



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 24, 2019

Title

Language Access Plan: Signage and
Technology Grants

Agenda Item Type

Action Required

Effective Date

September 24, 2019

Submitted by

Hon. Kevin C. Brazile, Cochair
Hon. Laurie D. Zelon, Cochair
Hon. Victor A. Rodriguez, Chair, Language
Access Subcommittee
Advisory Committee on Providing Access
and Fairness
Hon. Sheila F. Hanson, Chair
Information Technology Advisory
Committee

Date of Report

September 9, 2019

Contact

Douglas G. Denton, 415-865-7870
douglas.denton@jud.ca.gov

Executive Summary

The 2018 Budget Act included \$2.55 million ongoing for language access signage and technology infrastructure support and equipment needs for the trial courts and the Judicial Council. The Advisory Committee on Providing Access and Fairness (PAF) and the Information Technology Advisory Committee (ITAC) recommend approving a proposed grant process and directing the Language Access Services unit (LAS) of the Center for Families, Children & the Courts to solicit and review grant applications and develop recommendations for review and approval by PAF, ITAC, and the Judicial Council. Following council approval of grant awards each year, LAS will disburse funding to awarded courts annually, beginning in fiscal year 2019–20.

Recommendation

The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee recommend that the Judicial Council, effective September 24, 2019:

1. Adopt the proposed *Language Access Signage and Technology Grants: Process Overview*; and
2. Direct LAS to solicit and review grant applications and develop recommendations for review and approval by PAF, ITAC, and the Judicial Council.

Text of the proposed *Language Access Signage and Technology Grants: Process Overview* is included as Attachment A.

Relevant Previous Council Action

In January 2015, the Judicial Council adopted the *Strategic Plan for Language Access in the California Courts* (Language Access Plan, or LAP). The LAP provides recommendations, guidance, and a consistent statewide approach to ensure language access for all of California's approximately 7 million limited-English-proficient (LEP) residents and potential court users.

In March 2015, the Chief Justice formed the Language Access Plan Implementation Task Force to advise the council on implementation of the 75 recommendations in the LAP, to expand meaningful access for all LEP court users.

In May 2017, the Judicial Council received an informational report, *Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations*, which was prepared by the National Center for State Courts under the direction of the task force. The report compiles best practices from around the state in courthouse design and in the use of signage and wayfinding strategies to enhance access for LEP court users.

In January 2019, the council approved formation of a standing Language Access Subcommittee under PAF to undertake language access efforts after the sunset of the task force in February 2019.

In March 2019, the council approved the *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events*. The guidelines were prepared under the direction of the task force and ITAC, following a VRI pilot project that took place in 2018 in the Superior Courts of Merced, Sacramento, and Ventura Counties. The revised guidelines were adapted from existing VRI guidelines in the Language Access Plan. The council also voted to create a new VRI program for the judicial branch to expand LEP court user access to qualified (certified and registered) court interpreters.

Analysis/Rationale

Effective March 2019, PAF's Language Access Subcommittee has worked to ensure the continuation of efforts to achieve and maintain access to justice for California's LEP court users. PAF and the subcommittee will partner with ITAC, as appropriate, on technology issues.

To support judicial branch language access expansion efforts, the 2018 Budget Act included ongoing funding of \$1 million per year for language access signage and \$1.55 million per year

for language access technology infrastructure support and equipment needs. The relevant language from the 2018 May Revision budget change proposal (BCP)¹ is included below:

Signage (Electronic and Static) - \$1,000,000

Recommendations #39 and #42 of the Language Access Plan direct the council to “assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation” and to “provide information to courts [for] better wayfinding strategies, multilingual (static and dynamic) signage.” With over 475 court buildings dispersed across 58 counties statewide, easy-to-understand signage is essential to help LEP court users navigate the courthouse and ensure they receive appropriate services. Meaningful access to these 475 buildings starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. Wayfinding is accomplished through strategic and immediate visual information indicating the location of common, important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. These important navigational tools can help to remove confusion and language access barriers and reduce the apprehension that many court users may have about going to an unfamiliar courthouse. [¶] . . . [¶]

Court Language Access Infrastructure and Equipment - \$1,550,000

Courts are not currently funded for language access expansion or maintenance costs outside of direct interpreter services provided in the courtrooms. Various items vital to the day-to-day operations of a court should be funded to assist in the expansion of services to LEP court users:

- 1) Technology
- 2) Interpreter Equipment
- 3) Multi-Language Communication
- 4) Telephonic or other remote interpreting technologies

This funding would be allocated to various courts on an ongoing basis based on equipment and infrastructure refresh and update schedules that will be established to ensure that all courts receive the necessary funding to maintain adequate infrastructure for language access needs.^[2]

(State of Cal., Language Access Plan Augmentation, *Budget Change Proposal* (pp. 4–5).)

¹ See State of Cal., Language Access Plan Augmentation, *Budget Change Proposal* (May 2018), https://esd.dof.ca.gov/Documents/bcp/1819/FY1819_ORG0250_BCP2379.pdf.

² Of the \$1,550,000 for technology, \$200,000 is dedicated to the Judicial Council for upgrades to the Language Access Toolkit and other council language access infrastructure support (such as translation costs for statewide

LAS is planning to disburse this funding for trial courts each year, beginning in fiscal year 2019–20, as a grant program (see attached overview). The goals of the Signage and Technology Grant program follow:

- Support courts with the development of multilingual signage to help LEP court users to navigate the courthouse.
- Assist courts that may need equipment or software that will facilitate communication with LEP court users and the courts.
- Allocate funds to as many trial courts as possible within the given budget to support language access signage and technology initiatives.
- Fund enhancements that provide LEP court users with greater access to the courts and to information in their language.
- Encourage courts to establish for grant funding an ongoing plan that coordinates with other facilities planning and/or with planned or ongoing technology initiatives that support language access as a core service of the court.

Policy implications

The grant program will likely launch in October 2019, with applications due from interested courts by November 2019. Once applications are received, potential grantees will be determined by Judicial Council staff, who will work closely with the Executive Office and follow the priorities established for the first year in the attached grant overview. Recommendations for grantees will then be formed by staff working with the Executive Office before advisory body approval. This approval process will include approval of recommendations by PAF and its Language Access Subcommittee, ITAC, and ultimately the council. Following approval of recommended grantees by the council by March 2020, awarded courts would need to encumber funding by June 2020, funding would then be reimbursed to the courts by December 2020, and the grant cycle would repeat every year.

Under the grant program, courts will be able to apply for funding for audio or video remote solutions, including video remote interpreting (VRI), if permitted by their memorandums of understanding and any other agreements between court administration and court employees or independent contractors. All courts, including courts that participate in the grant program and request funding for VRI equipment in 2020, will be asked to follow the council’s VRI guidelines for spoken language–interpreted events.³ Doing so will help to ensure proper use of VRI solutions in the courts, because VRI is still an emerging technology and must be carefully implemented by individual courts to ensure due process for LEP court users.

forms, web content, and other multilingual resources for LEP court users). The amount available to trial courts for technology is therefore \$1,350,000 each year.

³ See Judicial Council of Cal., *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events* (Mar. 15, 2019), www.courts.ca.gov/documents/vri-guidelines.pdf.

Comments

The attached grant process overview, which includes anticipated grant priorities for the first year, was reviewed and approved by PAF and ITAC in August 2019, and by the Judicial Council Technology Committee in September 2019. The overview was also reviewed with the Trial Court Budget Advisory Committee on August 7 as an informational item.

Alternatives considered

A variety of disbursement methodologies exist for ongoing funding; however, a determination was made to disburse the funding as a grant program to help the council identify and fund local needs, establish priorities, encourage courts to develop plans for ongoing funding, assist courts with uniform practices, and establish a mechanism to highlight progress and best practices each year.

Fiscal and Operational Impacts

Funding will assist courts with language access signage and technology initiatives. The Signage and Technology Grant is a reimbursement grant, which means that the funds will be distributed after the conclusion of a successful project. Funding must be encumbered each fiscal year, and ongoing costs such as software maintenance and support should not be included in the request. (If a request covers multiple years, courts must undertake the project and then reapply each year.) However, because funding is ongoing for the trial courts, individual courts will be encouraged to establish an ongoing plan for grant funding that coordinates with other facilities or technology initiatives planned or underway in their court to support language access. Under the grant program, courts will be able to apply for both signage and technology needs. No more than 10 percent of the annual grant budget for each program will be allocated to any one court (i.e., no more than \$100,000 for signage and \$135,000 for technology), unless total funding requests are lower than the annual allocation. Because of limited funding, and depending on the number of requests received, funding of all grant requests may not be possible, and some requests may be approved only for partial funding. Applicants for the grant program should check with their Facilities and/or Information Technology departments to ensure that grant funding requests conform with courtwide planning efforts.

Council staff works regularly with court language access representatives to identify best practices and innovations taking place in language access, including in the areas of signage and technology. A report will likely be prepared at the completion of each grant year to identify successful signage and technology projects, which will allow the branch to share best practices and innovations with courts statewide and with the public.

Council staff in the Operations and Programs Division are working on development and launch of a VRI program in 2020, and regular updates to the council are planned before the program launch. These updates will inform court and public stakeholders of next steps, including the development of an implementation plan for VRI. The implementation plan will include a sufficient period of installation and training at courts before program launch.

PAF and ITAC also anticipate that judges, court staff, court interpreters, and attorneys will be extensively involved in training efforts to ensure that they are comfortable with the VRI equipment before use and that quality communication is ensured for LEP court users and their attorneys, including for confidential attorney-client communication. Implementation of VRI will also include use of feedback surveys to allow all courtroom participants and interpreters to provide input that can be used to continually improve the service offered by the VRI solution. These surveys will also enable the courts and the Judicial Council to continually monitor the program and refine the way in which the service is delivered.

The 2018 Budget Act also included new positions for the Judicial Council's LAS unit that are currently being recruited to help support the new grant program and the Language Access Toolkit.

Separately, the council is also pursuing a budget change proposal for fiscal year 2020–21 to fund VRI solutions in up to 15 courts, which will also help to establish VRI as a program beginning in 2020.

Attachments and Links

1. Attachment A: *Language Access Signage and Technology Grants: Process Overview*
2. Link A: *Strategic Plan for Language Access in the California Courts* (2015), www.courts.ca.gov/documents/CLASP_report_060514.pdf
3. Link B: *Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations* (Feb. 2017), www.courts.ca.gov/documents/LAP-Wayfinding-and-Signage-Strategies-Language-Access-in-the-CA-Courts.pdf
4. Link C: *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events* (Mar. 15, 2019), www.courts.ca.gov/documents/vri-guidelines.pdf

Language Access Signage and Technology Grants
Process Overview
September 9, 2019

Below is an overview of the proposed process for the Language Access Signage and Technology Grants. This process includes potential priorities for grants, solicitation of projects from trial courts for consideration of awarding grants, and ultimate distribution of funding to the courts on successful completion of court signage and technology projects.

Background

The 2018 Budget Act included ongoing funding of \$1 million per year for language access signage and \$1.55 million per year for language access technology infrastructure support and equipment needs. Below is the relevant language from the 2018 May Revision budget change proposal¹:

Signage (Electronic and Static) - \$1,000,000

Recommendations #39 and #42 of the Language Access Plan direct the council to "assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation" and to "provide information to courts [for] better wayfinding strategies, multilingual (static and dynamic) signage." With over 475 court buildings dispersed across 58 counties statewide, easy-to-understand signage is essential to help [limited-English-proficient] LEP court users navigate the courthouse and ensure they receive appropriate services. Meaningful access to these 475 buildings starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. Wayfinding is accomplished through strategic and immediate visual information indicating the location of common, important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. These important navigational tools can help to remove confusion and language access barriers and reduce the apprehension that many court users may have about going to an unfamiliar courthouse. [¶] . . . [¶]

Court Language Access Infrastructure and Equipment - \$1,550,000

Courts are not currently funded for language access expansion or maintenance costs outside of direct interpreter services provided in the courtrooms. Various items vital to the day-to-day operations of a court should be funded to assist in the expansion of services to LEP court users:

- 1) Technology
- 2) Interpreter Equipment
- 3) Multi-Language Communication
- 4) Telephonic or other remote interpreting technologies

¹ See State of Cal., Language Access Plan Augmentation, *Budget Change Proposal* (May 2018), https://esd.dof.ca.gov/Documents/bcp/1819/FY1819_ORG0250_BCP2379.pdf.

This funding would be allocated to various courts on an ongoing basis based on equipment and infrastructure refresh and update schedules that will be established to ensure that all courts receive the necessary funding to maintain adequate infrastructure for language access needs.

(State of Cal., Language Access Plan Augmentation, *Budget Change Proposal* (pp. 4–5).)

Note: Of the \$1,550,000, \$200,000 is dedicated to the Judicial Council for upgrades to the Language Access Toolkit and other council language access infrastructure support (such as translation costs for statewide forms, web content, and other multilingual resources for LEP court users). The amount available to trial courts for technology is therefore \$1,350,000 each year.

The Language Access Services unit, Center for Families, Children & the Courts [CFCC], is planning to disburse this funding for courts each year, beginning in fiscal year 2019–20, as a grant program.

Objectives of Grant Program

The goals of the Signage and Technology Grant program follow:

- Support courts with the development of multilingual signage to help LEP court users navigate the courthouse.
- Assist courts that may need equipment or software that will facilitate communication with LEP court users and the courts.
- Allocate funds to as many trial courts as possible within the given budget to support language access signage and technology initiatives.
- Fund enhancements that provide LEP court users with greater access to the courts and to information in their language.
- Encourage courts to establish for grant funding an ongoing plan that coordinates with other facilities planning and/or with planned or ongoing technology initiatives that support language access as a core service of the court.

*Note: Courts may apply **for both** signage and technology needs.*

Application Timing and Process

- Applications are due on November 15, 2019.
- Recommendations will be developed by staff for review by the Advisory Committee on Providing Access and Fairness, its Language Access Subcommittee, and the Information Technology Advisory Committee.
- The decision on which projects to fund will be made by the Judicial Council by March 2020.
- All courts that submit Signage and Technology Grant requests will be notified as to whether they receive funding.
- Intra-branch agreements for the Signage and Technology Grant requests that are funded are expected to be delivered to the court executive officers for signatory approval and returned to the Judicial Council before April 30, 2020.
- Because of limited funding, and depending on the number of requests received, funding all requests may not be possible, and some requests may be approved only for partial funding.

- Courts requesting funding for more than one project in each category are asked to identify the top-priority project for their court.
- No more than 10 percent of the annual grant budget for each program will be allocated to any one court (i.e., no more than \$100,000 for signage and \$135,000 for technology).
- If total funding requests fall below the total annual allocation, courts may be awarded larger amounts to ensure that available funding under the program is disbursed as needed.
- Applicants should check with their Facilities and/or Information Technology departments to ensure that grant funding requests conform with courtwide planning efforts.

Grant Award and Reimbursement Process

- Funding must be encumbered each fiscal year, and ongoing costs such as software maintenance and support should not be included in the request. (If a request covers multiple years, courts must undertake the project and then reapply each year.)
- The Signage and Technology Grant is a reimbursement grant, which means that the funds will be distributed after the conclusion of a successful project.
- Courts that participate in the grant program and request funding for video remote interpreting equipment will be asked to agree to follow the council's *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events*.²
- Note: Courts that apply for VRI equipment in the courtroom must abide by local memorandums of understanding and agreements that allow for the appropriate use of VRI in the courtroom.
- Funds must be encumbered by the court in the current fiscal year, and the court must inform the Judicial Council that funding for the project has been encumbered by June 30, 2020.
- If the reimbursement request and invoices to support the requested reimbursement amount are not received by December 31, 2020, grant funding for the cost of the project will be **unavailable for reimbursement to the court**.

Potential Priorities for Grants

In 2019, Judicial Council staff developed the following potential priorities for the grant program and reviewed these priorities with the Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee:

² See Judicial Council of Cal., *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events* (Mar. 15, 2019), www.courts.ca.gov/documents/vri-guidelines.pdf.

Signage Grants

Priority	Project
1	Plain language editing and professional translation of signage language that is unavailable in the <i>Glossary of Signage Terms and Icons</i> (at www.courts.ca.gov/documents/lap-toolkit-Glossary_of_Signage_Terms_and_Icons.xlsx)
2	Development of multilingual wayfinding strategies, including electronic displays with automated maps, orientation guides with multilingual interface, and/or other types of multilingual electronic signage
3	Investment in multilingual nonelectronic signage (paper, plaques, etc.)
4	Equipment and startup costs for an automated queue-management system that will contain multilingual information

Technology Grants

Priority	Project
1	Interpreter equipment, including upgraded headsets and other communication equipment for interpreters (for example, wireless transmitters and receivers, charging stations, and carrying cases)
2	Telephonic/video remote solutions equipment for LEP assistance both inside and outside the courtroom (for example, speakerphones and equipment for video remote appearances, video remote interpreting, counter assistance, or other self-help remote assistance, including tablets, computer equipment, and monitors)
3	Scheduling software for language access services, multilingual avatars for LEP court users, or other software that allows for accurate multilingual communication between the LEP court user and the court
4	Multilingual videos for LEP court users, including translation costs
5	Audio-visual systems upgrades, broadband service, and/or other infrastructure enhancements (must directly relate to services provided to LEP court users)
6	Multilingual kiosks

Project Solicitation

An invitation will be sent to the language access representatives for all 58 trial courts from the Language Access Services unit inviting the courts to submit a request for funding if they have a language access signage and/or technology system project that they would like to have considered for grant funding. A solicitation email will come from the Language Access Subcommittee chair and will be shared with the presiding judges and court executive officers. The email will include a memo from staff that provides an overview of the goals of the grant program, criteria that will be considered when deciding which grants to recommend for funding, and a deadline to submit the grant project request form for consideration.

Evaluation of Project Funding Requests

Courts that request funding for signage and/or technology will need to submit a completed project request form to Judicial Council staff. As noted above, courts can submit funding requests for both

signage and technology. If courts submit more than one signage project (or more than one technology project), they will be asked to complete a separate project request form for each project and indicate the priority for each of their projects (e.g., top priority, 2nd priority). Judicial Council staff will review each submission and follow up with the courts on any missing information and questions. Staff will prepare an initial allocation in a spreadsheet by court of the proposed grant funding based on the amount of available funding, the number of project requests received, the overall goals of the program, and other criteria as specified in the solicitation memo.

Part of the evaluation process includes ensuring that the project falls within the scope and criteria of the grant program. Additionally, staff will review the scope of funding included in the project request to ensure that the funding being requested is for one-time costs. Any ongoing system maintenance costs will be removed from the requested funding amount. Staff will then categorize the projects into the various program priorities and will make an initial proposed allocation for each court, limiting the grant to no more than 10 percent for an individual court, unless total funding requests are lower than the annual allocation. The results of this analysis will be recorded in an Excel spreadsheet. Throughout this process, there will be multiple review cycles of the proposed allocations internally with management in CFCC, Information Technology, and the Executive Office.

Advisory Body Review and Approval

After management approval of the proposed grant requests, a memo will be prepared and sent from Judicial Council staff to the chairs of the Language Access Subcommittee, Advisory Committee on Providing Access and Fairness, and Information Technology Advisory Committee for review. If the chairs have no questions about the memo or proposed allocations, the memo will be placed on the committee agendas for presentation to and consideration by the full committees. During the meetings, the recommendation memo, along with the proposed allocations, will be reviewed and any questions addressed.

Following approval by the advisory bodies, the proposed allocations will be recommended for approval by the Judicial Council at its March 2020 meeting.

Write and Issue IBAs

If the proposed allocations are approved by the council, a contract detail sheet and intra-branch agreement will be drafted for each court, sent to Judicial Council Branch Accounting & Procurement for processing, and ultimately signed by the court executive officers, per the schedule above.

Funds Disbursement

To be reimbursed, courts must expend grant funding by December 31, 2020. Upon successful completion of a project, the court then submits an invoice with a brief report on what was completed, along with a disbursement request and supporting invoices, to the Language Access Services unit for processing. A memo from Judicial Council staff along with the supporting documents from the court are then sent to Branch Accounting & Procurement for disbursement of the funding to the courts.

Rule 1.300 Language Access in Court-Ordered Services Frequently Asked Questions (September 2019)

Keeping Track of Service Providers

Q: How should courts communicate with their justice partners and local service providers in the community? Who in the court can do that?

This will vary by court. In many counties, court clerks maintain lists of approved providers in various areas of law and will have lines of communication established with community providers. The county Probation department has a role in formally approving certain service providers, such as those that provide batterer intervention programs, and may already have a means of communicating with court clerks to regularly supply this information. In some courts, Language Access Representatives (LARs) are well-positioned to communicate with the various justice partners and community providers that offer services to litigants, while in other courts, self-help center staff have the most contact with both service providers and litigants. Form [LA-350 Notice of Available Language Assistance—Service Provider](#) can be distributed on an annual basis to justice partners and community providers, which will allow them to provide updated information on the language assistance they provide. Courts may also want to consider customizing and posting content on their local court websites that describes the process for notifying the court about language assistance offered by justice partners and community providers, and can refer agencies to the [Language Access Toolkit page](#) that provides resources specifically for these community providers.

Forms and Other Materials

Q: Are the new forms translated? To which languages and how can courts access this resource?

The [LA-400](#) and the [LA-450](#) are available in the following languages:

Chinese

[LA-400 C Service Not Available in My Language: Request to Change Court Order](#)

[LA-450 C Service Not Available in My Language: Order](#)

Russian

[LA-400 R Service Not Available in My Language: Request to Change Court Order](#)

[LA-450 R Service Not Available in My Language: Order](#)

Spanish

[LA-400 S Service Not Available in My Language: Request to Change Court Order](#)

[LA-450 S Service Not Available in My Language: Order](#)

Vietnamese

[LA-400 V Service Not Available in My Language: Request to Change Court Order](#)

[LA-450 V Service Not Available in My Language: Order](#)

Q: Are the forms available in MSWord so we can customize them for our court?

Judicial Council forms are not developed in Word, and therefore we cannot provide them in that format. The forms are provided as fillable, savable PDF forms. The forms are designed so any user can tab through the fields, fill them out and save the forms with relevant data, using nothing but the free software Adobe Reader. If you wish to convert forms yourself, we do ask that you make your request in writing, and that you agree to specific terms of use, as well as all applicable California Rules of Court and legislation. Please contact:

Judicial Council of California

Legal Services Office

455 Golden Gate Ave, 5th Fl

San Francisco, CA 94121

Q: Are courts expected to accept forms completed in another language?

No, the business of the court is to be conducted in English and the court will only accept forms in the English language. Translated forms and materials are made available to the public for educational purposes and for assistance with the completion of forms in English.

Q: Will the materials for litigants be translated?

The new web content will be translated into Spanish during the near term for posting on the mirror site of the California Courts Self-Help webpages. The LEP litigant fact sheet will also be translated into Spanish as soon as possible. Other languages will be added as budgets permit.

Appointing and Paying for Interpreters

Q: If a judge orders an interpreter to assist with a court-ordered activity outside of the courtroom, would the court then be responsible for providing interpreter services to an outside program?

Rule 1.300 states that "Language services" are services designed to provide access to the legal system to limited English proficient court litigants and may include the following: in-person interpretation, telephonic interpreter services, video remote interpreting services, and services provided by assigned bilingual employees and bilingual volunteers. While a judge may order a LEP to undertake a program or service, the rule does not require that the program or service be provided by a court employee interpreter or an independent contractor interpreter. Courts have labor agreements known as memoranda of understanding (MOUs) with the unions representing court

employee interpreters. These MOUs define the scope of work that can be assigned to court interpreters, who primarily provide services for LEPs in the courtroom. Consistent with their Regional MOU, it is up to individual courts to decide: (1) how to allocate their court interpreter or bilingual staff resources for in-court services or programs; (2) whether they want to use telephonic or video remote services; and (3) whether they want to use technology to partner with other courts to help provide appropriate in-court language services for LEPs. The rule also does not require courts to provide interpreter or bilingual staff services to outside service providers. Form [LA-350 Notice of Available Language Assistance—Service Provider](#) allows providers to indicate to the court if they can provide services in different languages.

Q: Does this rule require the use of certified interpreters?

No. See answer above.

Q: Are these assignments exempt from the provisions of Gov. Code sec. 71802(c)(2) (the “100-day limit”)?

The 100-day limit applies to independent contractors performing bargaining unit work when employee interpreters are unavailable. The 100-day limit may not apply depending on the regional MOU’s definition of bargaining unit work. Courts are encouraged to consult with their regional chair to determine if the limit applies.

Q: If the court authorizes an interpreter for a program, will the court be reimbursed for the cost of the interpreter?

If the interpreter service provided **in court** is attributed to a case number, the court will be reimbursed for the interpreter service provided **in the court**. Interpreter services provided **outside the court** will not be reimbursed.

Q: Do you anticipate the Daily Activity Log (DAL) being modified to incorporate “outside the courtroom” activity?

No. Instances of interpreter activity for court-ordered activities provided in the court should be reported like any other instance of language services provided in that case.

Q: If the court authorizes an interpreter be present for a private program/service, and the court pays for the interpreter, will this cost be eligible for reimbursement via the CIP 0150037 fund?

No. See above.

Q: How do we allocate interpreter resources when some of our court-ordered services are offered by court personnel, while others are offered by outside agencies?

It is up to individual courts to decide how to allocate their court interpreter or bilingual staff resources for in-court services; whether they want to use telephonic or video remote services; and whether they want to use technology to partner with other courts to help provide appropriate in-court language services for LEPs. The rule does not require courts to provide interpreter or bilingual staff services to outside service providers. Form [LA-350 Notice of Available Language Assistance—Service Provider](#) allows providers to indicate to the court if they can provide services in different languages.

Q: If our probate investigators are court employees, do we need to send an interpreter with them to conduct investigations for guardianships and conservatorships?

Rule 1.300 requires each court to adopt procedures to enable limited English proficient court litigants to access court-ordered and court-provided programs, services, and professionals to the same extent as persons who are proficient in English. Depending on its resources, courts may elect a variety of ways to ensure language assistance is provided in these services, including but not limited to in-person support by bilingual employees or interpreters, and remote solutions such as telephonic interpretation and video remote interpretation.

MOUs

Q: Some MOUs with CFI preclude the court interpreter from going outside the courthouse.

Courts should continue to follow the provisions of their MOUs and any other agreements with court employees and independent contractors.

Q: How do we renegotiate MOUs with agencies, if the MOU is not between the court and the agency? (i.e., the county enters into the MOU)

Authorized representatives from the court may want to get in touch with the county contact and let them know that the court is interested in assuring language access in these services going forward, to ensure that this issue is discussed the next time the MOU is negotiated. If the county receives federal funding, it will also be aware of these issues and will likely be willing to work with the court on a solution.

Other Questions

Q: Will courts be required to hire bilingual staff to help in non-courtroom areas?

It is up to individual courts to decide how to allocate their court interpreter or bilingual staff resources for in-court services, consistent with MOU requirements. Courts will also decide whether they want to use telephonic or video remote services, and whether they

want to use technology to partner with other courts to help provide appropriate in-court language services for LEPs.

Q: What is the meaning of the September 1 implementation date? Do courts need to be in compliance with something on that date?

The rule goes into effect on September 1, however, there is no expectation that courts will have all systems in place to support implementation of the rule by September 1.

Q: How can I find out what other courts are doing?

LARs and Interpreter Coordinators have their own listservs, which they often use to communicate about these issues. There will also be opportunities to share strategies and learn about the approaches of the courts to this issue at future meetings of the LARs.

Q: How will you make these materials available to LARs, clerks, providers, and litigants?

The materials have been distributed to Presiding Judges and Court Executive Officers at a recent meeting, to LARs through their listserv, to self-help centers on their listserv, and published on Court News Update. They are also available on the Language Access Toolkit and for court employees, on the Language Access Resource Center webpage of the Judicial Resources Network.