

# Court Interpreters Advisory Panel

## Annual Agenda<sup>1</sup>—2022

Approved by Executive and Planning Committee: March 10, 2022

### I. COMMITTEE INFORMATION

<b>Chair:</b>	Hon. Brian L. McCabe, Judge, Superior Court of Merced County
<b>Lead Staff:</b>	Ms. Claudia Ortega, Supervising Analyst, Court Interpreters Program, Center for Families, Children & the Courts
<b>Committee's Charge/Membership:</b> <p><a href="#">Rule 10.51</a> 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:</p> <ol style="list-style-type: none"><li>(1) Interpreter use and need for interpreters in court proceedings; and</li><li>(2) Certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters.</li></ol> <p><a href="#">Rule 10.51(b)</a> 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.</p> <p><a href="#">Rule 10.51(c)</a> sets forth the following membership composition of the committee. CIAP currently has 14 members, which consists of 11 advisory panel members (voting) and 4 advisors (nonvoting) appointed by the Chief Justice to assist the advisory panel. A majority of the members must be court interpreters. The advisory panel must include the specified numbers of members from the following categories:</p> <ol style="list-style-type: none"><li>(1) Four certified or registered court interpreters working as employees in trial courts, one from each of the four regions established by Government Code section 71807. For purposes of the appointment of members under this rule, the Superior Court of California, County of Ventura, is considered part of Region 1 as specified in section 71807, and the Superior Court of California, County of Solano, is considered part of Region 2 as specified in section 71807;</li><li>(2) Two interpreters certified or registered in a language other than Spanish, each working either in a trial court as an independent contractor or in an educational institution;</li><li>(3) One appellate court justice (position is currently vacant);</li><li>(4) Two trial court judges; and</li></ol>	

<sup>1</sup> 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.

(5) Two court administrators, including at least one trial court executive officer.

The current committee [roster](#) is available on the committee's web page.

**Subcommittees/Working Groups<sup>2</sup>:**

1. Professional Standards and Ethics Subcommittee – Provides review and recommendations on interpreter professional development, adherence to professional standards and compliance requirements.
2. Interpreter Language Access Subcommittee – Works on specific projects related to language access and interpreting services, including recommendations from the *Strategic Plan for Language Access in the California Courts* that relate to court interpreters. As appropriate, these projects are undertaken in collaboration with the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness.

**Meetings Planned for 2022<sup>3</sup>**

Conference calls – As needed.

In-person meeting – One in-person meeting is anticipated (date TBD).

Professional Standards and Ethics Subcommittee – Conference calls as needed.

Interpreter Language Access Subcommittee – Conference calls as needed.

Check here if exception to policy is granted by Executive Office or rule of court.

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<sup>2</sup> 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.

<sup>3</sup> Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

## II. COMMITTEE PROJECTS

#	New or One-Time Projects <sup>4</sup>	
1.	<b>Project Title: Requirements for New American Sign Language (ASL) Court Interpreters</b> – Interpreter Language Access Subcommittee	<b>Priority<sup>5</sup> 1</b>  <b>Strategic Plan Goal<sup>6</sup> IV</b>
<p><b>Project Summary<sup>7</sup>:</b> The <i>2020 Language Need and Interpreter Use Study</i> made the following recommendation: “The Judicial Council should explore and develop a recommended credentialing process for certification as a California American Sign Language court interpreter” (Rec. 3). In 2015, the Registry of Interpreters for the Deaf, Inc. eliminated testing for the Specialist Certificate: Legal (SC:L) credential for ASL interpreters. The SC:L credential has been the credential status accepted by the council as certification that ASL interpreters have achieved appropriate training to work in the courts.</p> <p><b>Key objectives:</b> To increase the number of qualified ASL court interpreters in a cost-effective manner, CIAP will consider recommended ASL interpreter certifications, that are currently issued by other entities, that could be accepted by the council and that would be required before a new ASL interpreter can interpret for the California court system. The state has only 55 certified ASL court interpreters.</p> <p><b>Status/Timeline:</b> Initial research has been completed by the National Center for State Courts (NCSC) to assess costs and different options. NCSC has also begun focus group meetings with national key stakeholders to gather additional research to assist CIAP with development of recommendations. The anticipated completion date to develop recommended new requirements for council approval is fall 2022. Future work to be contracted, including potential development of a required course, is predicated on deliverables, cost, and feasibility.</p> <p><b>Fiscal Impact/Resources:</b> The estimated one-time cost, which was funded under the Court Interpreters Program consultant budget for FY 2020–21, is \$200,000 for a consultant to develop an online required course for ASL court interpreters and new recommended requirements. Resources: Court Interpreters Program, and additional staff time as needed from Legal Services and Human Resources.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p>		

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> Indicate which goal number of [The Strategic Plan for California’s Judicial Branch](#) the project most closely aligns.

<sup>7</sup> A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	<b>New or One-Time Projects<sup>4</sup></b>	
	<p><b>Internal/External Stakeholders:</b> Interpreter community, including ASL interpreters, judicial officers, justice partners, language access court personnel, and the public.</p> <p><b>AC Collaboration:</b> Consultation with the Advisory Committee on Providing Access and Fairness.</p>	
2.	<b>Project Title: Designation of Certain Languages as Certified and Registered</b>	<b>Priority<sup>5</sup> 2</b>
	<p><b>Strategic Plan Goal<sup>6</sup> I, II, IV</b></p> <p><b>Project Summary<sup>7</sup>:</b> The <i>2020 Language Need and Interpreter Use Study</i> made the following recommendation: “The Judicial Council should continue to monitor the usage of Hmong for possible future designation as a certified language” (Rec. 2).</p> <p>The 2020 study also noted that the “2015 Study recommended that Japanese and Portuguese be de-designated, but they remain certified languages. And, while Western Armenian and Japanese are certified languages, a bilingual interpreting exam is not available in either of these two languages. Since candidates cannot take the oral proficiency exam (OPE) to become a registered interpreter in these two languages, the CIAP and the Judicial Council may also need to consider at a future date whether to (1) maintain these languages as certified, or (2) recommend one or more of these languages be de-designated and reclassified as registered languages to allow candidates to take the OPE in order to become registered interpreters in one or more of these languages.”</p> <p><b>Key objectives:</b> CIAP will undertake these recommendations from the 2020 study and develop any recommended changes for the council on the designation (certified or registered) for the following languages: Hmong, Japanese, Portuguese, and Western Armenian. The committee will seek to develop recommendations that result in none of these languages being removed from the list of languages for which the council provides an interpreting credential. Instead, the committee will seek to find pathways for the continued testing and credentialing of interpreters for these languages that are cost-effective and create greater efficiencies. When considering whether the credential status of these languages should change, the committee will consider the number of in-court interpretations in these languages, the number of persons seeking a credential in these languages, the costs to develop and maintain examinations, the availability of existing examinations, the costs to administer testing in these languages, the trial courts’ need for more interpreters in these languages, methods to streamline the credentialing of new interpreters, and other related factors.</p> <p><b>Status/Timeline:</b> CIAP will develop recommendations for any changes by December 31, 2022.</p> <p><b>Fiscal Impact/Resources:</b> There is no cost associated with developing recommendations concerning the designation of languages as certified or registered. Note: Certified interpreters of any languages that are de-designated (that go from certified to registered status) could maintain their certified status, and new interpreters can become registered in those languages, which benefits the public. However, the process to redesignate a registered language to certified triggers the need to develop a grace period in which registered interpreters in that</p>	

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language (for example, Hmong interpreters) would have to pass the certification exam in that language, which has potential labor impacts for persons who do not pass the certification exam under a grace period, which is usually 18-24 months. Thus, CIAP will have to balance the pros and cons of any recommended changes.

Resources: If a new language is recommended for certification, costs of providing interpreter education—to assist registered interpreters in that language to pass the certification exam during any grace period—will be covered under the existing Court Interpreters Program budget. Additional resources are the Court Interpreters Program, Legal Services, Human Resources, trial court Language Access Representatives, and Regional Bargaining Chairs.

*This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.*

**Internal/External Stakeholders:** Interpreter community, judicial officers, justice partners, and court personnel who work with and manage California court interpreters, and the public.

**AC Collaboration:** Consultation with the Court Executives Advisory Committee.

#	<b>Ongoing Projects and Activities<sup>4</sup></b>	
1.	<b>Project Title: Passage and Credentialing Options for the Interpreting Examinations</b>	<b>Priority<sup>5</sup> 1</b>
	<b>Strategic Plan Goal<sup>6</sup> IV</b>	
<p><b>Project Summary<sup>7</sup>:</b> Thoroughly assess the passage and credentialing options for the interpreting examinations to explore avenues for increasing the number of passers and, thereby, qualified interpreters.</p> <p><b>Key objectives include:</b></p> <ul style="list-style-type: none"> <li>• Evaluate the level of the interpreter shortage in relation to the judicial branch’s needs.</li> <li>• Explore the feasibility of tiered testing or tiered passage for candidates who take the Bilingual Interpreting Examination (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 on one or more sections).</li> <li>• 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.</li> <li>• Identify methods to increase the number of qualified candidates taking the exams.</li> <li>• Identify methods to increase the exams’ passage rates.</li> <li>• Evaluate the current practice of California requiring that all four sections of the BIE be passed in one sitting.</li> <li>• Consider how to offer a higher number of testing opportunities in more locations across the state.</li> <li>• Explore ways to keep test candidates motivated and interested in interpreting for the courts as they wait for their test scores.</li> <li>• Consider requiring the OPE as the screening exam for the BIE.</li> <li>• Consider offering a pre-test (as offered by the American Translators Association) to gauge candidates’ readiness, providing them with insight to improve their test-taking abilities.</li> </ul> <p><b>Status/Timeline:</b> Work commenced on this project in 2020 under a contract with the NCSC. Because of the complexity of these matters, recommendations will be developed with an estimated completion date of summer 2022.</p> <p><b>Fiscal Impact/Resources:</b> Expenses associated with possible development of new exams or modification of existing exams. This amount is currently funded in the Court Interpreters Program budget. Resources: Court Interpreters Program, trial court Language Access Representatives, and consultant(s) as needed to conduct research and develop recommendations.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p>		

#	<b>Ongoing Projects and Activities<sup>4</sup></b>	
	<p><b>Internal/External Stakeholders:</b> Trial courts, interpreter community, public including LEP litigants, legal service providers, and justice partners.</p> <p><b>AC Collaboration:</b> Consultation with the Court Executives Advisory Committee.</p>	
2.	<p><b>Project Title: Interpreting Skills Assessment Process</b> – Professional Standards and Ethics Subcommittee</p>	<p><b>Priority<sup>5</sup> 1</b></p> <p><b>Strategic Plan Goal<sup>6</sup> IV</b></p>
	<p><b>Project Summary<sup>7</sup>:</b> This project is directly related to the <i>California Court Interpreter Credential Review Procedures</i>. The Judicial Council approved the procedures and revised rule 2.891 of the California Rules of Court on September 24, 2019, for an effective date of January 1, 2020. The next step is development and implementation of a legally defensible process to assess an interpreter’s ability to interpret if a complaint alleging gross incompetence is lodged against the interpreter, and if following review and investigation, 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 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"> <li>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.</li> <li>2) Identification of existing and possible development of options and resources that courts can utilize to strengthen an interpreter’s knowledge, skills, and abilities.</li> </ol> <p>This project originated with Recommendation #64 of the <i>Strategic Plan for Language Access in the California Courts (LAP)</i> 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><b>Status/Timeline:</b> As referenced above, NCSC previously produced a report on this subject. Prometric, LLC, the council’s interpreting testing vendor, is assisting with gathering in-depth feedback from the subcommittee and developing more specific recommendations. The anticipated completion date for proposed skills assessment recommendations is summer 2022. Future work to be contracted for implementation of recommendations approved by the council is predicated on determined need, deliverables, cost, and feasibility.</p>	

#	Ongoing Projects and Activities <sup>4</sup>
	<p><b><i>Fiscal Impact/Resources:</i></b> Based on the complexity of the selected diagnostic or assessment process (language neutral or in various languages), the estimated ongoing cost is \$50,000 to \$150,000. This amount is currently funded under the Court Interpreters Program consultant budget, and skills assessment will be supported in future years from the annual program budget. Resources: Court Interpreters Program, and additional staff time as needed from Legal Services, and Human Resources.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><b><i>Internal/External Stakeholders:</i></b> Interpreter community, judicial officers, justice partners, court personnel who manage California court interpreters, and the public.</p> <p><b><i>AC Collaboration:</i></b> Consultation with the Court Executives Advisory Committee.</p>



### III. LIST OF 2021 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<p><b>Interpreting Skills Assessment Process</b></p> <p>The Professional Standards and Ethics Subcommittee met four times virtually in 2021 to identify the most important knowledge, skills, and abilities that should be included in an assessment of a credentialed interpreter when a skills-based complaint has been filed against him/her. The subcommittee also considered various options for how the assessments could be administered in-person and virtually. The subcommittee will refine these recommendations, which will be presented to CIAP in 2022.</p>
2.	<p><b>Requirements for New American Sign Language (ASL) Court Interpreters</b></p> <p>The Interpreter Language Access Subcommittee met once virtually in 2021 to receive a presentation from NCSC regarding research it conducted on behalf of the council concerning ASL interpreter certifications, currently issued by other entities, that could be accepted by the council and required before a new ASL interpreter can interpret for the California court system. The subcommittee will meet at least once more in 2022 to review additional research conducted by NCSC and its draft recommendations. Proposed recommendations will go out for public comment in 2022, prior to submission to the council.</p>
3.	<p><b>Implement a Policy for Limited English Proficient (LEP) Persons to Waive a Court Appointed Interpreter</b></p> <p>Per Recommendation 75 of the council’s <i>Strategic Plan for Language Access in the California Courts</i>, CIAP spent considerable time in late 2020 and early 2021 on developing a draft rule regarding a limited English proficient (LEP) court user’s waiver of an interpreter. In May 2021, the Judicial Council’s Rules Committee declined to move forward CIAP’s proposed rule, due to concerns regarding potential impacts for courts from implementation of the rule. It was subsequently determined that the objectives of the recommendation to develop a waiver policy can best be accomplished through development of a bench card and/or educational materials for bench officers. Accordingly, this project has moved from CIAP to the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness and this project is now included on the committee’s 2022 annual agenda.</p>