

Meeting Handout: Specific areas for the Joint Working Group (JWG) to review prior to discussion at the December 5, 2014 meeting:

- On pages 27, 42 and 43 (new recommendation No. 11), we added language to the revised plan regarding programs or services that may be court-ordered but are not operated or managed by the court. This was an area where the JWG felt additional clarification was needed in the plan. Please review this language carefully and be prepared to provide any specific edits for the final plan.
- **NEW:** On page 36, we may need to clarify the Goal Statement for Goal 2 in the final plan so the second half of the sentence aligns with Recommendation No. 10 (so the revised Goal 2 statement would say: “By 2017, and beginning immediately where resources permit, qualified interpreters [fix spelling] will be provided in the California courts to LEP court users in all courtroom proceedings and, by 2020, in all court-ordered, court-operated events.” Please review this language carefully and be prepared to provide any specific edits for the final plan.
- On page 40, we clarified Recommendation No. 8 in the revised plan (“Qualified interpreters must be provided in the California courts to LEP court users in all court proceedings, including civil proceedings as prioritized in Evidence Code § 756 (see Appendix H), and including Family Court Services mediation. (Phases 1 and 2).” Please review this language carefully and be prepared to provide any specific edits for the final plan.
- **NEW:** On page 88, Recommendation No. 60, we propose adding brief language to the final plan to clarify that the membership of the Implementation Task Force should include language access stakeholders other than court staff/officials, similar to having diverse members on the Joint Working Group:
 - o *Proposed wording (new text in highlighting):* “60. (Former #61) The Judicial Council will create a Language Access Implementation Task Force (name TBD) to develop an implementation plan for presentation to the council. The Implementation Task Force membership will include representatives of the key stakeholders in the provision of language access services in the courts, including judges, court administrators, court interpreters, legal services providers, and attorneys that commonly work with LEP court users. As part of its charge, the Task Force will identify the costs associated with implementing the LAP recommendations. The Implementation Task Force will coordinate with related advisory groups and Judicial Council staff on implementation, and will have the flexibility to monitor and adjust implementation plans based on feasibility and available resources. (Phase 1)” Please review this language carefully and be prepared to provide any specific edits for the final plan.

- **NEW:** On page 93, Recommendation No. 75, we propose clarifying the waiver recommendation in the final plan, and we have come up with the following proposed text:
 - o “75. (Former #76) The Implementation Task Force will develop a policy addressing an LEP court user’s request of a waiver of the services of an interpreter. The policy will identify standards to ensure that any waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel; and is approved by the appropriate judicial officer, exercising his or her discretion. The policy will address any other factors necessary to ensure the waiver is appropriate, including: determining whether an interpreter is necessary to ensure the waiver is made knowingly; ensuring that the waiver is entered on the record,[FN] or in writing if there is no official record of the proceedings; and requiring that a party may request at any time, or the court may make on its own motion, an order vacating the waiver and appointing an interpreter for all further proceedings. The policy shall set reflect the expectation that waivers will rarely be invoked in light of access to free interpreter services and the implementation task force will track waiver usage to assist in identifying any necessary changes to policy.” Please review this language carefully and be prepared to provide any specific edits for the final plan.

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