

Language Access in the California Courts – Implementation Update

More than 200 languages and dialects are spoken in California, with nearly 7 million Californians (19%) reporting that they speak English “less than very well.” Without proper language assistance, limited-English-proficient (LEP) court users and other members of the public may be excluded from meaningful participation in the judicial court process.

A Strategic Plan for Language Access

On January 22, 2015, the Judicial Council adopted the [*Strategic Plan for Language Access in the California Courts*](#), which provides a consistent statewide approach to ensure language access for all limited English proficient (LEP) court users in all 58 superior courts.

In March 2015, the Chief Justice formed the Language Access Plan Implementation Task Force—chaired by Supreme Court Justice Mariano-Florentino-Cuéllar—to advise the council on implementing the recommendations contained in the *Strategic Plan*. These recommendations address the needs of LEP court users both *in court* (access to interpreters) and *out of court* (multilingual signage, translated resources and in-language assistance), with the goal of full language access to the courts and to the legal system for all Californians.

Highlights of Task Force Achievements (2018)

Since 2015, the task force has made considerable progress toward implementing the 75 recommendations contained in the *Strategic Plan*, including the following 2018 achievements:

- ✓ **Language Access Plan (LAP) Implementation.** As of December 2018, the California judiciary has completed implementation of 39 of 75 LAP recommendations, and an additional 25 LAP recommendations are currently in progress. The remaining recommendations require ongoing work for the branch (for example, judicial branch education and development of funding requests).
- ✓ **Civil Expansion.** As of December 2017, a survey conducted in 2018 indicated that 51 of 58 courts are now able to provide court interpreters in all eight civil priority levels dictated by statute (Evid. Code, § 756). Information gathered by the task force regarding each court’s estimated coverage will help the council with funding and other targeted efforts designed to help all 58 courts reach full expansion.
- ✓ **Funding.** Since 2015, the court interpreter reimbursement fund has grown from \$95.8 million to \$108.9 million. The 2018 Budget Act included a one-time \$4 million augmentation to the fund, and an additional \$4 million ongoing for expansion of other language access items. This funding includes monies for signage, training, Judicial Council staffing, and non-VRI language access technology.
- ✓ **Complaint Process.** Rule 2.851 became effective January 1, 2018. Under the provisions of the rule, each superior court must establish a language access services complaint form and related procedures to respond to language access services complaints that relate to staff or court interpreters, or to local translations.

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- ✓ **Survey of Trial Courts.** In March 2018, as a follow-up to the 2016 and 2017 surveys, the Language Access Services staff surveyed all 58 superior courts regarding language access services (a survey report was published in December 2018).
- ✓ **Language Access Metrics Report.** In July 2018, the task force and Language Access Services staff prepared a *Language Access Metrics Report* to show current language access data and ongoing progress being made by the courts with LAP implementation.
- ✓ **Video Remote Interpreting (VRI).** In 2018, the task force completed a VRI Pilot Project in three courts (the Superior Courts of Merced, Sacramento, and Ventura Counties) to determine, among other objectives, whether appropriate use of VRI will increase court user access to qualified (certified and registered) interpreters. The VRI Pilot was evaluated by San Diego State University Research Foundation, a third-party, independent evaluator. The task force anticipates that it will develop a Judicial Council report for the March 2019 meeting with VRI findings and recommendations.
- ✓ **Draft Rule 1.300.** The task force developed a draft rule of court and related forms that will provide clear guidance on the provision of language assistance in court-ordered programs and services. Following approval by RUPRO to circulate, the draft rule and related forms are now out for public comment until February 12, 2019.
- ✓ **Community Outreach.** In April 2018, the task force held its fourth community outreach meeting in Sacramento. Language access stakeholders—including judicial officers, court interpreters, court staff, and Language Access Representatives—attended and discussed the status of civil expansion, strategies to recruit and retain qualified court interpreters and bilingual staff, and the VRI pilot project.
- ✓ **Recruitment and Professional Development of Court Interpreters.** The task force and staff are working closely with the Court Interpreters Program to identify regional language needs, develop a more robust statewide recruitment initiative, and support trainings to help “near passers” of the interpreting exam. Recruitment of qualified court interpreters and bilingual staff will be an ongoing responsibility for the judicial branch.

Next Steps

- On December 17, 2018, the task force approved a resolution supporting the formation of a Language Access Subcommittee under the Advisory Committee on Providing Access and Fairness. The new subcommittee will be tasked with implementing the remaining and ongoing LAP recommendations after the task force sunsets on March 1, 2019. If approved by the council, the subcommittee will work to ensure the continuation of efforts to achieve and maintain access to justice for California’s LEP court users.

For more information: <http://www.courts.ca.gov/languageaccess.htm>