



## ACTIVITY REPORTING AND PROPOSAL FORM

### JUDICIAL COUNCIL DIRECTIVES AOC RESTRUCTURING

<b>DATE</b>	3/29/2013
<b>PREPARED BY</b>	Chad Finke
<b>OFFICE NAME</b>	<u>Court Operations Special Services Office</u>
<b>JUDICIAL COUNCIL DIRECTIVE NUMBER</b>	70
<b>JUDICIAL COUNCIL DIRECTIVE</b>	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to study the budget and operational components of the Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. The Finance Division should not act as an impediment in the delivery of interpreter services to the courts.
<b>SEC RECOMMENDATION</b>	<p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(g) The Administrative Director and Judicial Council should study the budget and operational components of Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. Internally, the Finance Division should not act as an impediment in the delivery of interpreter services to the courts.</p>
<b>RESPONSE (check applicable boxes)</b>	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<div style="border: 1px solid black; padding: 5px;">Please see the attached memorandum.</div>	
<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">  <p>JC directive 70 (court interpreters)-March 28 final-FINAL.docx Microsoft Office Word Document 71.1 KB</p> </div> <div style="border: 1px solid black; padding: 5px;">  <p>CIP functional org chart.pptx Microsoft Office PowerPoint Presentation 69.3 KB</p> </div>	

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:

 File Attachment

### TIMELINE AND RESOURCES FOR IMPLEMENTATION

**IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE**

Implementation has been ongoing.

**RESOURCES REQUIRED FOR IMPLEMENTATION**

No additional resources are required for implementation.

### ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

**PROCEDURES/ POLICIES UPDATED OR DEVELOPED**

 File Attachment

**TRAINING UPDATED OR DEVELOPED**

 File Attachment

**SAVINGS**

Since the inception of the SEC's review of the AOC, four (4) staff positions that were previously dedicated to the Court Interpreters Program have been vacated and left unfilled, with an additional vacancy anticipated beginning in early April 2013. Two of the vacant positions were permanently abolished and their funding swept. (Where needed, staff from other units within the Court Operations Special Services Offices have been assigned work within the CIP to ensure that the needs of the courts and the public are being met.)

The General Fund savings from the salaries and benefits of the five positions referred to above is approximately \$582,000 per year.

 File Attachment

**COST**

 File Attachment

As discussed in the attached memorandum, the designation of the Court Interpreters Program as the central point of communications and

<input checked="" type="checkbox"/> <b>EFFICIENCIES</b>	coordination for interpreter-related issues has increased efficiency in the handling of those issues.  <input type="button" value="File Attachment"/>
<input type="checkbox"/> <b>SERVICE LEVEL IMPACT</b>	  <input type="button" value="File Attachment"/>
<input type="checkbox"/> <b>OTHER</b>	  <input type="button" value="File Attachment"/>
<b>ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL</b>	
<b>ADOC REVIEW</b>	Administrative Director of the Courts Review Date: 4/10/2013
<b>EXECUTIVE AND PLANNING (E&amp;P) COMMITTEE REVIEW</b>	
<b>E&amp;P REVIEW</b>	Executive and Planning Review Date: 4/17/2013



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS SERVICES DIVISION

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# MEMORANDUM

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Date	Action Requested
March 28, 2013	Please Review
To	Deadline
Steven Jahr Administrative Director of the Courts	N/A
From	Contact
Curtis L. Child, AOC Chief Operating Officer Chad Finke, Director Court Operations Special Services Office	Chad Finke 415-865-8925 phone chad.finke@jud.ca.gov
Subject	
Implementation of Judicial Council Directive 70	

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This memorandum reports on the implementation of Judicial Council directive 70, which reads:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to study the budget and operational components of the Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. The Finance Division should not act as an impediment in the delivery of interpreter services to the courts.

The Roles of the Courts, Judicial Council, and AOC vis-à-vis Court Interpreters

The provision of qualified court interpreters to enhance the public's access to the courts is ultimately the responsibility of the superior courts, the Judicial Council, and the AOC. The roles of each of these entities are discussed below.

### **The Superior Courts**

The superior courts are responsible for overseeing all aspects of the use of interpreters in the courts, including the selection, hiring, assignment, evaluation, compensation, and, if necessary, discipline and firing of court interpreters. Labor matters are handled uniquely by the courts in the four established bargaining regions for court interpreters; the AOC's Labor and Employee Relations group in the AOC's Human Resources Services Office may provide assistance, but negotiations and handling of grievances are the responsibility of each court.

### **The Judicial Council**

The role of the Judicial Council in ensuring that the California courts have access to qualified interpreters was codified in January 1993 when the Legislature required the council to certify and register court interpreters and adopt standards and requirements for interpreter education. (Sen. Bill 1304; Stats. 1992, ch. 770.) Among other things, the statute requires the council to:

- Designate the languages for which certification programs shall be established;
- Approve entities to certify Spanish-language interpreters and interpreters for as many other languages as the council designates;
- Adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline;
- Adopt standards of professional conduct for court interpreters;
- Adopt programs for interpreter recruiting, training, and continuing education and evaluation to ensure that an adequate number of interpreters are available and that they interpret competently; and
- Conduct a study of language and interpreter use and need in court proceedings, and report to the Governor and the Legislature every five years.

(Gov. Code, § 68562.)

The Judicial Council created the Court Interpreters Advisory Panel (CIAP) in 1993 to assist the council in implementing this legislation. The panel's membership is established by Government Code section 68560 et seq. and represents a diversity of languages, courts, geographic regions, and interests. Members must include a majority of court interpreters and may also include judges, court administrators, members of the bar, and other interested parties.

### **The AOC's Court Interpreters Program**

The AOC's Court Interpreters Program (CIP), which is a unit within the Court Operations Special Services Office, staffs CIAP and assists in providing the courts with access to qualified certified and registered interpreters. CIP is not directly responsible for the provision of interpreter services to the courts or the public; its principal responsibility is to build a pipeline of qualified court interpreters for the courts by facilitating the recruitment of interpreters and managing the interpreter certification examination processes.

In support of these efforts, CIP staff are involved in the following activities, under the direction of CIAP:

- Court interpreter outreach and recruitment efforts (e.g., ongoing presentations at professional conferences, development of orientation programs, and production of informational materials)
- Test administration, development, and maintenance
- Organization of interpreter candidate test preparation workshops
- Development of language-specific workshops when a language is newly designated for certification
- Development of an online course curriculum for bilingual specialists
- Management of the American Sign Language (ASL) Video Remote Interpreting pilot, provision of direct support to courts and internal stakeholders regarding ASL issues, and analysis of local courts' use of ASL to assist with identification of pilot participants
- Creation of a curriculum on Deaf Intermediary Interpreting issues
- Organization of the annual meeting for statewide court interpreter education providers
- Organization of regional ethics and orientation workshops
- Coordination, with the trial courts, of the collection of court interpreter data for each statutorily mandated five-year language use and interpreter need study

In our view, CIP has provided and continues to provide these interpreter-related services to the courts with a high degree of quality and efficiency.

#### Efforts to Enhance Efficiencies Within the CIP

In accordance with the intent behind directive 70, CIP staff have been working for the past few years to identify internal efficiencies—through, for example, the integration of technology and the identification of best practices—that will benefit both the courts and the public. These efficiencies include:

- Moving from the use of AOC-specific tests and the reliance on a state test administrator to adoption of the National Center for State Courts' national language exams. This change to a national entity not only has increased the number of interpreters through reciprocity with those who meet California's high standards, but also has eliminated the need to expend funds on test development and maintenance.
- Implementing a market-rate cost system whereby the test candidate covers the entire cost of taking the exams; these costs were previously paid by the judicial branch.

- Piloting and replicating the use of remote video technology with American Sign Language (ASL) interpreting sessions, which has resulted in cost savings for participating courts and the provision of enhanced access to the limited pool (35 for the entire state) of available ASL interpreters.
- Making available online mandatory orientation videos for newly registered and certified interpreters, which reduces training costs as well as travel expenses for the interpreters.

Notably, CIP has been performing its work with a staff that has been reduced significantly since the time the Strategic Evaluation Committee began its evaluation process. Additionally, CIP has begun serving as the AOC's central communications and coordination hub for all agencywide interpreter-related matters, as illustrated on the attached functional organizational chart for the CIP. This role is critical, because issues pertaining to court interpreters span multiple offices, including, among others, the Fiscal Services Office (administration of Program 45.45<sup>1</sup> and reimbursement of courts for interpreter-related expenses); the Center for Families, Children & the Courts (administration of grant funds to provide court interpreters in certain cases involving domestic violence); and the Human Resources Services Office (labor negotiation services on behalf of courts).

In its role as the AOC's communications clearinghouse for interpreter issues, CIP will be copied on most communications and present at meetings involving interpreter issues.<sup>2</sup> CIP will also be responsible for reviewing and analyzing those issues to ensure that all affected offices are included as appropriate in their resolution. In effect, CIP will serve as the "project manager" for interpreter issues, which will ensure that all concerned staff and managers are kept apprised of matters that affect their respective areas of responsibility.

This model has already been put into place, and has demonstrated its potential for improving efficiencies within the AOC. Specifically, the CIP is currently serving as the project lead on an AOC-wide effort to improve the administration of Program 45.45 funds and provide enhanced guidance to the superior courts as to what interpreter expenses will be reimbursed. As a first step, CIP staff convened a meeting of staff from multiple offices to develop a consistent and agreed-upon scope of the project. Once all affected offices agreed on the issues to be resolved, CIP developed a project plan for arriving at the ultimate goal, i.e., clearer, more consistent guidelines for courts vis-à-vis what expenses are reimbursable and the reimbursement process. CIP then set in motion the first phase of the project plan, which was working with the Legal Services Office to secure a legal opinion on permissible court expenditures on interpreter expenses. Once the legal parameters have been established, CIP will work with the Fiscal Services Office on a

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<sup>1</sup> The annual California Budget Act contains an appropriation for the judicial branch. Within that appropriation, a specific appropriation commonly referred to by the shorthand Program 45.45 exists for court interpreter expenses.

<sup>2</sup> CIP will not necessarily be included, however, in all interpreter-related issues. For example, it is not anticipated that CIP would be included in discussions about employment actions involving individual interpreters or other privileged and/or confidential matters.

financial analysis of what interpreter services can be reimbursed within those parameters, in light of the projected Program 45.45 budget. CIP will then lead the effort to inform branch leadership of both the legal and the fiscal analyses so that leadership can make a policy decision as to which expenses should be reimbursed. Finally, CIP will communicate the policy decision to the superior courts in a clear, user-friendly manner and will work with Fiscal Services on improvements to the reimbursement process itself.

The above is only the first example of the types of projects that CIP will coordinate in its new role. With the increasing focus on court interpreters as part of the broader language access issue, it is expected that there will be many other such issues projects in the near future.

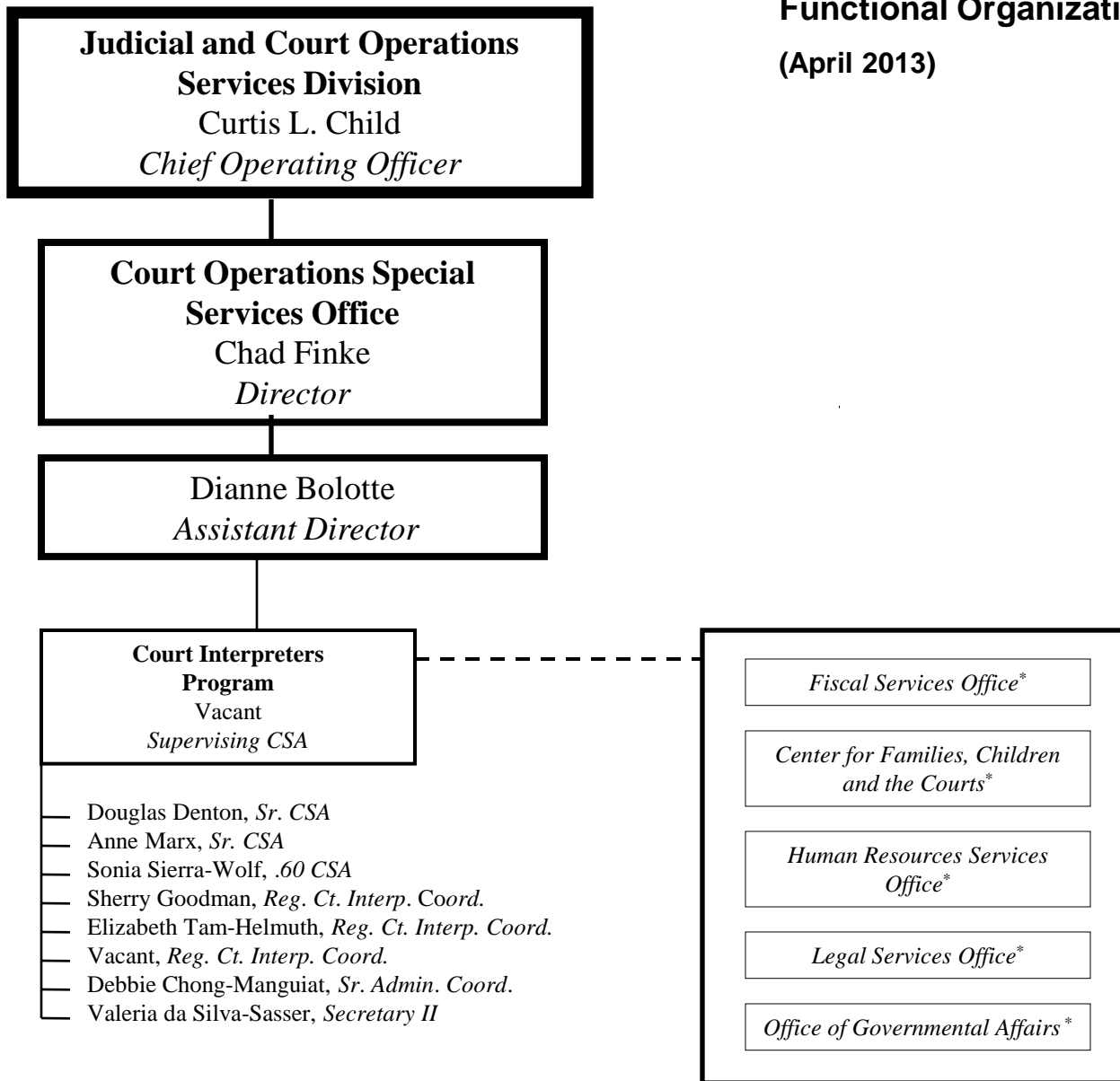
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Attachment



# Court Interpreters Program

## Functional Organizational Chart

(April 2013)



\*Each of the offices identified has some responsibility for interpreter-related issues. The Court Interpreter Program serves as the central point of communication and coordination for these issues.