



# JUDICIAL COUNCIL OF CALIFORNIA

## LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

[www.courts.ca.gov/LAP.htm](http://www.courts.ca.gov/LAP.htm)  
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### LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

#### MINUTES OF OPEN MEETING

January 27, 2016

11:00 a.m. to 4:00 p.m.

In-Person Business Meeting

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**Advisory Body Members Present:** Hon. Mariano-Florentino Cuéllar, Chair, Hon. Manuel Covarrubias, Vice-Chair, Ms. Naomi Adelson, Hon. Steven Austin, Mr. Kevin Baker, Hon. Terence Bruiniers, Ms. Tracy Clark, Hon. Jonathan Conklin, Hon. Janet Gaard, Ms. Susan Marie Gonzalez, Hon. Dennis Hayashi, Ms. Janet Hudec, Ms. Oleksandra Johnson, Ms. Joann Lee, Hon. Miguel Márquez, Ms. Ivette Peña, Mr. Michael Roddy, Dr. Guadalupe Valdés, Hon. Brian Walsh, and Hon. Laurie Zelon

**Advisory Body Members Absent:** Hon. Michelle Williams Court, Ms. Ana Maria Garcia, Hon. Jonathan Renner, Ms. Jeanine Tucker, Mr. José Varela, and Ms. Leah Wilson

**Others Present:** Ms. Dianne Bolotte, Mr. Douglas Denton, Ms. Charlene Depner, Ms. Lucy Fogarty, Ms. Linda Foy, Mr. Scott Gardner, Ms. Diana Glick, Ms. Donna Hershkowitz, Ms. Bonnie Hough, Mr. Bob Lowney, Ms. Anne Marx, Mr. Justin McBride, Ms. Angeline O'Donnell, Ms. Jenny Phu, Mr. Victor Rodriguez, Ms. Virginia Sanders-Hinds, Ms. Sonia Sierra Wolf, Ms. Renea Stewart, and Ms. Elizabeth Tam-Helmuth.

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

The Chair Justice Mariano-Florentino Cuéllar called the meeting to order at 11:00 a.m. and welcomed all to the public meeting of the Language Access Plan (LAP) Implementation Task Force (ITF or Task Force). Roll was taken.

##### **Approval of Minutes**

The Task Force unanimously approved the June 17, 2015 meeting minutes. In addition, those members who were present at the October 20, 2015 community outreach meeting unanimously approved the October 20, 2015 meeting minutes.

##### **ITF Chairs Update**

Justice Cuéllar shared that the Governor's proposed budget for 2016-17 includes an additional \$7 million, ongoing, to support interpreter expansion into all civil matters. This is a major step forward, as it will help support expansion efforts, and we hope the Legislature will support this.

Things we are keeping an eye on in terms of the budget include not just making sure that we have expansion of interpreter coverage into civil proceedings but also other interpreter-related issues, such as recruitment and retention of court interpreters to ensure that courts have an adequate supply of qualified interpreters to assist LEP court users; making sure working conditions for court interpreters are great, support for LEP court users at the counter, outreach in the communities and signage and translation of forms. We will work with the Task Force and staff to look for sources of funding for this. Also, the Governor's budget included \$30 million for court innovations, which could be available for various court needs related to language access.

Judge Manuel Covarrubias provided a brief update on the successful and productive public outreach meeting held in Los Angeles on October 20, 2015. We received many comments, including comments on courts' expansion of interpreters into civil matters and the desire to see more interpreters on the Task Force or directly involved in LAP implementation. Judge Covarrubias extended an invitation to everyone to join the Task Force at its March 22, 2016 public meeting, scheduled to take place in San Francisco.

#### **Subcommittee Chairs Update**

The Task Force Subcommittee Chairs provided the following updates:

#### **Budget and LAP Monitoring (Douglas Denton, on behalf of Judge Austin, Chair)**

- **LAP Budget and Cost Estimates:** The NCSC will be working with the subcommittee to develop a budget and estimates for full LAP implementation.
- **Language Access Office or Representative:** The subcommittee developed and distributed written guidance for trial court leadership in December 2015, and requested that each court designate a language access office or representative. Staff has received feedback from 31 courts to date, and expects to get the designation from each court in short order.
- **Survey: Trial Courts:** NCSC sent a survey to trial courts at the beginning of this month. The intent of the survey is to gather information to assist the California judiciary and the Task Force with an assessment of current language access needs and the identification of statewide and local language access services provided. The survey will also help to provide a baseline of expenditures on language access services and assist in the process of determining future funding needs.
- **Survey: Courts of Appeal and Supreme Court:** The subcommittee also developed and sent a short survey to the Courts of Appeal and the Supreme Court to get a rough picture of the language needs the appellate courts are facing. Survey responses will help determine which recommendations of the LAP may be appropriate (with modification) for adoption by the Courts of Appeal and the Supreme Court. The Chief Justice and the Administrative Presiding Justices of the Courts of Appeal will be designating representatives from each court to work with members of the subcommittee to review the

LAP in its entirety and discuss the applicability of each of the recommendations to the appellate courts, and, where appropriate, how they could implement them.

- **Complaint Form:** A preliminary draft complaint form and draft process has been developed by NCSC and reviewed by the subcommittee. Revisions are being made for consideration by the subcommittee. The subcommittee will partner with the Professional Standards and Ethics Subcommittee of CIAP, as appropriate, to sync any complaint form and process with CIAP's review of interpreter competency as required by California Rules of Court, Rule 2.891.
- **Data Collection:** The subcommittee reviewed the LAP recommendations that required language services cost information be gathered on translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. After significant discussion, the subcommittee felt confident that existing trial court data collection systems can be modified to capture the additional information.
- **LAP Monitoring Database:** The Judicial Council has developed a LAP Monitoring Database, which allows us to capture the implementation status of the LAP recommendations. All subcommittees are providing updates so that we can prepare these status updates on a quarterly basis. The progress reports are available on the Task Force's web page (<http://www.courts.ca.gov/LAP.htm>)

### **Technological Solutions Subcommittee (Justice Terence Bruiniers, Chair)**

- Justice Terence Bruiniers reported on development of the Request for Proposal (RFP) for the Video Remote Interpreting (VRI) Pilot Project. An Executive Summary was distributed to the Task Force and is included in meeting materials.
- The subcommittee will seek approval from the Task Force to move forward with the Project Plan and RFP in order to present to the Judicial Council in February.
- Technology has already been proven in various states. However, the pilot project aims to pre-approve vendors and set minimum technical requirements, leveraging the NCSC Guidelines that have already been created.
- The RFP is for a zero dollar cost and currently, the subcommittee is still seeking court participation.
- The VRI Pilot Project has been approved by Information Technology Advisory Committee (ITAC) as a project workstream, and has been approved by Judicial Council Technology Committee (JCTC).

### **Translation, Signage and Tools for the Courts Subcommittee (Justice Laurie Zelon, Chair and José Varela, Co-Chairs)**

- Justice Zelon provided a very broad overview of the work of the subcommittee prior to her full presentation of the living toolkit, *Language Access Toolkit*, and the model notice of available language access services. The subcommittee has focused its Phase One efforts on the toolkit and collaborating with NCSC on the production of a variety of deliverables that will become part of the toolkit.

**Language Access Education and Standards Subcommittee (Judge Janet Gaard, Chair and Ana Maria Garcia, Co-Chairs)**

- Judge Gaard previously identified the top four priorities for the subcommittee: judicial education, verifying interpreter credentials, ensuring minors are not used as interpreters, and avoiding appointing a person who has a conflict of interest to interpret. She indicated her pleasure that the subcommittee has made substantial progress on these priorities with tremendous support from CJER staff.
- The subcommittee developed and presented at the judicial college - which all new judges are required to attend - a new course for judicial officer on spoken language interpreters, including legal requirements and practical implementation on usage of interpreters. We will use this course as a spring board to develop a number of educational materials – written materials, videos and interactive articles; also, we will leverage the new curriculum into training materials in a variety of contexts to train court staff.
- The subcommittee convened a judicial working group to review and advise on educational materials we are developing (drawing from CJER committees that include criminal, civil, family and juvenile judicial officers).
- The subcommittee is expecting to put together a working group consisting of court executive officers and court staff that will assist in reviewing materials.
- The subcommittee is working with NCSC to review educational materials they developed.
- The CJER staff recently developed and taped an educational video with Judge Austin and Judge Yew to advise judicial officers of the legal requirements and practical implementation of qualifying and appointing interpreters and also to address specific questions judges have on how to use interpreters who are not qualified (certified/registered).
- The subcommittee is focusing on judicial education and is waiting on results of NCSC survey in order to move into other areas identified in our recommendations.

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**DISCUSSION AND POSSIBLE ACTION ITEMS**

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**ITF Product Highlight:** *Language Access Toolkit*

Justice Zelon unveiled and presented the *Language Access Toolkit* to the Task Force. LAP Recommendations # 37, 38 and 66 became the living toolkit concept. The subcommittee first evaluated our existing resources and created a rubric with which to evaluate materials for inclusion on the site. With assistance from the Stanford Design School, the toolkit went live on December 31, 2015. The subcommittee will continue its efforts to improve and expand the resource for courts and other stakeholders.

**ITF Product Highlight:** *Model Notice for LEP Court Users* [Action Item]

NCSC developed a draft model notice for LEP court users, which was reviewed by the Translation subcommittee and is before the Task Force with a request to recommend adoption by the Judicial Council. This notice, in plain language and containing a graphic symbol that represents language access services, will be included in the toolkit and may be produced as a

poster, leaflet or any number of other formats. Once the language is approved by the Judicial Council, the document will be formatted and translated into eight languages.

With a slight modification, the Task Force unanimously approved recommending that the draft statewide model notice be presented to the Judicial Council for its approval at its February 25-26 meeting (*Change to model notice: "For free help with interpreters," remove "for many cases"*).

**ITF Product Highlight: Video Remote Interpreting Pilot Project** [Action Item]

Justice Bruiniers discussed the Request for Proposal (RFP) to obtain equipment for testing, validation, and to finalize technical guidelines for a Video Remote Interpreting (VRI) Pilot Project. If the Judicial Council approves the project, the Task Force will post the RFP on the Judicial Branch public website in March. Vendor submissions will be evaluated and scored soon after.

The Task Force unanimously approved recommending that the Judicial Council approve proceeding with the RFP for the VRI Pilot Project at its February 25-26 meeting.

**National Center for State Courts Presentation**

Konstantina Vagenas, Jacquie Ring and Cristina Llop provided a presentation of the contract deliverables to date. Ms. Ring and Ms. Llop laid out the current projects completed to date and reviewed the timeline of activities to be completed between now and June 30, 2016.

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**PUBLIC COMMENT**

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Public comments were provided by the California Federation of Interpreters, California Rural Legal Assistance, and Legal Services of Northern California. Comments included: recognition of language access expansion and implementation efforts, the need for uniformity of interpreter services in civil matters among trial courts throughout the state, the need for courts to update their web pages, and the focus on recruitment efforts of interpreters into the profession.

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**LUNCH AND SUBCOMMITTEE BREAKOUT GROUPS**

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(Not open to the public per Cal. Rules of Court, rule 10.75(b)(1)).

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**SUBCOMMITTEE UPDATE**

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**Subcommittee Update and 2016 Annual Agenda**

The Task Force reconvened and the subcommittee chairs provided the following updates.

**Budget and LAP Monitoring (Douglas Denton, on behalf of Judge Austin, Chair)**

The Budget and LAP Monitoring Subcommittee reviewed projects on the 2015 Annual Agenda, and agreed that two of its 2015 Annual Agenda projects have been completed: Providing guidance to courts regarding the need to designate a language access office or representative, and development of the LAP Monitoring Database. The subcommittee discussed carrying over its other 2015 projects to the Task Force's 2016 Annual Agenda, and, as appropriate, adjusting the estimated timelines for project completion. The Budget and LAP Subcommittee's priorities for 2016 will include:

- Continuing its focus on supporting civil expansion efforts in the courts, including securing necessary funding.
- Continuing to work on development of a single statewide complaint form, available statewide, to allow LEP court users to register a complaint about the provision of, or the failure to provide, language access (see LAP Recommendations #62-63).
- Exploring strategies to increase the pool of qualified, available court interpreters, and identifying recruitment strategies to encourage bilingual individuals to pursue (1) the interpreting profession and (2) employment opportunities in the courts (see LAP Recommendation #49).

Judge Austin briefly shared that NCSC provided the Subcommittee with an overview of a formula that it is developing to help the Judicial Council project the anticipated cost of providing court interpreters in all civil court proceedings. The formula, still in development, is based on recent and projected civil filings data, the estimated percentage of court users who are LEP, and estimates of the unmet need for court interpreter coverage in civil case types. The formula currently estimates that approximately \$10 million would be needed by the trial courts, ongoing, to augment the Program 45.45 appropriation in order to be able to reimburse courts for increased court interpreter expenses and support full civil expansion. (Further work to refine the formula is ongoing, however.)

#### **Technological Solutions Subcommittee (Justice Terence Bruiniers, Chair)**

- VRI will continue to be our focus for the coming months, as it is set to be presented to the council in February 2016.
- Additional focus will be on LAP Recommendations #1-3.
- Subcommittee members Janet Hudec and Tracy Clark will contact the four or five leading Case Management System vendors to identify available functionality for tracking interpreter services.
- The subcommittee is exploring the idea of adding a field indicating the need for interpreter services on Judicial Council forms, where applicable.
- The subcommittee to develop a list of approved equipment (VRI and other equipment), minimum technical recommended standards, and a purchase list for general equipment to help delivery of interpreter services, where appropriate.

#### **Translation, Signage and Tools for the Courts Subcommittee (Justice Laurie Zelon, Chair and José Varela, Co-Chair)**

The Translation, Signage & Tools for Courts Subcommittee worked on the following items during its breakout session:

1. Agenda planning for 2016-17: Phase 2 Recommendations:
  - a. Recommendation #27: Fold this into the ongoing work on the living toolkit
  - b. Recommendations #29 and #30: Combine these with our current work on standards for bilingual volunteers to address best practices for work with bilingual employees and volunteers
  - c. Recommendations #39, #41 and #42: Consult with Facilities and explore principles of Universal Design and how these can be employed in the context of language access in order to ensure accessible courthouses for LEP court users
2. Review of two documents with the National Center for State Courts: The Translation Protocol and the Action Plan for Translation.
  - a. We reviewed both documents with NCSC and asked for clarification on the basic policy choices that will guide these documents.
  - b. The subcommittee will schedule another meeting within the next six weeks to review these policy choices and provide final feedback to NCSC on both documents.
3. Presentation on QR codes: We will be exploring technologies such as QR codes to make recommendations to courts regarding the use of principles of universal design in a variety of areas, including signage, website design and courthouse design.

**Language Access Education and Standards Subcommittee (Judge Janet Gaard, Chair and Ana Maria Garcia, Co-Chair)**

For the 2016 Annual Agenda, the subcommittee reviewed the status of its current projects and recommended that all of the current projects on the 2015 Annual Agenda be retained and carried over to the 2016 Annual Agenda. It was also recommended that work on an additional LAP recommendation be added to the 2016 Annual Agenda:

Recommendation #25 - Appointment of bilingual staff. Absent exigent circumstances, courts should avoid appointing bilingual court staff to interpret in courtroom proceedings; if the court does appoint staff, he or she must meet all the provisional qualification requirements.

Currently, a judicial workgroup is reviewing the draft curriculum from the NCSC and will begin developing judicial education products. A court staff workgroup will be formed soon to parallel this effort for court staff using the NCSC curriculum for court staff. A judicial education video has been taped to address LAP Recommendations #19, #22, and #23 in addition to other content in this area.

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**CLOSING AND ADJOURNMENT**

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There being no further business, the meeting was adjourned at 3:45 p.m.

Approved by the advisory body on May 6, 2016.