



JUDICIAL COUNCIL OF CALIFORNIA

LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

www.courts.ca.gov/LAP.htm
LAP@jud.ca.gov

LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

MINUTES OF OPEN MEETING

May 20, 2016

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

In-Person Business Meeting

Advisory Body Members Present: Hon. Mariano-Florentino Cuéllar, Chair; Hon. Manuel Covarrubias, Vice-Chair; Ms. Naomi Adelson; Hon. Steven Austin; Mr. Kevin Baker; Ms. Tracy Clark; Hon. Jonathan Conklin; Hon. Michelle Williams Court; Ms. Ana Maria Garcia; Hon. Dennis Hayashi; Ms. Janet Hudec; Ms. Joann Lee; Hon. Miguel Márquez; Ms. Ivette Peña; Hon. Jonathan Renner; and Hon. Brian Walsh

Advisory Body Members Absent: Hon. Terence Bruiniers, Hon. Janet Gaard, Ms. Susan Marie Gonzalez, Ms. Oleksandra Johnson, Mr. Michael Roddy, Ms. Jeanine Tucker, Dr. Guadalupe Valdés, Mr. José Varela, and Hon. Laurie Zelon

Others Present: Mr. Blaine Corren, Mr. Douglas Denton, Ms. Lucy Fogarty, Ms. Linda Foy, Mr. Scott Gardner, Ms. Diana Glick, Ms. Bonnie Hough, Mr. John Larson, Ms. Olivia Lawrence, Ms. Cristina Llop, Mr. Bob Lowney, Ms. Angeline O'Donnell, Ms. Jenny Phu, Ms. Catharine Price, Ms. Jacquie Ring, Mr. Victor Rodriguez, Ms. Leah Rose-Goodwin, Ms. Virginia Sanders-Hinds, Ms. Elizabeth Tam-Helmuth, and Ms. Millicent Tidwell

OPEN MEETING

Call to Order and Roll Call

The Chair, Supreme Court Justice Mariano-Florentino Cuéllar, called the meeting to order at 11:00 a.m. and welcomed all to the open 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 minutes to its May 6, 2016 telephone meeting.

ITF Chairs Update

Justice Cuéllar acknowledged efforts made by various courts throughout the state on expansion of language access services to make language access a reality. He also recognized the hard work of the subcommittees and the Task Force on completing many LAP "Phase 1" recommendations, including the model Notice of Free Language Access Services that is being translated into at least eight languages. Translation and education products have also been completed and will require review and approval by the Task Force today, before going on to the Judicial Council for

review and approval at its June 23-24, 2016 meeting. Upon approval by the council in June, these new products will be distributed to courts and posted on our *Language Access Toolkit*.

National Center for State Courts Presentation

Ms. Cristina Llop (and Ms. Jacquie Ring by telephone) from the National Center for State Courts (NCSC) presented a summary of the results of the January 2016 trial court survey on the provision of language access services. The final survey report will be completed at the end of June, and will be shared on the California Courts Language Access webpage in July.

DISCUSSION AND POSSIBLE ACTION ITEMS

The following ITF Subcommittees presented products for possible Task Force approval [ACTION ITEMS]:

1. Translation, Signage and Tools for the Courts Subcommittee

Judge Michelle Williams Court presented on the following documents: a Translation Protocol, a Translation Material Action Plan, and a Development Plan for Remaining Materials.

The **Translation Protocol** provides guidance for the Judicial Council and the courts on the translation of forms, written materials, and audiovisual tools. The protocol includes requirements for translator qualifications, guidance regarding second translator review, and quality control processes. In addition, the protocol provides a framework for identifying documents that are appropriate for translation and contains specific recommendations on the development of glossaries. The protocol is necessary to ensure that consistent, accurate and culturally appropriate translations are available statewide. It will also ensure that a standardized quality assurance process exists for all translations obtained by the Judicial Council and the courts.

The **Translation Action Plan** catalogues, describes, and prioritizes the wide range of documents that are appropriate for translation. While the LAP contains a number of recommendations regarding translations, the Translation Action Plan addresses them in a single document for planning and budgeting purposes. With regard to the translation of documents such as Judicial Council forms, the Action Plan recommends translating informational documents and outgoing orders first and within those categories provides suggestions for ranking the documents based on frequency of use. Both the Protocol and the Action Plan are designed to assist the branch with the prioritization of documents and materials to maximize our language access efforts.

The **Development Plan for Remaining Materials** is a roadmap for the development of informational and training materials recommended in the LAP but not included in the current NCSC contract with the Judicial Council, which ends June 30, 2016. It includes a description of general content for remaining materials to be developed, proposed mediums for the materials (written, audio, or video), and phasing for development in accordance with the LAP.

The Task Force unanimously approved the translation products to move forward to the council for its review and adoption at its business meeting on June 23-24, 2016.

2. Language Access Educations and Standards Subcommittee

Ms. Ana Maria Garcia presented on the following documents: a Bench Card titled “Working with Court Interpreters in the Courtroom,” a Bench Guide Outline, and Training Curricula Outlines for Judicial Officers and Court Staff.

The **Bench Card** addresses the appointment of an interpreter; waiver of an interpreter; the provisional qualification process and restrictions on the use of noncertified/ nonregistered interpreters; and recommendations for judges on the appropriate use of court interpreters. It also includes sample language for judges to use in proceedings with a limited English proficient (LEP) person. The **Bench Guide** and **Training Curricula** outlines address working with interpreters; cultural competence; and the appropriate use of technology to provide language access services.

Both the subcommittee as well as the temporary judicial workgroup reviewed and commented on the draft educational materials developed by the NCSC. The educational resources will be a permanent addition to the overall judicial branch curricula library and will be an ongoing source for continuing education in this area.

After we removed premature teaching references to the use of video remote interpreting (VRI), the Task Force unanimously approved the educational products to move forward to the Judicial Council for its review and adoption at its business meeting on June 23-24, 2016.

3. Technological Solutions Subcommittee

Justice Márquez presented on the VRI Pilot Project, including a description of the proposed Request for Proposals (RFP). Both the Judicial Council’s Legal Services Office and Business Services Office have signed off on the RFP concept. The plan is to award up to three vendors for a six-month assessment period where one or more vendors will be part of a leveraged procurement agreement for the branch. The RFP itself is not being submitted for approval to the Task Force because it will not be publicly available until after the Judicial Council approves moving forward with the VRI Pilot Project in June. Currently, the Task Force is only being asked to approve recommending to the council that it move forward with the VRI Pilot Project.

The Task Force unanimously approved recommending that the VRI Pilot Project be presented to the council at its business meeting on June 23-24, 2016.

Update from Budget and LAP Monitoring Subcommittee, including Ad Hoc Working Group for Courts of Appeal on Adoption of LAP by the California Courts of Appeal and California Supreme Court [INFORMATIONAL ITEM ONLY]

Judge Steven Austin reported that the Governor's May budget revision for Fiscal Year 2016-17 still includes an additional \$7 million in ongoing funds for expansion of court interpreters services in civil matters. The Task Force has begun efforts to request additional funds in a Budget Change Proposal (BCP) for FY 2017-18. With input from members and other branch stakeholders, the Task Force met on May 6 to review and approve the following eight items to go forward in a language access BCP for FY 2017-18:

1. Statewide recruitment initiative for qualified bilingual staff and court interpreters;
2. Administrative support and non-VRI equipment to support language access expansion;
3. Training and signage grant program for trial courts;
4. Standards and training for bilingual staff and court staff interpreters;
5. Video Remote Interpreting (VRI) spoken language pilot implementation and support;
6. Translation of Judicial Council forms and creation of multilingual videos to assist limited English proficient (LEP) court users;
7. Development and maintenance of the web-based *Language Access Toolkit*; and
8. Work of the Language Access Plan Implementation Task Force including consultant services.

Upon approval of the eight draft budget items from the council's Finance and Executive Offices, staff will develop each of the budget items with more detail to produce the full BCP. The Task Force will shepherd the BCP through the necessary internal committee review and approval process, and then will share it with the council at its August meeting before finally submitting the BCP to the Department of Finance in early September.

Justice Jonathan Renner provided an update regarding efforts to evaluate the recommendations in the LAP that may be adopted and implemented by the Courts of Appeal and the Supreme Court.

PUBLIC COMMENT

No public comment was taken. Written comments were submitted by the California Federation of Interpreters prior to the meeting and were distributed to all Task Force members.

LUNCH AND SUBCOMMITTEE BREAKOUT GROUPS

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

SUBCOMMITTEE UPDATE

Subcommittee Update

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

Budget and LAP Monitoring (Judge Austin, Chair)

Judge Steve Austin reported that the subcommittee reviewed the approved 2016 Annual Agenda and discussed the subcommittee's tasks and responsibilities. The NCSC's Jacquie Ring and John Doerner provided a high-level overview of their efforts to develop rough cost estimates for full LAP implementation. The estimates will assist the Task Force with current and future BCP requests. The subcommittee also reviewed and discussed the revised model complaint form and model procedures, as well as revised court web content guidance materials. The next step is to share these materials with the full Task Force for their review and approval. After Task Force approval, these materials will be shared with the courts and posted to the *Toolkit*.

Technological Solutions Subcommittee (Justice Miguel Márquez)

Justice Miguel Márquez reported that a few of the subcommittee members surveyed court interpreter coordinators regarding the need for interpreters by LEP users. The survey collected data regarding the case management systems (CMSs) that are used throughout the state. Of the 21 responses, there are approximately 20 CMSs being used throughout the state (many more that went untracked), posing a challenge for uniform tracking of LEP court users' interpreter needs. The survey also asked about headset equipment details (cost, model, and use), revealing that headset usage is a key component in delivering interpreter services. The subcommittee discussed the cataloging of court house equipment that would help with delivering interpreter services (i.e. headsets, bandwidth, Wi-Fi, etc.).

Translation, Signage and Tools for the Courts Subcommittee (Judge Michelle Williams Court) and Language Access Education and Standards Subcommittee (Ms. Ana Maria Garcia, Co-Chair)

The Translation, Signage & Tools for Courts Subcommittee and the Language Access Education and Standards Subcommittee held a joint breakout session this afternoon.

Judge Michelle Williams Court reported that both subcommittees discussed the *Toolkit*, its current status, and plans for building and expanding the services provided on the site. The Subcommittees also discussed the draft BCP for 2017-2018 in which one of the budget items include development and maintenance of the web-based *Toolkit*, and plans for long-term sustainability of the project. The subcommittees also saw a demonstration of the web-based translation budgeting tool and decided that it was not appropriate for the public website, but that it has tremendous potential to be a helpful tool for courts through the Judicial Resources Network (JRN) in determining budget priorities for translation work. Lastly, the members discussed the importance of adding ad hoc members to the Task Force subcommittees in order to broaden the expertise available when reviewing deliverables and making policy recommendations on highly technical areas, such as the qualification of bilingual employees. The members reviewed the process for identifying and adding ad hoc members.

Ms. Ana Maria Garcia reported that council staff will also add the *Toolkit* to the temporary judge webpage. The subcommittee will look into the New Mexico training program for bilingual staff and will also reach out to Kaiser Permanente to learn about its efforts to recruit bilingual staff. The subcommittee needs to develop a variety of tools, such as glossary of terms, usage, and

procedures for non-criminal case proceedings. The council's Center for Families, Children and the Courts' self-represented litigants department will be very useful and helpful in compiling this type of information. Lastly, the subcommittee discussed LAP Recommendations 26, 45, 47 and 48 and will move these recommendations to "Phase 2" for development, with additional input and expertise from new ad hoc members.

CLOSING AND ADJOURNMENT

Justice Cuéllar and Judge Covarrubias thanked everyone for participating in today's meeting. Going into the summer months, the Task Force subcommittees will remain busy and will continue to work diligently with staff on assigned recommendation and priority projects.

There being no further business, the meeting was adjourned at 3:25 p.m.

Approved by the advisory body on July 6, 2016.