

# Language Access Plan Implementation Task Force



JUDICIAL COUNCIL  
OF CALIFORNIA

LANGUAGE ACCESS PLAN  
IMPLEMENTATION TASK FORCE

## Recommendations Progress Report for October 19, 2015

Number of Phase 1 Recommendations: 47

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### **Goal 1: Improve Early Identification of and Data Collection on Language Needs**

#### **Technological Solutions Subcommittee**

**Subcommittee Lead Staff:** Jenny Phu

**Recommendation:** 1. Courts will identify the language access needs for each LEP court user, including parties, witnesses, or other persons with a significant interest, 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/or any other case record or file, as appropriate given a court's existing case information record system, and this capability should be included in any future system upgrades or system development.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is evaluating a case management system, which is deployed in 25 California courts, to potentially provide early identification and tracking of LEP needs for parties and witnesses.

**Date of Last Update:** 10/16/2015

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### **Goal 1: Improve Early Identification of and Data Collection on Language Needs**

#### **Technological Solutions Subcommittee**

**Subcommittee Lead Staff:** Jenny Phu

**Recommendation:** 2. A court's provision or denial of language services must be tracked in the court's case information system, however appropriate given a court's capabilities. Where current tracking of provision or denial is not possible, courts must make reasonable efforts to modify or update their systems to capture relevant data as soon as feasible.

**Status of Recommendation:** Partially implemented **Phases 1, 2**

**Progress Update:** The subcommittee is evaluating a case management system, which is deployed in 25 California courts, to potentially provide early identification and tracking of LEP needs for parties and witnesses.

**Date of Last Update:** 10/16/2015

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**Goal 1: Improve Early Identification of and Data Collection on Language Needs**

**Technological Solutions Subcommittee**

**Subcommittee Lead Staff:** Jenny Phu

**Recommendation:** 3. 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is evaluating a case management system, which is deployed in 25 California courts, to potentially provide early identification and tracking of LEP needs for parties and witnesses.

**Date of Last Update:** 10/16/2015

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**Goal 1: Improve Early Identification of and Data Collection on Language Needs**

**Translation, Signage and Tools for Courts Subcommittee**

**Subcommittee Lead Staff:** Diana Glick

**Recommendation:** 4. 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 [see page 49 for a sample card]). In the absence of self-identification, judicial officers and court staff must proactively seek to ascertain a court user’s language needs.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is currently developing a living toolkit for the dissemination of language access resources to court personnel, including “I Speak” cards, which are the tool of choice for early identification of language needs. The living toolkit will encourage and support the use of “I Speak” cards by court employees at various points of contact with the public. The subcommittee is also considering the needs of court users who speak non-written languages and is exploring ways in which courts can leverage technology to aid in the early identification of language needs.

**Date of Last Update:** 10/15/2015

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## **Goal 1: Improve Early Identification of and Data Collection on Language Needs**

### **Translation, Signage and Tools for Courts Subcommittee**

**Subcommittee Lead Staff:** Diana Glick

**Recommendation:** 5. Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. The notice must include, where accurate and appropriate, that language access services are free. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about language services must be available throughout the duration of a case. Notices should be in English and up to five other languages based on local community needs assessed through collaboration with and information from justice partners, including legal services providers, community-based organizations, and other entities working with LEP populations. Notice must be provided to the public, justice partners, legal services agencies, community-based organizations, and other entities working with LEP populations.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The National Center for State Courts (NCSC) will assist the subcommittee regarding development of a model notice for LEP court users. Subcommittee members are working in subgroups to prioritize existing LEP resources for dissemination, prioritize the development of new recommended resources, and identify an online platform that will make tools available to courts and LEP resources available to court users.

**Date of Last Update:** 10/16/2015

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## **Goal 1: Improve Early Identification of and Data Collection on Language Needs**

### **Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 6. The Judicial Council and the courts will continue to expand and improve data collection on interpreter 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 is critical in supporting funding requests as the courts expand language access services into civil cases.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Together with Judicial Council staff, the subcommittee is working to identify existing sources of data concerning cost reporting and assessing whether data sources are being appropriately modified to include additional language access costs.

**Date of Last Update:** 10/15/2015

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## **Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

### **Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 8. 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 section 756 (see Appendix H), and including Family Court Services mediation.

**Status of Recommendation:** Partially implemented **Phases 1, 2**

**Progress Update:** Judicial Council staff is working on updating a chart showing the status of civil expansion in all 58 trial courts. FY 2016–17 Budget Change Proposal (BCP) re LAP Implementation completed and approved by Judicial Council for submission to Department of Finance (the BCP includes a request for new Program 45.45 funding to allow all 58 trial courts to continue their current civil expansion efforts). Future BCPs ongoing.

**Date of Last Update:** 10/15/2015

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## **Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

### **Court Interpreters Advisory Panel Subcommittee**

**Subcommittee Lead Staff:** Catharine Price

**Recommendation:** 9. Pending amendment of California Rules of Court, rule 2.893, when good cause exists, 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 once the existing rule of court is amended). (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 70, on amending rule 2.893 to include civil cases.)

**Status of Recommendation:** Partially implemented **Phases 1, 2**

**Progress Update:** Judicial Council staff sent comprehensive guidance to courts regarding the amendments to the provisional qualifications statute that were effective January 1, 2015. The courts were advised that pending amendment of Rule 2.893, they should follow existing procedures for criminal and juvenile cases in other matters.

**Date of Last Update:** 10/15/2015

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**Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

**Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 10. Beginning immediately, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered, court-operated programs, services and events, to all LEP litigants, witnesses, and persons with a significant interest in the case.

**Status of Recommendation:** Partially implemented **Phases 1, 2, 3**

**Progress Update:** The NCSC is currently developing cost estimates for full LAP implementation, including cost estimates for provision of qualified interpreters in all court-ordered/court-operated programs, services, and events. We will likely request funding to support this expansion effort in a future BCP.

**Date of Last Update:** 10/19/2015

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**Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

**Technological Solutions Subcommittee**

**Subcommittee Lead Staff:** Jenny Phu

**Recommendation:** 12. The use of in-person, certified and registered court interpreters is preferred for court proceedings, but courts may consider the use of remote interpreting where it is appropriate for a particular event. Remote interpreting may only be used if it will allow LEP court users to fully and meaningfully participate in the proceedings.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Courts should refer to the text of the LAP recommendation for guidance.

**Date of Last Update:** 10/1/2015

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**Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

**Technological Solutions Subcommittee**

**Subcommittee Lead Staff:** Jenny Phu

**Recommendation:** 13. When using remote interpreting in the courtroom, the court must satisfy, to the extent feasible, the prerequisites, considerations, and guidelines for remote interpreting set forth in Appendix B.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Courts should refer to the text of the LAP recommendation for guidance.

**Date of Last Update:** 10/1/2015

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**Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

**Technological Solutions Subcommittee**

**Subcommittee Lead Staff:** Jenny Phu

**Recommendation:** 14. The Implementation Task Force will establish minimum technology requirements for remote interpreting which will be updated on an ongoing basis and which will include minimum requirements for both simultaneous and consecutive interpreting.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is working to establish minimum technology requirements for remote interpreting utilizing the technical requirements developed by the NCSC and the National Conference of State Court Administrators (COSCA).

**Date of Last Update:** 10/16/2015

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**Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

**Technological Solutions Subcommittee**

**Subcommittee Lead Staff:** Jenny Phu

**Recommendation:** 15. 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Courts should refer to the text of the LAP recommendation for guidance.

**Date of Last Update:** 10/1/2015

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## **Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

### **Technological Solutions Subcommittee**

**Subcommittee Lead Staff:** Jenny Phu

**Recommendation:** 16. The Judicial Council should conduct a pilot project, in alignment with the Judicial Branch's Tactical Plan for Technology 2014-2016. This pilot should, to the extent possible, collect relevant data on: due process issues, participant satisfaction, whether remote interpreting increases the use of certified and registered interpreters as opposed to provisionally qualified interpreters, the effectiveness of a variety of available technologies (for both consecutive and simultaneous interpretation), and a cost-benefit analysis. The Judicial Council should make clear that this pilot project would not preclude or prevent any court from proceeding on its own to deploy remote interpreting, so long as it allows LEP court users to fully and meaningfully participate in the proceedings.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee drafted a programmatic outline for a VRI Pilot Project. The proposal suggests a two-phase approach with an initial intra-court implementation in one or more courts and an inter-court pilot sharing interpreter resources based on the findings of phase 1. The subcommittee is also evaluating a currently issued NCSC/COSCA Request for Proposal (RFP) for a national inter-court VRI pilot program. Information may be used in designing our pilot project. The 2016-17 BCP re LAP implementation approved by the Judicial Council and submitted to the Department of Finance includes a funding request for a 10-court pilot project for video remote interpreting.

**Date of Last Update:** 10/16/2015

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## **Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

### **Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 18. The Judicial Council should continue to create multilingual standardized videos for high-volume 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** NCSC is working to incorporate into its trial court survey questions regarding the current inventory of self-help videos, including information about what areas are covered and what additional coverage is required.

**Date of Last Update:** 10/2/2015

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**Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

**Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 19. Effective January 2015, pursuant to Government Code section 68561(g) and (f), judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, properly represent their credentials on the record, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.)

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** LAP recommendations regarding verifying credentials of interpreters were incorporated into the recently revised spoken language interpreter course and will be incorporated into all other education products as appropriate.

**Date of Last Update:** 10/2/2015

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**Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

**Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 22. Absent exigent circumstances, when appointing a noncertified, nonregistered interpreter, courts must not appoint persons with a conflict of interest or bias with respect to the matter.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is exploring the possibility of developing a rule of court for recommendations concerning conflicts of interest and not appointing minors.

**Date of Last Update:** 10/2/2015

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**Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**

**Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 23. Minors will not be appointed to interpret in courtroom proceedings nor court-ordered and court-operated activities.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is exploring the possibility of developing a rule of court for recommendations concerning conflicts of interest and not appointing minors.

**Date of Last Update:** 10/2/2015

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**Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings**

**Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 25. The court in each county will designate an office or person that serves as a language access resource for all court users, as well as court staff and judicial officers. This person or persons should be able to: describe all the services the court provides and what services it does not provide, access and disseminate all of the court's multilingual written information as requested, and help LEP court users and court staff locate court language access resources.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Together with Judicial Council staff, the subcommittee is working to develop written guidance for all 58 trial courts regarding the need to designate a Language Access Office or Representative. The FY 2016–17 BCP re LAP implementation includes a request for twelve (12) new trial court positions of language access specialists to assist all 58 trial courts.

**Date of Last Update:** 10/15/2015

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**Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings**

**Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 26. 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.)

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** NCSC has incorporated the recommendation regarding points of contact for bilingual staff into its planned trial court survey. This will better enable the subcommittee to determine the bilingual proficiency level of court staff.

**Date of Last Update:** 10/16/2015

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**Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings**

**Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 28. 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Individual courts are recruiting and hiring bilingual staff as needed to support LAP implementation. The FY 2016–17 BCP re LAP implementation that was approved by the Judicial Council for submission to the Department of Finance includes a request for twelve (12) new trial court positions of language access specialists to assist all 58 trial courts in their efforts to address local and regional language access needs.

**Date of Last Update:** 10/15/2015

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**Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings**

**Translation, Signage and Tools for Courts Subcommittee**

**Subcommittee Lead Staff:** Diana Glick

**Recommendation:** 34. Courts should consider the use of bilingual volunteers to provide language access services at points of contact other than court proceedings, where appropriate. Bilingual volunteers and interns must be properly trained and supervised.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is working to draw upon best practices and existing models setting forth guidelines for the appropriate use of bilingual volunteers to create a document appropriate for the California courts to use in the development of local volunteer-based programs.

**Date of Last Update:** 10/2/2015

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**Goal 4: Provide High Quality Multilingual Translation and Signage**

**Translation, Signage and Tools for Courts Subcommittee**

**Subcommittee Lead Staff:** Diana Glick

**Recommendation:** 36. 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is serving in and fulfilling the translation committee function for Phase 1 of LAP implementation. The subcommittee and Task Force Chairs will recommend to the council at a future date whether an ongoing and separate translation committee should be established. The subcommittee is collaborating with NCSC to develop protocols for official translations of court documents and a rubric for determining what documents require and are most appropriate for translation.

**Date of Last Update:** 10/2/2015

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**Goal 4: Provide High Quality Multilingual Translation and Signage**

**Translation, Signage and Tools for Courts Subcommittee**

**Subcommittee Lead Staff:** Diana Glick

**Recommendation:** 37. The Judicial Council staff will work with courts to provide samples and templates of multilingual information for court users that are applicable on a statewide basis and adaptable for local use.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Subcommittee members are working in subgroups to prioritize existing LEP resources for dissemination, prioritize the development of new recommended resources, and identify an online platform that will make tools available to courts and LEP resources available to court users.

**Date of Last Update:** 10/2/2015

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**Goal 4: Provide High Quality Multilingual Translation and Signage**

**Translation, Signage and Tools for Courts Subcommittee**

**Subcommittee Lead Staff:** Diana Glick

**Recommendation:** 38. 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is collaborating with NCSC to develop protocols for official translations of court documents and a rubric for determining what documents require and are most appropriate for translation.

**Date of Last Update:** 10/2/2015

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**Goal 4: Provide High Quality Multilingual Translation and Signage**

**Translation, Signage and Tools for Courts Subcommittee**

**Subcommittee Lead Staff:** Diana Glick

**Recommendation:** 40. 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The FY 2016–17 BCP includes a request for new funding to provide translations of common court orders into the state’s most common non-English languages.

**Date of Last Update:** 10/2/2015

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**Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers**

**Court Interpreters Advisory Panel Subcommittee**

**Subcommittee Lead Staff:** Catharine Price

**Recommendation:** 43. 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** CIAP is continuing in its role regarding the development of quality standards including voting to implement the Farsi Grace Period.

**Date of Last Update:** 10/5/2015

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**Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers**

**Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 44. The online statewide orientation program will continue to be available to facilitate orientation training for new interpreters working in the courts.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Online court content to be reviewed by the end of the year.

**Date of Last Update:** 10/5/2015

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**Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers**

**Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 45. 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is reaching out to other states to obtain information on the resources available for interpreters to prepare for their exam and working on creating a list of provider information for preparation for testing.

**Date of Last Update:** 10/16/2015

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**Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers**

**Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 46. 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** LAP recommendations were incorporated into the recently revised spoken language interpreter course and will be incorporated into all other education products as appropriate.

**Date of Last Update:** 10/5/2015

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**Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers**

**Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 47. 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 American Council on the Teaching of Foreign Languages 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** NCSC has incorporated the recommendation regarding points of contact for bilingual staff into its planned trial court survey. This will better enable the subcommittee to determine the bilingual proficiency level of court staff.

**Date of Last Update:** 10/5/2015

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**Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers**

**Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 48. 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** NCSC has incorporated the recommendation regarding points of contact for bilingual staff into its planned trial court survey. This will better enable the subcommittee to determine the bilingual proficiency level of court staff.

**Date of Last Update:** 10/16/2015

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## **Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures**

### **Language Access Education and Standards Subcommittee**

**Subcommittee Lead Staff:** Bob Lowney

**Recommendation:** 50. Judicial officers, including temporary judges, court administrators, and court staff will receive training regarding the judicial branch's language access policies and requirements as delineated in this 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 an understanding of the mental exertion and concentration required for interpreting, the challenges of interpreter fatigue, the need to control rapid rates of speech and dialogue, and consideration of team interpreting where appropriate;
- 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;
- Legal requirements for establishing, on the record, an interpreter's credentials;
- 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 trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs.

**Status of Recommendation:** Partially implemented

**Phase 1**

**Progress Update:** A revised course on spoken language interpreters was recently launched at the Witkin Judicial College. This content will be leveraged into other judicial and court staff education products, such as videos and bench aids, for experienced judges and court staff. The subcommittee is working with NCSC to provide input into its education products. The subcommittee also formed a workgroup of judges experienced in judicial education to review this content and make other education recommendations.

**Date of Last Update:** 10/16/2015

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## **Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures**

### **Translation, Signage and Tools for Courts Subcommittee**

**Subcommittee Lead Staff:** Diana Glick

**Recommendation:** 52. 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, including policies related to remote interpreting.

**Status of Recommendation:** Partially implemented

**Phase 1**

**Progress Update:** NCSC will work with the subcommittees to help develop model bench cards that will be included in the living toolkit.

**Date of Last Update:** 10/2/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 56. The judicial branch will advocate for sufficient funding to provide comprehensive language access services. The funding requests should reflect the incremental phasing-in of the Language Access Plan, and should seek to ensure that requests do not jeopardize funding for other court services or operations.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee has convened a strategy group to help advance the FY 2016-17 BCP re LAP implementation and inform policymakers and stakeholders about its importance. Future BCPs ongoing.

**Date of Last Update:** 10/15/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 57. Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to implement the recommendations of this 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).

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Together with Judicial Council staff, the subcommittee is working to identify existing sources of data concerning cost reporting and assessing whether data sources are being appropriately modified to include additional language access costs.

**Date of Last Update:** 10/1/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 58. Judicial Council staff will pursue appropriate funding opportunities from federal, state, or nonprofit entities, such as the National Center for State Courts, which are particularly suitable for one-time projects, for example, translation of documents or production of videos.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee has convened a strategy group to help advance the BCP and inform policymakers and stakeholders about its importance. Future BCPs ongoing.

**Date of Last Update:** 10/1/2015

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## **Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

### **Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 59. Courts should pursue appropriate 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, and federal, state, or local governments.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee has convened a strategy group to help advance the FY 2016-17 BCP re LAP implementation and inform policymakers and stakeholders about its importance. The subcommittee will consider whether to provide written guidance to courts about pursuit of other funding opportunities.

**Date of Last Update:** 10/16/2015

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## **Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

### **Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 60. 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 should include representatives of the key stakeholders in the provision of language access services in the courts, including, but not limited to, judicial officers, 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** LAP Implementation Task Force was formed by the Chief Justice in March 2015. The NCSC, in consultation with the subcommittee, is developing a comprehensive LAP work plan, including a cost analysis, budget and estimates re full LAP implementation.

**Date of Last Update:** 10/16/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 61. The Implementation Task Force will establish the necessary systems for monitoring compliance with this Language Access Plan. This will include oversight of the plan’s effects on language access statewide and at the individual court level, and assessing the need for ongoing adjustments and improvements to the plan.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The Judicial Council has developed a LAP Monitoring Database, which will provide a report for the implementation status of the LAP recommendations (beginning with Phase 1 and in the future will include the status of Phase 2, etc.). Judicial Council staff is working on updating a chart showing the status of civil expansion in all 58 trial courts.

**Date of Last Update:** 10/16/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 62. The Implementation Task Force will develop a single form, available statewide, on which to register a complaint about the provision of, or the failure to provide, language access. This form should be as simple, streamlined, and user-friendly as possible. The form will be available in both hard copy at the courthouse and online, and will be capable of being completed electronically or downloaded for printing and completion in writing. The complaints will also serve as a mechanism to monitor 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** NCSC is assisting the subcommittee with producing a single complaint form and complaint processes.

**Date of Last Update:** 10/1/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 63. Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may file a complaint about the court’s provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. Local courts may choose to model their local procedures after those developed as part of the implementation process. Complaints must be filed with the court at issue and reported to the Judicial Council to assist in the ongoing monitoring of the overall implementation and success of the Language Access Plan.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** NCSC is assisting the subcommittee with producing a single complaint form and complaint processes.

**Date of Last Update:** 10/1/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Translation, Signage and Tools for Courts Subcommittee**

**Subcommittee Lead Staff:** Diana Glick

**Recommendation:** 66. The Judicial Council should 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** NCSC has provided recommendations for toolkit components that are being considered in the development of resources. Subcommittee members are working in subgroups to prioritize existing resources for dissemination, prioritize the development of new recommended resources, and identify an online platform that will make tools available to courts and LEP resources available to court users. The subcommittee is also participating in a NCSC statewide survey of court personnel to determine how best to meet local court needs for language access protocols and resources.

**Date of Last Update:** 10/16/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Budget and LAP Monitoring Subcommittee**

**Subcommittee Lead Staff:** Douglas Denton

**Recommendation:** 67. The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of this Language Access Plan with necessary modifications.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** The subcommittee is developing a plan for the adoption and implementation of appropriate LAP recommendations by Courts of Appeal and the Supreme Court.

**Date of Last Update:** 10/1/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Court Interpreters Advisory Panel Subcommittee**

**Subcommittee Lead Staff:** Catharine Price

**Recommendation:** 69. The Judicial Council should establish procedures and guidelines for determining “good cause” to appoint non-credentialed court interpreters in civil matters.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Judicial Council staff has provided interim guidance on good cause, but CIAP’s Language Access subcommittee has not begun its formal review of what “good cause” should be required for any differences between criminal/juvenile and civil matters.

**Date of Last Update:** 10/16/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Court Interpreters Advisory Panel Subcommittee**

**Subcommittee Lead Staff:** Catharine Price

**Recommendation:** 70. The Judicial Council should amend rule of court 2.893 to address the appointment of non-credentialed interpreters in civil proceedings.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** Preliminary work undertaken by CIAP’s Language Access subcommittee on technical changes needed to Rule 2.893. But substantive policy-level review must be undertaken and completed including, for example, whether the good cause required should be different between criminal/juvenile and civil matters.

**Date of Last Update:** 10/16/2015

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**Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation**

**Court Interpreters Advisory Panel Subcommittee**

**Subcommittee Lead Staff:** Catharine Price

**Recommendation:** 75. 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, 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 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.

**Status of Recommendation:** Partially implemented **Phase 1**

**Progress Update:** CIAP plans to include this item as part of its next Annual Agenda (for 2016).

**Date of Last Update:** 10/5/2015

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