



JUDICIAL COUNCIL OF CALIFORNIA

COURT INTERPRETERS
ADVISORY PANEL

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

COURT INTERPRETERS ADVISORY PANEL PROFESSIONAL STANDARDS AND ETHICS SUBCOMMITTEE (PSE)

MINUTES OF OPEN MEETING

March 14, 2019
12:15 -1:30 p.m.
Teleconference

Advisory Body Members Present: Mr. Gurinder Aujla, Ms. Carmen Benbrook, Ms. Claritza J. Callaci, Mr. Hector Gonzalez, Jr., Ms. Ivette Peña. **Also in attendance:** Hon. Brian L. McCabe, Chair, Court Interpreters Advisory Panel

Judicial Council Staff Present: Ms. Debbie Chong, Ms. Claudia Ortega, Ms. Carmen Castro-Rojas, Ms. Edith Reyes, Ms. Sonia Sierra Wolf

OPEN MEETING (CAL RULES OF COURT, RULE 10.75(C)(1))

I. Call to Order and Roll Call

The chair called the meeting to order at 12:15p.m and staff was asked to take roll.

II. Opening Remarks

- The subcommittee accomplished a major task with the development of the credential review procedures and revised rule of court 2.891. It was 2.5 years in the making, and the procedures and rule will go before the Judicial Council with the Court Interpreters Advisory Panel's (CIAP) recommendation for a January 1, 2020 effective date.
- PSE will review the procedures again, one year after they go into effect and make modifications as needed.
- The internal administrative and operational procedures, particularly the critical role Legal and CIAP will assume warranted internal discussion and review to insure internal staffing needs and protocols, and the Administrative Procedures Act is clearly understood by all those involved in the implementation and ongoing execution of this important policy.

III. Meeting Goals

- With the rollout of the web-based interpreter portal this September, the subcommittee has an opportunity to review the current compliance requirements and to revise the format, clarify content, and organize them for the interpreters and continuing education providers, but, more importantly, to make immediate policy changes as illustrated in the chart that was provided.

- Staff identified areas of improvement in the current compliance requirements and identified points of clarification based on feedback from the interpreter community, providers, and the courts.
- After approval of the changes in the compliance requirements by CIAP, the changes will be submitted to the Administrative Director who has authority to approve changes to the compliance requirements. The deadline is July 1-15 for a date of September 1, 2019 for the revised copy of the compliance requirements incorporating all approved policy changes to go into effect.
- The meeting addressed phase 1, the changes that CIP staff identified as being rather straight forward and related to what staff observed over the past few years.
- There are other more substantive/major items, or possible changes that will require more in depth discussion that will be discussed at a later date, phase 2.

IV. Actions taken by the subcommittee

The subcommittee reviewed and discussed the policy changes provided in the chart and took the following actions/vote.

Approved by the subcommittee on March 14, 2019:

1. Does the Professional Standards and Ethics Subcommittee (PSE) recommend that effective September 2019, interpreters will no longer be required to turn in hard copies of documentation, and will attest under the penalty of perjury to completion of all compliance requirements and are subject to an audit?
2. Should PSE recommend that the CIP no longer accept retroactive annual renewal fees from inactive interpreters, the fees are to be paid during the annual renewal cycle?
3. Should Minimum Continuing Legal Education (MCLE) State Bar courses be approved for Court Interpreter Minimum Continuing Education (CIMCE) without the interpreter needing to submit an application?
4. Should CIMCE numbers granted by other State Judiciary bodies or Administrative Office of the Courts (AOC) be automatically approved for CIMCE without the interpreter needing to submit an application?
5. Should references to the Court Interpreters Advisory Panel (CIAP) be removed that indicate CIAP is consulting with ongoing CIP work regarding: exemptions to the 40 hour professional assignments; consulting on all denied CIMCE applications; CIMCE courses deemed not relevant; and reviewing approved courses every quarter, with the understanding that in some cases consultation with the CIAP chair and/or legal services may be required in those instances where needed or requested?

Action by E-mail approved on March 27, 2019

Should CIP add the following (bold indicates additions to existing text) courses to the list of non-CIMCE approved activities?

1. Developing any state, federal, or consortium court interpreter exam, or **exam development for any profession.**

2. Attending classes in person, or via distance learning that provide instruction on how to take and pass any state or federal court certification and/or registered court exam. (passed but further discussion may be warranted regarding parameters)
3. Attending classes in person or via distance learning that provide instruction on how to take and pass any professional exam, and/or prepares one for any professional certification, licensing or credentialing exams.
4. Courses on brand development, marketing, running or building a business, or engaging in marketing or consulting activities.
5. Self-directed research or publishing.
6. Courses primarily based on works of fiction (novels, movies, podcasts)
7. Time spent on doing homework.
8. CIMCE credit is not guaranteed for participation in activities, such as interpreter vacations or conferences offered in a foreign country. Foreign travel per se, is not CIMCE eligible.
9. Should PSE recommend that interpreter vacation applications or conferences held outside the US only be approved if submitted by the vacation/conference provider?
10. Should PSE recommend the maximum allowed CIMCE granted per day go from 6 hours to 8 hours?(footnote will read: Up to 8 hours a day may be approved at the discretion of CIP for conferences or activities that may be more than 6 hours).

Items to review at the next meeting:

1. Should PSE recommend that the waiver of 40 professional assignment not be limited to just registered interpreters, but include certified interpreters?
2. Should PSE recommend that the Professional Assignments be expanded to include additional professional assignments as listed in Handout 02, Professional Assignments?
Note: Other legal assignments that were not on the provided list were suggested by members. Staff will ask members for suggestions and incorporate into an updated list to be made available prior to the next meeting.

V. Adjournment

Members were reminded of the May 8, 2019 in person meeting. Staff will poll members for the next PSE meeting date where unfinished business will be discussed. Meeting was adjourned at: 1:22.

April 29, 2019 Professional Standards and Ethics Subcommittee: 2019 Policy Change Chart updated with vote results. Actions that pass will go to CIAP full panel for final approval) Current Requirements are here: <https://www.courts.ca.gov/documents/CIP-2013-Compliance-Requirements.pdf>

Pg. in current Compliance Requirements	Description of action needed:	From March 14	Results of Vote Will move to CIAP for full approval at future meeting.
6	<p><i>Action:</i> Should PSE recommend that the waiver of 40 professional assignment not be limited to just registered interpreters, but include certified interpreters?</p> <p><i>Text currently reads:</i> 2.7.3 Registered interpreters who cannot complete 40 court-related professional assignments because of limited need for their languages by the courts may be eligible for an exemption.</p>	<p>Some currently certified languages have limited need in the courts (Western Armenian, Portuguese). We will be going to an honor system to verify compliance for those who are using the web-based portal and we are asking interpreters to maintain records.</p> <ul style="list-style-type: none"> • Is the assumption that all certified interpreters can meet 40 professional assignments (rural areas?) • State Bar does not require you practice actively practice law if you pay dues and do CE. 	Table for further discussion at next meeting and action.
	<p><i>Action:</i> Effective September 2019, does PSE recommend that interpreters no longer need to request a waiver for 40 professional assignments in</p>	See expanded handout of Professional Assignments that will be part of expanded Appendix	Table for further discussion at next

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Pg. in current Compliance Requirements	Description of action needed:	From March 14	Results of Vote Will move to CIAP for full approval at future meeting.
6	<p><i>writing? Instead, they will attest to completion through signature via mail or via the portal</i></p> <p><i>Text currently reads:</i> 2.7.4 Exemptions to the 40 court-related professional assignments requirement must be requested in writing by the registered interpreter before the end of the current compliance period to avoid loss of certified or registered status. Exemptions are granted by the Judicial Council in consultation with the Court Interpreters Advisory Panel on a case-by-case basis.</p>	<p>Rationale: This will be done via the portal or on a document sent via email or mail and must be signed. It will be honor system.</p>	<p>meeting, and action.</p>
See updated hand out 02	<p><i>Discussion:</i> <i>Should PSE recommend that the Professional Assignments be expanded to include additional professional assignments as listed in Handout 02</i></p> <p><i>Note: see footnote on handout;</i></p>	<p>Professional assignments are meant to maintain skills and we currently, as standard practice accepting medical, conference, administrative and all immigration assignments. Please review this list prior to the meeting and come with suggestions of additions or deletions.</p>	<p>Please have reviewed prior to April 29</p>

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1. Is further discussion needed regarding: Attending classes in person or via distance learning that provide instruction on how to take and pass any professional exam, and/or prepares one for any professional certification, licensing or credentialing exams?

Note: This exclusion is for classes whose sole purpose is exam prep, not for individual qualified courses one takes at law-school, or other courses. The majority of requests for exam prep are from providers. We review, and make exceptions on a case-by-case basis if we are challenged, if justified.

Phase 2 possible for review:

- Late Fees (\$50) and Reinstatement Fee (\$250) review for non-compliance. Are these fair; how do they compare with other states?
- Should we shorten the compliance cycle? (currently, Sep-June, with late fees starting in Jan- last day in March? reinstatement fees Apr- June).
- Should we reassess the penalties and consequences? Is it efficient?
- Should we drop the \$100 enrollment fee for newly credentialed interpreters to encourage coming onto the Master List? (What is the motivation to enroll on the Master List, you pay annual renewal fees pretty soon after)
- Should interpreters have to fulfill a determined number of ethics courses every two years? (2 hours? 3 hours?) What if JC provided on-line course?
- Other issues that that the sub- committee may identify?

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Page in Current Compliance Requirements	Following items were approved by PSE in March 2019		
NA	<p>Action: <i>Does the Professional Standards and Ethics Subcommittee (PSE) recommend that effective September 2019, interpreters will no longer be required to turn in hard copies of documentation, and will attest under the penalty of perjury to completion of all compliance requirements and are subject to an audit?</i></p>	<p>Language regarding the use of a web-page password protected portal will be added, when compliance procedures are finalized, in the appropriate sections. (Currently CIP receives 1800+ paper checks a year and over 5,000 pages of documentation.)</p>	<p>PASS</p>
13	<p>Action: <i>Should PSE recommend that CIP no longer accept retroactive annual renewal fees from inactive interpreters, they are to be paid during the annual renewal cycle.</i></p> <p>Text currently reads: 4.10.4 Retroactive payment for the period of inactive status may be accepted and must be received before active status is regained.</p>	<p>CIP sends renewal fee notices to all inactive interpreters during the regular compliance cycle now. Eliminating this clause is recognizing standard practice.</p> <p>Note: Entire Section on Inactive will be condensed. An interpreter requesting inactive status will be sent all needed information at the time of request.</p>	<p>PASS</p>

3	<p>Action:</p> <p>1. Should Minimum Continuing Legal Education (MCLE) State Bar courses be approved for Court Interpreter Minimum Continuing Education (CIMCE) without the interpreter needing to submit an application?</p>	<p>MCLE courses meet our standards, as well as those offered by sister state AOC courts. Interpreters are required to maintain all records, subject to audit. MCLE approval was abolished in 2011,</p>	
3	<p>2. Should CIMCE numbers granted by another State Judiciary bodies or Administrative Office of the Courts (AOC) be automatically approved for CIMCE without the interpreter needing to submit an application?</p> <p>Text will now read:</p> <p>2.2 B CIMCE credit will be awarded for continuing education activities that meet the following criteria and if the activity meets the definition of education and has been assigned CIMCE by:</p> <ul style="list-style-type: none"> • Judicial Council of California Court Interpreters Program • Approved MCLE by the State Bar; or, • Other State Judiciary/Administrative Office of the Courts 	<p>bringing it back and including sister states widens the field of courses to choose from and saves interpreters application fees. Note: Discuss at next meeting if we want to expand beyond the CA State Bar</p> <p>We have interpreters in other states (reciprocity) and they get their education in their respective states and should not need to submit applications.</p>	<p>PASS</p> <p>PASS</p>

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		<p>Note: Section 2.0 is being simplified in the updated version, it currently has redundant information, as do many sections in the current requirements. We have updated the definition of education in the new versions introduction and we have eliminated pre-approved providers, there is no such thing, we have fee exempt providers. See sample pages attached to Handout 03.</p>	
6	<p>Action: <i>Should references to the Court Interpreters Advisory Panel (CIAP) be removed which indicate that CIAP is consulting with ongoing CIP work regarding: exemptions to the 40 hour professional assignment; consulting on all denied CIMCE applications; on CIMCE courses deemed not relevant; and reviewing approved course every quarter, with the understanding that in some cases consultation with the CIAP chair and/or legal services may be required in those instances where needed or requested?</i></p>	<p>Rationale: CIAP engaging with CIP on day to day operations is not accurate or has been implemented since before 2000. Not feasible or efficient. Staff reviews (SW) all applications and determines approval. CIP does consult with chair, or with legal if applicable on rare occasions to resolve challenges or at the request of provider or applicant. We deny very few courses,</p>	<p>PASS</p>

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18	<p><i>Text will now read (deleted section lined out)</i> 2.7.3 Registered interpreters who cannot complete 40 court-related professional interpreting assignments because of a limited need for their languages by the courts may be eligible for an exemption. Exemptions are granted by the Judicial Council in consultation with the Court Interpreters Advisory Panel on a case-by-case basis. Following will be deleted: 7.1 If a question of relevancy or content arises, the Judicial Council will consult with members of the Court Interpreters Advisory Panel to resolve the issue. 7.7 Each quarter, the Judicial Council may provide the Court Interpreters Advisory Panel with a list of newly approved courses for its review and comment. .</p>	and we approve @ 500+ courses a year. Exemptions to professional assignments are currently reviewed by staff.	
9	<p><i>Action:</i> Should CIP add the following bolded courses to the list of non-CIMCE approved activities? <i>Text will now read:</i> 3.2.8 CIMCE credit is not approved for the following:</p>	Courses are @95% approved, but we get submissions for attending how to pass test prep exams, sitting for a real estate license prep course (for example), publishing a book, courses on building a business. We have received applications for	<p>Email vote on March 27, 2019 YES (changes in language are incorporated) Discuss point #3 and what the parameters</p>

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9	<ol style="list-style-type: none"> 2. Rating candidates for any state, federal, or Consortium for Language Access in the Courts court interpreter exam. 3. Developing any state, federal, or consortium court interpreter exam, or exam development for any profession. 4. Attending classes in person, or via distance learning that provide instruction on how to take and pass any state or federal court certification and/or registered court exam. 5. Attending classes in person or via distance learning that provide instruction on how to take and pass any professional exam, and/or prepares one for any professional certification, licensing or credentialing exams. 6. Courses on brand development, marketing, running or building a business, or engaging in marketing or consulting activities. 7. Self-directed research or publishing. 8. Courses primarily based on works of fiction (novels, movies, podcasts) 	<p>example, on cooking classes due to learning cooking terms (in English only),</p> <p>We can make exceptions if for example part of a real estate licensing includes a class on real estate law, contracts, etc.</p>	<p>are at next meeting.</p> <p>#3 updated to be consistent with #4</p>
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	<p>9. Completing the same CIMCE-approved activity more than once within the same compliance period.</p> <p>10. Time spent on doing homework.</p> <p>11. Attending or conducting activities unrelated to continuing education requirements.</p> <p>12. CIMCE credit is not guaranteed for participation in activities, such as interpreter vacations or conferences offered in a foreign country. Foreign travel per se, is not CIMCE eligible</p> <p><i>Action:</i> Should PSE recommend that interpreter vacation applications or conferences held outside the US only be approved if submitted by the vacation/conference provider?</p>	<p>As interpreter vacations become common we often cannot verify faculty credentials. We have been asked to approve museum visits, festivals, walking and winery tours. These are often turned in at the 11th hour, and now the interpreter may be out of compliance. They are expensive to attend and the CIMCE application fee is \$300.</p>	<p>PASS</p>
<p>17</p>	<p><i>Action:</i> Should PSE recommend the maximum allowed CIMCE granted per day go from 6 hours to 8 hours?</p> <p><i>Text will now read:</i> 6.7 Six (6) hours is the maximum number of CIMCE credits that can be earned per day.</p>	<p>Conferences often have evening presentations after dinner. 8 hours is a standard work day, why not education courses? Add to current requirement: Up to eight hours a day may be</p>	<p>PASS</p>

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	Up to eight (8) hours per day may be approved as the discretion of the Court Interpreters Program.	approved as the discretion of CIP.	
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List of Interpreting Activities that Constitute Professional Assignments for Appendix -

Government Code 68562 provides that: *The Judicial Council shall adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline.*

To maintain proficiency in the duties required of a court interpreter, and to meet compliance requirements, California certified court and registered interpreters are to complete 40 professional assignments every two years. (See section XXX on requesting a waiver)

A ‘professional assignment’ is an interpreting event involving a legal case or other structured interaction between a limited English proficient individual and a third party that requires professional or technical interpretation in person, by video or telephonically.

Examples of such interpreting events include:¹

1. Any Federal Court, State Court, Tribal Court or Administrative Court proceedings, within or outside of California².
 - a. Interpreters seeking approval of professional assignments performed outside the United States must retain and submit appropriate documentation, if requested, reflecting that he/she interpreted into English.
 - b. Administrative Court proceedings include Immigration Court, Social Security Administration, and similar federal agency hearings as well as California administrative agency proceedings such as those involving Workers Compensation, Office of Administrative Hearings, Unemployment Appeals Board, etc.
2. Court ordered/court operated services, where LEP court users ordered to participate require interpreter services to access the service. These may include: “Family Court Services Orientation”, Rehabilitation Services (anger management, substance abuse), and court ordered traffic school. **(do we need to list anything else?)**
3. Interactions between counsel and LEP clients/defendants to litigate a legal case, including:
 - a. Depositions and deposition preparation sessions where LEP client is present
 - b. Case preparation sessions with attorneys (with LEP client present)
 - c. In-custody interviews (also known as “jail house” interviews)
 - d. Mediation sessions or arbitration hearings
 - e. Settlement conferences
 - f. Probation department interviews
 - g. Witness conferences

¹ Please contact the Court Interpreters Program for any questions regarding professional assignments courtinterpreters@jud.ca.gov

² Each day of a multi-day trial counts as one professional assignment.

List of Interpreting Activities that Constitute Professional Assignments for Appendix -

- h. Psychiatric or other medical evaluation
- 4. Self-Help Center services and training
- 5. Department of Motor Vehicles Hearings (are these administrative?)
- 6. United States Department of State (Is this too broad? Should we include?)
- 7. Professional conferences (interpreting services for speaker presentations, workshops, or panels)

All interpreters must retain documentation verifying the completion of 40 professional assignments for five years, and submit to Court Interpreters Program if requested.