

## Casillas, Yvette

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**From:** Patricia Hughes <phughes@gladinc.org>  
**Sent:** Thursday, October 22, 2015 4:36 PM  
**To:** PCLC; Marx, Anne; Herzfeld, Alan  
**Cc:** Patricia Hughes; Julianna Fjeld; Lisa Price; Renee Thomas; Sheri A. Farinha (sfarinha@norcalcenter.org); psieglenperry@dcsofsd.org; mbronson@dhhs.org; Deborah O'Willow (deborah.owillow@dcara.org) (deborah.owillow@dcara.org)  
**Subject:** Provisional Qualification of American Sign Language of Interpreters  
**Importance:** High

TO: Members of the Policy Coordination and Liaison Committee  
Court Interpreters Advisory Panel  
SUBJECT: Proposal for Judicial Council-Sponsored Legislation: Provisional Qualification of American Sign Language Interpreters

This email is to officially inform the advisory board members that our agency Greater Los Angeles Agency on Deafness known as GLAD is strongly opposed to the proposed legislation to amend Evidence Code section 754 to incorporate language allowing for provisional qualifications of American Sign Language (ASL) interpreters. My regret is that I was not actively involved with the beginning till just few days ago when I learned about these lee-way and disastrous proposal to ignore the rights of deaf, hard of hearing, and deaf/blind consumes in the CA Judicial System. The proposed legislation simply removes our right to quality in interpreting services. I recognize the fact that we are facing a serious shortage of SC:L interpreters; however, it does not mean that it excuses the State of CA to go back to 1960's. The era before the use of SC:L interpreters used the interpreters who were Children of Deaf Adults without proper trainings and they tried their very best to sign back to deaf people and voice to hearing people. We the deaf people were at their mercy and the judicial system was forgiven due to lack of certification.

With the proposed amendment, it allows signers, interpreters to be, and inexperienced interpreters and experienced interpreters to be chosen/screened by staff employed by the judicial system to guess that they are qualified to interpret in courts. I can foresee disastrous outcomes due to hasty decisions by the committee.

I do recognize that the committee may feel that they are hitting blocks due to many issues like shortage of SC:L interpreters, certification process, and et al. It does not mean that the committee has to settle for less and decide that is the WAY to go.

I urge the committee to table this proposed amendment and work with us agencies working with our people deaf, hard of hearing, and deaf/blind. Our agencies already saw and see many consumers suffer due to lack of quality in communication. It is obvious that CA is not ready to make a landmark decision that will end up in the history books in our classrooms how a committee hastily makes the decision resulted in mistrials and inequality in access to quality in communication.

I beg you all to table this proposed amendment.

Please feel free to contact me should you need more information.

This memo is from me as the CEO of GLAD, TRI, OCDEAF, and CODIE.

Dr. Patricia Hughes, CEO  
GLAD  
[www.gladinc.org](http://www.gladinc.org)

Member of CCASDHH



## Casillas, Yvette

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**From:** Sheri Farinha <sfarinha@norcalcenter.org>  
**Sent:** Thursday, October 22, 2015 5:03 PM  
**To:** Patricia Hughes; PCLC; Marx, Anne; Herzfeld, Alan  
**Cc:** Julianna Fjeld; Lisa Price; Renee Thomas; psieglenperry@dcsofsd.org; mbronson@dhsc.org; Deborah O'Willow (deborah.owillow@dcara.org) (deborah.owillow@dcara.org); Ali McGill  
**Subject:** RE: Provisional Qualification of American Sign Language of Interpreters  
**Importance:** High

**Representing 24-northeastern counties in California, NorCal Services for Deaf and Hard of Hearing supports GLAD's stance to strongly object to this provision and to request that instead, the Judicial Council establish a meeting with stakeholders be set up to discuss next steps.**

Thank you,  
~*Sheri*

Sheri A. Farinha, CEO  
NorCal Services for Deaf & Hard of Hearing  
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North Highlands, CA 95660  
[SFarinha@norcalcenter.org](mailto:SFarinha@norcalcenter.org)  
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**From:** Patricia Hughes [mailto:phughes@gladinc.org]  
**Sent:** Thursday, October 22, 2015 4:36 PM  
**To:** pclc@jud.ca.gov; anne.marx@jud.ca.gov; alan.herzfeld@jud.ca.gov  
**Cc:** Patricia Hughes; Julianna Fjeld; Lisa Price; Renee Thomas; Sheri Farinha; psieglenperry@dcsofsd.org; mbronson@dhsc.org; Deborah O'Willow (deborah.owillow@dcara.org) (deborah.owillow@dcara.org)

**Subject:** Provisional Qualification of American Sign Language of Interpreters

**Importance:** High

TO: Members of the Policy Coordination and Liaison Committee

Court Interpreters Advisory Panel

SUBJECT: Proposal for Judicial Council-Sponsored Legislation: Provisional Qualification of American Sign Language Interpreters

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This memo is from me as the CEO of GLAD, TRI, OCDEAF, and CODIE.

Dr. Patricia Hughes, CEO

GLAD

[www.gladinc.org](http://www.gladinc.org)

Member of CCASDHH

CA Coalition of Agencies Serving Deaf and Hard of Hearing.

**Casillas, Yvette**

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**From:** Julie Rems-Smario <juliesmario@gmail.com>  
**Sent:** Friday, October 23, 2015 8:51 AM  
**To:** PCLC  
**Subject:** Letter of concern from California Association of the Deaf (CAD) regarding code 754

Dear Members of the Policy Coordination and Liaison Committee & Court Interpreters Advisory Panel,

I am writing on the behalf of California Association of the Deaf, CAD Board of Directors. It was recently brought to our attention that there is a legislative move to amend Evidence Code Section 754 to incorporate language allowing for provisional qualifications of American Sign Language (ASL) interpreters. We have grave concerns about the failure to include CAD leaders with the entire process of the bill. To us, this is a blatant and deliberate failure to include the expertise of Deaf people, especially those of use who are familiar with the realities of the judicial system in California.

**The Evidence Code Section 754 is a code that requires police and others to use the top qualified legal interpreters. And both the Policy Coordination and Liaison Committee & Court Interpreters Advisory Panel are trying to remove this provision.**

**Thus, his proposed legislative takes away our right to having interpreting services of QUALITY.**

While we get that there are struggles in finding sufficient SC: L interpreter, this legislative move is a lame excuse which will bring the state of California to the dark ages of dismal interpreting services, which we have already worked so hard to end. During those dark years of dismal services, the grown hearing children of Deaf adults, commonly known as CODAs, were hastily throw into the interpreting roles without proper training. Even though they tried their best with minimal interpreting skills with signing and voicing, which led to many disastrous results due to misinformation and misunderstandings. This unsafe approach for access is grossly unfair to the Deaf people, and to the untrained CODAs who have been set up for failure.

**This puts us at the mercy of the court system and the interpreters.**

With this proposed amendment, the Judicial system with limited linguistic and cultural competence will have the clout to screen or choose the interpreters for employment—how would this incompetent employer know which interpreters are the best qualified for the job to give Deaf people access to the judicial system. My daughter has an ASL teacher who was hired by a hearing principal who has no knowledge of ASL. Unfortunately this ASL teacher has very poor ASL skills which is unfair to my daughter who had signed up to learn ASL. In my daughter's case it is not a life altering catastrophic experience. However, in the case for the judicial system, horrific outcomes due to poor decisions by the committee with poor understanding of linguistic of cultural competency such as being wrongfully incarcerated or getting away with murder because of mistrial. Here are two scenarios which had happened in other states with limited quality of legal interpreting services:

An abusive hearing spouse does not get a trial, because the interpreter did not properly relay what the Deaf domestic violence survivor shared about the horrific abuse she experience. The judge felt that she was not consistent with her story. After the court case closed, he murdered her.

A Deaf teen boy who did not know sign language and could not speak English, did not get a Certified Deaf Interpreter. He was wrongfully incarcerated for sexual abuse because the interpreter did not have the expertise to pull in the Certified Deaf Interpreter. The boy never knew why he was in prison and had suffered severe abuse during his years of incarceration due to lack of language access. . Years, later he was released from the prison when the survivor recanted her story. Those are the type of stories we cannot afford to happen in the state of California.

**Our Deaf Californians deserve safe language access to the court system.**

Whilst we understand that the committee is frustrated with interpreters shortage and complications of certification process, settling for less is a more catastrophic path, in which the Deaf people will suffer.

**We beg you NOT to settle for less at the expense of the Deaf people.**

This letter is our strong request for the committee to put this proposed amendment on hold and work with the Deaf communities through CAD and Deaf agencies such as NorCal, DCARA, GLAD, CODIE, DHHSC, DCS, etc. We are Deaf people ourselves and we work with Deaf people themselves, so we know what it is like to be the consumers struggling to have access. We deserve to be treated as human beings with equal access and quality services. Nothing about us without us.

**We strongly urge you to table the proposed amendment.**

Please do contact me to discuss this further- [JulieSmario@gmail.com](mailto:JulieSmario@gmail.com).

Julie Rems-Smario, CAD President