



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: February 26, 2016

Title

California's Language Access Plan: Model Notice for Limited English Proficient (LEP) Court Users; Video Remote Interpreting Pilot Project; Progress Report on Implementation of the *Strategic Plan for Language Access in the California Courts*

Agenda Item Type

Action Required

Effective Date

February 26, 2016

Date of Report

February 16, 2016

Rules, Forms, Standards, or Statutes Affected

N/A

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Recommended by

Language Access Plan Implementation Task Force

Hon. Mariano-Florentino Cuéllar, Chair

Hon. Manuel J. Covarrubias, Vice-chair

Executive Summary

To strengthen the California judiciary's capacity to meet the needs of millions of people with limited-English language skills, the Judicial Council charged the Language Access Plan Implementation Task Force with implementing the recommendations of the *Strategic Plan for Language Access in the California Courts*. The task force began work to implement the "Phase 1" recommendations in 2015. In this report we offer a brief description of the task force's progress on implementation. The task force seeks the Judicial Council's further approval of two projects that implement recommendations of the Language Access Plan.

The task force recommends that the Judicial Council adopt language for a model notice to inform limited-English-proficient (LEP) court users about the availability of language access services. Once language for the model notice is approved by the council, the notice will be formatted and

translated into the state's top eight non-English languages, and will be provided to courts to share with the public, justice partners, legal services providers, community-based organizations, and other entities working with LEP populations.

The task force also proposes to pilot technology solutions for Video Remote Interpreting (VRI) for the trial courts. A request for proposal has been developed to obtain equipment for testing, validation, and to finalize technical guidelines. The pilot program will provide important foundational building blocks in developing a long-term VRI strategy for the California judicial branch. The task force seeks council approval to move forward with the pilot project.

Recommendations

The Language Access Plan Implementation Task Force recommends that the council:

1. Adopt a model notice to help inform court users about the availability of language access services. The notice would be translated into the state's top eight non-English languages and shared with courts to help inform court users about the availability of language access services. The notice includes language indicating that language access services are free. Once translated, the notice should be shared by the Judicial Council and courts with the public, justice partners, legal services providers, community-based organizations, and other entities working with LEP populations. This project addresses Recommendation No. 5 in the *Strategic Plan* approved by the council on January 22, 2015.

The text of the model statewide notice is included as Attachment 1.

2. Proceed with a request for proposals (RFP) for a video remote interpreting (VRI) pilot project, which will build on previous work to test new technology solutions and equipment, preapprove vendors if appropriate, and finalize statewide technical guidelines, taking into account the needs of different courts throughout the state. This project addresses Recommendations Nos. 12 through 16 in the *Strategic Plan* approved by the council on January 22, 2015.

Previous Council Action

In January 2015, following an extensive stakeholder participation process that included public hearings and public comment, the Judicial Council adopted the *Strategic Plan for Language Access for the California Courts*.¹ The Language Access Plan (LAP) provides a comprehensive set of 75 recommendations to help create a branchwide approach to providing language access services to court users throughout the state while accommodating an individual court's need for flexibility in implementing the plan recommendations.

¹ California's Language Access Plan: *Strategic Plan for Language Access in the California Courts*, Item K for the Jan. 22, 2015 Judicial Council business meeting, available at <http://www.courts.ca.gov/documents/jc-20150122-itemK.pdf>.

A primary goal of the plan is to develop and support a culture in which language access is considered a core court service in every courthouse. Adoption of the plan included the creation of the Language Access Plan Implementation Task Force to take the recommendations of the *Strategic Plan* and help bring them to fruition.

In August 2015, the council approved a task force request to submit a Budget Change Proposal (BCP) to the administration seeking fiscal year (FY) 2016–2017 funding for key aspects of the LAP.

Rationale for Recommendations

The Chief Justice established the Language Access Plan Implementation Task Force in March 2015, pursuant to recommendations in the plan. Chaired by Supreme Court Justice Mariano-Florentino Cuéllar, with Judge Manuel J. Covarrubias of the Superior Court of Ventura County serving as vice-chair, the task force has a three- to five-year charge and is overseen by the council’s Executive and Planning Committee. As part of the task force’s ongoing efforts to implement the Judicial Council’s *Strategic Plan for Language Access in the California Courts*, the task force will be working over the next several months to complete development of a number of LAP Phase 1 products. We anticipate that these products will help trial courts throughout the state as they pursue their efforts to improve language access.

Model Notice for Limited-English-Proficient (LEP) Court Users

Development of a model notice for LEP court users regarding the availability of language access services was an immediate task undertaken by the task force’s Translation, Signage and Tools for Courts Subcommittee. LAP Recommendation No. 5 states:

5. Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. The notice must include, where accurate and appropriate, that language access services are free. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about language services must be available throughout the duration of a case. Notices should be in English and up to five other languages based on local community needs assessed through collaboration with and information from justice partners, including legal services providers, community-based organizations, and other entities working with LEP populations. Notice must be provided to the public, justice partners, legal services agencies, community-based organizations, and other entities working with LEP populations.

The LAP further recommends, “...notices should be posted on the court’s website, on signage throughout the courthouse, at court information counters, in court brochures, in a document included with initial service of process, at court-community events, in public service notices and announcements in the media, including ethnic media, and in any embassies or consulates located in the county. To address low literacy populations and speakers of languages that do not have a

written component, video and audio recordings should be developed to provide this notice.” (LAP, Recommendation No. 5, footnote 16).

The goal of the model notice is to assist courts by providing a tool that can be easily adapted to local needs and services. The notice can be customized to provide local contact information and can be produced in a variety of formats to satisfy the recommendation to provide this information early and often, at the various points of contact between an LEP litigant and the court. Because essential language access information will be conveyed to the court user on a pretranslated form or recording, this will result in less confusion and will reduce the need for the court to take extra steps to explain or convey basic information in person or over the phone.

In addition, consistent use by the California courts of a model notice to advise LEP court users of available language access services has direct benefits to California’s 7 million LEP court users. The model notice provides LEP court users direct access to information in their own language about language access resources available to them from the California courts. The notice also contains a graphic that symbolizes the availability of language access services. If a uniform notice with a standard graphic is consistently used by the courts to provide this information, it will (1) save court staff time by providing direct communication with LEP court users in their language, and (2) increase court user satisfaction by enabling LEP court users to more easily identify and access available court services.

Video Remote Interpreting Pilot Program

Given the state’s size and population, expanding access by appropriate uses of video remote technology that allows for remote sessions while protecting due process remains one of the most critical recommendations of the *Strategic Plan*. Identifying suitable and cost-effective video remote interpreting equipment is a critical step in the task force’s Technological Solutions Subcommittee’s efforts to create a VRI Pilot Project, per the LAP’s Recommendation No. 16, which states:

16. The Judicial Council should conduct a pilot project, in alignment with the Judicial Branch’s Tactical Plan for Technology 2014–2016. This pilot should, to the extent possible, collect relevant data on: due process issues, participant satisfaction, whether remote interpreting increases the use of certified and registered interpreters as opposed to provisionally qualified interpreters, the effectiveness of a variety of available technologies (for both consecutive and simultaneous interpretation), and a cost-benefit analysis. The Judicial Council should make clear that this pilot project would not preclude or prevent any court from proceeding on its own to deploy remote interpreting, so long as it allows LEP court users to fully and meaningfully participate in the proceedings.

The goal of the pilot program is to define statewide technical standards for remote interpreting (LAP Recommendation No. 14),² validate programmatic guidelines (as outlined in LAP Recommendation No. 13 and Appendix B),³ and to preapprove acceptable equipment so courts have an appropriate method to expand access to interpreters to limited-English-proficient litigants. Among the benefits of remote interpreting is the prompt availability of language access for litigants by providing certified and registered interpreter services with less waiting time, and fewer postponements; this saves both the court user's and the court's valuable time. In addition, having qualified interpreters more readily available through remote interpreting can decrease the use of less qualified interpreters, can decrease dismissals for failure to meet court deadlines, and can decrease the frequency of attorneys or parties waiving interpreter services or proceeding as if the LEP person is not present, in order to avoid delays. By decreasing interpreter travel time between venues and increasing the number of events being interpreted by individual interpreters, remote interpreting allows more LEP litigants to be served, in more areas, utilizing the same personnel and financial resources, thereby greatly expanding language access.

The proposed VRI pilot for spoken language would not preclude trial courts from identifying and implementing alternative solutions which are consistent with the technical requirements as approved by the Judicial Council, and which meet the programmatic guidelines established in the LAP. The pilot will be at zero cost to the courts, with the vendor(s) providing and supporting the equipment for evaluation for a period of up to six months. The hope is to engage up to three vendors who are experienced and capable of executing an efficient project. The project seeks to pilot vendor equipment in up to 3 courtrooms in at least 1, or as many as 3, court jurisdictions for both consecutive and simultaneous interpretation, using California certified or registered interpreters employed by, or contracting with, California courts. Piloting various technologies in multiple courtrooms will allow a better evaluation of the types of equipment and level of sophistication required to meet the needs of the court user, the interpreters, and the court.

The courts, vendors, and the Judicial Council will collaborate in data collection and evaluation of the solutions, as appropriate.

The U.S. Department of Justice specifically mentions VRI as an efficient tool that can improve and increase language accessibility for LEP court users for the California courts.⁴ The National

² LAP Recommendation No. 14 states, "The Implementation Task Force will establish minimum technology requirements for remote interpreting which will be updated on an ongoing basis and which will include minimum requirements for both simultaneous and consecutive interpreting." (Footnote omitted.)

³ LAP Recommendation No. 13 states, "When using remote interpreting in the courtroom, the court must satisfy, to the extent feasible, the prerequisites, considerations, and guidelines for remote interpreting set forth in Appendix B." Appendix B contains suggested guidelines for remote interpreting in court proceedings based on current best practices and, as such, should be subject to updating and revision to accommodate advances in technology that will help ensure quality communication with LEP court users.

⁴ See Attachment C, May 22, 2013, letter from the U.S. Department of Justice, at p. 9, attached to California's Language Access Plan: Status Report, Item J for the October 25, 2013 Judicial Council business meeting, available at <http://www.courts.ca.gov/documents/jc-20131025-itemJ.pdf>.

Center for State Courts (NCSC) in conjunction with the Conference of State Court Administrators (COSCA) launched their own remote interpreting RFP in 2015, creating technical guidelines that the subcommittee has leveraged as a starting point for minimum standards. VRI technology is also already being used in California, specifically in the Superior Court of Fresno County, whose technical guidelines and best practices are also being leveraged for this RFP.

The concept for the VRI pilot project and the components of the RFP have been approved by the council's Technology Committee and Information Technology Advisory Committee.

Informational Update

Throughout the past few months, task force members have been working to make progress towards completion of all items on the task force's annual agenda. The task force has received broad public input, engaged stakeholders, and studied existing practices. The task force has remained in close consultation with other Judicial Council entities with relevant missions. The following report offers a brief snapshot of our progress in advancing the annual agenda. The task force will return to the council with future updates.

- *Budget and civil expansion:* In response to the FY 2016–2017 funding request developed by the Budget and LAP Monitoring Subcommittee, the Governor's recently released proposed budget for FY 2016–2017 contains an additional \$7 million, ongoing, to allow courts to continue their efforts to expand access to court interpreters in civil cases.
- *Surveys:* The Budget and LAP Monitoring Subcommittee worked with NCSC to develop and release a trial court survey, which will provide the task force and judiciary with an assessment of courts' language access needs and help identify statewide and local language access services currently provided. A short survey on language access was also sent to the California Supreme Court and Courts of Appeal.
- *Language access office or representative:* A guidance memorandum was sent out to all 58 trial courts regarding the need to designate a language access office or representative. LAP Recommendation No. 25 recommends that the court in each county designate an office or person that serves as a language access resource for all court users, as well as court staff and judicial officers.
- *Cost estimates for LAP implementation:* The Budget and LAP Monitoring Subcommittee is working with NCSC to develop cost estimates for full LAP implementation, to assist the task force with development of future funding requests.
- *LAP monitoring database:* To assist with monitoring of the LAP, the Budget and LAP Monitoring Subcommittee worked with Judicial Council staff to develop a LAP

monitoring database, which is able to provide quarterly updates to the courts and public regarding the status of LAP implementation.⁵

- *Statewide and trial court language access-related complaint form(s)*: The Budget and LAP Monitoring Subcommittee is working with NCSC to develop the necessary forms, available statewide, on which court users may register a complaint about the Judicial Council's or trial court's provision of, or the failure to provide, appropriate language access documents, translations, or services.
- *Language Access Toolkit*: In December 2015, the Translation, Signage and Tools for Courts Subcommittee launched a web resource to help court staff find tools or resources to improve language access at their court.⁶ The toolkit will periodically be updated with additional resources, and, as appropriate, will include new products developed by the task force to help courts with LAP implementation.
- *Translation protocol*: The Translation, Signage and Tools for Courts Subcommittee is working with NCSC to develop a translation protocol, which will provide the Judicial Council and courts with guidance regarding which documents to translate.
- *Educational materials*: Judge Yew and Judge Mavis redesigned the course on spoken language interpreters for judges, and the revised course was successfully launched at the 2015 Judicial College. New procedural bench cards and revised curriculum materials have been drafted by the NCSC, and will be distributed to the subcommittee for review and approval in 2016. A new education video is currently in production with an anticipated completion date of February 2016.

Comments, Alternatives Considered, and Policy Implications

Model Statewide Notice for Limited-English-Proficient (LEP) Court Users

NCSC has been assisting the task force with a number of LAP-related activities or initiatives, including development of a model notice for LEP court users regarding available language access services. (See LAP Phase 1 Products List, Attachment 2.) In developing the model notice for LEP court users, NCSC and the Translation, Signage and Tools for Courts Subcommittee referred to the Judicial Council's LAP, in particular LAP Recommendation No. 5, which addresses development of a notice to court users, its applicability, and dissemination.

⁵ Also attached to this report as Attachment 3 is the most recent LAP Implementation Progress Report, with additional information for the public, courts, and stakeholders. The task force anticipates posting quarterly progress reports on the task force web page (www.courts.ca.gov/LAP.htm) to provide a transparent mechanism that enables the public, courts, and other language access stakeholders to learn about task force activities and progress regarding implementation.

⁶ The toolkit is located on the web at <http://www.courts.ca.gov/lap-toolkit-courts.htm>.

NCSC worked with the subcommittee to review and discuss sample drafts, and to develop a single plain language notice that each court can customize to local needs. With a slight modification, the full task force adopted the recommendation of the subcommittee to present this model notice to the Judicial Council at its open meeting on January 27, 2016. The principal objective was to ensure that the notice is a useful tool for courts and one that will enhance their ability to provide access to LEP litigants. The proposed structure of the notice allows a court to enter contact information: because this tool will be delivered electronically, that information can be easily updated if it changes at the local court level.

The subcommittee stressed the importance of using a standard graphic symbol that will draw the eye to the information on the notice and will be representative of language access services in a variety of contexts. There was also significant discussion about the use of plain language, which is not only preferable in order to abide by the principles of universal design, but is especially critical when the information on the notice will be translated into a variety of non-English languages. The nuances created by complicated grammatical structures are challenging to read and understand in English and can be impossible to convey in other languages. Finally, there was a preference expressed for bullet points over paragraphs for ease of reading. The model notice is intended to serve as a framework, and local courts will be able to adapt the substance of the notice pursuant to their local language access procedures and LEP community needs.

Video Remote Interpreting Pilot Program

The VRI pilot will enable the Judicial Council to collect data, determine best practices, promote efficiencies and cost savings for courts (potentially when sharing interpreter resources between courts), increase court user satisfaction, and identify and remedy any due process concerns. The 2011–2012 American Sign Language (ASL) pilot assisted the judicial branch in developing recommended guidelines on the appropriate use of VRI, helping courts to identify appropriate use of VRI for ASL-interpreted events.⁷ The anticipated VRI pilot for spoken language will similarly establish appropriate technical guidelines, serve to validate LAP programmatic guidelines, and will assist trial courts in implementing VRI in appropriate instances to expand access to interpreters. At its January 27, 2016 open meeting, the full task force discussed the VRI pilot, and recommended that the Judicial Council approve moving forward with an RFP for the VRI pilot project.

Implementation Requirements, Costs, and Operational Impacts

Model Notice for LEP Court Users

Once the text for the model notice is approved, it will be formatted to ensure easy comprehension by court users, translated into eight non-English languages, and included in the Language Access Toolkit hosted on the web. Courts will be able to insert the appropriate room number, telephone number, and/or e-mail address into the model notice template. The task force anticipates that there will be minimal costs for courts to post the model notice within the court or

⁷ See *Recommended Guidelines for Video Remote Interpreting (VRI) for ASL-Interpreted Events* (Nov. 2012), available at <http://www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf>.

on court web pages, or to make it available in printed form to court users. Once translated, staff to the Judicial Council will also work to help share the model notice with the public, justice partners, legal services providers, community-based organizations, and other entities working with LEP populations.

Video Remote Interpreting Pilot Program

Once the Judicial Council has approved the project, the task force will post the RFP on the Judicial Branch public website. Vendor submissions will be evaluated and scored. The pilot project will last up to six months, once vendors have been selected and equipment has been installed or otherwise deployed. It is anticipated that the VRI pilot will launch in one or more courts, utilizing equipment provided for evaluation at no cost, and will include provision of technical support to courts. The participating court(s) and Judicial Council staff will collaborate to collect data and evaluate the project, as appropriate. After the conclusion of the pilot, the council will be able to have in place technical standards for statewide use of VRI, as well as updated programmatic guidelines already developed in the LAP.

Relevant Strategic Plan Goals and Operational Plan Objectives

The *Strategic Plan for Language Access* supports Goal I of the Judicial Council’s 2006–2012 strategic plan—Access, Fairness, and Diversity—which sets forth that:

- All persons will have equal access to the courts, and court proceedings and programs;
- Court procedures will be fair and understandable to court users; and
- Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds.

The plan also aligns with the 2008–2011 operational plan for the judicial branch, which identifies additional objectives, including:

- Increase qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; and
- Increase the availability of language access services to all court users.

The plan also aligns with the Chief Justice’s Access 3D framework and enhances equal access by serving people of all languages.

Attachments

1. Recommended language for model notice to inform LEP court users about available language access services
2. LAP Phase 1 Products List
3. LAP Implementation Progress Report (as of January 25, 2016)

Recommended Statewide Model Notice – Note: Once the below text is approved, the notice will be formatted and translated into the top 8 non-English languages. Courts will be able to insert the appropriate room number, telephone number, and/or email address into the model notice template.

Need help in your language?

For **free** help with:

- Interpreters
- Court forms and information in your language
- Bilingual staff



Go to Room _____. Or:

- Call: [Tel]
- Email: [URL]

Judicial Council of California's *Strategic Plan for Language Access in the California Courts*: Phase One Implementation Products for Immediate Development (as of September 2015)

As part of the Language Access Plan Implementation Task Force's ongoing efforts to implement the Judicial Council's *Strategic Plan for Language Access in the California Courts*, we will be working, over the next few months, to complete development of the following products. We expect that these products will help trial courts throughout the state as they pursue their own efforts to improve language access. The Task Force will also continue to support implementation through its outreach activities, the work of its subcommittees, and efforts to secure additional resources.

Language Access Plan (LAP) Product Phase One	Description
Identification of Living Tool-Kit Components	Living Tool-Kit components will include a list of materials for use by court staff, judicial officers, and court interpreters. The materials will also assist limited English proficient (LEP) court users better understand and access a court's language access services.
Survey of the Courts on Language Access Services	We will collect and analyze survey results to assist in our comprehensive assessment of the trial courts' existing language access resources.
Statewide Complaint Form and Procedures	We will develop a statewide complaint form and complaint procedure to allow court users and interested persons to submit concerns regarding language access services provided by the Judicial Council or trial courts.
Notice to Court Users Regarding Availability of Language Access Services	We will develop a standardized multilingual sample notice for court users, in plain language, to inform them of their local court's language access services.

**Judicial Council of California's *Strategic Plan for Language Access in the California Courts:*
Phase One Implementation Products for Immediate Development (as of September 2015)**

Language Access Plan (LAP) Product Phase One	Description
Bench Cards	We will develop sample bench cards to assist judicial officers when LEP persons are involved in courtroom proceedings. Bench cards will address: instructions on how to work with an interpreter; the process for provisionally qualifying non-credentialed interpreters per the California Rules of Court; and information and instruction regarding appropriate events for video remote interpreting.
Bench Guide	We will develop a sample bench guide outline to assist with the development of a full bench guide to help judicial officers conduct proceedings with LEP court users. The outline will address: language access services; the responsibilities of bench officers and other court staff in identifying the need for language access services; tools for courtroom management when language access services or professionals are involved; overview of remote technologies; and cultural competence when working with LEP court users.
Training Curricula	We will develop outlines and sample materials for training curricula to cover items identified in LAP Recommendation #50. The curricula outlines developed will include: the qualifications, role and ethics of court interpreters; the provisional qualification processes for interpreters and related California Rules of Court; legal obligations to provide language access services under the California LAP, local language access policies, and relevant U.S. Department of Justice guidance documents; discussion of different mechanisms available to assist in providing language access and their particular roles and limitations; barriers and obstacles for LEP court users and the LEP population in general; and cultural competence when working with LEP court users.

**Judicial Council of California's *Strategic Plan for Language Access in the California Courts*:
Phase One Implementation Products for Immediate Development (as of September 2015)**

Language Access Plan (LAP) Product Phase One	Description
Translation Protocol	We will develop a translation protocol that includes: required translator qualifications; quality control measures; guidance on prioritization of materials for translation; a process for identifying language thresholds for translation; and strategies for reaching low literacy populations and speakers of non-written languages.
Translation of Materials	We will support identification and prioritization of materials for translation. We will also make targeted recommendations on the use of technologies for translation and for providing linguistically accessible services. We will generate recommendations on the statewide sharing of translations and strategies for the efficient use of resources for translation.
Development Plan for Remaining Materials	We will develop a plan for the Judicial Council's development of remaining materials identified in the <i>Strategic Plan for Language Access in the California Courts</i> .

Language Access Plan Implementation Task Force



JUDICIAL COUNCIL
OF CALIFORNIA
LANGUAGE ACCESS PLAN
IMPLEMENTATION TASK FORCE

Recommendations Progress Report for January 25, 2016

Number of Phase 1 Recommendations: 47

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 1. Courts will identify the language access needs for each LEP court user, including parties, witnesses, or other persons with a significant interest, at the earliest possible point of contact with the LEP person. The language needs will be clearly and consistently documented in the case management system and/or any other case record or file, as appropriate given a court's existing case information record system, and this capability should be included in any future system upgrades or system development.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: The subcommittee is evaluating a case management system, which is deployed in 25 California courts, to potentially provide early identification and tracking of LEP needs for parties and witnesses.

Date of Last Update: 10/16/2015

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 2. A court's provision or denial of language services must be tracked in the court's case information system, however appropriate given a court's capabilities. Where current tracking of provision or denial is not possible, courts must make reasonable efforts to modify or update their systems to capture relevant data as soon as feasible.

Status of Recommendation: Partially implemented

Phases 1, 2

Progress Update: The subcommittee is evaluating a case management system, which is deployed in 25 California courts, to potentially provide early identification and tracking of LEP needs for parties and witnesses.

Date of Last Update: 10/16/2015

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 3. Courts should establish protocols by which justice partners can indicate to the court that an individual requires a spoken language interpreter at the earliest possible point of contact with the court system.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee is evaluating a case management system, which is deployed in 25 California courts, to potentially provide early identification and tracking of LEP needs for parties and witnesses.

Date of Last Update: 10/16/2015

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 4. Courts will establish mechanisms that invite LEP persons to self-identify as needing language access services upon contact with any part of the court system (using, for example, "I speak" cards [see page 49 for a sample card]). In the absence of self-identification, judicial officers and court staff must proactively seek to ascertain a court user's language needs.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: On December 31, 2015, the Language Access Toolkit went live on the Language Access section of the California Courts website. The Toolkit currently provides resources for court employees, such as "I-speak" cards to help LEP litigants self-identify and request assistance.

Date of Last Update: 1/25/2016

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 5. Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. The notice must include, where accurate and appropriate, that language access services are free. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about language services must be available throughout the duration of a case. Notices should be in English and up to five other languages based on local community needs assessed through collaboration with and information from justice partners, including legal services providers, community-based organizations, and other entities working with LEP populations. Notice must be provided to the public, justice partners, legal services agencies, community-based organizations, and other entities working with LEP populations.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: In December, the subcommittee provided feedback on a draft Notice of Available Language Access Services. Once the language of the notice is approved by the Judicial Council, the document will be formatted and made available in eight languages.

Date of Last Update: 1/25/2016

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 6. The Judicial Council and the courts will continue to expand and improve data collection on interpreter services, and expand language services cost reporting to include amounts spent on other language access services and tools such as translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. This information is critical in supporting funding requests as the courts expand language access services into civil cases.

Status of Recommendation: Completed

Phase 1

Progress Update: The subcommittee determined that existing trial court data collection systems can be modified to capture the additional information that is identified in LAP Recommendation No. 6.

Date of Last Update: 1/15/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 8. Qualified interpreters must be provided in the California courts to LEP court users in all court proceedings, including civil proceedings as prioritized in Evidence Code section 756 (see Appendix H), and including Family Court Services mediation.

Status of Recommendation: Partially implemented

Phases 1, 2

Progress Update: Judicial Council staff is working on updating a civil status chart showing the status of civil expansion in all 58 trial courts. A FY 2016-17 Budget Change Proposal (BCP) re: LAP implementation was submitted to the Department of Finance in September 2015. The Governor's proposed budget for 2016-17 includes an additional \$7 million ongoing for trial courts to continue expanding access to interpreters in civil proceedings. Development of future funding requests will be ongoing.

Date of Last Update: 1/15/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

Recommendation: 9. Pending amendment of California Rules of Court, rule 2.893, when good cause exists, a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth once the existing rule of court is amended). (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 70, on amending rule 2.893 to include civil cases.)

Status of Recommendation: Partially implemented

Phases 1, 2

Progress Update: Judicial Council staff sent comprehensive guidance to courts regarding the amendments to the provisional qualifications statute that were effective January 1, 2015. The courts were advised that pending amendment of Rule 2.893, they should follow existing procedures for criminal and juvenile cases in other matters.

Date of Last Update: 10/15/2015

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 10. Beginning immediately, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered, court-operated programs, services and events, to all LEP litigants, witnesses, and persons with a significant interest in the case.

Status of Recommendation: Partially implemented

Phases 1, 2, 3

Progress Update: The NCSC is currently developing cost estimates for full LAP implementation, including cost estimates for provision of qualified interpreters in all court-ordered/court-operated programs, services, and events. We will likely request funding to support this expansion effort in a future BCP. To further support funding requests, NCSC sent a survey to trial courts in January 2016. The intent of the survey is to gather information to assist the California judiciary and the Task Force with an assessment of current language access needs and the identification of statewide and local language access services provided.

Date of Last Update: 1/25/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 12. The use of in-person, certified and registered court interpreters is preferred for court proceedings, but courts may consider the use of remote interpreting where it is appropriate for a particular event. Remote interpreting may only be used if it will allow LEP court users to fully and meaningfully participate in the proceedings.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: Courts should refer to the text of the LAP recommendation for guidance.

Date of Last Update: 10/1/2015

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 13. When using remote interpreting in the courtroom, the court must satisfy, to the extent feasible, the prerequisites, considerations, and guidelines for remote interpreting set forth in Appendix B.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: Appendix B requires that minimum technology requirements for remote interpreting are met. The subcommittee has gathered technology requirements from various sources (NCSC/COSCA & Fresno Superior Court) as a starting point for minimum technical requirements that would be implemented, tested, and improved upon as necessary through a pilot project. A draft request for proposal to identify a vendor or vendors to support this pilot project has been developed and the concept will be brought to the full Task Force on January 27, 2016.

Date of Last Update: 1/25/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 14. The Implementation Task Force will establish minimum technology requirements for remote interpreting which will be updated on an ongoing basis and which will include minimum requirements for both simultaneous and consecutive interpreting.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: The subcommittee will also be referencing Fresno's technical guidelines in addition to the NCSC / COSCA guidelines. This is dependent on the approval of a VRI pilot program RFP/Project. See Recommendation 16.

Date of Last Update: 1/25/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 15. Courts using remote interpreting should strive to provide video, used in conjunction with enhanced audio equipment, for courtroom interpretations, rather than relying on telephonic interpreting.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: This is dependent on the approval of a VRI pilot program RFP/Project. An RFP has been drafted. See Recommendation 16.

Date of Last Update: 1/19/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 16. The Judicial Council should conduct a pilot project, in alignment with the Judicial Branch's Tactical Plan for Technology 2014-2016. This pilot should, to the extent possible, collect relevant data on: due process issues, participant satisfaction, whether remote interpreting increases the use of certified and registered interpreters as opposed to provisionally qualified interpreters, the effectiveness of a variety of available technologies (for both consecutive and simultaneous interpretation), and a cost-benefit analysis. The Judicial Council should make clear that this pilot project would not preclude or prevent any court from proceeding on its own to deploy remote interpreting, so long as it allows LEP court users to fully and meaningfully participate in the proceedings.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: The subcommittee has developed an RFP in order to obtain equipment for testing, validation, and to finalize technical guidelines. The pilot program will provide important foundational building blocks in developing a long term VRI strategy for the California judicial branch. The project will be part of the LAP agenda for council review in February 2016.

Date of Last Update: 1/25/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 18. The Judicial Council should continue to create multilingual standardized videos for high-volume case types that lend themselves to generalized, not localized, legal information, and provide them to courts in the state's top eight languages and captioned in other languages.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: Progress on this recommendation is pending the results of the Language Access Plan survey that was released to the trial courts in early January 2016.

Date of Last Update: 1/20/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 19. Effective January 2015, pursuant to Government Code section 68561(g) and (f), judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, properly represent their credentials on the record, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.)

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: This recommendation, along with #22 and #23 are initially being addressed in a video that is being taped on January 26, 2016. The video will outline qualification and appointment procedures that are required for all case types.

Date of Last Update: 1/25/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 22. Absent exigent circumstances, when appointing a noncertified, nonregistered interpreter, courts must not appoint persons with a conflict of interest or bias with respect to the matter.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: This recommendation is initially being addressed in a video that is being taped on January 26, 2016. The video will outline qualification and appointment procedures that are required for all case types.

Date of Last Update: 1/25/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 23. Minors will not be appointed to interpret in courtroom proceedings nor court-ordered and court-operated activities.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: This recommendation is initially being addressed in a video that is being taped on January 26, 2016. The video will outline qualification and appointment procedures that are required for all case types.

Date of Last Update: 1/25/2016

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 25. The court in each county will designate an office or person that serves as a language access resource for all court users, as well as court staff and judicial officers. This person or persons should be able to: describe all the services the court provides and what services it does not provide, access and disseminate all of the court's multilingual written information as requested, and help LEP court users and court staff locate court language access resources.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee developed and distributed written guidance for trial court leadership in December 2015, and requested that each court designate a language access office or representative.

Date of Last Update: 1/25/2016

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 26. Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. (See Recommendation 47, which discusses possible standards for the appropriate qualification level of bilingual staff at these locations.)

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Progress on this recommendation is pending the results of the Language Access Plan survey that was released to the trial courts in early January 2016.

Date of Last Update: 1/20/2016

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 28. Courts should strive to recruit bilingual staff fluent in the languages most common in that county. In order to increase the bilingual applicant pool, courts should conduct outreach to educational providers in the community, such as local high schools, community colleges, and universities, to promote the career opportunities available to bilingual individuals in the courts.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Individual courts are recruiting and hiring bilingual staff as needed to support LAP implementation.

Date of Last Update: 1/15/2016

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 34. Courts should consider the use of bilingual volunteers to provide language access services at points of contact other than court proceedings, where appropriate. Bilingual volunteers and interns must be properly trained and supervised.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee is working to draw upon best practices and existing models setting forth guidelines for the appropriate use of bilingual volunteers to create a document appropriate for the California courts to use in the development of local volunteer-based programs.

Date of Last Update: 10/2/2015

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 36. The Judicial Council will create a translation committee to develop and formalize a translation protocol for Judicial Council translations of forms, written materials, and audiovisual tools. The committee should collaborate with interpreter organizations and courts to develop a legal glossary in all certified languages, taking into account regional differences, to maintain consistency in the translation of legal terms. The committee's responsibilities will also include identifying qualifications for translators, and the prioritization, coordination, and oversight of the translation of materials. The qualification of translators should include a requirement to have a court or legal specialization and be accredited by the American Translators Association (ATA), or to have been determined qualified to provide the translations based on experience, education, and references. Once the Judicial Council's translation protocol is established, individual courts should establish similar quality control and translation procedures for local forms, informational materials, recordings, and videos aimed at providing information to the public. Local court website information should use similarly qualified translators. Courts are encouraged to partner with local community organizations to accomplish this recommendation.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee is serving as and fulfilling the translation committee function for Phase 1 of LAP implementation. The subcommittee and Task Force Chairs will recommend to the council at a future date whether an ongoing and separate translation committee should be established. The subcommittee is collaborating with NCSC to develop protocols for official translations of court documents and a rubric for determining what documents require and are most appropriate for translation.

Date of Last Update: 1/25/2016

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 37. The Judicial Council staff will work with courts to provide samples and templates of multilingual information for court users that are applicable on a statewide basis and adaptable for local use.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: On December 31, 2015, the Language Access Toolkit went live on the Language Access section of the California Courts website. The Toolkit currently provides resources for court employees, such as "I-speak" cards to help LEP litigants self-identify and request assistance. In development is a Notice of Available Language Access Services, which will also be available for download through the Toolkit. This document is meant to be adapted by local courts.

Date of Last Update: 1/25/2016

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 38. The Judicial Council's staff will post on the California Courts website written translations of forms and informational and educational materials for the public as they become available and will send notice to the courts of their availability so that courts can link to these postings from their own websites.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: The subcommittee is currently reviewing a draft of the Translation Protocol and the Action Plan for Translation and will work with NCSC to provide feedback. Once finalized and approved by the Judicial Council, these documents will be available to courts online through the Language Access Toolkit.

Date of Last Update: 1/25/2016

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 40. Courts will provide sight translation of court orders and should consider providing written translations of those orders to LEP persons when needed. At a minimum, courts should provide the translated version of the relevant Judicial Council form to help litigants compare their specific court order to the translated template form.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee is currently reviewing a draft of the Translation Protocol and the Action Plan for Translation, and will work with NCSC to provide feedback. These documents will recommend criteria for setting translation priorities on a statewide and local court level. Once finalized and approved by the Judicial Council, these documents will be available to courts online through the Language Access Toolkit.

Date of Last Update: 1/25/2016

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

Recommendation: 43. Courts, the Judicial Council, and the Court Interpreters Advisory Panel (CIAP) will ensure that all interpreters providing language access services to limited English proficient court users are qualified and competent. Existing standards for qualifications should remain in effect and will be reviewed regularly by the CIAP.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: CIAP is continuing in its role regarding the development of quality standards including voting to implement the Farsi Grace Period.

Date of Last Update: 10/5/2015

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 44. The online statewide orientation program will continue to be available to facilitate orientation training for new interpreters working in the courts.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Review of the course outline is to be undertaken in the near future.

Date of Last Update: 1/20/2016

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 45. The Judicial Council and the courts should work with interpreter organizations and educational providers (including the California community college and state university systems) to examine ways to better prepare prospective interpreters to pass the credentialing examination. These efforts should include:

- Partnering to develop possible exam preparation courses and tests, and
- Creating internship and mentorship opportunities in the courts and in related legal settings (such as work with legal services providers or other legal professionals) to help train and prepare prospective interpreters in all legal areas.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: A partial list of state providers has been compiled, including Arizona, New Mexico, and Utah. Course content, contact information, and some pricing details are included.

Date of Last Update: 1/19/2016

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 46. The Judicial Council, interpreter organizations, and educational groups should collaborate to create training programs for those who will be interpreting in civil cases and those who will be providing remote interpreting.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: LAP recommendations were incorporated into the recently revised spoken language interpreter course and will be incorporated into all other education products as appropriate.

Date of Last Update: 10/5/2015

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 47. Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to "intermediate mid" as defined under the American Council on the Teaching of Foreign Languages guidelines. (See Appendix F.) The existing Oral Proficiency Exam available through the Judicial Council's Court Language Access Support Program (CLASP) unit may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Progress on this recommendation is pending the results of the Language Access Plan survey that was released to the trial courts in early January 2016.

Date of Last Update: 1/25/2016

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 48. Beyond the specified minimum, the Judicial Council staff will work with the courts to (a) identify standards of language proficiency for specific points of public contact within the courthouse, and (b) develop and implement an online training for bilingual staff.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Progress on this recommendation is pending the results of the Language Access Plan survey that was released to the trial courts in early January 2016.

Date of Last Update: 1/20/2016

Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Bob Lowney

Recommendation: 50. Judicial officers, including temporary judges, court administrators, and court staff will receive training regarding the judicial branch's language access policies and requirements as delineated in this Language Access Plan, as well as the policies and procedures of their individual courts. Courts should schedule additional training when policies are updated or changed. These trainings should include:

- Optimal methods for managing court proceedings involving interpreters, including an understanding of the mental exertion and concentration required for interpreting, the challenges of interpreter fatigue, the need to control rapid rates of speech and dialogue, and consideration of team interpreting where appropriate;
- The interpreter's ethical duty to clarify issues during interpretation and to report impediments to performance;
- Required procedures for the appointment and use of a provisionally qualified interpreter and for an LEP court user's waiver, if requested, of interpreter services;
- Legal requirements for establishing, on the record, an interpreter's credentials;
- Available technologies and minimum technical and operational standards for providing remote interpreting; and
- Working with LEP court users in a culturally competent manner.

The staff of the Judicial Council will develop curricula for trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: A revised course on spoken language interpreters, including training materials, was launched at the 2015 Witkin Judicial College. This content will be leveraged with other education products, such as videos and bench aids, for experienced judges and court staff. An educational video on the procedures required and best practices recommended for judges appointing interpreters will be sent out to the courts in the near future.

Date of Last Update: 1/22/2016

Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 52. Judicial Council staff should develop bench cards that summarize salient language access policies and procedures and available resources to assist bench officers in addressing language issues that arise in the courtroom, including policies related to remote interpreting.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Sample bench cards have been developed by NCSC and submitted for review by the Language Access Education and Standards Subcommittee (moving forward, the Education subcommittee is taking the lead on review of the bench cards). Once the language of the bench cards is approved by the Judicial Council, this resource will be available to courts through the Language Access Toolkit.

Date of Last Update: 1/25/2016

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 56. The judicial branch will advocate for sufficient funding to provide comprehensive language access services. The funding requests should reflect the incremental phasing-in of the Language Access Plan, and should seek to ensure that requests do not jeopardize funding for other court services or operations.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee has convened a strategy group to help advance the FY 2016-17 BCP re LAP implementation and inform policymakers and stakeholders about its importance. Future BCPs ongoing.

Date of Last Update: 10/15/2015

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 57. Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to implement the recommendations of this Language Access Plan. This may include information being gathered in connection with the recent Judicial Council decision to expand the use of Program 45.45 funds for civil cases where parties are indigent; information being gathered for the 2015 Language Need and Interpreter Use Report; and information that can be extrapolated from the Resource Assessment Study (which looks at court staff workload), as well as other court records (e.g., self-help center records regarding LEP court users).

Status of Recommendation: Partially implemented

Phase 1

Progress Update: The subcommittee determined that existing trial court data collection systems can be modified to capture the additional information that is identified in LAP Recommendation No. 6. The Judicial Council, in collaboration with trial courts, will continue to improve on data collection. The goal is to continue to collect reliable data that will assist and support funding requests.

Date of Last Update: 1/15/2016

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 58. Judicial Council staff will pursue appropriate funding opportunities from federal, state, or nonprofit entities, such as the National Center for State Courts, which are particularly suitable for one-time projects, for example, translation of documents or production of videos.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: The subcommittee has convened a strategy group to help advance the BCP and inform policymakers and stakeholders about its importance. Future BCPs ongoing.

Date of Last Update: 10/1/2015

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 59. Courts should pursue appropriate funding opportunities at the national, state, or local level to support the provision of language access services. Courts should seek, for example, one-time or ongoing grants from public interest foundations, state or local bar associations, and federal, state, or local governments.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee has convened a strategy group to help advance the FY 2016-17 BCP re LAP implementation and inform policymakers and stakeholders about its importance. The subcommittee will consider whether to provide written guidance to courts about pursuit of other funding opportunities.

Date of Last Update: 10/16/2015

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 60. The Judicial Council will create a Language Access Implementation Task Force (name TBD) to develop an implementation plan for presentation to the council. The Implementation Task Force membership should include representatives of the key stakeholders in the provision of language access services in the courts, including, but not limited to, judicial officers, court administrators, court interpreters, legal services providers, and attorneys that commonly work with LEP court users. As part of its charge, the task force will identify the costs associated with implementing the LAP recommendations. The Implementation Task Force will coordinate with related advisory groups and Judicial Council staff on implementation, and will have the flexibility to monitor and adjust implementation plans based on feasibility and available resources.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: LAP Implementation Task Force was formed by the Chief Justice in March 2015. The NCSC, in consultation with the subcommittee, is developing a comprehensive LAP work plan, including a cost analysis, budget and estimates re full LAP implementation.

Date of Last Update: 10/16/2015

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 61. The Implementation Task Force will establish the necessary systems for monitoring compliance with this Language Access Plan. This will include oversight of the plan's effects on language access statewide and at the individual court level, and assessing the need for ongoing adjustments and improvements to the plan.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council has developed a LAP Monitoring Database, which provides quarterly progress reports regarding the implementation status of the LAP recommendations. The progress reports are available on the Task Force's web page (<http://www.courts.ca.gov/LAP.htm>).

Date of Last Update: 1/15/2016

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 62. The Implementation Task Force will develop a single form, available statewide, on which to register a complaint about the provision of, or the failure to provide, language access. This form should be as simple, streamlined, and user-friendly as possible. The form will be available in both hard copy at the courthouse and online, and will be capable of being completed electronically or downloaded for printing and completion in writing. The complaints will also serve as a mechanism to monitor concerns related to language access at the local or statewide level. The form should be used as part of multiple processes identified in the following recommendations of this plan.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: NCSC is assisting the subcommittee with producing a single complaint form and complaint processes.

Date of Last Update: 10/1/2015

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 63. Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may file a complaint about the court's provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. Local courts may choose to model their local procedures after those developed as part of the implementation process. Complaints must be filed with the court at issue and reported to the Judicial Council to assist in the ongoing monitoring of the overall implementation and success of the Language Access Plan.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: A preliminary draft complaint form and draft process has been developed by NCSC and reviewed by the subcommittee. Revisions are being made for consideration by the subcommittee. The subcommittee will partner with the Professional Standards and Ethics Subcommittee of CIAP, as appropriate, to sync any complaint form and process with CIAP's review of interpreter competency as required by California Rules of Court, Rule 2.891.

Date of Last Update: 1/25/2016

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 66. The Judicial Council should create a statewide repository of language access resources, whether existing or to be developed, that includes translated materials, audiovisual tools, and other materials identified in this plan in order to assist courts in efforts to expand language access.

Status of Recommendation: Completed

Phase 1

Progress Update: On December 31, 2015, the Language Access Toolkit went live on the Language Access section of the California Courts website. The Toolkit currently provides resources for court employees, such as "I-speak" cards to help LEP litigants self-identify and request assistance. The Phase 1 work on the repository is complete, and additional resources will be added as developed in future phases.

Date of Last Update: 1/25/2016

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton

Recommendation: 67. The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of this Language Access Plan with necessary modifications.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee developed and sent a short survey to the Courts of Appeal and the Supreme Court. Survey responses will help determine which recommendations of the LAP may be appropriate (with modification) for adoption by the Courts of Appeal and the Supreme Court.

Date of Last Update: 1/15/2016

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

Recommendation: 69. The Judicial Council should establish procedures and guidelines for determining “good cause” to appoint non-credentialed court interpreters in civil matters.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Judicial Council staff has provided interim guidance on good cause, but CIAP’s Language Access subcommittee has not begun its formal review of what “good cause” should be required for any differences between criminal/juvenile and civil matters.

Date of Last Update: 10/16/2015

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

Recommendation: 70. The Judicial Council should amend rule of court 2.893 to address the appointment of non-credentialed interpreters in civil proceedings.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Preliminary work undertaken by CIAP’s Language Access subcommittee on technical changes needed to Rule 2.893. But substantive policy-level review must be undertaken and completed including, for example, whether the good cause required should be different between criminal/juvenile and civil matters.

Date of Last Update: 10/16/2015

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Catharine Price

Recommendation: 75. The Implementation Task Force will develop a policy addressing an LEP court user's request of a waiver of the services of an interpreter. The policy will identify standards to ensure that any waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel; and is approved by the appropriate judicial officer, exercising his or her discretion. The policy will address any other factors necessary to ensure the waiver is appropriate, including: determining whether an interpreter is necessary to ensure the waiver is made knowingly; ensuring that the waiver is entered on the record, or in writing if there is no official record of the proceedings; and requiring that a party may request at any time, or the court may make on its own motion, an order vacating the waiver and appointing an interpreter for all further proceedings. The policy shall reflect the expectation that waivers will rarely be invoked in light of access to free interpreter services and the Implementation Task Force will track waiver usage to assist in identifying any necessary changes to policy.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: CIAP plans to include this item as part of its next Annual Agenda (for 2016).

Date of Last Update: 10/5/2015
