

# **CALIFORNIA JUDICIAL BRANCH**

## **Strategic Plan for Language Access in the California Courts**

**Draft  
July 29, 2014**

**Executive Summary**

## **Executive Summary**

Following extensive gathering of stakeholder input, the Joint Working Group for California’s Language Access Plan has prepared a draft *Strategic Plan for Language Access in the California Courts*. This Executive Summary provides an overview on the formation of the draft plan, along with a summary of highlights of stakeholder input and possible recommendations. The joint working group’s objective was to draft recommendations that would create a branchwide approach to providing language access services to court users throughout the state while accommodating an individual court’s need for a large degree of flexibility in implementing the plan recommendations. A primary goal is to incorporate language access as part of the core court services. The draft plan was posted on the California Courts website for public comment on July 31, with the comment period continuing through September 29, 2014. Following the public comment process, the draft plan will be revised and a final plan presented to the Judicial Council for its review and adoption.

## **Previous Council Action**

The California judicial branch has long supported the need to expand language access services in the courts. However, the branch has not yet adopted a comprehensive statewide language access plan that will provide recommendations, guidance, and a consistent statewide approach to ensure language access to all limited-English-proficiency (LEP) court users. In June 2013, the Joint Working Group for California’s Language Access Plan was established to create a plan that will serve all of California’s LEP court users. The working group comprises members of both the Court Interpreters Advisory Panel and the Advisory Committee on Providing Access and Fairness, along with other stakeholders and a language access consultant.

## **Methodology and Process**

California is the most diverse state in the country, with approximately 7 million LEP residents and potential court users, dispersed over a vast geographic area, who speak more than 200 languages. Therefore, the effort to develop a comprehensive statewide language access plan included several forums to engage court leaders and other interested language access stakeholders across the state in order to obtain valuable input. The joint working group conducted a series of listening sessions with court executive officers and presiding judges, court interpreter organizations (including the California Federation of Interpreters and contract interpreter groups), and legal services providers. At the listening sessions, participants reviewed the draft outline for the language access plan and discussed the significant challenges and opportunities for the California courts regarding language access.

Then in late February and early March 2014, three public hearings on language access were held, in San Francisco, Los Angeles, and Sacramento. The notice for the public hearings—including the agenda, a fact sheet, and the draft outline—were provided in multiple languages

and posted on the California Courts website.<sup>1</sup> At the hearings, experts provided input from local, state, national, health-care, court, and legislative perspectives. Language access through interpreters was provided, as relevant to each region, and the hearings were also accessible by web simulcast. After the hearings, audio and written comments, as well as prepared presentations from panelists, were posted to the joint working group’s web page.<sup>2</sup> The thoughtful, varied, and valuable perspectives provided by all individuals and groups were instrumental in developing the draft plan.

After the public hearings, the joint working group began the complex task of reviewing and analyzing all stakeholder input to formulate appropriate recommendations for the draft plan.

## **Concerns of Stakeholders**

Although the range of topics covered, the insights shared, and the experiences relayed were extensive, some salient themes surfaced throughout the planning process:

- LEP speakers who need to use the judicial system for a variety of civil cases—from family law to domestic violence to evictions—are unable to meaningfully access court processes because of language barriers. In critical proceedings such as hearings and trials, LEP court users are often forced to resort to family members or friends to communicate with the court. These untrained interpreters are rarely equipped to accurately and completely assist with communication between the court and the LEP litigant. Failure to ensure proper communication can lead to basic misunderstandings and confusion, the loss by LEP court users of important legal rights, or an inability to access remedies.
- Language access must be provided at all critical or significant points of contact that LEP persons have with the court system. LEP parties are often unable to handle even the very first steps in seeking legal recourse, such as knowing what remedies or legal protections may be available and where to seek them out, knowing what legal procedures to follow, and understanding how and where to fill out and file court forms.
- Language access must start before an LEP court user reaches the courthouse doors; it must begin with community outreach, public education efforts, and web-based access. Language access services must be available as an LEP court user enters the courthouse and at all points of contact within the courthouse, such as self-help centers, alternative dispute resolution services, and clerks’ counters.
- The California judicial branch has seen a drastic reduction in funding in recent years. Although some funding has been restored, for a variety of reasons this restoration has resulted in no net increase in the total funding for the branch. Consequently, courts

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<sup>1</sup> See LAP Joint Working Group web page, at [www.courts.ca.gov/24466.htm](http://www.courts.ca.gov/24466.htm).

<sup>2</sup> *Ibid.*

throughout the state are still struggling to provide the most basic level of service to their communities. Expansion of language access services, though supported by all stakeholders, poses fiscal demands that in part can be met by efficiencies in the provision of language services but, more important, will require additional funding appropriated for that purpose and not by shifting already scarce resources from other court services.

- Any efforts to improve the provision of language access services must include a more comprehensive mechanism for collecting data on LEP communities in California. Traditional sources of demographic data underestimate the existing numbers of LEP residents in the state, in particular with regard to linguistically isolated communities, migrant workers, and speakers of indigenous languages. Similarly, these data sources fail to adequately track emerging languages.
- As services are expanded, questions remain about whether the existing pool of certified and registered court interpreters is sufficient to meet the possible demand, because projections about the cost of expanding language access throughout all court proceedings and points of contact vary widely. Estimates will need to be made, and must include all related costs, such as technology, training, and signage.
- Technologies such as video remote interpreting, telephonic interpretation, web-based access, and multilingual audiovisual tools have an important role to play in the statewide provision of language access. However, courts must exercise care to ensure that the use of technology is appropriate for the setting involved, that safeguards are in place for ensuring due process rights, and that high quality is maintained.
- Any effort to ensure meaningful language access to the court system for all Californians must include partnerships with stakeholders. These stakeholders include community-based providers like social services organizations, domestic violence advocates, mental health providers, and substance abuse treatment programs; justice partners such as legal services organizations, court interpreter organizations, district attorneys, public defenders, law enforcement, jails, probation departments, and administrative agencies; and language access experts.
- The branch should become more active in recruiting potential interpreters at the earliest stages of their education, particularly in high schools, and then expanding to community college and university programs. Courts should create partnerships with educational providers to develop a pipeline of potential interpreters and bilingual court employees.
- The need is critical for training judicial officers, court staff, and security personnel in (1) identifying and addressing the needs of court users at all points of contact with the court; (2) understanding distinct features of the various ethnic communities, which can ensure respectful treatment of LEP court users; (3) ensuring that interpreters are, in

fact, certified or are properly provisionally qualified; and (4) conducting courtroom proceedings in a manner that facilitates the maximum quality of language access.

## **Plan Goals**

The joint working group identified the following eight strategic goals, which guided the development of the plan:

- **Goal I: Improve Early Identification of and Data Collection on Language Needs**  
The Judicial Council will identify statewide language access needs of limited-English-proficiency Californians, and the courts will identify the specific language access needs within local communities, doing so as early as possible in court interactions with LEP Californians.
- **Goal II: Provide Language Access Services in All Judicial Proceedings**  
As soon as it is feasible, but in no event later than 2020, qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered/court-operated events.<sup>3</sup>
- **Goal III: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings**  
By 2020, courts will provide language access services at all points of contact in the California courts. Courts will provide notice to the public of available language services.
- **Goal IV: Provide High-Quality Multilingual Translation and Signage**  
The Judicial Council, assisted by the courts, will identify best practices and resources for the highest quality of document translation and court signage in all appropriate languages.
- **Goal V: Expand High-Quality Language Access Through the Recruitment and Training of Language Access Providers**  
The courts and the Judicial Council will ensure that all providers of language access services deliver high-quality services. Courts and the Judicial Council will establish proficiency standards for bilingual staff and volunteers appropriate to the service being delivered, offer ongoing training for all language services providers, and proactively recruit persons interested in becoming interpreters or bilingual court staff.
- **Goal VI: Provide Judicial Branch Training on Language Access Policies and Procedures**  
Judicial officers, court administrators, and court staff will receive training on language access policies, procedures, and standards, so they can respond consistently and

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<sup>3</sup> Within the context of this plan, the term “provided” (as in “qualified court interpreters will be provided”) means at no cost to the LEP court user and without cost recovery.

effectively to the needs of LEP court users, while providing culturally competent language access services.

- **Goal VII: Conduct Outreach to Communities Regarding Language Access Services**  
The Judicial Council and the courts will undertake comprehensive outreach to, and engage in partnership with, LEP communities and the organizations that serve them.
- **Goal VIII: Identify Systems, Funding, and Legislation Necessary for Plan Implementation and Language Access Management**  
In order to complete the systematic expansion of language access services, the Judicial Council will (1) secure adequate funding that does not result in a reduction of other court services; (2) propose appropriate changes to the law, both in statutory amendments and changes to the rules of court; and (3) develop systems for implementing the language access plan, for monitoring the provision of language access services, and for maintaining the highest quality of language services.

## **Policy and Cost Implications**

The draft *Strategic Plan for Language Access in the California Courts* proposes an incremental approach to expand and enhance language access in the California courts for all of California’s 7 million LEP residents and potential court users. California has over 1,800 highly trained certified and registered court interpreters—significantly more than any other state has. Overall, 250,000 interpreter service days are provided each year at an annual cost of over \$87 million.<sup>4</sup> As indicated by stakeholders during the planning process, however, much work remains to be done, especially in the civil arena, to ensure that all court users have meaningful access to the state’s courts. Expansion of language access services will by necessity require creative solutions and additional court funding, without diminishing other core court operations.

One of the draft plan’s key goals is to ensure the provision of qualified court interpreters in all court-ordered/court-operated events by 2020, and the draft plan calls for the immediate and ongoing phase-in of interpreter services in civil proceedings and court-ordered/court-operated events throughout the process of implementation of full language access.

## **Implementation Efforts**

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

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<sup>4</sup> See [www.courts.ca.gov/documents/lr\\_TC-Interpreter-Program-FY-2012-2013.pdf](http://www.courts.ca.gov/documents/lr_TC-Interpreter-Program-FY-2012-2013.pdf).

## **Possible Recommendations**

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

- **PHASE I:** These recommendations are urgent or should already be in place. Actions to begin implementation of these recommendations should begin by year 1 (2015).
- **PHASE II:** These recommendations are less urgent or require completion of Phase I tasks. Actions to carry out these recommendations may begin immediately but should begin by no later than years 2–3 (2016–2017).
- **PHASE III:** These recommendations are not urgent or are complex and will require significant foundational steps, time, and resources to be completed by 2020. Actions to carry out these recommendations may begin immediately (2015) or over time, as the necessary foundational steps are put in place.

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

## **Next Steps**

Following the public comment process, the draft *Strategic Plan for Language Access in the California Courts* will be revised by the joint working group, and a final plan will be presented to the Judicial Council for its review and adoption. The joint working group prefers receiving comments in a Word and/or PDF file attached to an e-mail sent to [LAP@jud.ca.gov](mailto:LAP@jud.ca.gov). Comments may also be submitted through an online form, or on a printed form, for those who would prefer to submit their comments by mail or fax (visit [www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm) for more information.) Please make sure that your comments include all of the information indicated on the form. All comments will become part of the public record for this proposal.

*To mail or fax comments:*

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102  
Attention: Douglas Denton  
Fax: (415) 865-4330

## **Appendix A: Phase-In of Recommendations**

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

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

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

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

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

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

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

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

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

Phase I (begin by year 1, 2015):

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

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

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

- Other Family Law
- Civil Harassment
- Other Civil

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Phase I (begin by year 1, 2015):

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

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

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

- Other Family Law
- Civil Harassment
- Other Civil

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

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

**#10 Provision of qualified interpreters in all court-ordered/court-operated proceedings.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**#73 Legislation to require credentialed interpreters for small claims.** The Judicial Council should sponsor legislation to amend Code of Civil Procedure section 116.550 dealing with small claims actions to reflect that interpreters in small claims cases should, as with other matters, be credentialed except for a finding of good cause to appoint a non-credentialed interpreter.

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

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

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

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

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

Phase I (begin by year 1, 2015):

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

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

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

- Other Family Law
- Civil Harassment
- Other Civil

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

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

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

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

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

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

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

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

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

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

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

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

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

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