

Court Interpreters Advisory Panel
Annual Agenda¹—2020

I. COMMITTEE INFORMATION

Chair:	Hon. Brian L. McCabe, Judge, Superior Court of Merced County
Vice-Chair:	Mr. Hector Gonzalez Jr., Court Executive Officer, Superior Court of Tuolumne County
Lead Staff:	Ms. Sonia Sierra Wolf, Analyst, Court Interpreters Program, Center for Families, Children, & the Courts
Committee's Charge/Membership: Rule 10.51 of the California Rules of Court states the charge of the Court Interpreters Advisory Panel (CIAP), which is: To assist the council in performing its duties under Government Code sections 68560 through 68566 and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons, the advisory panel is charged with making recommendations to the council on: <ol style="list-style-type: none">(1) Interpreter use and need for interpreters in court proceedings; and(2) Certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters. Rule 10.51(b) sets forth the additional duties of the panel that are: Reviewing and making recommendations to the council on the findings of the study of language and interpreter use and need for interpreters in court proceedings that is conducted by the Judicial Council every five years under Government Code section 68563. Rule 10.51(c) sets forth the membership position of the committee. CIAP currently has 14 members, consisting of: 10 voting members; and, 4 non-voting advisory members. Rule of Court 10.51 calls for 11 voting members; but currently CIAP does not have an appellate court justice; and will be recruiting during the 2020 nomination cycle. The current committee roster is available on the committee's web page.	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

Subcommittees/Working Groups²:

- 1) Professional Standards and Ethics Subcommittee
- 2) Language Access Subcommittee

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² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ³	
1.	<p>Project Title: Support for Implementation of Revised Rule 2.891 (Skills Assessment Process) – Professional Standards and Ethics Subcommittee</p>	<p>Priority 1⁴</p>
<p>Project Summary: This project is directly related to the new <i>California Court Interpreter Credential Review Procedures</i>. The Judicial Council of California approved the procedures and revised California Rules of Court, rule 2.891 on September 24, 2019, for an effective date of January 1, 2020. The next step is to develop a legally defensible process to assess an interpreter’s ability to interpret if a complaint alleging gross incompetence is lodged against the interpreter and the complaint is deemed to have merit.</p> <p>CIAP’s Professional Standards and Ethics Subcommittee will conduct a comprehensive review of the report produced by the National Center for State Courts (NCSC), <i>Skills Assessment Options for Certified and Registered Interpreters</i>, and consider other related research and reports. The subcommittee will explore the feasibility and best available methods for:</p> <ol style="list-style-type: none"> 1) Development of a legally defensible diagnostic process to assess an interpreter’s ability to interpret if a complaint alleging gross incompetence is lodged against the interpreter and the complaint is deemed to have merit. 2) Identification of existing and possible development of options and resources that courts can utilize to strengthen an interpreter’s knowledge, skills, and abilities. <p>Origin of Project: Language Access Plan (LAP) Recommendation #64 and Government Code section 68564(g): The Judicial Council shall establish a procedure for Judicial Council and local court review of each court interpreter’s skills and for reporting to the certification entity the results of the review.</p> <p>Status/Timeline: Initial research has been completed by NCSC. The anticipated completion date is December 31, 2020. Work to be contracted is predicated on cost and feasibility.</p>		

³ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁴ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	New or One-Time Projects³	
	<p>Fiscal Impact: Based on the complexity of the selected diagnostic or assessment process (language neutral or in various languages), the estimated cost is \$50,000 to \$150,000. This amount is currently funded in the Court Interpreters Program budget.</p> <p>Resources: Court Interpreters Program, Legal Services, Human Resources, and CJER..</p> <p>Internal/External Stakeholders: Interpreter community, judicial officers, justice partners, and court personnel who manage California court interpreters.</p> <p>AC Collaboration: Consultation with the Court Executives Advisory Committee.</p>	
2.	<p>Project Title: Develop a Policy for Limited English Proficient (LEP) Persons to Waive a Court-Appointed Interpreter – Language Access Subcommittee</p>	Priority 1(e)
3.	<p>Project Title: Review the 2020 Legislatively Mandated Language Need and Interpreter Use Study – Full CIAP committee</p>	

New or One-Time Projects³

Project Summary: Review the findings in the 2020 legislatively mandated *Language Need and Interpreter Use Study*; and recommend to the Judicial Council needed actions and considerations, which may include recommendations to (at a later date) designate new languages as certified and/or de-designate one or more currently certified languages, expand interpreter services, and take action on other identified needs and/or trends.

Origin of Project: Government Code section 68563

“The Judicial Council shall conduct a study of language and interpreter use and need in court proceedings, with commentary, and shall report its findings and recommendations to the Governor and to the Legislature not later than July 1, 1995, and every five years thereafter.....”.

Key objectives:

- Publish and submit study to the Legislature as required by legislative mandate;
- Review of study will assist the strategic expansion of interpreters into needed areas;
- Review of the need to recommend specific languages be designated as certified languages or which certified languages be considered for de-designation; and
- Evaluate trends and compare to previous studies

Status/Timeline: The Language Access Implementation unit is in the process of developing this study. It will provide CIAP with a presentation on the study’s key findings and recommendations in March or April of 2020. If approved by CIAP, the final study and report will be submitted to the council in May 2020. The study is due to the Governor and legislature by July 1, 2020.

Fiscal Impact: None.

Resources: Language Access Services Program (which includes the Court Interpreters Program and the Language Access Implementation unit)

Internal/External Stakeholders: Interpreter community, the superior courts, and the legislature.

AC Collaboration: None.

#	New or One-Time Projects³	
4.	Project Title: Assess the Performance of the Interpreter Credentialing Exams	Priority 2
<p>Project Summary: Thoroughly assess the performance of all interpreter credentialing examinations and make recommendations to the council.</p>		
<p>Origin of Project: On May 8, 2019, CIAP held its annual in-person meeting. The unique nature of the meeting brought CIAP members, trial court leadership, and council staff together to discuss concerns regarding the shrinking pool and availability of qualified interpreters and to identify action items for future consideration by CIAP and the Court Interpreters Program. A major outcome of this meeting was the identification of the following key objectives:</p>		
<ol style="list-style-type: none"> 1. Increase the number of qualified candidates who take the exams; 2. Increase the exams’ passage rates; and, 3. Increase the pool of interpreters in high-demand languages. 		
<p>Key objectives include:</p>		
<ul style="list-style-type: none"> • Thoroughly assess the performance of all interpreter credentialing examinations. • Thoroughly discuss and vet the level of the interpreter shortage in relation to the judicial branch’s needs. • Explore the feasibility of tiered testing or tiered passage for candidates who take the Bilingual Interpreting Exam (BIE) and score below the required passing score of 70 on all four sections, but are “near passers (e.g., candidates who score over 60 or 65 on one or more sections). • Explore the feasibility of providing “near passers” with an entry-level credential status that would enable them to interpret in the courts for less complex proceedings and gain in-court interpreting experience that will assist them with later passing the BIE section that they were previously not able to pass. • Identify methods to increase the number of qualified candidates taking the exams. • Identify methods to increase the exams’ passage rates. • Evaluate the current practice of California requiring that all four sections of the BIE be passed in one sitting. 		
<p>Make the exams more accessible by:</p>		
<ul style="list-style-type: none"> • Offering remote testing opportunities. • Finding ways to keep test candidates motivated and interested in interpreting for the courts as they wait for their test scores. • Offer more than two BIE exam administrations annually. 		

#	New or One-Time Projects³	
	<p>Other considerations:</p> <ul style="list-style-type: none"> Require the Oral Proficiency Exam as the screening exam for the BIE. Offer a pre-test (like that offered by the American Translators Association) to gauge candidates' readiness and provide them with additional insight to improve their test-taking abilities. <p>Status/Timeline: Because of the complexity of these matters, recommendations will be developed with an estimated completion date of December 2021.</p> <p>Fiscal Impact: Expenses associated with possible development of new exams or modification of existing exams. This amount is currently funded in the Court Interpreters Program budget.</p> <p>Resources: Court Interpreters Program, Professional Standards and Ethics Subcommittee, and consultant (as needed) to assess the testing program.</p> <p>Internal/External Stakeholders: Interpreter community and the trial courts.</p> <p>AC Collaboration: Consultation with the Court Executives Advisory Committee.</p>	
5.	Project Title: Review Rule of court 10.51, Court Interpreters Advisory Panel	Priority 2b
	<p>Project Summary: Review rule 10.51, including its membership composition requirements, and recommend any needed amendments to the council.</p> <p>Origin of Project: For several years, CIAP has not had success in recruiting candidates for its required appellate court justice membership position. Consequently, this membership position has remained vacant. Also, because Spanish is the most interpreted language in the courts, the committee would like to assess whether one of the contract interpreter positions (which is currently limited to an interpreter in a language other than Spanish) should be converted to a Spanish contract interpreter position.</p> <p>Key objectives:</p> <ul style="list-style-type: none"> Review realistic membership needs. Consider modifications to the membership requirements to better leverage needed expertise. 	

#	New or One-Time Projects ³
	<p><i>Status/Timeline:</i> The effective date of the amended rule will be September 1, 2021.</p> <p><i>Fiscal Impact:</i> None.</p> <p><i>Resources:</i> Court Interpreters Program.</p> <p><i>Internal/External Stakeholders:</i> Interpreter community and the trial courts.</p> <p><i>AC Collaboration:</i> None.</p>

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#	Project Highlights and Achievements
1.	<p>Completed September 2019: Develop and Implement Court Interpreter Discipline Process On September 24, 2019, the council approved and adopted <i>The California Court Interpreter Credential Review Procedures</i> as well as repealed California Rules of Court, rule 2.891, <i>Periodic review of court interpreter skills and professional conduct</i>, created in 1979, which called for a biennial review by the courts to review all court interpreter skills. This rule was repealed and replaced with new rule 2.891, <i>Request for Court Interpreter Credential Review</i> (effective January 1, 2020).</p>
2.	<p>Completed January 2019: Affirmation of the Criteria for De-designation of Certified Languages On January 23, 2019, CIAP affirmed that the criteria for designation of certified languages, as set forth in Government Code section 68562 (a), is the same criteria that should be used to de-designate certified languages. CIAP also voted to recommend to the council that the Administrative Director be provided with the explicit authority to de-designate languages that are currently designated as certified languages.</p>
3.	<p>Completed August 2019: Review and update the Compliance Requirements for Certified Court and Registered Interpreters On August 15, 2019, CIAP approved the recommended policy changes, updates, and new format of the compliance requirements. The following key objectives were met:</p> <ul style="list-style-type: none"> • Provide simplified and easy to navigate compliance requirements for court interpreters and continuing education providers. • Review and make policy changes, if required, to address gaps in the current requirements. • Incorporate a new process that requires interpreters to attest to completion of their continuing education and professional assignments requirements.
4.	<p>Assess the Feasibility of a Nationally Accepted Credentialing Process for American Sign Language (ASL) Interpreters; Update Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard of Hearing Persons Since early 2018, NCSC has been assisting the Court Interpreters Program with conducting research and developing recommendations concerning possible development of a nationally accepted credentialing process to qualify ASL court interpreters. NCSC has produced the following work product:</p> <ul style="list-style-type: none"> • Analysis of currently available and known generalist or court/legal specialty credentialing instruments for ASL interpreters. • Report regarding KSAs: This report maps previously identified knowledge, skills, and abilities (KSAs) to existing tests used to credential ASL interpreters. It also includes a gap analysis of any KSAs not currently or previously tested. Lastly, it includes options for measuring KSAs that may not be dependent on the various exam instruments assessed. • Development of an on-line training module specific to ASL interpreters. <p>NCSC will produce a study that addresses the one-time and ongoing costs of development of an ASL credentialing exam, the use of existing exams, and/or the development and implementation of a hybrid test that could include utilization of existing tests and new</p>

#	Project Highlights and Achievements
	assessment tools. The study will also include estimated operational costs for administration of a new ASL credentialing program and alternatives to creating this program.
5.	<p data-bbox="195 289 1969 332">Update Recommended Guidelines for the Use of Deaf Intermediary Interpreters</p> <p data-bbox="195 332 1969 409">This project is directly tied with Project 4 (described above). The Court Interpreters Program is in the process of evaluating its staffing and financial resources.</p>

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