide and by county, allowing it to be organized into the four interpreter regions. These figures afford enough data points to establish trends in the change in LEP populations during this time. Changes in LEP populations can be due to patterns of migration, language proficiency, and birth and death rates unique to each language, but these simultaneous and cross-cutting influences can only be approximated without much precision. A direct extrapolation of changes in LEP population trends provides a much better alternative to any attempt to model detailed changes in the composition and English proficiency of language groups in California.

Trends over the four years of available data for the 19 top languages by service days are generally stable and modest. Consequently, projection of future LEP populations was done based on the weighted average change in the population of LEP individuals in each language group. The weighted average change in population is calculated by taking the difference from year-to-year for each group expressed in percent of the earlier year and summing the proportions, applying linearly increasing weight to changes from the earliest to most recent. The four years of ACS data produce three observations of change: from 2009 to 2010, 2010 to 2011, and 2011 to 2012. In the weighted average, the earliest change is unweighted, or weighted by 1, the second is weighted by 2, and the third and most recent observed change is weighted by 3. The sum of these weighted changes is then divided by the sum of the weights, which is 6.

A hypothetical example calculation of weighted average change in population is illustrated below:

2009 LEP Population for language A ($x1$) = 2,500
2010 LEP Population for language A ($x2$) = 2,625
2011 LEP Population for language A ($x3$) = 2,725
2012 LEP Population for language A ($x4$) = 2,800

$$(x2 - x1)/x1 = (2{,}625 - 2{,}500)/2{,}500 = 0.05$$
$$(x3 - x2)/x2 = (2{,}725 - 2{,}625)/2{,}625 = 0.038$$
$$(x4 - x3)/x3 = (2{,}800 - 2{,}725)/2{,}725 = 0.027$$
$$(0.05 \text{ x } 1) + (0.038 \text{ x } 2) + (0.027 \text{ x } 3) = 0.209$$

$$\frac{0.209}{6} = 0.035$$

Using the data above, the projected 2013 LEP population for this language is arrived at by multiplying the weighted average change of 3.5 percent (shown as 0.035 above) by the 2012 population (2,800 × .035 = 98). The estimated increase in population (98 people) is added to the observed 2012 population, resulting in an estimated population for 2013 of 2,898 (98 + 2,800).

The process illustrated above is repeated to create the estimate of 2014 based on the estimate for 2013, and so on, for each future year. In this way, the weighted average of each of the *observed* years 2009-2012 is applied to future years to produce estimates of the LEP population by language for the *estimated* years.

Since the purpose of estimating future language need is to take into account current trends in populations, the study period 2009-2012 was used as the basis for projections.[54] The purpose of using the weighted average methodology explained above is to give more emphasis to the most recent years. Having developed the LEP population by language estimates, the next step was to develop projections for caseload.

Step 3: Estimating the future caseload in required case types

Changes in California caseload, both overall and in the required case types, exhibited a downward trend similar to that observed in interpreter service days during the study period. In contrast, the years prior to the study period (and thus

[54] Coincidentally, the American Community Survey population data upon which the population estimates are based is also not available for years prior to the study period and thus prior to the recession. However, had it been available, the most current years would still have been used, for the reasons cited.

prior to the recession) manifest small but steady increases in caseloads that are more typical of California's caseload statistics, which generally have grown along with its population.

For reasons described in the report, data from the pre-recession period FY 02-03 through FY 07-08 were used to project future caseload growth from its current level. Essentially, these data provide a sounder basis for forecasting future caseload trends, based on the assumption that the recession has ended and slow growth has returned to California and its courts. The key source of the caseload projection is the annual caseload data produced from the Judicial Council's Resource Allocation Study (RAS) model. Caseload data from FY 02-03 to FY 07-08 were used as a basis for establishing trends in the activities producing interpreter service days at the statewide and regional levels.

The RAS caseload totals for each year are divided into either 15 or 18 case types.[55] Selecting only those case types that fall within the categories for which interpreter services are required by the state constitution or statute, a required caseload total for each year was computed. The required caseload total includes traffic and non-traffic infractions, traffic and non-traffic misdemeanors, felonies, family cases involving dissolution, nullity, legal separation, child support, or domestic violence, juvenile dependency and delinquency. Several of the family law categories in RAS are over-inclusive for the purpose of estimating required caseload, because interpreter services are only provided by the court when a protection order is sought. However, as long as the share of such cases does not change dramatically from year to year, the change in total caseload serves as an unbiased indicator of the proportional change in the number of required family cases from year to year. The RAS data has been closely scrutinized for completeness and quality by Judicial Council staff and represents the best data set available for this purpose.

The RAS data series from FY 02-03 to FY 07-08 was used to establish a weighted average change rate in caseload by interpreter region. Applying these weighted average rates of change to the existing caseload series results in a projection of modest increases in required caseload within each interpreter region and statewide. The weighted average growth rate was computed in a manner similar to that described for LEP population (Step 2C) by calculating the year-to-year rate of change in caseload, summing those rates and dividing by the sum of the weights.

The interaction between LEP population trends and caseload trends provides a basis for estimating future need. For example, if caseloads decline while an LEP population grows, the two trends may result in zero net growth. What is needed is a method for linking caseload to the need for interpreter services by language, taking into account LEP population growth by language. This step is described below.

Step 4: Estimating future required service days

Anticipated future need for interpreter services is characterized by a forecast of the number of service days for the following five fiscal years: FY 13-14 to FY 17-18. Service days continue to be the most easily understood unit in which to express interpreter use, and for interpretations related to currently required case types, future interpreter need is best expressed as a projection of the service days expected by language.

[55] The variation in number of case types results from the fact that from FY 10-11 onward misdemeanors are separated into traffic and non-traffic and probate is separated into Conservatorship/Guardianship and Estates/Trusts, and Family-Other is separated into Family-Parentage and Family-Other.

Projecting the anticipated aggregate interpreter service days for the next five years makes direct use of the caseload forecasts produced for the same time period and the relationship between caseload and service days. To allow for more variation in the relationship between caseload and interpreter work, aggregate caseloads are projected by interpreter region in four separate series. For the four fiscal years observed, the number of service days in each region was divided by the number of cases by region, and a weighted average service days per case rate was calculated. Multiplying the weighted average rate of service days per case by the forecast caseload for fiscal years 2013-14 to 2017-18 yields an estimate by region of aggregate service days, which can in turn be summed to produce the overall statewide interpreter service days.

To distribute the estimated aggregate statewide service days for the following five years among the top 19 languages, an iterative proportional adjustment was made on a year-by-year basis, informed by the observed changes in service days per language from FY 09-10 to FY 12-13 and changes in the LEP populations from 2009 to 2012. A "projected service day" rate of change was calculated for each language by producing the weighted average percent changes in LEP andin service days for 2009 to 2013, weighting recent years more heavily than earlier years, and averaging those two quantities.

For projection of the first year, FY 13-14, the caseload-based, aggregate statewide service day estimate is allocated among the top languages according to their proportion of the FY 12-13 service days. Then, a yearly change is estimated by multiplying that figure for each language by its individual "projected service day" rate of change, and the service day total is adjusted for each language by adding that quantity, producing a new service day count. A new proportion is calculated for each language by taking the share of the adjusted count for each from the sum of the adjusted counts. This adjusted proportion is then used to divide the caseload-based aggregate projected service days among the languages.

Step 5: Analyzing projections and determining language classification recommendations

The results of the preceding four steps were examined for their implications for determining language classifications: retained as designated, recommended for monitoring, and recommended for de-designation. A cut-off point was determined and all languages above and below that point were examined.

For languages below the cut-off point, a proportional usage measure was calculated to estimate the rate of change in service days that might be expected from a given change in LEP population. This measure provides a means to show how service days track LEP population for specific languages. The number of LEP speakers of a given language may be a useful indication of a need for interpreter services, but is not a perfect or even particularly reliable measure of the frequency with which that language is interpreted in court. Cantonese ranks sixth among spoken language service days from 2009 to 2013, but Cantonese speakers are estimated to be the second largest LEP group in California during the same period. In order to assess the relative usage that different language communities make of interpretive services in the courts, a measure of proportional usage by language was created.

Proportional usage is defined as the ratio of the proportion of a language's share of required interpreter service days in a given year to the proportion of the total LEP population speaking that language. A hypothetical example of the calculation of proportional usage follows:

FY 09-10 Service Days for Language A (x) = 5,000
FY 09-10 Service Days for top 19 languages (X) = 60,000
2009 LEP Population for Language A (y) = 300,000
2009 LEP Population total for top 19 languages (Y) = 6,000,000

Proportional Usage for Language A =
$(x/X)/(y/Y)$ = (5,000/60,000)/(300,000/6,000,000) = 0.083/0.05 = 1.67

A proportional usage value of 1 indicates that the language in question accounts for a share of interpreter service days in a given year equal to the share of the total LEP population speaking that language. A value of less than 1 means that the language in question accounts for a share of interpreter service days that is lower than the share of the LEP population speaking that language would suggest. A value greater than one indicates the opposite: a disproportionately higher rate of use of interpreter service days.

As with other analyses in the forecasting section of the report, the total service days and LEP population are the sums for the top 19 languages listed in the report. Service days and LEP speakers of other languages are excluded in the calculation of proportional usage.

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Appendix C

Utilization of the American Community Survey (ACS)

Population Data and the Purpose of this Report

The purpose of this report is to provide the Judicial Council with information on past use and projected future need for interpretation in languages other than English. The reason for this projection is to inform the Judicial Council's designation or de-designation of individual languages for the purpose of developing testing for the certification of court interpreters. Designated languages are by definition the most frequently used languages in the courts. Thus the focus of attention is on currently designated languages whose use may be declining as well as non-designated languages whose use approaches the level of the designated languages.

A language community may be concentrated in a single county or region and represent a large share of the interpreter need in those places, but if that language is not used in other parts of the state, it is likely that it will not reach a level requiring consideration for designation. The criterion is level of use, whether the population is dispersed across the state or concentrated in a county of region. If the level of use within a county or region rises to the threshold for language designation, then that criterion would be met and the language would be considered for designation. Anticipating the interpreter needs of a court serving a population that is comparatively small statewide, but highly concentrated within its jurisdiction, is beyond the scope of the present report.

For the analytical purposes of this report, population data is required to project future need based on past use (service days). The population data utilized is the American Community Survey (ACS).

The American Community Survey (ACS)

The American Community Survey (ACS) is produced by the U.S. Census Bureau annually and provides data on a wide range of subjects related to the population, including housing, occupation, languages spoken, and more. The ACS relies on a randomized sampling strategy of about three million households. The ACS is the largest data set of its kind, used by federal government and many state and local governments for allocation of billions of government funds for a variety of purposes.

For the purposes of this report—estimating the future need for interpreter services and the implications of future use for the designation of languages by the Judicial Council—the ACS provides the appropriate information about populations, languages, and English language proficiency that allows a projection of future language need in the courts to be made at a sufficient level of detail for planning purposes.[56]

During public hearings on the proposed Language Access Plan for California, some of the public comment contained criticism of the use of the ACS for that purpose. Those comments made reference to certain reports produced by the U.S. Census Bureau using these ACS data, noting that categories of languages were collapsed from 381 languages into 39 languages/language groups and then into four broad language categories, obscuring rather than illuminating the findings.[57] In the current report, use is being made of the underlying ACS data, not of reports or categories produced

[56] For a description, see the United States Census Bureau web site at http://www.census.gov/acs/www/about_the_survey/american_community_survey/

[57] Legal Services and Community Organizations, Comments to Draft Outline of December 11, 2013, (2014), p. 7 accessed at http://www.courts.ca.gov/LAP.htm

by the Census Bureau that are alleged to contain these defects. The underlying data, organized as Public Use Microdata Samples (PUMS), can be restricted to specific geographies at the state, county, or more local level (called Public Use Microdata Areas, or PUMAs) dependent on population size. The PUMS 5-year products for 2009 to 2012 used in this report identify 106 separate languages spoken in California among those identifying as LEP. Thus, the underlying data are in no way truncated or deficient for the purposes of this report.

While the provision of interpreter services for local populations speaking languages less frequently used are important for local court management (as well as educators, public health officials, and others), the infrequency of the use of these languages statewide means that they do not approach consideration for language designation. For example, the indigenous language most frequently used in the courts is Mixteco. Statewide use of Mixteco is far below the threshold for consideration of designation. Interpreter utilization data analyzed for Part 1 of this report indicates that Mixteco interpretation resulted in an average of 382 interpreter service days per year from FY 09-10 to FY 12-13, well below the 2,000 service days per year threshold to be considered for designation as a registered language. This statewide policy consideration in no way discounts the fact that local court managers must certainly be aware of all languages being used by populations in their jurisdiction and plan interpreter services accordingly. ACS data may indeed be insufficient for this purpose.

Additional Data Sources

One source often mentioned in discussions of interpreter need and language access is the English Learner (EL) data collected and published by the California Department of Education.[58] The previous report on interpreter use made reference to, although did not substantively incorporate, the English Learner data. These data were evaluated for possible use in this report and a determination was made that the data were not appropriate for this purpose. A brief summary of the findings of this evaluation follows.

The English Learner (EL) data is a census of children and their level of English proficiency in public schools throughout California.[59] For the purpose of language access and teaching English proficiency, no doubt these data are of great value. However, for the purpose of estimating future language need of LEP adults in state courts, these data are not appropriate for a number of reasons.

First, these data pertain to children rather than adults who appear in court. The EL data are not useful for estimating the adult population, since birth rates and family structures vary widely among different language populations. The wide variation in ratios of children to adults among different language populations makes it difficult to utilize these data to create reliable estimates about adults. If the English Learner data were used to project court interpreter need, one would fail to note that Farsi, Japanese, and Armenian are languages that rank high in court use, since they rank low among the English Learner student population.

[58] See California Department of Education web site, DataQuest section, for these data, at http://data1.cde.ca.gov/dataquest/

[59] For descriptions of the data see California Department of Education, English Learners in California Frequently Asked Questions, at http://www.cde.ca.gov/sp/el/er/

Despite these issues, the results of the ACS survey and the English Learner census for the most used languages other than English are largely the same. The top 10 languages in the 2014 English Learner data (who account for 95 percent of all English Learners in California schools[60]) are listed in the table below, with their rank. Alongside that ranking is the ranking of the most commonly used languages in the courts, ranked by population estimates from the ACS 2012-2013 data. The first and most obvious finding is that 7 of the top 10 languages are the same. Arabic, Punjabi, and Hmong are more highly ranked in the English Learner data than in the language by population ranking in the ACS. The simplest interpretation of this is that the proportion of children who are not proficient in English (relative to all English Learners) is greater than the proportion of adults appearing in court (relative to all LEP persons appearing in court). The three top languages in the ACS top ten that are missing from the EL top ten are Armenian, Farsi, and Japanese. The explanation is the inverse of that offered above: for speakers of those languages, adults appearing in court and using interpreters appear at a rate that is greater than that of children speaking those languages who attend public school and are identified as EL.

Table C1. Comparison of English Learner (EL) and American Community Survey (ACS) Language Rankings

Language	EL 2014 Ranking	ACS 2012-13 Ranking
Spanish	1	1
Vietnamese	2	2
Pilipino (Filipino or Tagalog)	3	4
Cantonese	4	3
Mandarin	5	5
Arabic	6	11
Hmong	7	14
Korean	8	6
Punjabi	9	12
Russian	10	8

Conclusion

For all of these reasons, the ACS remains the most appropriate data set to be used to project future language need in California, containing the relevant data on populations, languages, and English language proficiency required for projecting future language need in the courts at a sufficient level of detail for language designation planning purposes.

[60] California Department of Education, Facts about English Learners in California, accessed at http://www.cde.ca.gov/ds/sd/cb/cefelfacts.asp

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