



JUDICIAL COUNCIL OF CALIFORNIA

LANGUAGE ACCESS PLAN
IMPLEMENTATION TASK FORCE

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MINUTES OF COMMUNITY OUTREACH MEETING

October 20, 2015

10:00 a.m. to 4:00 p.m.

Ronald Reagan State Building - Auditorium
300 South Spring Street, Los Angeles, California

Advisory Body Members Present: Hon. Mariano-Florentino Cuéllar, Chair, Hon. Manuel Covarrubias, Vice-Chair, Hon. Steven Austin, Mr. Kevin Baker, Ms. Tracy Clark, Hon. Michelle Williams Court, Ms. Ana María García, Hon. Dennis Hayashi, Ms. Joann Lee, Hon. Miguel Márquez and Ms. Ivette Peña.

Advisory Body Members Not Present: Ms. Naomi Adelson, Hon. Terence Bruiniers, Hon. Jonathan Conklin, Hon. Janet Gaard, Ms. Susan Marie Gonzalez, Ms. Janet Hudec, Ms. Oleksandra Johnson, Hon. Jonathan Renner, Mr. Michael Roddy, Ms. Jeanine Tucker, Dr. Guadalupe Valdés, Mr. José Varela, Hon. Brian Walsh, Ms. Leah Wilson, and Hon. Laurie Zelon.

Others Present: Ms. Dianne Bolotte, Ms. Claritza Callaci, Mr. Douglas Denton, Ms. Bonnie Hough, Ms. Cristina Llop, Ms. Catharine Price, Ms. Jacquie Ring, Mr. Victor Rodriguez, Mr. Peter Shervanick, Ms. Elizabeth Tam-Helmuth and Hon. Juan Ulloa.

I. OPEN MEETING (CAL. RULES OF COURTS, RULE 10.75 (C)(1))

WELCOME AND INTRODUCTION

Justice Mariano-Florentino Cuéllar of the California Supreme Court and Chair of the Language Access Plan (LAP) Implementation Task Force (ITF) introduced his Vice-Chair, Judge Manuel Covarrubias from the Ventura County Superior Court. Justice Cuéllar welcomed and thanked everyone for joining the first of two scheduled community meetings. The second community outreach meeting will be held on March 22, 2016, in San Francisco.

PANEL ONE – EXPANDING ACCESS TO INTERPRETERS IN CIVIL PROCEEDINGS

Moderator: Judge Manuel Covarrubias

Panelists: Judge Steve Austin, Ms. Tracy Clark, Ms. Ivette Peña and Judge Juan Ulloa

Initially, the Judicial Council's intent with sponsored legislation (Assembly Bill 1657, Stats. 2014, ch. 721) was to simply expand reimbursement to civil matters with minor changes to existing statutes. However, the Legislature felt it would be helpful to establish a prioritization (including fee waiver eligibility) in situations where funding was limited. That prioritization has

proven to be useful for courts, giving them a structure within which to incrementally expand interpreter services for civil matters.

Funding is key, so there will be regular requests for increases of funding. The ITF is also looking at cost-savings of providing interpreters more effectively and efficiently. The issue of funding has some challenges. Courts need to be comfortable that they will be reimbursed for the services they do provide, so the ITF may need to figure out formulas and ways to reimburse courts in better ways.

The Los Angeles County Superior Court has done a lot because they were so hard hit by the budget cutbacks. It had already reduced court locations, so it was able to concentrate interpreter matters. There are 224 languages spoken in LA County, not counting dialects, with over 25,000 people going through court each day throughout the current 38 locations.

Starting in January 2015, the Los Angeles County Superior Court began providing interpreters to all unlawful detainer parties, irrespective of fee waiver eligibility. The court expanded slowly because it did not want to offer a service that it could not later sustain. As of June 2015, the court provided interpreters at no charge in unlawful detainer, civil harassment, conservatorship, guardianship, elder abuse, family law and small claims matters. The court has also created a portal for unlawful detainer litigants to request an interpreter for their hearing. Once the upcoming case management system is instituted, early notification will be easier to put in place. The court also has a complaint process and form, which has been on the court website since 2014. The court does not get a lot of complaints but it does respond to them rather quickly.

Since expansion, interpreter resources are the most affected, especially in languages other than Spanish (OTS). There are not enough interpreters in OTS languages to meet the need. Los Angeles Superior Court will be looking at potential uses of technology to provide interpreter services. For example, at clerk counters and other non-courtroom locations, it will consider utilizing audio remote interpreting services. The court is also looking at language access materials, including I-speak cards and other language phrases, bench cards for judges, and language resource guides for judicial assistants. Currently, there is an online interactive traffic assistant in English and Spanish, and the court hopes to expand into other languages. It is also working on kiosks (in place by end of 2016) that will assist court users in five languages.

In terms of remaining challenges, providing interpreters free of charge for everyone in civil unlimited matters will be one of the biggest. The diversity of the demand — 80 or 90 percent of need is in Spanish, with the other 10 to 20 percent in OTS languages — is incredibly challenging. Also, the sheer size of the county and number of locations makes it very difficult to make interpreters available.

Through the Binational Justice Project, the Imperial County Superior Court has made many advances in collaboration with the Mexican courts, partly as result of the budget crisis. The court systems of Imperial County and Mexico have worked together to learn how each other functions, and they have developed protocols for service of process essential to resolving court disputes. These collaborative efforts are also taking place with Guatemala and Costa Rica. In addition, partnerships have helped courts provide services leveraging the Mexican consulate's mission to protect the interests of Mexican citizens in the U.S. For example, in San Diego, the consulate office is fostering and facilitating actual services in Spanish for their citizens. The Mexican

consulate also provides classes, such as anger management, in a culturally appropriate manner. These services are very hard to locate otherwise, and courts can take advantage of them to better serve Limited English Proficient (LEP) court users. More efforts are needed on the part of the Imperial County Superior Court to facilitate linking court users with needed services. The court needs a government-to-government relationship with Mexico in order to better provide services to court users residing there (such as may arise as part of probation or other case). The court also needs staffing and resources in order to provide those links and resources.

The civil expansion laws and labeling of priorities has helped the court marshal its resources. It needs to be smarter in allocation of services and ensure that a qualified interpreter is provided when needed and appropriate, such as for court hearings and interpreting court orders. The court has been working on becoming more flexible and more proactive, with early identification at the filing window, calendaring more efficiently, and using translated Judicial Council forms.

For the Ventura County Superior Court, the LAP adoption has resulted in a statewide policy that makes scheduling and being proactive much better, and it is a part of doing business well. Ventura County Superior Court already had a very cooperative relationship with interpreters and now is using interpreters more, especially in family law cases, and it's meeting all priorities except for unlimited civil. OTS languages are a small percentage, but they take so much more time to organize, schedule, and bring in interpreters for those languages, so that's where the court will need more cooperative work.

The big change with civil expansion is the high numbers of self-represented litigants. The Ventura County Superior Court is finding errors that prevent a case from moving forward, e.g., proof of service being done wrong, etc., and meanwhile, the court already spent money to bring in a certified interpreter. So the court is working with staff to find out a couple of days ahead of time to make sure the case can move forward or get other assistance.

The LAP allows Ventura County Superior Court to use strategies in which the court couldn't use a couple of years ago, such as coordinating with another county (like Los Angeles County Superior Court) to get an interpreter for a court user and permit her to have her or his day in court.

PUBLIC COMMENT FOR PANEL ONE

Members from the public noted they would like to see more court interpreters involved in this process and on the ITF. Commentators also commended the Los Angeles County Superior Court for their efforts in expansion, as it is a high volume court. Throughout the state, however, commentators noted that individual trial courts' ability to provide interpreters in civil matters is still inconsistent.

PANEL TWO – STRENGTHENING EDUCATIONAL INITIATIVES AND DEVELOPING A TOOL-KIT FOR LANGUAGE ACCESS

Moderators: Judge Manuel Covarrubias and Ms. Ana María García

Panelists: Ms. Claritza Callaci, Judge Michelle Williams Court, Ms. Ana María García, Ms. Bonnie Hough, and Ms. Joann Lee

The ITF’s Language Access Education and Standards Subcommittee had a recent New Judge’s Orientation with over 100 judicial officers participating. The new judicial training included issues related to the LAP, new obligations regarding the expansion of interpreter provision into civil, and the requirements for finding certified or registered interpreters. The feedback was positive and is being analyzed. Non-judicial members are also reviewing the training to make sure it addresses training needs for all, not just judicial officers.

From the legal services and self-help perspective, it is our duty to provide access to LEP users in a way that’s respectful so interactions with the court are positive. Studies show that people care about procedural fairness (being heard and understood), and that fact is critical. Education must be provided throughout the courts, including security, clerk’s offices, and judicial assistants. We must work to ensure a court system that works for all people, not just those that can afford a lawyer. Satisfaction and public trust will improve as we meet these goals.

There are three facets to judicial education that are very important. First, it is crucial that bench officers understand the role of interpreters in the courtroom, but also what it takes to do that job. Manuals or pamphlets for training are fine, but they do not fully educate judges and provide the needed understanding of the interpreter’s job the way an in-person practical training can. Second, the training curriculum must address cultural competency and related issues — not just an awareness that there may be differences in the communication or the words being communicated, but also differences in body language, etc. An LEP person’s gestures may be conveying something different than the bench officer assumes. Third, the training curriculum should include the real perspectives of an LEP litigant going through the court system.

The Los Angeles County Superior Court has its own “new judge’s orientation” where language access curriculum may be used. There is also an annual seminar in LA. In addition, there are other local and statewide opportunities to train judicial officers on these issues.

With regard to Legal Aid Foundation of Los Angeles (LAFLA) and its work to educate its clients with regard to language access services in the Los Angeles Superior Court, expansion has been critical to LAFLA’s clients. Advocates make it very clear to their clients, especially self-represented persons, about what to expect and how to request an interpreter. Public notices issued by the court have often been issued in several languages so many are better informed. The court has undertaken a lot of expansion. The Judicial Council translated the LAP Executive Summary. All these efforts are very important because many courts are still working out the process for requesting interpreters and may not yet have protocols or staff may not yet be fully trained.

Self-help centers use volunteers and paid staff, including qualified bilingual staff to provide one-on-one assistance. Although interpreters are critical, we also need bilingual staff to explain issues

to LEP users, something which is unreasonable to expect interpreters to do in addition to having to perform their job as interpreters. Interpreting is a very challenging job, and they have to be supported in doing that job in the courtroom and beyond.

In addition to self-help programs, there is a statewide self-help website with a Spanish mirror site which is a great resource. It also allows the self-help provider to have confidence in the materials because they can be simultaneously looking at the English version of something they hand out.

One of major developments of the ITF's Translation, Signage and Tools for Courts Subcommittee is the development of the online toolkit, intended at providing resources and documents to help LEP court users to access court resources. It will include translated materials, court forms, and helpful resources. It will also have resources and training for court staff, such as information on court policies, cultural competence, how to work with interpreters, etc.

Currently, the plan is to host the toolkit on the California Courts website. We are pulling together all the currently existing resources, which are now located in different places (Equal Access, California Online Self-Help, Court Interpreters Program page, or the Language Access page). The Translation, Signage and Tools for Courts Subcommittee is also working with Stanford University to hold focus groups to determine where staff would want the information. Actual court users will access it through the self-help website to get those resources, since there are currently over four million users.

Interpreters would most benefit from free access to reliable resources, so they can do research and be prepared for their daily tasks. Other resources that would be helpful include free dictionaries and glossaries, and the penal and civil codes of other countries. This would be a project that can be shared, and interpreters can continue to add terms as they go forward. It is also important that interpreters be part of any training efforts. In Los Angeles, the court has an educational unit that provides Court Interpreter Minimum Continuing Education (CIMCE) for in-house interpreters.

For consumers of interpreter services (such as LEP court users, attorneys, court staff, and judicial officers) it would be helpful to have instructions for attorneys to provide appropriate notice to their clients concerning the need for an interpreter. We also need to train bailiffs and all of the players in court to identify an interpreter need well in advance. We need to ensure judges inform interpreters when they (judges) learn that an interpreter will be needed, which can happen when judges prepare for the cases for the next day. Courts should include a notice in any packets handed out to court users when first coming into contact with the court, letting them know of their rights to free interpreter services. The information should walk them through what's going to happen and include Q&A in other languages regarding the reason they are coming to the court.

From the bench officer's perspective, we should focus on tools that improve access for everyone. Examples include fact sheets that are translated so everyone has the same baseline understanding of how the court works; multilingual signage so a LEP litigant doesn't have to sit in the back of the courtroom only to find out they should have gone elsewhere; I-speak cards; cards for litigants about how to use an interpreter similar to bench cards; and finally, prominent and clear notices about availability of interpreter services so litigants know as early as possible in the court process how to request services.

It is critical to have bilingual staff to help identify a need for an interpreter or other services, and also to have information in multiple languages available for litigants to use without having to talk to court staff. A lot of people come to courts without having to enter courtrooms. There are processes people can follow and handle on their own without a lawyer.

PUBLIC COMMENT FOR PANEL TWO

Members from the public provided comments on the need to revamp the statewide CIMCE system and to improve the state exam; for example, the current exam (Spanish) does not include testing of translation skills. Further comment was made on the usage of bilingual staff that are not formally trained and are not certified to be interpreters. A suggestion was made on the need to use a unified vocabulary. Vocabulary needs to be standardized. Becoming a professional interpreter and/or translator requires specialized knowledge, including qualities such as language skills, cultural awareness, and both passive and active knowledge.

A member who works with an organization that provides a self-help conservatorship clinic in various courthouses in Los Angeles wants to see more educational materials in the areas of conservatorship for parents in different types of cases. Members from the indigenous community (for example, Mixteco from Oaxaca, Mexico) spoke about the need for government offices and hospitals to provide interpreters (interpreting indigenous languages to Spanish to English) who can understand indigenous LEP court users, not just to interpret but to educate them about the court system so they can feel more comfortable.

PANEL THREE – MONITORING PROGRESS OF LANGUAGE ACCESS PLAN, IMPLEMENTATION AND BUDGET INITIATIVES

Moderators: Judge Steve Austin

Panelists: Mr. Kevin Baker, Ms. Tracy Clark, Judge Dennis Hayashi and Justice Miguel Márquez

The Judicial Council has prepared a Fiscal Year 2016-17 Budget Change Proposal (BCP) for the Governor's consideration. The BCP covers six concepts:

- Expanding interpreter services into all civil proceedings;
- Providing training for interpreters on civil cases and remote interpreting, as well as signage in courthouses in multiple languages;
- Providing on-site trial court support for language access;
- Implementing a pilot program for video remote interpreting (VRI);
- Translation of Judicial Council forms and creation of multilingual videos to assist LEP court users; and
- Continued work of the ITF to ensure appropriate and timely implementation of recommendations to improve access to justice for the seven million LEP Californians and promote efficiency for the courts.

In general, the Legislature is well disposed toward the goal of language access. Three previous attempts between 2006 and 2009 to expand language access were ultimately unsuccessful, but

they had bipartisan support in the Legislature. Many important members of the Legislature understand this issue.

To secure additional funding, it is critical that the courts actually use the Program 45.45 surplus that is available. If the Department of Finance sees unspent money, the argument for more funding won't be persuasive. Also, it is important legislators hear from judges from all corners of the state. Presiding judges and local trial judges should be involved in the effort. And courts should immediately take down outdated language access policy statements and documents posted online.

The ITF's Budget and LAP Monitoring Subcommittee is charged with developing a single statewide complaint form and process for handling those complaints. Los Angeles County Superior Court has a complaint form to address language access issues. The subcommittee may need to look at other states and jurisdictions and how they have handled these issues.

There is a lot of information available online for those wishing to monitor progress made by the ITF. The California Courts Language Access web page (www.courts.ca.gov/languageaccess.htm) contains a link to the LAP, progress reports, updates on news and related activities of the ITF, and links to the ITF web page to learn more about past or upcoming meetings. Once the living toolkit is established, it will be linked to the Language Access page. The ITF page (www.courts.ca.gov/LAP.htm) includes ITF membership and activities, and notices, agendas, etc. for upcoming ITF meetings.

Several courts' websites also provide critical language access information for LEP users. The Los Angeles County Superior Court's website (www.lacourt.org) has a [language access information](#) page with resources for LEP litigants (and interpreters) in their top five languages. The website has the Google Translate capability in LA's top five languages. The [Traffic Division](#) homepage has an online, animated avatar that provides audio assistance to guide users through the traffic pages in English and Spanish and will soon also be available in Korean, Chinese, Vietnamese, and Armenian. The Contra Costa County Superior Court (www.cc-courts.org) has an entire [self-help site](#) in Spanish, with extensive information on family law, evictions, small claims, domestic violence, etc. Many other courts have posted Interpreter Request forms online, and have added Google Translate capabilities.

The LAP recommends that courts designate language access offices or representatives. As discussed, implementation of these language access issues is complex. For example, Los Angeles has 25,000 users a day, 224 languages, and 38 locations, a shortage of OTS-language interpreters that are shared with other southern California counties, and a need for indigenous languages interpreters. Having someone trained, knowledgeable, and with resources available to handle those issues at every court is critical. The Budget and LAP Monitoring Subcommittee is already working on written guidance for this designated office or representative. In addition, the BCP asked for 12 positions for the state's four regions to provide assistance for language access. These language access specialists would be housed at one or more courts in each region to assist courts with language access issues. The language access specialist will be able to help coordinate statewide efforts and assist courts regarding various recommendations included in the LAP to improve and expand language access in California's courts.

Justices Jonathan Renner and Maria Rivera are looking at the recommendations in the LAP to implement at the Court of Appeal, especially interpreters on demand and translation of key documents.

In terms of technology, it is critical that we do not make any big commitments because technology changes all the time, very quickly. We need to think about the minimum requirements for the infrastructure that will allow us to use whatever technology is out there. What you learn from Silicon Valley is to let innovators innovate and bring us the technology that is available. Also, some private companies may be willing to help the courts innovate (likely because they see a future financial interest for themselves). E-filing systems are an example of this. But we first need to make sure we can use the technology and that minimum requirements are met.

Expanding VRI from American Sign Language (ASL) to spoken languages has proven challenging because of the need to have control on both ends over the quality of the technology. Ideally, to use VRI, the court would control the technology at both ends, and users would have IT support from the court. In terms of cost, it has changed so much. There is a lot available off the shelf. Thus, estimating cost of implementing certain technologies is very hard. Courts need to be open, test things out, and have training on both ends so everyone can anticipate problems. It has to be a collaborative process.

The Judicial Council staff has developed a monitoring database to track progress and that will produce reports regarding implementation of the LAP. Quarterly reports will be posted on the Language Access webpage.

PUBLIC COMMENT FOR PANEL THREE AND GENERAL COMMENTS

Members from the public indicated that qualified court interpreters are available to assist with future training efforts focused on civil matters.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:00 p.m.

Approved by the advisory body on January 27, 2016.