

Requesting Entity: Court Operations Services
Contact: Olivia Lawrence
Tracking Number: 19-06

Proposal Title: Continuing the Implementation of the *Strategic Plan for Language Access in the California Courts*

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	1.0	\$149,000	\$32,000	\$181,000	\$169,500	\$169,500
General Fund			\$13,516,000	\$13,516,000	\$13,527,500	\$13,527,500
Total				\$13,697,000	\$13,697,000	\$13,697,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$13,697,000	\$13,697,000	\$13,697,000
One-Time			
Total	\$13,697,000	\$13,697,000	\$13,697,000

Proposal Summary:

The Language Access Plan Implementation Task Force (LAPITF) requests an ongoing augmentation of \$13.697 million General Fund for 2019-20, and 1.0 FTE. This includes funding necessary for the following: 1) expand interpreter services into all civil proceedings and fund interpreter salary increases; 2) to increase trial court reimbursement for court interpreter supervisors and coordinators; 3) video remote interpreting (VRI) equipment for the courts; and 4) continued development of statewide resources for programs and a repository of providers.

Background Information:

Comprehensive language access across our system of justice requires resources and funding. The California judicial branch has supported the need for language access services in the courts, and adopted a comprehensive plan to provide recommendations, guidance, and a consistent statewide approach to ensure language access for all limited English proficiency (LEP) court users. The Language Access Plan (LAP) consists of eight goals and 75 recommendations, including priorities in three phases. The LAP also aligns with the United States Department of Justice’s (US DOJ) recommendations for California to expand its language access efforts. Further, it aligns with recent legislation in California (Assembly Bill 1657; Stats. 2014, ch. 721) that sets priorities for the provision of court interpreters in civil proceedings. Advancing

the council's language access plan directly benefits the 7 million LEP residents of California, speaking more than 200 languages statewide. These Californians continue to face significant obstacles to meaningful access to our justice system. The courts also face unique challenges, particularly in courtrooms with high volume calendars in which the vast majority of litigants are self-represented (e.g., traffic, family law, as well as small claims, where parties must represent themselves).

Several milestones were reached since the plan has been developed including the launch of a web-based Language Access Toolkit, and securing \$7 million in additional, ongoing funds in the 2016-17 budget for trial courts to continue expanding access to interpreters in civil cases, and an additional \$4 million one-time is included in the proposed 2018-19 budget to further the effort to expand interpreter services into all civil proceeding, pending the results of the Video Remote Interpreting Spoken Language Pilot, and an ongoing \$4 million is also included in the proposed 2018-19 budget to fund essential infrastructure items such as electronic and stationary signage, court interpreter credential review, language access training, equipment, and additional staff to administer the program and distribute funding. Fundamental to California's LAP is securing funding so the expansion of language access services will take place without impairing other court services.

Justification:

With approximately 7 million limited-English proficient (LEP) residents and potential court users, speaking more than 200 languages, dispersed across a vast geographic area, California is home to the most diverse population in the country. These Californians continue to face significant obstacles to meaningful access to our justice system, particularly in courtrooms with high volume calendars in which the vast majority of litigants are self-represented (such as traffic, family law, and small claims). Courts must confront these challenges with limited resources, and although funding has been increased for the courts, the branch is not funded to the level required to provide all the services Californians need.

To better meet the needs of the state's LEP court users and the courts that serve them, the Judicial Council approved the. The goal of the Judicial Council and the Language Access Plan Implementation Task Force, is to complete all phases of the plan over a 5-year period. While several milestones were reached in the plan's first year, implementation of the next set of LAP recommendations will require funding and permanent positions to complete.

Much improvement has resulted from the initial launch of the LAP and the Judicial Council seeks to do more. There are four initiatives that would advance the goals of the judicial branch's Language Access Plan:

1. Expand interpreter services into all civil proceedings and fund interpreter salary increases (\$11 million)

The Governor's Proposed Budget for 2018-19 proposes \$4 million in one-time monies for the court interpreter reimbursement fund (TCTF Program 0150037) to assist trial courts with ongoing expansion of court interpreter services into all civil matters. If allocated, this one-time funding will greatly assist trial courts with expansion efforts through June 2019. An additional \$11 million of ongoing funding is being requested to augment the interpreter reimbursement fund currently projected to run into deficit in FY 2019-20 due to the ongoing civil expansion and interpreter salary increases negotiated in 2017 and 2018.

2. Trial court reimbursement for court interpreter supervisors and coordinators (\$2 million)

With the courts' expansion of interpreter services into civil proceedings under the Language Access Plan, the courts are now faced with increased volume of interpreter services to oversee. As a general rule, courts do not receive reimbursement for the administrative costs of interpreter services. In order for the courts to fully expand language access services and fully implement the Language Access Plan, additional funding is paramount for infrastructure support to pay for associated non-reimbursable services related to the language access expansion such as court interpreter supervision, coordination or scheduling staff.

3. Video Remote Interpreting (VRI) equipment and Senior Analyst (\$497,000)

A VRI Pilot for spoken language is currently underway in three courts (Merced, Sacramento, and Ventura). The pilot commenced in January 2018, and is anticipated to run for six months. San Diego State University (SDSU) Research Foundation is evaluating the effectiveness of VRI, and findings and recommendations will be developed for the Judicial Council in Fall 2018. Prior to submission of the BCP in September 2018, we anticipate that we will have a preliminary report from SDSU that will indicate whether or not the VRI pilot is demonstrating that VRI may be an effective and appropriate means of service delivery for LEP court users. If the preliminary results from SDSU indicate that VRI is appropriate in certain circumstances, the Judicial Council will request \$316,000 for VRI equipment for courts. This funding will furnish an estimated 15 courthouses with VRI equipment (includes 1 courtroom, 1 defendant station, 1 help desk station, and 1 interpreter station).

Additionally, the establishment of a permanent Senior Analyst position is necessary to support the workload associated with the implementation of the next VRI phase (\$181,000).

4. Development and ongoing maintenance of statewide resources for court-ordered programs and a repository of providers (\$200,000)

This funding request is directly tied to the implementation of the Strategic Plan for Language Access in the California Courts, Recommendations Nos. 11, 30, and 33¹ and will assist to:

- (1) Develop statewide, online, multilingual content that will satisfy statutorily required and other court-ordered programs such as batterer intervention classes, parenting classes and anger management classes.

¹ **Recommendation No. 11** contains a statement indicating that LEP court users should not be required to participate in court-ordered programs and services if those programs are not available in the language of the court user or if language services are not provided in order to enable access to the program;

Recommendation No. 30 calls for the Judicial Council to "consider adopting policies" that will promote the use of remote technologies to promote the sharing of bilingual human resources among courts to meet the needs of LEP court users in non-courtroom proceedings; and

Recommendation No. 33 requires courts to ascertain whether court-appointed professionals can provide "linguistically accessible services" before ordering court users to avail themselves of those programs, services and professionals. This recommendation also calls for courts to enter into contracts with providers who can provide linguistically-accessible services.

- (2) Develop a database of providers who either provide services in-language or who are willing to obtain language assistance in conjunction with the services they offer.

Fiscal Impact:

This request will provide \$13.697 million to assist the courts with language access expansion expenditures, including higher court interpreter costs due to ongoing civil expansion efforts as detailed below.

- Court Interpreter Costs: \$11.0 million to support only court interpreter services that will not be utilized for other language access expenditures incurred by the courts and consists of two components: (1) the average cost per interpretation using actuals from FY 2015-16 and FY 2016-17 and (2) funding to cover court interpreter salary increases in order to better serve California's 7 million LEP court users.
- An additional \$2.0 million in support for interpreter supervisors is also sought to help offset court costs for language access expansion to all case types. The necessary increase in court interpreter staff statewide necessitates corresponding supervisors. While the costs of court interpreter staff are reimbursed, there is no mechanism to offset the added costs associated with supervisory staff.
- A total of \$697,000 (includes \$181,000 for staffing) to advance Video Remote Interpreting into those courts that have expressed critical need for this technology, primarily smaller courts in remote geographic locations, and for the creation of a database of multi-lingual content and resources for court-ordered programs and providers.

Outcomes and Accountability:

The four LAP initiatives contained in this proposal all have measurable and tangible results for the courts and LEP court users. The Language Access Plan Implementation Task Force (LAPITF) continues to issue regular reports regarding LAP progress to court leadership and public audiences for the purpose of accountability and to demonstrate the concrete and active steps courts are taking to expand language access services, including projects and outcomes related to the various recommendations contained in the LAP.

- **Court Interpreter Services.** Funding will allow more courts to provide interpreters in multiple languages in growing numbers of civil cases and case types. Expansion of court interpreter services in civil matters is consistent with the direction of the US DOJ and the findings set forth in Government Code section 68092.1 that it is imperative that courts provide interpreters in all parties who require one, and that both the legislative and judicial branches of government continue in their joint commitment to carry out this shared goal. Courts will continue to report on interpreter usage, by case type, and the Judicial Council will be able to more effectively calculate the continuing unmet need.
- **Trial Court Reimbursement for Court Interpreter Supervisors and Coordinators.** With the exception of direct interpreter services provided to LEP court users, the expansion of language access services is not reimbursable or funded for the courts. Each court currently absorbs the vast majority of the infrastructure and oversight expenses associated with the provision of interpreter

services. Providing a dedicated funding stream specifically for the offset of these expenditures will free existing resources initially allocated for other court costs, and ensure that courts continue their efforts to successfully expand language access as mandated. Resources and expenditures can be monitored using the Judicial Council's Phoenix Financial System on a regular basis.

- **Expansion of Video Remote Interpreting Capabilities.** The Court Interpreter Data Collection System (CIDCS) tracks interpreter services expenditures statewide. Implementation of VRI equipment in phases is projected to lower interpreter travel time and case continuances, all measurable through CIDCS. Even partially implemented, the use of VRI will immediately:
 - Increase the number of LEP parties, and case types, courts can serve with qualified court interpreters within existing statewide resources, currently \$103 million.
 - Increase access to credentialed (certified and registered) interpreters, especially in language of lesser diffusion (other than Spanish).
 - Help ensure that qualified in-person interpreters are scheduled for high stake or lengthy matters when needed.
 - Decrease the wait time, and number of rescheduled court events, due to difficulty securing the in-person services of a qualified interpreter; preventing additional missed work by LEP parties.
- The benefits of the **development and ongoing maintenance of statewide resources for court-ordered programs and a repository of providers** are twofold:
 - This database will serve as an important tool for the courts to readily identify statewide resources available to litigants where providers include services in the litigant's language.
 - These resources are projected to increase LEP litigant compliance in court-ordered programs such as batterer intervention classes, parenting classes, and anger management classes.

Other Alternatives Considered:

Alternative #1: Do not approve additional funding to advance the Strategic Plan for Language Access in the California Courts.

Pros:

- No impact to the General Fund.

Cons:

- Courts and the Judicial Council will be limited in their ability to expand language access services for LEP court users due to lack of funding for other essential language access services to increase access for LEP users.
- Failure to establish a mechanism to help offset language access expansion expenditures not already a part of their annual budgeted allocations places an undue burden on courts.
- The expansion of language access would be restrained if courts are left with no alternative other than to absorb the vast majority of the infrastructure and oversight expenses associated with the provision of interpreter services.

- The maximized use of existing interpreters will not be realized without the implementation and expansion of VRI.
- Courts will continue to struggle without a tool to assist them with finding resources to direct litigants where services will be provided in their language.

Alternative #2: Approve funding only for civil expansion for court interpreters.

Pros:

- Courts will be able to continue to provide interpreters in civil matters at the current level, and will be able to begin further expanding the case types in which they provide court interpreters for limited-English proficient (LEP) court users in civil.

Cons:

- Impact to the General Fund.
- Courts and the Judicial Council will be limited in their ability to expand language access services for LEP court users due to lack of funding for other essential language access services to increase access for LEP users.
- Failure to establish a mechanism to help offset language access expansion expenditures not already a part of their annual budgeted allocations places an undue burden on courts.
- The expansion of language access would be restrained if courts are left with no alternative other than to absorb the vast majority of the infrastructure and oversight expenses associated with the provision of interpreter services.
- The maximized use of existing interpreters will not be realized without the implementation and expansion of VRI.
- Courts will continue to struggle without a tool to assist them with finding resources to direct litigants where services will be provided in their language.

Alternative #3: Approve 50 percent funding for each of the items containing in this proposal.

Pros:

- Courts will be able to continue to provide interpreters in civil matters in at least a slightly expanded level, potentially into more case types.
- Courts would at least be provided a minimal amount of relief with expenditures related to the expansion of language access.
- Courts would be marginally supported within the constraints of a reduced allocation for the expansion of VRI.

Cons:

- Impact to the General Fund.
- Courts and the Judicial Council will be limited in their ability to expand language access services for LEP court users due to lack of funding for other essential language access services to increase access for LEP users.