



# JUDICIAL COUNCIL OF CALIFORNIA

## LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

[www.courts.ca.gov/LAP.htm](http://www.courts.ca.gov/LAP.htm)  
[LAP@jud.ca.gov](mailto:LAP@jud.ca.gov)

### 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 [insert date once approved].



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## LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

### MINUTES OF COMMUNITY OUTREACH MEETING

March 22, 2016

10:00 a.m. to 1:00 p.m.

Judicial Council of California  
Malcolm L. Lucas Boardroom, 3<sup>rd</sup> Floor  
San Francisco, California

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**Advisory Body Members Present:** Hon. Mariano-Florentino Cuéllar, Chair, Hon. Manuel Covarrubias, Vice-Chair, Hon. Steven Austin, Mr. Kevin Baker, Hon. Terence L. Bruiniers, Ms. Tracy Clark, Hon. Michelle Williams Court, Hon. Janet Gaard, Ms. Susan Marie Gonzalez, Hon. Dennis Hayashi, Ms. Janet Hudec, Ms. Joann Lee, Hon. Miguel Márquez, Ms. Ivette Peña, Mr. Michael M. Roddy, Dr. Guadalupe Valdés, Mr. José H. Varela, and Hon. Brian Walsh.

**Advisory Body Members Not Present:** Ms. Naomi Adelson, Hon. Jonathan Conklin, Ms. Oleksandra Johnson, Hon. Jonathan Renner, Ms. Jeanine Tucker, Ms. Leah Wilson, and Hon. Laurie Zelon.

**Others Present:** Mr. Douglas Denton, Ms. Diana Glick, Mr. Stephen Goldberg, Ms. Donna Hershkowitz, Ms. Bonnie Hough, Ms. Olivia Lawrence, Ms. Cristina Llop, Ms. Judy Louie, Ms. Anne Marx, Ms. Angie Murphy, Ms. Gretchen Peterson-Fisher, Ms. Jenny Phu, Ms. Catharine Price, Ms. Jacquie Ring, Mr. Victor Rodriguez, Ms. Melody Saint-Saens, Ms. Renea Stewart, Ms. Elizabeth Tam-Helmuth, Ms. Sonia Sierra Wolf, and Ms. Angela Zawadzki.

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

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##### WELCOME AND INTRODUCTION

The Chair Justice Mariano-Florentino Cuéllar introduced his Vice-Chair, Judge Manuel Covarrubias from the Ventura County Superior Court. Justice Cuéllar welcomed and thanked everyone for joining the second community outreach meeting of the Language Access Plan (LAP) Implementation Task Force (ITF). The first community outreach meeting was held in Los Angeles on October 20, 2015.

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#### SESSION ONE – CIVIL EXPANSION: STRIDES AND CHALLENGES

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**Moderator:** Mr. Kevin Baker

**Participants:** Ms. Angie Murphy, Ms. Ivette Peña, Mr. Stephen Goldberg, and Ms. Angela Zawadzki



The *Court Progress in Providing Interpreters in Civil Cases* graphic (as of September 2015) illustrates that nine courts reported full expansion (i.e., they could provide interpreters in all civil matters upon request), and another 28 courts reported that, dependent on available resources, they provide interpreters in civil case types following the priority order dictated by statute in Evidence Code §756 (i.e., for priorities 1 through 8). The illustration of courts' progress on civil expansion will be updated based on results from the January 2016 trial court survey and any information we receive from the newly appointed trial court language access representatives as we continue to implement the LAP.

One of the key challenges to the expansion of interpreter provision in civil proceedings is that we lack sufficient interpreter resources. The cross-assignment procurement process has always been an effective way of doing more with fewer interpreters, but some courts are experiencing shortages as neighboring courts need more interpreters for their own civil expansion. This challenge has caused some courts to rely more heavily on independent contractors, however, the 100-day limitation rule associated with the hiring of these contractors is becoming an additional obstacle. Funding is also a big challenge. Most courts do not receive funding for administrative costs of interpreter services, and court administrators are working with the bench to educate them on the limited number of interpreters and the need for scheduling considerations, especially in matters requiring other than Spanish (OTS) interpreters.

There are various strategies being carried out by the courts to meet language access needs. One is to strive for early identification at the earliest point of contact to ensure the LEP court user will be provided with the resources necessary for their court matter. Another way is by creating calendar codes and improved web-based calendaring for proper (and more efficient) scheduling of interpreters. Judicial officers also have access to these calendars so they can readily continue matters when interpreters will be available. Courts are also maximizing interpreter usage by using them to assist at counters or help other court staff while waiting for trials or during down time.

As is evidenced across the state, each court is going to face its own set of challenges based on demographics, location, community demands, and practices and procedures of the bench. Diverse courts are finding that they need a very diverse workforce, and whereas Spanish is consistently the top language needed, other languages are less consistently provided (and requested) across the county. The use of audio remote interpreting for court users at filing windows is very helpful but it does not demonstrate a pattern of language needs, especially in OTS languages, in order to assist the courts with hiring of bilingual staff and other provisions of language services.

We have also learned that the communities served by the courts have a variety of needs not met under existing court processes, causing inconvenience and hardship often due to an overlap between socioeconomic background and language barriers. This played out, for example, in Los Angeles with its traffic cases (which, for Los Angeles, represents a very large case load volume), where a survey of court users revealed that a significant number of litigants could not take advantage of remote payment or other services because they did not have bank accounts. As a solution, the Los Angeles court installed traffic ticket payment kiosks in several languages at courthouses, and in locations not subject to security checkpoints, that accept cash payments allowing many to take care of citations in a timely manner. The multilingual traffic digital assistant has also significantly helped Los Angeles better serve all traffic court litigants,

including LEP users. The high volume use of these tools has revealed that a large segment of their local population was not being adequately served. Additionally, the use of supervising interpreters has led to a more efficient deployment of staff interpreters throughout the court, and they are now able to cover a larger portion of interpreting need with the same staff.

Technology is also being leveraged in various ways to mitigate challenges. In Riverside, for example, the court was able to obtain iPhones at a nominal cost for interpreters so that coordinators could text interpreters and deploy them more efficiently. There is room for other technologies such as creating an internal pool of telephone interpreters at the regional level or through the Judicial Council for shared statewide court use. Courts are encouraged to think outside the box and institute practices, whether through technology or some other avenue, to maximize existing resources to achieve civil expansion.

However, while the use of technology can be beneficial, courts need to consider possible challenges that technology may pose, especially in OTS languages. For example, video remote interpreting (VRI) may not be appropriate in all instances, and some populations, such as Latin American indigenous groups, may not be comfortable with the use of technology at all.

Another significant challenge is the shortage of new individuals interested in entering the interpreting field. Much of the work in many courts, especially in Spanish, is being performed by staff interpreters, but there is a need for new interpreters to enter the profession. Educational institutions exist to train a new generation of interpreters. Civil expansion also gives prospective interpreters (and students enrolling in interpreting programs) exciting work opportunities in a growing field. Interpreter training programs have an important role to play in preparing individuals for a profession requiring a high degree of skills. Some, such as Laney College, provide training for legal interpreters and those who want to pursue other areas such as medical, community, and educational interpreting. Collaboration between courts and these educational providers can be an important means for generating interest in legal interpreting. In addition to educational programs, we must make the court interpreting profession more appealing by providing higher salaries and other rewards to make working for the courts more competitive when compared to the private sector.

An uneven roll out of civil expansion in the courts is also causing various challenges. In rural areas and other parts of California, we have noted some implementation issues that are of concern. Several courts have not yet updated their websites to reflect compliance with current law and the LAP and still list court rules or policies that limit language access, or state that interpreters are not provided. This is particularly a problem with OTS languages where telephone or VRI can be a part of resolving a number of those access issues. Legal services providers have tried to engage courts in the various areas; some courts have responded positively and have engaged in constructive dialogue, while others have not been as responsive. There are great strides being made throughout the state, but there is an uneven roll-out of civil expansion and challenges remain—we must remain vigilant to ensure all courts are moving forward in the provision of language access.

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## SESSION TWO – TECHNICAL SOLUTIONS

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**Moderator: Hon. Terence L. Bruiniers**

**Participants: Mr. José Varela and Ms. Gretchen Peterson-Fisher**

The Technological Solutions Subcommittee of the LAP Implementation Task Force has been working diligently on various technology approaches to language access. The most resource intensive has been the VRI pilot project. The Subcommittee will be on the Judicial Council's June agenda to present the VRI Pilot Request for Proposal (RFP) for approval. The VRI project is not intended as a cost-savings project, but rather an additional means of meeting the needs of court LEP users. Professional interpreters are a critical but limited resource. There will likely never be enough interpreters in as many languages as are needed, so we need to find a way to deliver interpreter services in appropriate cases, recognizing the preference will always be for in-person interpretation.

The VRI project's intent is to identify cases appropriate for remote interpretation consistent with due process. The focus of this project is to identify best practices, and available technologies that will provide for effective delivery of services, minimize interpreter time spent in unnecessary travel, reduce courtroom delays, provide broader access in OTS languages, permit the expansion of interpreter resources beyond criminal proceedings, and allow courts to share resources where appropriate. The Task Force hopes to work collaboratively with the California Federation of Interpreters (CFI) in implementing the pilot project and evaluating results from that pilot. Beyond VRI, the subcommittee is also looking at additional technology that can assist interpreters with their jobs in the courtroom, and how to use existing technology to provide early identification of LEP court users' language needs, working with vendors on newly-adopted case management systems to use available tools, in addition to a number of other projects under way.

The Translation, Signage, and Tools for Courts Subcommittee has, in addition to developing translation policies, focused on the Task Force Chair's desire to create actual tangible products and tools for courts to use in serving LEP users. The Language Access Toolkit was one of the first projects to create a mechanism to distribute tools and information to everyone. The Subcommittee focused on a user-friendly living toolkit to act as a centralized location for language access resources. Staff identified all existing resources and those that were currently in development or would need to be developed in the future. The Subcommittee started with the needs of local courts in mind, and then will scale up to include resources for LEP litigants, bench officers, and other stakeholders.

The Subcommittee found that "simple is hard" and creating a user-friendly interface was challenging, but with assistance from the Stanford Design School, a focus group of local court employees, and other participation, they created the current iteration of the toolkit. The toolkit includes standards for information to be posted, so that courts can be confident that the materials they find and share with their users are of high quality. Any translations available as part of the toolkit have been professionally translated and the information provided has statewide application in California.

The toolkit will soon include the recently-approved notice of availability of language access services, benchcards, and best practices for the use of bilingual volunteers. Next steps include developing a budget and plan for full scalability and ongoing maintenance, adding resources as developed, user feedback from beta/testing to improve the interface, and work to address the unique challenges of providing information in OTS languages.

*[Toolkit Demonstration]*

The Superior Court of Contra Costa, under a self-help grant from the Judicial Council, created a Virtual Self-Help Center, which provides statewide information online to which all California courts can link. The information is provided in English and Spanish, and all Spanish content has been translated by a professional translation agency. A new and improved design will go live later this spring. The new site will be more mobile-friendly and have an enhanced user-interface to improve access to the information provided.

Per Google analytics results, the website receives over a million visits per year (clearly visited by users beyond Contra Costa County). Only about 8 percent of users are visiting the site from a Spanish search, so the court will look at how to improve those numbers on the new redesigned site. About 30 percent of users access the site by tablet or smart phone but the current site is not really mobile device-friendly. The Latino community is the fastest growing group accessing the internet (in Spanish) on a tablet or phone. These numbers are consistent with data showing that younger populations, people of color, and those in lower socio-economic groups tend to access the internet via mobile devices over desktops.

*[Demonstration of site]*

Each English page has a mirror page in Spanish. Links are provided to the Judicial Council's Online Self-Help Center when appropriate, and similarly, the Judicial Council website provides links back to the Contra Costa site, especially to video instructions for court forms and other processes. Through the website, users can also use email to provide feedback or suggestions to improve the site, and ask questions. The use of email has proven to be a good way to give additional assistance to people without having to come to court and useful for court staff to see where users are having challenges using the site.

For OTS languages, for which the court has not had resources to translate the web information, the new site will explore the use of the Google Translate capability.

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**ADVISORY BODY MEMBER COMMENTS**

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Judge Austin reminded all present that Judicial Council staff is aware of each court's language access contact person so those persons or offices will be able to access the toolkit and efforts can ensure all are linked.

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**SESSION THREE – PERSPECTIVES FROM BEYOND THE COURTROOM**

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**Moderators: Ms. Bonnie Hough**

**Participants: Ms. Judy Louie, Ms. Melody Saint-Saenz, and Dr. Guadalupe Valdés**

Over 4.3 million come to court without an attorney, and if they are LEP, they effectively have no access to the court system. How do we make sure that all along the way, in the courthouse and outside, people get the assistance they need? A number of programs to assist self-represented English and LEP litigants have demonstrated that Spanish-speakers will do as well as English speakers handling a matter on their own, as long as they have assistance in their language.

The LAP and civil expansion have provided a great benefit to LEP users and also to the staff at self-help centers. Courts have continued to prioritize employing bilingual staff to meet the need. In addition, courts have been reviewing their activities in accordance with local LEP plans and the LAP, such as ensuring signage is up to date, reviewing the website to make sure that it is updated, etc. In spite of having 13 years of experience since inception, the San Francisco multilingual self-help center still faces many challenges. Language needs are constantly changing, as is the community it serves. In addition to bilingual staff recruitment, the center recruits volunteers from local law schools, universities with paralegal programs, even some high school programs with internships. Volunteer recruitment prioritizes dedication to public service, pre-law or law school students, and Justice Corps volunteers—volunteers must have not just the necessary language proficiency but also an ability to be compassionate and show dedication to public service.

The center has been fortunate to have extensive support from court leadership and received the necessary space in the court to provide services. It engages in ongoing communications with other divisions in the court, working on internal networking with staff across the court to ensure policies and procedures are followed and issues identified. There has also been outreach into the community to build trust with those community agencies in the court's region. Outreach efforts include informational settings at community events such as festivals where the court has a booth and has an opportunity to interact with other agencies and the community itself.

From the legal services perspective, the LAP has been a wonderful development. It sends a message that the court is welcoming to everyone. As just reported by the San Francisco self-help center, Bay Area Legal Aid works on recruiting providers and volunteers to reflect the community, both culturally and in language diversity.

In addition to the successes from the LAP implementation, however, there have been some challenges. In some instances, interpreters that were previously provided in eviction matters were no longer available. The issue was resolved but it affected a number of court users before it was corrected. There has been an increase of bilingual staff in Family Court Services and the Family Law Facilitator's office in some counties, but as mentioned by other participants, the roll-out has not been even, so the improvements have not taken place across the state. While the Bay Area has seen more interpreters provided in family law and restraining order proceedings, the expansion has not been consistent in other civil cases, including unlawful detainers, as addressed in written public comments. There have also been issues of space, and of lack of basic equipment such as telephones, which should have simple solutions but show the difference amongst counties with regard to language access expansion.

One of the issues identified by legal services providers is that though self-help centers have more bilingual staff, they do not provide translation services and LEP users are asked to bring their written declarations already written in English. Some legal aid agencies provide this service but it takes legal aid staff resources for cases that should, except for the translation issue, be easily

handled by self-help centers in order to free up legal aid for the more complex matters. These challenges provide good opportunities to bring providers together to brainstorm and generate new ideas.

When discussing the provision of language access services outside the courtroom, one of the challenges we must address effectively is ensuring that the providers, bilingual staff and translators be qualified. We have a good process for determining interpreter credentialing and qualifications and for ensuring only qualified interpreters interpret in court. However, for a bilingual staff person, how do we determine the range of proficiencies they'll need for the tasks they will be involved in? We need to think about putting in place a process or procedure that can assess the levels of proficiency that a job requires and then see that the people hired can do it.

We need to train individuals to become fully proficient and qualified, linguistically, for their work, including interpreters. Most educational institutions involve long programs, and it can take a lot of time for individuals to become sufficiently qualified and skilled for the job. However, to move forward quickly, which is what we need with respect to the rapid expansion of language access, we need accelerated programs, such as the Agnes Haury Institute, and other innovative approaches. We need to engage educational institutions to develop systems whereby we decide if someone has the language range and then train them as interpreters in an accelerated way. When bilingual individuals do not have the language range, however, preparing them for the job can take years.

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#### **PUBLIC COMMENT**

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A number of independent contractor interpreters shared concerns regarding their livelihood and profession as a result of civil expansion and the provision of free interpreters to all LEP users in all case types. As courts increasingly provide interpreters paid for by the court at the court per diem rate, those independent interpreters expressed worry that they will no longer be hired by private attorneys and parties at the market rates in place, and that per diem rates are not sufficient given the cost of living in the state.

Interpreters raised concerns about the VRI pilot project, proposing it is focused on cost-savings and not on due process and LAP-stated preference for in-person interpretation. Members of the public noted they would like to see CFI involved in the VRI pilot project process.

Other concerns raised include existing per diem rates for contractor interpreters, which have remained as set in 2007, as well as the salaries for court interpreters on staff; and policies and procedures at some courts that may still pose obstacles to obtaining language access services.

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#### **ADJOURNMENT**

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There being no further business, the meeting was adjourned at 1:00 p.m.

Approved by the advisory body on enter date.

**Implementation of Strategic Plan for Language Access in the California Courts  
Potential Items for 2017–18 Budget Change Proposal (BCP) Funding Request**

<b>Item</b>	<b>Prioritization</b>
<p><i>Translation of Judicial Council Forms and Creation of Multilingual Videos to Assist Limited English Proficient (LEP) Court Users</i></p> <p>Accurate and effective translation services are essential to ensure that forms and other documents are available to limited-English speakers in their native languages. The Language Access Plan (LAP) made several recommendations regarding the translation of forms and notices into a court's top five languages based on local community needs (see LAP Recommendations Nos. 5, 36-40). The Judicial Council’s <i>2015 Language Need and Interpreter Use Study</i> reported that the top ten most-interpreted spoken languages in the California courts during 2009–13, based on the total number of interpreter service days provided, were (in order) Spanish, Vietnamese, Korean, Mandarin, Farsi, Cantonese, Russian, Tagalog, Arabic and Punjabi. These findings reflect the state’s evolving demographics, where over 200 languages are spoken and 44 percent of households speak a language other than English at home (U.S. Census Bureau, 2015). At minimum, Judicial Council forms should be available to limited English proficient (LEP) court users in the state’s top five non-English languages. To date, 226 Judicial Council forms have been translated into Spanish; 62 forms have been translated into written versions of Vietnamese, Korean and Chinese (leaving 164 forms to translate into those three languages [492 individual translations], plus 226 forms to translate into Farsi, for a total of approximately 718 individual form translations still needed). Contracting with a translation service will enable the translation of 200 forms per year, completing the project in four years. Language access can also be expanded by the use of multilingual audiovisual material; it is a simple use of technology that is relatable to all court users, especially in some courtrooms where a particular type of case is heard (e.g., traffic, small claims, and AB 1058 governmental child support calendars). General introductory remarks that educate the litigants on some basic legal principles and procedures are often provided. The LAP, therefore, recommended (Recommendation No. 18) that the Judicial Council create multilingual standardized videos for high volume case types that lend themselves to generalized legal information and provide them to courts in the state's top eight languages. This request also includes a recommendation for funding to support the development and translation of five videos sharing generalized legal information for court users, translated over two years into eight languages.</p> <p>The Judicial Council requests \$646,675 one-time funding in fiscal year 2017-18 for translation services for forms, documents, and videos, and \$406,450 for fiscal year 2018-19.</p>	
<p><i>Training and Signage Grant Program for Trial Courts</i></p> <p>The LAP recommended training firstly for interpreters on civil cases and remote interpreting (Recommendation No. 46) and secondly for judicial officers and court staff on the judicial branch's LAP language access policies and requirements and individual court policies and procedures (Recommendation No. 50). The LAP also recommends that there be appropriate</p>	

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<p>signage and wayfinding throughout the courthouse to assist LEP court users with navigation throughout the courthouse (Recommendations Nos. 39 and 42).</p> <p><i>Training:</i> As interpreters are deployed in more civil cases, stakeholders agree that systematic training in the legal terminology used and procedural steps followed in civil case types would benefit interpreters who have not had experience in the civil arena. Similarly, as remote interpreting is gradually phased in for the expansion of language access services, training is necessary for interpreters and court personnel alike with regard to the technology and the optimum manner of using such equipment. To address court interpreter training needs, the LAP recommended training for interpreters on civil cases and remote interpreting (LAP Recommendation No. 46). Goal 6 of the LAP provides that, “Judicial officers, court administrators, and court staff will receive training on language access policies, procedures, and standards, so they can respond consistently and effectively to the needs of LEP court users, while providing culturally competent language access services.” Throughout the LAP planning process—from input during listening sessions to oral and written comments during the public hearings—stakeholders reiterated their concerns about the need for appropriate training of court staff and judicial officers. To address training needs for members of the judicial branch, the plan also recommends (LAP Recommendation No. 50) that judicial officers, including temporary judges, court administrators, and court staff receive training regarding the judicial branch's language access policies and requirements in the LAP, as well as the policies and procedures of their individual courts.</p> <p><i>Signage:</i> Goal 4 of the LAP provides that, “The Judicial Council, assisted by the courts, will identify best practices and resources for the highest quality of document translation and court signage in all appropriate languages.” Easy-to-understand signage is also essential to help LEP court users navigate the courthouse and ensure they receive appropriate services. At the San Francisco public hearing on February 24, 2014, one expert testified that access starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. It is accomplished through the strategic and immediate visual location of common important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. Static signage materials (printed materials or signs) can be augmented by dynamic or electronic signage, which allows courts to more easily update information provided to court users in multiple languages, similar to digital signs in airports. These important navigational tools can help to remove confusion and language access barriers, and reduce apprehension in an unfamiliar courthouse.</p> <p>Because there is currently no dedicated funding source for training and signage needs, courts are not able to absorb these additional costs due to the scope of the recommended changes under the LAP. The Judicial Council requests \$1.5 million, ongoing funding, to support these LAP recommendations (Recommendation Nos. 39, 42, 46 and 50). Because each court has different needs regarding training and signage, the money will be set up as a grant program with the intent to provide courts the</p>	



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<p>necessary flexibility to address the most pressing needs particular to their court. During implementation of the Training and Signage Grant Program, the council will evaluate its success, and will highlight and report on best practices and successful, innovative efforts.</p>	
<p><i>Standards and Training for Bilingual Staff and Court Interpreters</i>                      Funding will be used for assessing bilingual court staff and training bilingual staff and court interpreters. Current court staff should be assessed for bilingual abilities pursuant to the LAP. A contractor will create an online training program for bilingual staff and update and refresh the existing online orientation training for existing court interpreters. The ongoing monies would fund the updating of the existing online orientation programs for court interpreters and the new online training for bilingual staff.</p> <p>The Judicial Council requests \$148,500 in funding (approximately \$132,500 in one-time funds and \$16,000 ongoing) for assessing bilingual court staff and training bilingual staff and court interpreters.</p>	
<p><i>Video Remote Interpreting (VRI) Spoken Language Pilot Implementation and Support</i>                      The LAP made several recommendations regarding the use of VRI in appropriate court proceedings to allow LEP court-users to fully and meaningfully participate in the proceedings. (Recommendation Nos. 12-17). The LAP recommended conducting a pilot project to collect data on due process issues, participant satisfaction, the effect on using certified and registered interpreters, the effectiveness of a variety of available technologies, and a cost benefit analysis (Recommendation No. 16). Based on these recommendations, the Judicial Council is therefore requesting funds to implement, evaluate, and support a VRI Pilot Project. While total funding for technology support (including equipment, VRI end-point implementation, court infrastructure, testing of effective interpreter scheduling protocols, etc.), and project evaluation has not yet been determined, an allocation for VRI staffing resources at the outset is necessary to the success of a VRI pilot project.</p> <p>The Judicial Council requests an ongoing amount of \$347,488 for the establishment of 2.9 FTEs to provide VRI program management and technology support.</p>	
<p><i>Statewide Recruitment Initiative for Qualified Bilingual Staff and Court Interpreters</i>                      Funding is requested for pipeline development of court interpreters and bilingual staff through outreach, recruitment, training and development, including a statewide internship program. It will be used to conduct a statewide and regional recruitment and media outreach initiative to raise awareness of bilingual court work and specifically the need for court interpreters in the highest priority languages identified by the courts in the 2016 LAP Implementation Task Force survey. This effort will match</p>	

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<p>immediate regional needs for court interpreters with targeted outreach by conducting individualized recruitment and Introduction to Court Interpreting and Introduction to Court Interpreting Ethics workshops by region and language. This initiative will work with justice and education partners to develop language neutral skills building curriculum and internship programs for interpreters. Workshops will be conducted for near-passers of interpreter certification exams, and for experienced interpreters from other interpreting fields in targeted languages. Monies would fund the establishment of staffing for ongoing recruitment efforts, \$30,000 annually in media buys, \$55,000 for near-passer and experienced interpreter workshops, and \$15,000 in recruitment-related travel for staff. One limited-term contract recruiter position is included.</p> <p>The Judicial Council requests \$670,000 in funding (\$460,000 in ongoing monies) in fiscal year 2017-18 including the establishment of 3.0 FTEs to implement the continuing recruitment initiative, and an additional \$620,000 (including \$460,000 ongoing) in fiscal year 2018-19.</p>	
<p><i>Development and Maintenance of the Language Access Online Toolkit</i></p> <p>Funding is requested for the development and maintenance of an online presence for disseminating the work of the LAP Implementation Task Force and supporting local courts in their efforts to provide language access to LEP court users. The Task Force has generated a number of important tools for courts and has developed an initial framework for a centralized access point and repository for all language access resources and materials. The additional funding would be used to build out the site for full functionality for courts and add sections for LEP court users who speak one of the top eight languages in California with information on the statewide and local levels in their language, including information sheets, videos and other resources.</p> <p>The Judicial Council requests \$129,051 in funding, \$24,075 in one-time funds for contractor assistance to build out the site, and \$104,976 in ongoing monies for the establishment of 1.0 FTE split between the Court Interpreters Program and Information Technology to curate the site, serve as subject matter expert for translated documents, and provide technical maintenance on the site.</p>	
<p><i>Administrative Support and Non-VRI Equipment to Support Courts' Language Access Expansion</i></p> <p>Funding would support courts' added administrative costs that are not currently covered by the Trial Court Trust Fund (TCTF) Program 0150037 fund (previously identified as Program 45.45 fund). With the courts' expansion of interpreter services into civil proceedings, under the LAP (including the administration of approximately \$102,768,000 in court interpreter services anticipated for FY 2016-17 in the TCTF Program 0150037 fund) the courts are now faced with increased oversight of interpreters and unanticipated additional administrative expenses. Implementation of the LAP needs to be adequately funded so the expansion of language access services will not impair other court services as courts do not receive reimbursements for</p>	

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<p>administrative costs of interpreter services. Court administrators are working with the bench to educate them on working with a limited number of interpreters and the need for scheduling considerations as the demand and need for interpreter services increases, especially in matters requiring other than Spanish (OTS) interpreters. Courts cannot continue to absorb these increasing language access costs without a new dedicated fund source. In order for the courts to fully expand language access services and fully implement the LAP, additional funding is paramount to pay for unanticipated, additional non-Program 0150037 services related to the language access expansion, such as court interpreter supervision, coordination or scheduling of staff, translation of key documents for limited English proficient (LEP) court users, bilingual pay-differentials to hire and retain qualified bilingual staff, multi-lingual signage needs, and language access-related equipment. In addition, the current language access expansion effort taking place in the courts requires courts to have updated/upgraded quality interpreter wireless communication equipment and headsets which enable court interpreters to work more efficiently with LEP parties and witnesses.</p> <p>The Judicial Council seeks \$4,346,000, of which \$696,000 is one-time funding, to cover costs for all 58 courts for the estimated range of additional funding needs for full expansion beyond court interpreter costs, by court size. The estimated amounts were provided in responses to the survey by trial courts that indicated their need for additional funding.</p>	
<p><i>Implementation Task Force</i></p> <p>The LAP recommended the creation of a LAP Implementation Task Force to develop an implementation plan and make recommendations to the Judicial Council for implementation of the plan’s 75 recommendations (Recommendation 60). General Fund augmentation is requested to support the efforts of the Task Force. Funding would support up to three in-person meetings per year (and include costs for interpretation services upon request for all in-person public meetings, translation of Task Force agendas, meeting materials, and publications) and up to two community outreach meetings (including costs for travel, translation of materials, interpreters for the public, etc.). Funding may also support consultant costs for implementation of certain recommendations for which council staff resources are insufficient and time is short.</p> <p>The Judicial Council requests a General Fund augmentation of \$328,000 for fiscal year 2017-18 and 2018-19 to support the ongoing efforts of the Task Force.</p>	