



# JUDICIAL COUNCIL OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING  
ACCESS AND FAIRNESS

[www.courts.ca.gov/accessfairnesscomm.htm](http://www.courts.ca.gov/accessfairnesscomm.htm)  
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## ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

October 15, 2021

12:15-1:15 p.m.

By Conference Call

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**Advisory Body Members Present:** Hon. Luis Lavin, Hon. Sue Alexander (Ret.), Gina Cervantes, Hon. Manuel Covarrubias, Hon. Mark Cullers, Janet Hudec, Hon. Victoria Kolakowski, David Levin, Hon. Elizabeth Macias, Hon. Lia Martin, Sasha Morgan, Julie Paik, Hon. Victor Rodriguez, Hon. Terry Truong.

**Advisory Body Members Absent:** Hon. Kevin Brazile, Gurinder Aujla, Ana Maria Garcia, Hon. Mary Greenwood, Mary Hale, Michael Powell, Hon. Janice Schmidt, Hon. Juan Ulloa, Twila White.

**Others Present:** Lisa Chavez, Hon. Mark Juhas, Andi Liebenbaum, Hon. Louis Mauro, Catherine Ongiri, Amy Sunga, Elizabeth Tam, Greg Tanaka, Bonnie Hough

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

The chair called the meeting to order at 12:16 p.m.

##### **Approval of Minutes**

The committee approved the minutes of the August 19, 2021, Advisory Committee on Providing Access, and Fairness meeting. Motion to approve by Judge Elizabeth Macias and seconded by Judge Mark Cullers. Judge Ana de Alba, Commissioner Sue Alexander, Ms. Fariba Soroosh and Ms. Morgan Baxter abstain from voting. Motion carries

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#### DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-4)

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##### **Item 1**

##### **2022 PAF Annual Agenda (No Action Required)**

2022 Annual Agenda Planning. The Chair will provide an update on the process and incorporating Ad Hoc Workgroup on Post-Pandemic Initiatives Post Pandemic Initiatives into the Agenda.

*Presenters: Hon. Luis Lavin, Justice of the Second District Court of Appeal, Division Three and Cochair of Advisory Committee on Providing Access and Fairness*

Justice Luis Lavin briefed the committee members on the prioritization of projects that assist courts, justice partners and parties with access to justice during the COVID-19 pandemic on the 2022 annual agenda mandated by the Judicial Council. Justice Lavin provided a brief background about the P3 working group established in March 2021. The P3 working group is charged with

identifying, refining and enhancing the successful court practices that emerged during the COVID-19 pandemic in order to increase access to justice, modernize services, and promote uniformity in practices going forward. PAF plans to add an agenda item specific to outreach to Limited English Proficient communities. PAF will also add an outreach on remote services including the Self-Represented Litigants E-Portal. Additionally, PAF would like to explore the possibility of partnerships with community-based organizations such as libraries and community colleges to assist with remote access for self-represented litigants.

## **Item 2**

### **Updates on Current Projects (No Action Required)**

Judicial Diversity Summit and Racial Justice Working Group updates.

*Presenters: Hon. Luis Lavin, Associate Justice of the Second District Court of Appeal, Division Three and Catherine Ongiri, Judicial Council Staff*

Cathy Ongiri updated the committee on the successful Judicial Diversity Summit that was held virtually over three days in September with over 300 attendees. The next steps are working with the Advisory Committee to create recommendations from the summit will be implemented over the next five years.

The Racial Justice Working Group has been meeting and are working to collection information on efforts throughout the state in the area of racial justice. New members are wanted to fill gaps from departed committee members, contact Judge Macias or Cathy Ongiri to be added to the meetings.

## **Item 3**

### **Language Access Services Update (No Action Required)**

The Language Access Subcommittee Chair will provide a status update on current subcommittee projects.

*Presenter: Hon. Victor A. Rodriguez, Associate Justice of the First District Court of Appeal, Division Three*

Before Justice Rodriguez provided an update on current and potential projects for 2022, he provided a brief update on the Video Remote Interpreting (VRI) trainings. Language Access Services contracted with the National Center for State Courts to develop an optional VRI training series for judicial officers, court staff and court interpreters, consisting of live virtual webinars, live interactive court clinics, and self-paced online modules about how to use VRI, with platform specific instruction including how to provide simultaneous interpretation. He also shared for the 2021 budget, there are new one-time monies of \$30 million to support hires of new court interpreter employees.

Justice Rodriguez provided the following updates to current and potential new 2022 language access projects:

1. The successful Language Access Public Outreach campaign, which launched in March 2021, will conclude this month. Following the educational webinars and direct outreach to the courts and stakeholders, the third and last component of the campaign is to conduct media buys and placements of translated ads, “Do I Need a Court Interpreter” and “How to Work with a Court Interpreter,” covering the top 8 languages, in multi-ethnic print publications and public service announcements in multilingual radio stations throughout the state. He encouraged PAF to help share the multilingual outreach materials on the Toolkit’s Public Outreach page.

2. For the Language Access Signage and Technology Grants, the proposed recommendations for Cycle 3 (Fiscal year 2021-22), have received approval from PAF, the Information and Technology Advisory Committee and Technology Committee. The report will be presented to the Judicial Council at its November meeting. For 2022, the Signage and Technology Grants will continue as a project on the PAF Annual Agenda.
3. For Support for Implementation of Rule 1.300, Justice Rodriguez shared that staff is currently working with the National Center for State Courts to complete a report with recommendations and strategies. When the report from NCSC is complete, it will be shared with PAF. For 2022, the Subcommittee and staff will evaluate recommendations and considerations and will develop strategies to support the courts, including potentially developing information for courts on available service providers.
4. The Model Translation Guidelines document is currently in the review stage but is on track for completion by the end of the year or early 2022. The guidelines will be a very helpful tool for courts and will provide concrete steps to ensure successful translation of documents and web content.
5. For the Annual Language Access Survey, staff is working to complete the survey report from last year (FY 2019-20) and is working on a shorter survey instrument for FY 2020-21. The survey work will continue as an Annual Agenda project for 2022.

For the 2022 PAF Annual Agenda projects, we will work to update the Bench Card on Working with Court Interpreters previously developed by the Language Access Plan Implementation Task Force in 2017. The updated bench card will include guidance for bench officers on the appropriate use of waiver by the LEP of an interpreter, the appointment of interpreters, and use of technology when having remote proceedings that require language access (due to the pandemic).

Lastly, in consultation with Judge Brazile and Justice Lavin, to help address recommendations of the Ad Hoc Workgroup on Post-Pandemic initiatives (specifically remote access), the Subcommittee and staff will work with the NCSC, under its current contract with Language Access Services, to create new instructional infographics and short videos to educate LEP court users on how to participate remotely in hearings for civil and family law matters, including actions involving an interpreter. The materials will be developed in plain language and will include translations of the infographics and videos.

#### **Item 4**

##### **JBSIS Data Reporting (No Action Required)**

Judicial Branch Statistical Information System Subcommittee (JBSIS) will share information on planned changes for JBSIS data reporting.

*Presenter: Jake Chatters, Executive Officer of the Superior Court of Placer County and Chair of the Judicial Branch Statistical Information System (JBSIS) Subcommittee of the Court Executives Advisory Committee (CEAC)*

Jake Chatters, CEO of the Placer Superior Court and the chair of the Judicial Branch Statistical Information System (JBSIS) subcommittee of the Court Executives Advisory Committee, gave an overview of JBSIS data reporting and proposed changes for data reporting under consideration by the subcommittee. The changes are intended to streamline data reporting so that the data are more complete and reliable for decision-making. The presentation is one of several that the subcommittee is making to advisory bodies that may utilize JBSIS data for policymaking.

**I. ADJOURNMENT**

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**Adjourn to Closed Session**

**II. CLOSED SESSION**

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**Approval of Minutes**

**Item 1**

**Legislative Update**

*Cal. Rules of Court, Rule 10.75 (D)(10)*

*Presenter: Andi Liebenbaum, Judicial Council Staff*

**III. ADJOURNMENT**

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There being no further business, the meeting was adjourned at 1:21 p.m.

Approved by the advisory body on **enter date**.

DRAFT

# LANGUAGE ACCESS METRICS REPORT

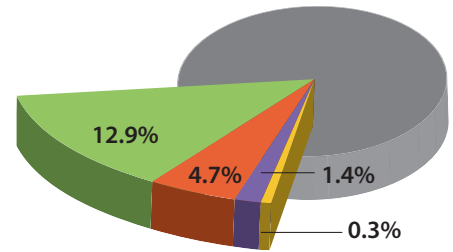
The Judicial Council Language Access Services Program—comprising the Language Access Implementation unit and the Court Interpreters Program unit—works with the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness and the Court Interpreters Advisory Panel to develop policy and support branch efforts to achieve and maintain access to justice for California’s limited-English-proficient and deaf or hard of hearing court users. This report summarizes California data, as of June 30, 2021, including statewide efforts to make comprehensive language access a reality in the courts.

## Language Access in California

Language access allows limited-English-proficient (LEP) individuals access to a wide range of services. As defined by the U.S. Department of Justice, LEP individuals do not speak English as their primary language and may have a limited ability to read, write, speak, or understand English.

In California, the most diverse state in the country:

- Over 200 languages are spoken;
- Approximately 44 percent of households speak a language other than English; and
- Nearly 7 million Californians (19 percent) report speaking English “less than very well.” (See figure at right.)



- Spanish
- Asian / Pacific Islander
- Other Indo-European
- Other Languages

Source: U.S. Census Bureau (2015)

**Primary Language of Californians Who Speak English “Less Than Very Well”**

## Language Access Plan Implementation—2020 Highlights

Spring	Summer	Fall
Council approval of the <i>2020 Language Need and Interpreter Use Study</i>	Growth of annual appropriation of court interpreter services to approximately \$130 million	Launch of the optional Court Interpreter Data Collection System interpreter portal

## Language Services During the Pandemic

The COVID-19 pandemic has altered the normal operation of court systems around the globe. The following data and information inform how the pandemic has affected the delivery of language services in the California courts and how the courts have responded.



In 2020, during the COVID-19 pandemic, courts leveraged videoconferencing platforms to conduct court services.

(See Table 1.) The use of video remote interpreting (VRI), as well as telephonic interpreting, was critical from March to December 2020 to provide access to justice for LEP court users, with an enormous 1,692 percent increase in remote services.

During 2020, the number of telephonic and VRI interpreter services increased exponentially.

**Table 1: Video Remote Interpreting: Number of Interpretations by Method, 2020\***

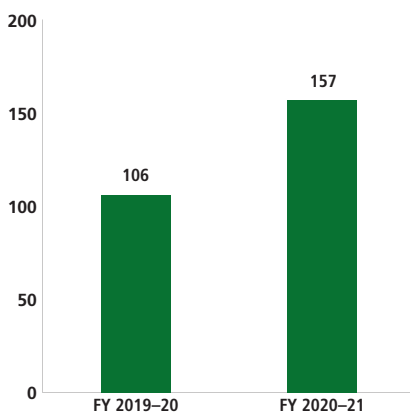
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
In person	36,273	32,682	21,114	3,641	5,750	15,850	22,768	21,985	23,806	28,046	28,708	27,440
Telephonic	91	85	78	146	161	408	543	446	532	819	923	1,195
VRI	34	20	172	654	891	1,338	1,839	2,123	2,215	2,859	2,855	3,285
<b>Total</b>	<b>36,398</b>	<b>23,797</b>	<b>21,364</b>	<b>4,441</b>	<b>6,802</b>	<b>3,596</b>	<b>25,150</b>	<b>24,554</b>	<b>26,553</b>	<b>31,724</b>	<b>32,486</b>	<b>31,920</b>

\* The data reporting for July through December 2020 is incomplete; the numbers may increase slightly in future reporting. Source: Judicial Council Court Interpreter Data Collection System, fiscal year (FY) 2020–21.

## Translations

The Judicial Council has master agreements with two translation vendors—Avantpage and Prisma—for translation services. Copies of the master agreements are available at [www.courts.ca.gov/procurementservices.htm](http://www.courts.ca.gov/procurementservices.htm).

Since 2019, the Judicial Council Language Access Services Program has assisted in translating forms, vital documents, and online information into multiple languages. As the figure below shows, the number of court forms that were translated increased from 106 in FY 2019–20 to 157 in FY 2020–21 (as of May 2021). The languages vary, depending on the type of document and/or information being translated and include most of the top 10 languages in the state, primarily Chinese, Korean, Spanish and Vietnamese. Program staff continue to assist in translation of materials to better serve the public.



**Increase in Number of Translated Court Forms**

## Civil Expansion

Over the past five years, the California courts have made significant progress to provide interpreters in civil case types following the priority order dictated by Evidence Code section 756. As of June 2020, all 58 courts indicated that they were able to provide interpreters under all eight priorities. The languages provided and the estimated interpreter coverage for each priority vary by court. Recent information gathered regarding each court's estimated coverage will assist the Judicial Council with funding and other targeted efforts designed to help all 58 courts reach full expansion.

## Need for Interpreters

The Judicial Council Language Access Services Program conducts a statewide survey of the courts annually to gather information on current language services provided, trends in local court language needs, and innovations used to meet those needs. The survey identifies the top languages for which recruitment of interpreters is needed from the four interpreter bargaining regions (see figure on page 3).

Efforts are underway for the Judicial Council to develop a more robust statewide recruitment initiative to increase the pool of qualified interpreters and bilingual staff and to assist near-passers of the Bilingual Interpreting Exam (BIE).

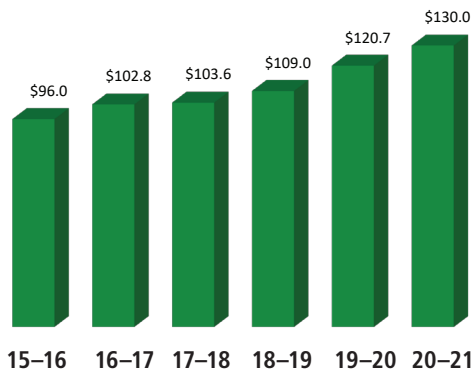
Identified Current Interpreter Needs



Note: The graphic shows the number of courts, by region, that indicated they need more interpreters in the languages shown. The Other language category includes nondesignated languages and Indigenous languages of Mexico and Central America.

Growth of the Court Interpreter Fund

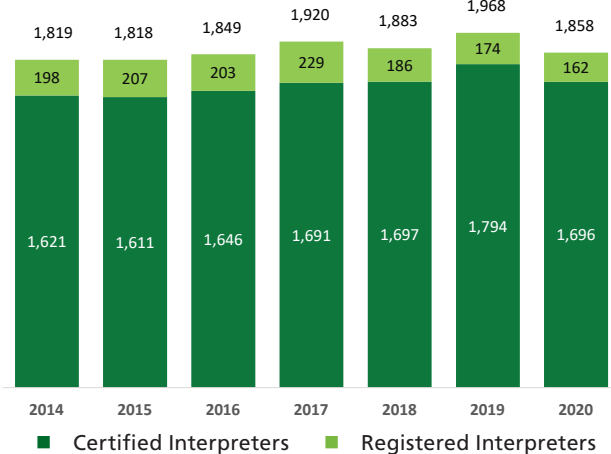
- In recent years, the annual appropriation for court interpreter services has grown from \$96 million in FY 2015–16 to \$130 million in FY 2020–21. (See figure below.)
- For the past few years, the state appropriation has fallen short in providing the courts with enough funding for full reimbursement of their reported allowable court interpreter expenditures.
- The expansion of interpreter services for civil matters and increased costs in mandated cases have led to shortfalls that require ongoing resources.



Annual Appropriation on Interpreter Funding, per Fiscal Year

Court Interpreter Pool

- As of June 2021, 1,858 certified and registered court interpreters—by far the largest court interpreter workforce in the nation—are on the Judicial Council’s Master List. (See figure below.)
- The Master List ([www.courts.ca.gov/35273.htm](http://www.courts.ca.gov/35273.htm)) allows courts and members of the public to search for court certified, registered, and enrolled interpreters who are in good standing with the Judicial Council.
- Interpreters on the Master List have passed the required exams and officially applied with the Judicial Council. Application requirements include submitting an application to the Judicial Council, paying an annual fee of \$100, and taking the online “Interpreter Orientation: Working in the California Courts” course.
- Of those 1,858 court interpreters, 1,696 are certified and 162 are registered. (See figure below.)



Number of Certified and Registered Court Interpreters (2014–2020)

Note: In California 1,858 interpreters are credentialed—certified or registered or both—in at least one language. Some interpreters hold multiple credentials in multiple languages. The total number of certifications and registrations held by this interpreter workforce is 2,123.

**FAST FACTS**

California has the largest interpreter workforce in the nation.

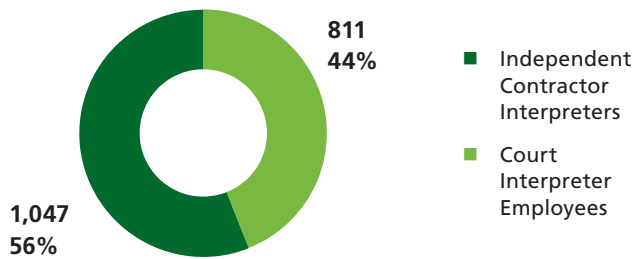
**Table 2: Number of Certified Court Interpreters for California’s Top 10 Most Frequently Interpreted Spoken Languages\***

Language <sup>†</sup>	2017	2018	2019	2020	+/-
Spanish	1,373	1,367	1,398	1,336	-62
Vietnamese	53	55	59	58	-1
Mandarin	66	72	79	79	0
Cantonese	29	28	30	28	-2
Korean	60	60	61	55	-6
Punjabi	3	3	3	3	0
Russian	39	35	42	43	+1
Arabic	8	8	7	7	0
Farsi	1	10	10	10	0
Tagalog	4	4	5	6	+1

\* The top 10 most frequently interpreted spoken languages, ranked in this table, are from the *2020 Language Need and Interpreter Use Study*.

† There are currently 55 court-certified American Sign Language (ASL) interpreters in California. The other certified languages are Armenian (Eastern) (16 interpreters), Armenian (Western) (3), Khmer (Cambodian) (8), and Portuguese (4).

**Number of Interpreters, by Employment Status\***



\* For fiscal year 2019–20, employees accounted for 78.4 percent of court interpreter expenditures, and contractors accounted for 21.6 percent of expenditures.

Source: *Trial Court Interpreters Program Expenditure Report for Fiscal Year 2019–20*.

**Table 3: Data on Interpreters of Top Three Interpreted Languages**

	Spanish	Vietnamese	ASL
Certified	1,336	58	55
Court Employees	670	26	10
Contractors	666	32	45
Average Age	56	59	62

**Table 4: Number and Percentage of Court Interpreters (Certified or Registered), by Age Span**

Age Span	Number of Interpreters*	Percentage of Interpreters
< 25	1	0.05
25–34	67	3.61
35–44	255	13.72
45–54	438	23.57
55–64	523	28.15
65–74	435	23.41
75–84	112	6.03
85+	10	0.54
No birth date provided	17	0.91
<b>Total</b>	<b>1,858</b>	<b>100%</b>

\* In California 1,858 interpreters are credentialed—certified or registered or both—in at least one language. Some interpreters hold multiple credentials in multiple languages. The total number of certifications and registrations held by this interpreter workforce is 2,123.

**Table 5: Number of Recent Passers of Bilingual Interpreting Exam Required for Qualification as a Certified Interpreter**

Language	2015	2016	2017	2018	2019	2020
Spanish	45	47	56	23	34	0
Vietnamese	3	4	2	4	2	0
Mandarin	2	4	8	6	0	0
Farsi	0	1	9	0	0	0
Cantonese	2	0	1	3	0	0
Russian	2	1	0	2	4	0
Punjabi	1	0	0	0	0	0
Eastern Armenian	1	2	0	0	0	0
<b>Total</b>	<b>56</b>	<b>59</b>	<b>76</b>	<b>38</b>	<b>40</b>	<b>0</b>

The Court Interpreters Program (CIP) suspended all in-person interpreting testing in 2020 to comply with health and safety mandates related to the COVID-19 pandemic. In the summer of 2021, CIP gradually resumed court interpreting testing for the Written Examination, Oral Proficiency Examination, and BIE. In 2021, administration of the BIE was staggered over several weeks because of prohibitions on large gatherings and was limited to 200 candidates in four of the state’s most interpreted languages (Spanish,



Vietnamese, Mandarin, and Korean). For 2022, CIP plans to administer the BIE for all spoken certified languages for which there is an exam and continue administration of the Written Examination and Oral Proficiency Examination for the registered languages. The administrations will continue to follow health and safety mandates related to the pandemic.

### Interpreter Usage

The Judicial Council’s Language Access Implementation (LAI) unit prepares interpreter usage reports for the courts.

Consistent with the direction of the Judicial Council, LAI works directly with the courts to collect interpreter usage data in previously mandated case types, domestic violence case types, and the newly expanded civil case types. The reports are based on data entered in the Court Interpreter Data Collection System or provided by courts from their own internal systems.

- ▶ There were 766,805 statewide interpretations in FY 2018–19.
- ▶ Total interpretations in Spanish were approximately 665,415—approximately 85 percent of the statewide total.
- ▶ Total other-than-Spanish interpretations were 101,390.
- ▶ Some 27 percent of the total interpretations took place in Los Angeles County; Orange County had the second most, with 7 percent.

### Web Viewing Data

Table 6 shows the number of page views of the Court Interpreters Program and Language Access webpages for the past three years.

**Table 6: Number of Page Views (as of December 2020)**

Webpage	2018	2019	2020
Court Interpreters Program	76,257	64,376	45,124
Language Access	8,711	7,024	6,932
Language Access Toolkit	2,431	2,358	2,104

## Resource Links

Judicial Council of California  
[www.courts.ca.gov](http://www.courts.ca.gov)

Strategic Plan for Language Access in the California Courts  
[www.courts.ca.gov/documents/CLASP\\_report\\_060514.pdf](http://www.courts.ca.gov/documents/CLASP_report_060514.pdf)

Language Access  
[www.courts.ca.gov/languageaccess.htm](http://www.courts.ca.gov/languageaccess.htm)

Language Access Toolkit  
[www.courts.ca.gov/lap-toolkit-courts.htm](http://www.courts.ca.gov/lap-toolkit-courts.htm)

Multilingual Materials and Resources for LEPs  
[www.courts.ca.gov/42863.htm](http://www.courts.ca.gov/42863.htm)

Advisory Committee on Providing Access and Fairness  
[www.courts.ca.gov/accessfairnesscomm.htm](http://www.courts.ca.gov/accessfairnesscomm.htm)

Court Interpreters Program  
[www.courts.ca.gov/programs-interpreters.htm](http://www.courts.ca.gov/programs-interpreters.htm)

Language Need and Interpreter Use Study  
[www.courts.ca.gov/documents/2020-Language-Need-and-Interpreter-Use-Study-Report-to-the-Legislature.pdf](http://www.courts.ca.gov/documents/2020-Language-Need-and-Interpreter-Use-Study-Report-to-the-Legislature.pdf)

## Contact Information

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**JUDICIAL COUNCIL OF CALIFORNIA**  
 OPERATIONS AND PROGRAMS DIVISION  
 CENTER FOR FAMILIES, CHILDREN & THE COURTS