



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 14–15, 2016

Title

Language Access: Requesting Interpreters
(Civil)

Agenda Item Type

Action Required

Effective Date

July 1, 2016

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 2.895;
approve form INT-300

Date of Report

March 30, 2016

Recommended by

Court Interpreters Advisory Panel
Hon. Steven K. Austin, Chair

Contact

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Executive Summary

The Court Interpreters Advisory Panel (CIAP) recommends adopting a new rule requiring courts to publish procedures for filing, processing, and responding to requests for interpreters in civil actions. CIAP also recommends adopting a new form to track and help facilitate requests for interpreters in civil actions and recommends that the form be approved as a model form effective July 1, 2016, and, without further action by the Judicial Council, as an optional form effective January 1, 2018. This proposal will benefit limited-English-proficiency court users and the courts who serve them by helping to establish structure for an expanding area of language access.

Recommendation

The Court Interpreters Advisory Panel recommends that the Judicial Council:

1. Effective July 1, 2016, adopt rule 2.895 of the California Rules of Court to establish requirements for courts to publish their procedures and track requests for interpreters and for

attorneys of represented parties to inform the court if an LEP court user who has requested an interpreter will not be in court;

2. Effective July 1, 2016, approve *Request for Interpreter (Civil)* (form INT-300) as a model form, which will serve as a sample for courts who are establishing procedures under rule 2.895 over the next 20 months while the *Strategic Plan for Language Access in the California Courts* is in its initial phases of implementation; and
3. Effective January 1, 2018, approve *Request for Interpreter (Civil)* (form INT-300) as an optional form, following its 20-month use as a model form.

The text of the new rule and the new form are attached at pages 10–12.

Previous Council Action

On January 23, 2014, the Judicial Council took action on recommendations related to providing interpreters to indigent parties in civil actions. As part of that action, the council directed the Civil and Small Claims Advisory Committee to create a new form for parties requesting interpreters in civil matters. The council directed that the form include space for the party to indicate the language in which an interpreter is required, and to indicate whether a waiver of court fees and costs has been granted. (The task was subsequently transferred to CIAP, as discussed in the Rationale section below.)

The Judicial Council also acted to sponsor legislation to authorize courts, subject to available funding, to provide interpreters to parties in civil actions at no cost, regardless of the income of the parties. This legislation led to the creation of Evidence Code section 756, which allows courts to provide interpreters in civil matters and outlines a priority case order in which to do so if sufficient funding is unavailable for all cases.

In January 2015, the Judicial Council adopted the *Strategic Plan for Language Access in the California Courts* (Language Access Plan) and created the Language Access Plan Implementation Task Force to begin the work of creating a workable roadmap for implementation of the Language Access Plan.

Rationale for Recommendation

In January 2014, the Judicial Council directed the creation of a form to be used to request an interpreter in civil cases and a related rule of court as one step toward the goal of expanding interpreter access in civil matters. The Civil and Small Claims Advisory Committee began this important work.

The committee developed a proposal containing a form and rule, which circulated for public comment during the winter 2015 comment cycle. Following circulation, at the request of the chairs of the Joint Working Group for the Language Access Plan, which was developing the

Strategic Plan for Language Access in the California Courts, the Civil and Small Claims Advisory Committee postponed finalizing the form to wait for the adoption of the Language Access Plan and creation of the Language Access Plan Implementation Task Force. The task force asked that CIAP review the public comments and finalize the rule and form consistent with the Language Access Plan.

Limited-English-proficiency (LEP) court users are the primary beneficiaries of this proposal. Rule 2.895 and form INT-300 will facilitate better access to justice and allow LEP court users to be informed about how to request an interpreter in a civil matter. Ultimately, the rule and form will facilitate the timely provision of an interpreter in all civil actions. Judicial officers and court staff also benefit from the rule and form in that they will assist in the early identification of language access needs. Requests for an interpreter in a civil matter will be more streamlined, decisions can be made earlier regarding the provision or denial of requests, and courts will be able to develop systems to efficiently provide interpreters—leading to decreased delays and continuances. The committee added a requirement that an attorney notify a court when a represented LEP party will not attend a specific proceeding. Although this requirement was not part of the rule when circulated, it will help courts avoid wasting resources on unnecessary interpreters.

The rule requires courts to publish their procedures, including those for responding to requests for interpreters. It also requires courts to track requests received and fulfillment of those requests—i.e., whether interpreters were provided. As a result, better information will be available statewide for planning, needs assessments, and cost forecasting regarding the need for interpreters in civil matters.

The proposed rule and form were developed to provide direction and guidance needed to ensure that courts have assistance adhering to the spirit and letter of the Language Access Plan so that LEP litigants have equal access to justice. The eventual adoption of the form as an optional form allows litigants to request an interpreter in any way, requires courts to accept this standardized form, and ensures flexibility for courts in accepting other methods of requests or creating other processes. The goal was to develop an interpreter request form that would be easy to understand, with multiple languages on the body of the form itself, to encourage requests.

CIAP determined that initially the form should be adopted as a model form because some courts are still developing their request processes and current funding may be insufficient to grant all requests. However, CIAP felt strongly that effective January 1, 2018, the form should no longer be a model but should become optional because some level of uniformity is required and courts will need to accept this form even while they will not be precluded from continuing with their other methods. Some courts may find it difficult to track incoming requests or their responses to those requests; however, this kind of tracking and data collection is required by the Language Access Plan.

The rule and form will provide LEP court users with a clear path for increased language access and know-how to request interpreter assistance. Information and data related to LEP need will be more readily available and will help to inform statewide and local planning, as well as to monitor compliance with the Language Access Plan. Specifically, better tracking and information will help identify funding needs for the continued expansion of interpreter services in civil matters.

Comments, Alternatives Considered, and Policy Implications

External Comments

CIAP considered the comments, directions, and spirit of the Language Access Plan and made revisions to the rule and form. Eleven comments were received on the invitation to comment posted by the Civil and Small Claims Advisory Committee.

Below is a summary description of the comments and CIAP's response:

- Many commentators noted that LEP litigants should be able to submit requests for interpreters at any time and in any manner, and that those requests should be able to be made by any person, including court staff or judicial officers. Although the difference between an optional and a mandatory form generated considerable misunderstanding, the comments clearly indicated that a mandatory form would not be the appropriate solution, either for the litigants or the courts.
 - CIAP chose to recommend an interim adoption of the form as a model, serving as an example for courts who are beginning to create their related processes and publish the relevant notices. This interim model period will be followed by a January 1, 2018, effective date of the optional request form. CIAP chose this path because, although other methods of taking requests are not precluded, the courts must accept the request form if submitted. Likewise, litigants will not be *required* to use the form as their method for requesting an interpreter. CIAP believes that this approach is consistent with the goals of most commentators.
- Several commentators also indicated that courts need flexibility to implement processes at the local level and need time to come into compliance with the Language Access Plan, particularly while funding may be low. Courts indicated they would not need much time to implement the rule unless the form is made mandatory.
 - With the interim “model form” approach being recommended, courts will have the necessary time to develop, formalize, and finalize their processes and be ready to accept the optional form by January 1, 2018.
- Nearly all commentators were concerned about the language of the instructions on the form, noting that instructions for those filling out the form must be simple and in plain language.
 - CIAP spent a good deal of time restructuring the form and reconsidering the instructions and wording of the form. The form was also reviewed by plain-language experts and legal services providers. CIAP also changed to a plain-

language template. The form includes check boxes for the state's top 10 languages—in those languages. CIAP believes the form is easy to use.

- Many commentators raised issues with the form regarding listing case type priorities and asking litigants to list their case type themselves. Commentators communicated that removing the lists of case types from the form and related instructions was critical to reducing confusion for LEP litigants.
 - CIAP removed the lists of case types and related instructions from the form and instead referenced Evidence Code section 756, which includes the priority order for courts to follow should funding be insufficient to fill all requests for interpreters.
- More than two-thirds of the commentators noted that it is critical that an interpreter request form set an encouraging tone and include language choices that do not discourage LEP litigants from making requests.
 - CIAP made many changes to the form, both to what was included and the word choice, in order to set a more straightforward and positive tone. Much of this wording derived from CIAP's decision to design the form for a time when courts would be able to be in full compliance, instead of designing the form for an interim period. By publishing it first as a model form, courts will have guidance and an example as they develop their processes and procedures.
- A few commentators recommended including a court response on the form. Others recommended providing a limited amount of text in multiple languages on the form. (Comments on additional items to add to the form were specifically requested in the invitation to comment.)
 - CIAP considered including a response as part of the form but found it to be logistically very challenging to do at a statewide level. Without knowing what response times and processes courts will develop locally, the proper response was unclear. CIAP will consider whether a separate response is appropriate over the coming year. In lieu of a response on the form, CIAP added language to the rule clarifying that the court must provide a response.
 - CIAP considered adding a check box for the name of a language, in that language, versus adding a full sentence in the language being requested and decided that including the check boxes was more effective. CIAP was able to include the state's top 10 spoken languages.
- A few commentators also discussed the importance of separating out one-time requests for interpreters for witnesses from ongoing requests for interpreters for LEP parties, which must be carried out through the life of a case.
 - An important part of CIAP's restructuring of the form was to separate the request for an LEP party to have an interpreter (for all hearings the party will attend) from the request for an interpreter for any witnesses (for specific scheduled hearings).

Also, to avoid wasting resources at appearances where only a represented party's attorney will appear, the rule includes a requirement that the attorney notify the court when the party will not be present and thus no interpreter would be needed.

- Roughly one-half of the commentators specifically noted that the responsibility for tracking that a litigant in a particular case requires an interpreter most properly belongs with the court. These commentators noted that once parties make the initial request, they should not be required to make subsequent requests.
 - CIAP agreed and, in its restructuring of the form, eliminated the requirement on the form that litigants indicate a hearing date to which their request for an interpreter applies (leaving the hearing date only for witnesses).

Internal comments

The Civil and Small Claims Advisory Committee recommended a model form, which would serve as a sample only. Courts would not be required to accept a particular statewide form. CIAP, however, recommended the present approach—a model form, for an interim period, that would become an optional form at a specific date. CIAP felt that ultimately creating a form that would be available statewide, and well known to legal services providers, was required for consistency with the Language Access Plan.

Alternatives

CIAP considered many alternatives and fully engaged in rich discussion on the many points raised in more than 53 pages of comments:

- CIAP considered keeping the form as a model indefinitely but believes that increased standardization and establishment of a form that would be available statewide and could be translated into multiple languages or was guaranteed to include multiple languages is critical to meeting the intent of the Language Access Plan.
- CIAP considered including a response section on the Instructions side of the form (page 2), as well as on page 1 of the form. However, the advisory panel feared that the former would create confusion, and could possibly discourage litigants from making requests at all, and the latter would create difficulties in processing the requests.
- CIAP considered not including multiple languages on the front of the form but believes that including them would greatly enhance access to justice.
- CIAP considered including additional instructions; however, every additional instruction that was considered seemed to increase confusion.

Changes in the rule

The rule in this recommendation differs from the version of the rule that circulated for comment in two key ways. The rule now requires courts to track requests, consistent with the Language Access Plan. This step is important for planning purposes and for securing sufficient human and financial resources in the future. The rule now also, in subdivision (c), requires attorneys of represented LEP litigants to inform the court when their LEP clients will not be at a particular

proceeding. This information is important in helping to prevent hiring an interpreter when only the attorney is attending the court hearing.

Policy Implications

This proposal supports the implementation of the *Strategic Plan for Language Access in the California Courts*, which was adopted by the Judicial Council January 22, 2015. The following recommendations—1, 2, 4, and 5—support the need for a request form and for tracking of the provision of interpreters in civil matters:

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.
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.
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.
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.

Judicial Council of Cal., *Strategic Plan for Language Access in the California Courts* (January 22, 2015), Appendix A, p. 7.

The committee extensively debated whether the form should be mandatory, model, or optional. Arguments in favor of a mandatory form were that it would lead to statewide consistency in

usage and in format, which would be helpful to court users across jurisdictions. The argument in favor of a model or optional form was court discretion.

The committee also debated including the instructions on the form, and whether the Evidence Code section 756 order of priorities should be incorporated into the instructions. Ultimately, this information was determined to be more confusing than helpful to the court users.

The chart of comments and the advisory panel's responses are attached at pages 13–68.

Implementation Requirements, Costs, and Operational Impacts

Rule 2.895 and form INT-300 will require the development of new processes for many courts and, therefore, could have significant operational impacts on some courts and require training of judicial officers and court staff.

This proposal has three key elements:

1. Adoption of rule 2.895, *Requests for Interpreters*.

This rule will require courts to create and publish their procedures for requesting an interpreter for civil matters. In addition, it will require courts to track requests for interpreters and the fulfillment of those requests. Costs will vary depending on the methods that local courts choose to use for tracking purposes. Courts may choose to use print copies of forms and published procedures or develop online request systems. Statewide savings may result for the trial courts because they will have better information about when a party or witness will be present in court and will require the services of an interpreter. By requiring a party's attorney to notify the court if the party will not be appearing at various proceedings, the court may avoid using resources that it would otherwise have spent on securing an interpreter for such matters.

2. Adoption of form INT-300, *Request for Interpreter (Civil)*, as a model form through December 31, 2017.

As a model form, it is not required to be used. Courts that do choose to use it will need to make it available to court users (perhaps in hard copy and online) and establish a place where requests are to be submitted.

3. Adoption of form INT-300, *Request for Interpreter (Civil)*, as an optional form, effective January 1, 2018.

Courts must accept the optional form, if submitted. Courts must establish a place where requests are to be submitted.

Relevant Strategic Plan Goals and Operational Plan Objectives

This proposal supports Goal I, Access, Fairness, and Diversity, of the Judicial Council's strategic plan. This goal emphasizes that all persons will have equal access to the courts and court

proceedings and programs, and that court procedures will be fair and understandable to court users. Equal access depends on being able to understand the proceedings. This rule and form proposal requires the court to inform the public about how to request an interpreter in civil matters and helps courts plan for the need to provide interpreters in specific court proceedings. The proposal is directly in line with Goal I policy statement 9, which raises the need to “[i]mplement, enhance, and expand multilingual and culturally responsive programs, including ... interpreter services.”

Attachments and Links

1. Cal. Rules of Court, rule 2.895, at page 10
2. Form INT-300, at pages 11–12
3. Chart of comments, at pages 13–67
4. Attachment A: Cal. Rules of Court, rule 2.895, as circulated for comment
5. Attachment B: Form ## (aka INT-300), as circulated for comment

Rule 2.895 of the California Rules of Court is adopted, effective July 1, 2016, to read:

Rule 2.895. Requests for Interpreters

(a) Publish procedures

Each court must publish procedures for filing, processing, and responding to requests for interpreters consistent with the *Strategic Plan for Language Access in the California Courts* (adopted January 2015). Each court must publish notice of these procedures in English and up to five other languages, based on local community needs.

(b) Track requests

Each court must track all requests for language services and whether such services were provided. Tracking must include all requests for court interpreters in civil actions, as well as approvals and denials of such requests.

(c) Notify court if represented party will not be appearing

If a party who has requested an interpreter for herself or himself is represented by counsel, the attorney must notify the court in advance whenever the party will not be appearing at a noticed proceeding.

Advisory Committee Comment

The *Request for Interpreter (Civil)* (form INT-300) is concurrently adopted as a model form that will become an optional form, effective January 1, 2018. Until that time, the form can serve as a model that courts may use as part of their procedures, as required under this rule.

This rule shall not be construed in a way that conflicts with Evidence Code section 756.

Subdivision (a). “Local community needs” is described in recommendation 5 of the *Strategic Plan for Language Access in the California Courts* (adopted January 2015).

Subdivision (b). The committee recommends electronic processing of civil interpreter requests to aid the court in data collection about the provision or denial of language services.

Clerk stamps date here when form is filed.

Fill out this form if you or a witness in your case needs an interpreter when you are in court.

See instructions on page 2 of this form for more information.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Your Information (person requesting an interpreter). If you have a lawyer, give your lawyer's information.

Name: _____

State Bar No.: _____

Firm Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

E-Mail Address: _____

2 I am a party in this case (check one item below):

☐ Plaintiff/Petitioner ☐ Defendant/Respondent ☐ Other (describe): _____

3 I need an interpreter in the following language when I am in court:

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> español (Spanish) | <input type="checkbox"/> Tiếng Việt (Vietnamese) | <input type="checkbox"/> 한국어 (Korean) | <input type="checkbox"/> 普通话 (Mandarin) |
| <input type="checkbox"/> 广东话 (Cantonese) | <input type="checkbox"/> فارسی (Farsi/Persian) | <input type="checkbox"/> русский (Russian) | <input type="checkbox"/> Tagalog (Tagalog) |
| <input type="checkbox"/> العربية (Arabic) | <input type="checkbox"/> ਪੰਜਾਬੀ (Punjabi) | <input type="checkbox"/> Other: _____ | |

Include town of origin, if you speak an indigenous language: _____

4 I have a witness who needs an interpreter for the following court date:

(Complete a separate form for each witness.)

a. Date: _____ Time: _____

Department and judicial officer, if known: _____

☐ No date is set yet.

b. The witness needs an interpreter in (check one):

☐ The language marked above **OR**

☐ Other (enter the language the witness speaks): _____

Date: _____



Signature of party or attorney



Your Name: _____

Case Number: _____

INSTRUCTIONS

- Court proceedings are in English. If a party or witness does not speak or understand English well, he or she may need an interpreter. The interpreter will allow him or her to testify, speak to the judge, and understand what others are saying in court. Certified and registered court interpreters are trained to interpret in court. If you need language help, you can ask the court to provide a court interpreter by filling out the first page of this form.
- You should complete this form if you or a witness in your case needs an interpreter. A witness is someone who provides information in court, under oath. You should complete a separate form for every witness who needs language help. Complete the first page and file it with the court. Check with your local court to find out how far in advance you must file a request for an interpreter. You can also find out when the court will answer your request.
- Courts try to provide an interpreter in every language and in every civil case. The court will provide you with a response to let you know if your request was granted. Sometimes, a court cannot provide an interpreter in every case.



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

W15-03

Court Interpreters: Request for Interpreter

Adopt Cal. Rules of Court, rule 2.895; recommend model local court form

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	California Commission on Access to Justice By: Hon. Mark A. Juhas, Chair	AM; N	<p>The California Commission on Access to Justice is pleased to provide comments on W15-03, <i>Court Interpreters: Request for Interpreter</i> form, to the Civil and Small Claims Advisory Committee.</p> <p>The Commission was established in 1997 as a collaborative effort involving all three branches of government. It includes judges, lawyers, professors, business, labor, faith, and other community leaders. The Access Commission is dedicated to finding long-term solutions to the chronic lack of legal assistance available to low and moderate income Californians. The Commission's goals include increasing resources for legal services for the poor, expanding pro bono and language assistance, and increasing the availability of self-help assistance and limited scope representation. We reviewed the proposed form with these goals in mind.</p> <p>[1a] First, the draft <i>Strategic Plan for Language Access in the California Courts</i> is before the Judicial Council for approval; it is our understanding that, if approved, an Implementation Task Force will be formed to carry out the recommendations. We recommend that the Civil and Small Claims Advisory Committee collaborate with the Language Access Plan Implementation Task Force, to ensure that the form aligns with the Plan's recommendations.</p>	<p>CIAP agrees with the commentator and has modified the form consistent with these recommendations except as noted.</p> <p>1a. CIAP agrees that this Rule and Form should be consistent with the <i>Strategic Plan for Language Access in the California Courts</i> (“the <i>Language Access Plan</i>” or “<i>LAP</i>”) and that could be accomplished by collaboration with the task force. The Task Force directed CIAP to lead the finalization of this rule and form. CIAP has done so in alignment with the LAP.</p>

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	Commentator	Position	Comment	Committee Response
			<p>[1b] Second, to help ensure language access to the entirety of the proceedings, the Commission recommends that courts be notified about language service needs at the outset of civil actions. An interpreter request form should be filed at the earliest point in a proceeding because it will help with early identification of the language access needs and also play a critical role in tracking the ability to meet language access needs across the state, consistent with the draft Language Access Plan.</p> <p>[1c] Even if the courts are not able to meet all of the need, it is important to quantify the need, and document where the courts are succeeding and where they are falling short, in order to secure and direct the necessary resources to expand language access around the state.</p> <p>Finally, in response to your request for comments on specific questions, we submit the following:</p>	<p>1b. Early identification of language access needs CIAP agrees that early identification of language access needs is a priority, consistent with the Language Access Plan. CIAP believes that the broad availability of an optional request form will assist in early identification. Additionally, CIAP modified the form to allow it to be submitted at any time, not simply in advance of a particular hearing with a date scheduled. However CIAP does not believe the form should be modified to require its completion at the earliest stage in the proceeding because CIAP does not want to imply that a litigant cannot have an interpreter simply because they filed the form too late.</p> <p>The Implementation Task Force will be further addressing ways to accomplish early identification of language access needs.</p> <p>1c. Response and tracking CIAP agrees that documenting language assistance need is important. The modifications to the Rule include the requirement for a response and data tracking, consistent with The Language Access Plan.</p>

W15-03

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	Commentator	Position	Comment	Committee Response
			<p>Would parties benefit from having any additional instructions included on the model form?</p> <p>[1d] We believe that the instructions could be written so that they are easier to understand:</p> <ul style="list-style-type: none">• The language in paragraph 2 on the back side of the form is difficult to understand, and the priorities may be applied differently from county to county. We suggest less detailed information, such as the following: <p><i>“Courts are not always able to provide or pay for an interpreter in every language or in every civil case. If a court cannot provide an interpreter to everyone, the Legislature has set priorities for which types of cases will be provided interpreters first. Contact your local court to find out the case types in which they provide interpreters.”</i></p> <ul style="list-style-type: none">• The language in paragraph 3 also could be shortened to say: <p><i>“In some cases, preference will be given to parties who have qualified for a fee waiver. If you do not already have a fee waiver, you should ask for a Request to Waive Court Fees (Civil Actions) (form FW-001), and look at the form to see if you might qualify for a fee waiver. Be sure to fill out item 7 of this form regarding fee waivers.”</i></p>	<p>1d. Plain language, simplified structure and tone</p> <p>CIAP agrees that certain modifications were needed to further enhance access and reduce barriers for Limited English Proficient (LEP) litigants. The committee’s modifications include simplified language and structure in the form and instructions, including eliminating the case type listing, references to fee waivers, prioritizations and suggestions about bringing friends to court as interpreters. The committee agreed that providing too many details may set the wrong tone or confuse LEP litigants and could discourage interpreter requests.</p>

W15-03

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none">• In paragraph 4, delete “your case falls within one of the categories of cases listed in paragraphs 2 or 3 above, and”.• Paragraph 5 as written appears to invite parties to bring friends and family to act as interpreters. Consistent with the draft Language Access Plan, the goal is to use friends and family as a last resort, and only when they meet the requirements for provisional qualification. Accordingly, we suggest that paragraph 5 be modified, as follows: <i>“If the court is unable to provide an interpreter, the court may have a list of interpreters in your area who you could hire. You may bring a qualified person, who must be an adult, to act as an interpreter at the proceeding. It must be someone who can understand, speak, and read both your language and English. The court will make sure that person is qualified to interpret for you or the witness before the proceeding begins and will require the person to take an oath, swearing to interpret as completely and accurately as possible. If you bring your own interpreter and he or she is not on the State’s master list of interpreters, you should give him or her a copy of the form Foreign Language Interpreter’s Duties – Civil and Small Claims (form INT-200), which is available on the California Courts website at www.courts.ca.gov/documents/int200.pdf.</i>	

W15-03

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	Commentator	Position	Comment	Committee Response
			<p>Would the council’s adoption of the Request for Court Interpreter (Civil Actions) form as a statewide mandatory form be a better alternative at this time than its recommending a model local form?</p> <p>[1e] It is our view that this form should be mandatory, and not just a model form. We have concerns that different counties will develop different forms to be filed at different points in the litigation. This may cause confusion and/or inadvertently limit language access.</p> <p>[1f] Additionally, while we support the recommendation that “translations (be) in the five major languages used in California”, we</p>	<p>1e. Optional form CIAP does not believe that the request for an interpreter form should be mandatory because it would limit the ways in which LEP litigants may request interpreting assistance, which will inadvertently limit language access to justice. A mandatory form means that the litigant may not use any other method to request an interpreter and the court must only accept this method. Instead, CIAP recommends that the request form ultimately become optional.</p> <p>Interim adoption as a model form CIAP recommends an interim adoption of the forms as model, serving as an example for courts who are beginning to create their related processes and publish the relevant notices. This interim model period will be followed by a January 1, 2018 effective date of the request form as optional. Optional means the courts must accept the request form but the litigant will not be required to use it.</p> <p>1f. CIAP agrees that the language in the Rule related to the “five major languages used in California” needed to be modified to be consistent</p>

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	Commentator	Position	Comment	Committee Response
			<p>recommend that wherever possible courts follow the recommendation in the Strategic Plan for Language Access and provide translation in “the top five languages spoken in that court’s county, and, if applicable, in every other language spoken by 5 percent or more of the county’s population.” (Recommendation 35)</p> <p>The California Commission on Access to Justice appreciates the opportunity to provide these comments.</p>	<p>with the LAP and the Rule was modified accordingly.</p>
2.	California Federation of Interpreters By: Mary Lou Aranguren, Legislative Chair	AM; N	<p>These comments are submitted on behalf of the California Federation of Interpreters. We represent more than 800 staff interpreters working in the trial courts in Regions 1, 2, 3 and 4. As a professional association we also have members who provide freelance services in the courts and private sector, and we provide education and professional development activities for interpreters and other stakeholders who need language access services.</p> <p>We have commented extensively in the process to develop the Strategic Plan for Language Access (LAP) approved yesterday by the Judicial Council of California. We also join in the comments being submitted on this item by Joann Lee on behalf of a coalition of legal services and community organizations.</p> <p>We thank you for the opportunity to comment on the proposed rule and form, and welcome</p>	

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			<p>any questions or further discussions that may help clarify our perspective. These comments are informed by our years of experience working with Limited-English proficient court users and practical knowledge of how interpreter services are coordinated and deployed on the ground in the thousands of cases that our members currently cover on daily basis.</p> <p>We would note that while expansion is very much needed and many more cases will be covered based on the statutory changes underway, many civil cases are already being covered by our members on a day-to-day basis. One of our biggest concerns is that the implementation process and new rules and procedures not have the unintended consequence of reducing services that are already being provided ad hoc if the new rules and forms appear to limit available services or create new hurdles that LEP court users or court administrations, judges or line staff would misunderstand as creating limitations that are not intended by the LAP and are not currently in place in many courts.</p> <p>We understand that the proposed form and rule of court are designed for an interim period when courts are phasing in these services and there is some uncertainty about whether courts will be able to fill all requests and whether resources will be available. [2a] Our perspective is that</p>	<p>2 a Plain language, simplified structure and</p>

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			<p>both litigants and court staff must clearly understand from the forms and procedures that language access is a right and that courts will make every effort to provide interpreters in every case. A simple and straightforward approach to this will result in a more streamlined process and better understanding for all involved.</p> <p>The main purpose of the form should be to collect information from litigants as early as possible to identify and schedule needed interpreters, and to track requests granted and denied. We do not believe it is necessary for the form or instructions to emphasize the limitations or procedural concerns that litigants cannot control, are unlikely to understand and that will potentially discourage a request or result in continued ambiguity over whether or not they will be receive language access services, or whether or not they need to make arrangements to provide their own language access.</p>	<p>tone (applies to comments 2 a, b, d, e and f.) CIAP agrees that certain modifications were needed. The committee's modifications include simplified language and structure including eliminating the case type listing, references to fee waivers, prioritizations and suggestions about bringing friends to court as interpreters. The committee agreed that providing too many details may set the wrong tone or confuse LEP litigants and could discourage interpreter requests. As a result, CIAP amended the form to eliminate language that could serve to discourage a request, made clear that interpreters will be provided at no cost whenever possible and eliminated references to litigants bringing their own interpreters.</p> <p>2 a Optional form (applies to 2 a and f) CIAP does not believe that the request for an interpreter form should be mandatory. A mandatory form would limit in the ways in which LEP litigants may request interpreting assistance, which will inadvertently limit language access to justice. Being an optional form will also allow anyone to make a request, as the commentator suggests.</p> <p>A mandatory form means that the litigant may not use any other method to request an interpreter and the court must only accept this method. Instead, CIAP recommends that the request form ultimately become optional.</p> <p>CIAP agrees that courts must retain flexibility in</p>

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			<p>[2b] The system for currently covered cases is that anyone may identify the need and request an interpreter- the litigant, the judge, an attorney or court staff serving the public. Likewise, anyone should be able to fill out and submit the form to request an interpreter for a civil case, whether that is two weeks in advance, the day before or the day of. The form and request process should not create an impediment to providing an interpreter. For example, we would not want to have a clerk in the courtroom or a judge continue a case because a request was not made when an interpreter may be available with a phone call to the coordinator's office or to the interpreter office within the building.</p> <p>The procedures currently in place in many courts statewide allow for ongoing efforts to locate and schedule an interpreter, up to and including the day of the proceeding. While every effort should be made to schedule interpreters in advance, it would not be appropriate for local courts to require certain time frames and deny services and access on that basis. The nature of interpreter scheduling is that it is often last minute, and an interpreter</p>	<p>applying a rule about requesting interpreters. CIAP believes that an optional form which allows the court to implement different ways of taking requests, but which requires the court to accept the form, is the best approach.</p> <p>2 b. Plain language, simplified structure and tone (applies to comments 2 a, b, d, e and f.) CIAP agrees that certain modifications were needed. The committee's modifications include simplified language and structure including eliminating the case type listing, references to fee waivers, prioritizations and suggestions about bringing friends to court as interpreters. The committee agreed that providing too many details may set the wrong tone or confuse LEP litigants and could discourage interpreter requests. As a result, CIAP amended the form to eliminate language that could serve to discourage a request, made clear that interpreters will be provided at no cost whenever possible and eliminated references to litigants bringing their own interpreters.</p>

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			<p>may be available the day of a proceeding even though one could not be located a week before the proceeding.</p> <p>We also find the tone and approach of the form to be overly tentative and cautious, even discouraging, and it is unnecessarily complicated. These factors are contrary to the specific recommendations of the LAP which states, “[b]y 2017, <i>and beginning immediately where resources permit</i>, qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and in all court-ordered, court-operated events.”¹ (Emphasis added).</p> <p>[2c] Given the clear intention of the plan and the fact that the new statute and intended expansion are not discretionary and must be accomplished in a relatively short time frame, we urge you to focus on developing forms and procedures that build the framework necessary to reach the end goal of full access for all limited-English proficient (LEP) litigants.</p>	<p>2c. Interim adoption as a model form CIAP agreed that the Rule and form should stay focused on reaching the end goal of full language access, and both were modified to that end. CIAP recommends an interim adoption of the forms as model, serving as an example for courts who are beginning to create their related processes and publish the relevant notices. This interim model period will be followed by a January 1, 2018 effective date of the request form as optional. Optional means the courts must accept the request form but the litigant will not be required to use it.</p>

¹ California Judicial Branch, Strategic Plan for Language Access in the California Courts, Revised Draft, January 6, 2015 (LAP), at 36.

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			<p>[2d] The instructions should state that the courts provide competent interpreters upon request and free of charge in all cases whenever possible. During the implementation period, a very simple disclaimer should state simply that the court will make every effort to provide an interpreter for the date(s) needed and that the availability of interpreters is not guaranteed, depending on factors such as advance notice of the need and case priorities established by law.</p>	<p>2 d. Plain language, simplified structure and tone (applies to comments 2 a, b, d, e and f.) CIAP agrees that certain modifications were needed. The committee's modifications include simplified language and structure including eliminating the case type listing, references to fee waivers, prioritizations and suggestions about bringing friends to court as interpreters. The committee agreed that providing too many details may set the wrong tone or confuse LEP litigants and could discourage interpreter requests. As a result, CIAP amended the form to eliminate language that could serve to discourage a request, made clear that interpreters will be provided at no cost whenever possible and eliminated references to litigants bringing their own interpreters.</p>
			<p>[2e] We do not believe that litigants should be instructed about the option of bringing their own interpreters. The very reason for the LAP is that it is burdensome for litigants and we believe this kind of instruction creates more confusion and lack of clear direction for courts, legal services providers and litigants.</p>	<p>2 e. Plain language, simplified structure and tone (applies to comments 2 a, b, d, e and f.) CIAP agrees that certain modifications were needed. The committee's modifications include simplified language and structure including eliminating the case type listing, references to fee waivers, prioritizations and suggestions about bringing friends to court as interpreters. The committee agreed that providing too many details may set the wrong tone or confuse LEP litigants and could discourage interpreter requests. As a result, CIAP amended the form to eliminate language that could serve to discourage a request, made clear that interpreters will be provided at no cost whenever possible and eliminated references to litigants bringing their own interpreters.</p>

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			<p>[2f] Rather than providing a model form for courts to consider and adopt, the Judicial should adopt a mandatory form and procedures as part of the rule. We do not believe that differences by court or region justify the inefficiencies and complexity of having each court develop its own approach. The rule of court and mandatory form should be simple and straightforward, and allow for local flexibility in its application. In other words, local courts will have to develop internal procedures for dealing with those circumstances where they cannot provide interpreters in a case or situations where they must prioritize cases, but the form and basic procedures for all courts should set forth the expectation that as soon as an interpreter need is known, the court will engage in efforts to provide an interpreter. This basic procedure can be the same for all courts and should be modeled after and consider incorporating existing statewide forms and procedures for appointing interpreters (see forms adopted pursuant to Rule of Court 2.893). This will provide consistency as contemplated by the LAP and has the benefit of being a familiar process to the courts that can be incorporated into the current protocols for scheduling and coordinating interpreters.</p> <p>We would note that other rules of court and forms on providing interpreters have been adopted as statewide forms and procedures</p>	<p>2 f. Plain language, simplified structure and tone (applies to comments 2 a, b, d, e and f.) CIAP agrees that certain modifications were needed. The committee's modifications include simplified language and structure including eliminating the case type listing, references to fee waivers, prioritizations and suggestions about bringing friends to court as interpreters. The committee agreed that providing too many details may set the wrong tone or confuse LEP litigants and could discourage interpreter requests. As a result, CIAP amended the form to eliminate language that could serve to discourage a request, made clear that interpreters will be provided at no cost whenever possible and eliminated references to litigants bringing their own interpreters.</p> <p>2 f. Optional form (applies to both 2 a and f) CIAP does not believe that the request for an interpreter form should be mandatory. A mandatory form would limit in the ways in which LEP litigants may request interpreting assistance, which will inadvertently limit language access to justice. Being an optional form will also allow anyone to make a request, as the commentator suggests.</p> <p>A mandatory form means that the litigant may not use any other method to request an interpreter and the court must only accept this method. Instead, CIAP recommends that the request form ultimately become optional.</p>

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			<p>pursuant to statute and we think this is the most practical and effective approach. We would also note that the funding for interpreter services is managed on a reimbursement basis on a statewide level from a separate fund that is not part of the local court's budget. As such, it is unclear how local courts can even assess availability of funds in order to prioritize cases. Additionally, variability in the availability of interpreters does not necessarily justify having different forms and procedures in each court. Current forms, procedures and rules of court adopted by statute for appointment of interpreters in criminal, juvenile and dependency proceedings are uniform throughout the state and they address court efforts to find and appoint interpreters.</p> <p>Courts need and will appreciate this kind of guidance when it comes to expansion of interpreter services, and the Judicial Council and its advisory committees will be doing a great service to the courts by eliminating the need for each court to "figure it out" and develop its own forms and procedures.</p> <p>We would welcome further opportunities to engage in this process. Please contact me if I can provide further information or clarification.</p>	<p>CIAP agrees that courts must retain flexibility in applying a rule about requesting interpreters. CIAP believes that an optional form which allows the court to implement different ways of taking requests, but which requires the court to accept the form, is the best approach.</p>
3.	Eviction Defense Collaborative San Francisco, CA By: Hilda Chan, Staff Attorney		Thank you for the opportunity to provide feedback on the Model Form for interpreter requests.	Elimination of case types and fee waiver hearings CIAP disagrees with including fee waivers among

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			<p>The court would benefit from including additional items in the Model Form. In its current state, the form doesn't make it obvious that a person should also ask for an interpreter for a fee waiver hearing.</p> <p>Fee waiver isn't one of the classes under #6, "Types of Cases," for which a person can request an interpreter. Arguably it can be handwritten in under #4, but given the frequency with which interpreters for fee waiver hearings would be requested, it would be helpful to include a box to check off under #6 to ensure it is requested.</p> <p>In addition, or alternatively, under #7, it may be helpful to include a fourth box that says "I have a pending fee waiver hearing on _____[date] and I need an interpreter for that hearing."</p> <p>It would also be helpful to include in the instructions (1) whether litigants are likely to be granted interpreters for fee waiver hearings and (2) whether a party can bring an informal interpreter if the Court is unable to provide one.</p>	<p>the list of case types; CIAP found that including the list of case types was confusing and may have created a barrier to language access. All case types were eliminated. Instead references were included in the Rule instructing the courts to prioritize, if needed, according to Evidence Code 756.</p>
4.	Joint Rules Subcommittee of Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee	AM	<p>[4a] <i>Model Request for Court Interpreter Form</i></p> <p>The Joint Rules Subcommittee <i>strongly</i> recommends that the <i>Request for Court Interpreter</i> form be made available to the courts as a model local form, and not as a mandatory form. The procedures related to requests for</p>	<p>4a Interim adoption as a model form</p> <p>CIAP agrees that on an interim basis this form should be adopted as a model form, serving as an example for courts who are beginning to create their related processes and publish the relevant notices. CIAP also agrees that the form should not</p>

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			<p>court interpreters in civil matters vary significantly across the state and courts need the flexibility to modify the form to meet their needs and practices. Even though there is an advisement at the top of the form stating that interpreters will not be available for all hearings or in all languages, providing this form to litigants when a court <i>knows</i> that no interpreter can be provided is confusing and may lead a litigant not to bring his or her own interpreter for a hearing.</p> <p>[4b] Proposed Rule 2.895. Request for interpreters The Joint Rules Subcommittee recommends that the second sentence of the proposed rule be stricken as shown below:</p> <p>Each court must have and publish procedures for parties to file and the court to process requests for interpreters. Each court must publish notice of these procedures in the major languages used within the court's jurisdiction.</p> <p>Reference to “major languages used within the court’s jurisdiction” is ambiguous, and in some jurisdictions a wide variety of languages may be used without one or two languages being dominant. In this period of extreme fiscal constraints, courts, especially smaller courts, may not have the funds or staff resources to draft, translate and create signs in a variety of languages regarding the procedures.</p>	<p>be mandatory, however CIAP believes that after the interim period, the form should become optional, effective January 1, 2018.</p> <p>4b. CIAP agreed that the language about publishing in “major languages” was ambiguous and deleted that language. CIAP, however felt it was important to provide direction about the publication of procedures in multiple language consistent with the Language Access Plan which requires relevant notices be in English and “up to five other languages based on local community needs.”</p>

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			<p><u><i>Responses to Request for Specific Comments</i></u></p> <p>1. Does the proposal appropriately address the stated purpose? Yes, if the proposed rule is modified as suggested above and the form is distributed as a model local form and not as a mandatory form.</p> <p>2. Would courts benefit from having any additional items included on the model form? No.</p> <p>3. Would parties benefit from having any additional instructions included on the model form? No.</p> <p>4. Would the council's adoption of the Request for Court Interpreter (Civil Actions) form as a statewide mandatory form be a better alternative at this time than its recommending a model local form? No, the Joint Rules Subcommittee strongly recommends that the form be provided as a model local form.</p> <p>5. Would the proposal provide costs saving? No.</p>	

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			<p>6. <i>What would the implementation requirements be for courts?</i> If the proposed rule amendments are accepted and the form is provided as a model form, then implementation requirements will not be significant.</p> <p>7. <i>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Yes, if the proposed rule is amended as suggested above, and if the form is not made mandatory. If the converse is the outcome, then the courts will need significantly more time to implement.</p> <p>8. <i>How well would the proposal work in courts of different sizes?</i> The amendments suggested above will make it easier for courts of differing sizes to implement.</p>	
5.	Legal Aid Foundation of Los Angeles By: Joann H. Lee, Directing Attorney		We write on behalf of the undersigned groups to provide public comments to the Judicial Council and the Civil and Small Claims Advisory Committee, as it considers Proposed California Rule of Court 2.895 and the model form, <i>Request for Court Interpreter (Civil Actions)</i> created pursuant to the proposed rule. This document continues the dialogue between California-based legal services and community	CIAP agrees with the commentator that significant changes were needed to the Rule and form in order to create consistency with the Language Access Plan.

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			<p>organizations and the Judicial Council, and builds upon previous comments submitted by legal services and community organizations on April 9, 2014 and September 29, 2014.</p> <p>With the goal of the Strategic Plan for Language Access in the California Courts being full access for all limited-English proficient (LEP) litigants, we believe that it must be made clear that this Proposed Rule and form are part of an interim process as local courts expand their language services in varying phases. This form, in its current state, is unnecessarily complicated and incorporates concepts that should eventually be eliminated, such as prioritization of cases and the courts' limited ability to provide interpreters. As courts phase-in expansions of language services, the need for prioritization and limited services should be reduced, making such language in an interpreter request form unnecessary and confusing for litigants. Also as expansion occurs, the Implementation Committee of the Strategic Plan for Language Access in the California Courts must monitor the use of this form, local court policies, complaints that arise, and other data to determine a better and more enhanced process for courts to efficiently identify language needs at the inception of every case.</p> <p>Our comments below reflect our concerns regarding both the proposed California Rule of Court 2.895 and the proposed form. We believe</p>	

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			<p>they are inconsistent with the content and spirit of the Strategic Plan for Language Access in the California Courts, newly enacted California Evidence Code § 756 and Government Code § 68092.1, and obligations under other legal mandates, such as Title VI of the Civil Rights Act of 1964 and California Government Code § 11135.</p> <p><u>Comments on Proposed Rule 2.895</u></p> <p>[5a] Proposed Rule 2.895 requires each court to have published procedures for processing requests for interpreters. Proposed Rule 2.895 does not require any particular content of such procedures. It only requires that each court have a procedure. The Proposed Rule allows courts complete discretion when to provide and not provide interpreters as long as the court does so pursuant to a published procedure. Under the Proposed Rule, a court could have a policy of denying interpreters in all civil cases as long as that procedure is published. The Proposed Rule should not be implemented as written for three reasons.</p> <p>[5b] First, the Proposed Rule is inconsistent with the revised draft of the California Judicial Branch, Strategic Plan for Language Access in the California Courts, January 6, 2015 (LAP). Under the LAP, providing interpreters in civil cases is not discretionary. Although the LAP</p>	<p>5a Sufficient Guidance and Consistency with the LAP (applies to 5a and b.) CIAP does not believe that the combination of the Rule, as now proposed, and the modified form gives the courts complete discretion, but agrees that additional guidance was needed and modifications were made accordingly. Modifications to the Rule include the addition of references to the need for a response as well as requirements to track requests and responses. CIAP agrees that this Rule and form should be consistent with the <i>Strategic Plan for Language Access in the California Courts</i> (“the Language Access Plan” or “LAP” and all modifications were made with that in mind.</p> <p>5b Sufficient Guidance and Consistency with the LAP (applies to 5a and b.) CIAP does not believe that the combination of the Rule, as now proposed, and the modified form gives the courts complete discretion, but agrees that additional guidance was needed and</p>

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			<p>includes timeframes for implementation and phasing-in of recommendations, the LAP requires implementation of its recommendations by certain deadlines and that such implementation happen immediately whenever resources are available. The LAP states “[b]y 2017, and beginning immediately where resources permit, qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and, by 2020, in all court-ordered, court-operated events.”² The LAP continues “[r]egardless of which phase a recommendation falls under, every recommendation in this plan should be put in place as soon as the resources can be secured and the necessary actions are taken for implementation.”³ The completely discretionary nature of the Proposed Rule is therefore fundamentally inconsistent with the LAP. The LAP is the product of over a year of work by a committee and input by stakeholders throughout the state. The Proposed Rule must be changed to be consistent with the LAP and must require the development of local procedures for interpreters in all civil cases.</p> <p>[5c] Second, the Proposed Rule is inconsistent with Evidence Code § 756 and Government Code § 68092.1. Contrary to the Proposed Rule, these code sections are not</p>	<p>modifications were made accordingly. Modifications to the Rule include the addition of references to the need for a response as well as requirements to track requests and responses. CIAP agrees that this Rule and form should be consistent with the <i>Strategic Plan for Language Access in the California Courts</i> (“the <i>Language Access Plan</i>” or “<i>LAP</i>” and all modifications were made with that in mind.</p> <p>5c. Case type listings and prioritization (applies to 5c, e and s.) CIAP agrees Evidence Code 756 should guide courts as to priorities of where to provide interpreters in the early years where</p>

² California Judicial Branch, Strategic Plan for Language Access in the California Courts, Revised Draft, January 6, 2015 (LAP), at 36.

³ *Id.* at 18.

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			<p>completely discretionary. Government Code § 68092.1 states that “[t]he Legislature finds and declares that it is imperative that courts provide interpreters to all parties who require one, and that both the legislative and judicial branches of government continue in their joint commitment to carry out this shared goal.” Evidence Code § 756 requires that “[t]o the extent required by other state or federal laws” the Judicial Council reimburse courts for interpreters in every civil case, but if sufficient funds are not available, requires prioritization of interpreters in civil cases by case type.⁴ If funds are not available in all priority cases, then priority must be given to fee waiver cases for certain case types.⁵ Evidence Code § 756 does not allow courts complete discretion in whether to provide interpreters at all and does not allow courts to comply by simply publishing a policy. Evidence Code § 756 requires providing interpreters at least in the priority areas and in fee waiver cases as resources allow. The LAP reflects this understanding of Evidence Code § 756: “The plan therefore recommends a strategy for phasing in the expansion of spoken language interpreter services in all court matters consistent with new Evidence Code § 756, where existing resources prohibit immediate expansion to all cases.”⁶ The Proposed Rule</p>	<p>resources may be limited. CIAP agrees that understanding these priorities, tracking them and considering them is not the responsibility of the LEP requestor and including lists of case types on the form can be confusing and discourage language access. Instead, references are included in the Rule instructing the courts to prioritize, if needed, according to Evidence Code 756. The list of case types was eliminated.</p>

⁴ Cal. Evid. Code § 756(b).

⁵ Cal. Evid. Code § 756(c)(1).

⁶ LAP, at 16 – 17.

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			<p>must reflect the priorities in Evidence Code § 756 and cannot give courts complete discretion in deciding whether or not to provide interpreters.</p> <p>[5d] Third, the Proposed Rule violates the intent and spirit of the LAP. The justification for Proposed Rule 2.895 is “courts have different preferences as to how long before a hearing an interpreter should be requested in order to facilitate scheduling of interpreters, and different time frames as to when the court will be able to tell a party whether the request can be fulfilled. Because of these differences and because the Judicial Council did not direct the committee to develop statewide rules regarding such procedures, at this time the advisory committee recommends only that each court develop its own procedures and make them available to the public.”⁷ This justification is fundamentally inconsistent with the LAP, which states it “is the intent of this Plan that all of its recommendations be applied consistently across all 58 trial courts.”⁸ With the LAP in mind, although flexibility in implementation is allowed, the Proposed Rule must require a consistent standard for interpreter access throughout California.</p> <p>[5e] We suggest the following language</p>	<p>5d. CIAP agrees that this Rule and form should be consistent with the <i>Strategic Plan for Language Access in the California Courts</i> (“the <i>Language Access Plan</i>” or “<i>LAP</i>” and all modifications were made with that in mind. The proposed Rule, as modified, provides consistent expectations about tracking, translation of procedures into other languages and about providing responses, in line with the Language Access Plan.</p> <p>5e. Case type listings and prioritization (applies</p>

⁷ Judicial Council of California, Invitation to Comment W15-03, Court Interpreters: Request for Interpreter, at 2.

⁸ LAP, at 14.

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			<p>(additions in red):</p> <p><i>Rule 2.895. Requests for interpreters</i></p> <p><i>Each court must have and publish procedures for parties to file and the court to process requests for interpreters. <u>If insufficient funds exist to provide interpreters in all civil cases, such policies must incorporate the priorities for providing interpreters in civil cases in Evidence Code § 756 and must require providing interpreters in accordance with those priorities.</u> Each court must publish notice of these procedures in the major languages used within the court's jurisdiction.</i></p> <p><u>[5f] This rule is to be interpreted to be consistent with California Judicial Branch, Strategic Plan for Language Access in the California Courts, January 6, 2015. In the event of any inconsistency between this rule or any court procedure published in accordance with this rule, and the California Judicial Branch, Strategic Plan for Language Access in the California Courts, January 6, 2015, the California Judicial Branch, Strategic Plan for Language Access in the California Courts, January 6, 2015, shall govern.</u></p> <p>In addition, the Executive Summary of the Proposed Rule should be amended to acknowledge the LAP and to state that the new rule is intended to be in compliance with the</p>	<p>to 5c, e and s.) CIAP agrees Evidence Code 756 should guide courts as to priorities of where to provide interpreters in the early years where resources may be limited. CIAP agrees that understanding these priorities, tracking them and considering them is not the responsibility of the LEP requestor and including lists of case types on the form can be confusing and discourage language access. Instead, references are included in the Rule instructing the courts to prioritize, if needed, according to Evidence Code 756. The list of case types was eliminated.</p> <p>5f. While CIAP agrees that consistency with the LAP is required, CIAP has modified the Rule and form to create the required consistency and do not agree to include interpretation preference language.</p>

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			<p>LAP, as well as Title VI and other applicable laws that guarantee meaningful language access for LEP persons. This is critical because the LAP should be the governing document for interpreter policy in California Courts, and the court rule cannot be read as superseding the LAP.</p> <p><u>Comments on Model Form: Request for Court Interpreter (Civil Actions)</u></p> <p>A. Overall Tone</p> <p>[5g] <i>The language conveying a negative and discouraging tone should be removed.</i> The instructions accompanying the model form convey an unnecessarily negative tone. Specifically, the instructions place too much emphasis on the fact that interpreters may not be available in every case. For example, section 2 of the instructions states, “Courts are not always able to provide or pay for an interpreter in every language or in every civil case.” A few lines later, the text states: “Even in those [priority] cases, interpreters will not always be available for all hearings or in all languages.” Similarly, section 3 begins with the statement, “Courts <i>may</i> be able to provide interpreters in <i>some</i> languages in <i>some</i> other civil cases” (emphasis added). Additionally, the Request for Interpreter Form itself begins with the statement, “IMPORTANT: Interpreters will not be available for all hearings or in all languages.”</p>	<p>5g. Tone and simplification (applies to 5g, h, j and r.)</p> <p>CIAP agrees that modifications were needed to further enhance access, improve tone and reduce barriers for Limited English Proficient (LEP) litigants. Modifications to incorporate plain language, reduce confusion and eliminate warnings were made throughout the form.</p>

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			<p>Taken together, these statements will discourage LEP court users from taking the time to complete the form, as these statements impress upon the requester that the chances of receiving assistance are minimal at best. In turn, this will diminish the efficacy of the form, and may result in courts having an inaccurate or incomplete understanding of the need for language assistance at a particular location.</p> <p>We realize that meaningful language assistance in all civil cases cannot be accomplished instantaneously, and are cognizant of the current resource constraints. The staggered implementation structure found in the LAP and Evidence Code § 756 are a reflection of this reality. The LAP states that by 2017, “and beginning immediately where resources permit, qualified interpreters will be provided in the California courts to LEP court users in all courtroom proceedings and, by 2020, in all court-ordered, court-operated events.”⁹ That said, the courts continue in the meantime to have obligations under Title VI to provide meaningful language access to LEP court users. The LAP states, “The provision of meaningful language access to all Californians who need it, and equal access to justice, are and should be considered a core court function.”¹⁰ Thus, the provision of meaningful language access is not</p>	

⁹ LAP, at 36.

¹⁰ LAP, at 18.

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			<p>only a goal for courts to strive for, but it is also a fundamental function of the courts. Accordingly, this belief should be reflected in the language included in both the model form as well as its accompanying instructions.</p> <p><i>Therefore, we propose rewriting the instructions in a manner that conveys a strong commitment and understanding by the courts to providing full language coverage to all LEP litigants. The language should encourage (rather than discourage) LEP individuals to request interpreters when needed. Thus, the language should give the sense that the courts are working towards full compliance with Title VI and LAP obligations, even if they currently cannot do so in all cases. For example, it is only necessary for the instructions to mention the limited availability of interpretation assistance one time. We propose that section 5 begin with the following: “While every effort will be made to provide interpretation assistance when needed, please be aware that interpreters may not be available for all hearings or in all languages. The State of California has a goal of providing interpreters for all litigants in all proceedings by 2017. If the court is unable to provide an interpreter” This should be the only reference to resource constraints on the form and instructional page, and the remaining language regarding these constraints should be removed.</i></p>	<p>5h. Tone and simplification (applies to 5g, h, j</p>

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			<p>[5h] The form also needs to be dramatically simplified so that it can be understood by as many litigants as possible—especially those with lower literacy skills. This is written at a graduate reading level—the court should aim for a 3rd - 5th grade reading level. We recommend the use of online tools to simplify the form.*</p> <p>*One online tool can be found at: http://www.online-utility.org/english/readability_test_and_improve.jsp</p> <p>B. The Form Should Not be a Requirement to Receive Language Services</p> <p>[5i] The use of this form should facilitate requests for interpreters, but litigants who fail to file the form should not be denied language services if interpreters can otherwise be provided. For example, if a litigant appears for her/his hearing without having filed this interpreter request form, all efforts should be made by court staff to facilitate the provision of language services. If there are interpreters already assigned to other matters or one can be easily requested to the department, court staff should do so.</p> <p>C. Specific Comments to Page 1</p> <p>[5j] The following language that precedes Item (1) should be removed: “IMPORTANT: Interpreters will not be available for all hearings or in all languages. See instructions on the back of this form for more information about</p>	<p>and r.) CIAP agrees that modifications were needed to further enhance access, improve tone and reduce barriers for Limited English Proficient (LEP) litigants. Modifications to incorporate plain language, reduce confusion and eliminate warnings were made throughout the form.</p> <p>5i. Form should not be a requirement CIAP agrees that the form should not be a requirement to receive language services which is why CIAP is proposing an optional form. As optional form provides a uniform way in which interpreters may be requested across the state, without limiting the ability of LEP court users to make such requests in other ways, or limiting the courts ability to establish other primary alternatives for accepting requests. A mandatory form would limit the ways in which LEP litigants may request interpreting assistance, which will inadvertently limit language access to justice.</p> <p>5j. Tone and simplification (applies to 5g, h, j and r.) CIAP agrees that modifications were needed to further enhance access, improve tone and reduce barriers for Limited English Proficient (LEP) litigants. Modifications to incorporate plain</p>

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			<p>requesting an interpreter in a civil action.” As described in more detail above, we feel that this disclaimer language unnecessarily discourages litigants from completing this form.</p> <p>[5k] On Item (2), the word “describe” should be removed. It is unclear what the witness description should include. Also, litigants who request interpreters for themselves require them for the duration of their entire legal case and at all proceedings. Courts should use this form to capture the litigant’s language needs, ideally at the inception of the case. The litigant should only be required to file this form one time, and courts should adapt their internal procedures so that the submission of this form alerts court staff that an interpreter should be requested before each hearing or proceeding without further involvement of the litigant.</p> <p>[5l] The information requested in Items (4) and (5) is only necessary as it relates to an interpreter request for a non-party witness. Accordingly, Items (4) and (5) should be removed, and this section should be revised to include the following after “witness:”</p> <p>a. If for a witness, please complete the items below:</p> <p>i. The court hearing or proceeding is scheduled for:</p> <p><input type="checkbox"/> No date is set yet. <input type="checkbox"/> Date: _____</p> <p>Time: _____ Department: _____</p>	<p>language, reduce confusion and eliminate warnings were made throughout the form.</p> <p>5k. One request for an LEP party; separate requests for witnesses (applies to 5k and l) CIAP agrees that litigants who request interpreters for themselves require them for the duration of their entire legal case, whenever they will be in court and litigants should only be required to file this form once for themselves, while the courts must determine how to continue to provide language access services. CIAP believes that the litigant should make separate requests for witnesses. CIAP agrees that modifications were needed to clarify the request as related to the LEP party and any LEP witness they may have. The form has been modified accordingly.</p> <p>5l. One request for an LEP party; separate requests for witnesses (applies to 5k and l) CIAP agrees that litigants who request interpreters for themselves require them for the duration of their entire legal case, whenever they will be in court and litigants should only be required to file this form once for themselves, while the courts must determine how to continue to provide language access services. CIAP believes that the litigant should make separate requests for witnesses. CIAP agrees that modifications were needed to clarify the request as related to the LEP party and any LEP witness they may have. The form has been modified accordingly.</p>

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			<p>[5m] Item (3) should be revised to read: “The language(s) in which I need an interpreter are (check all).” Also, this sentence should be repeated in different languages, followed by checkboxes with the different languages listed. This part should include a separate request for language related requests.</p> <p>[5n] Further, it is important to ensure that individuals requiring American Sign Language interpreters, other communication-related accommodations, auxiliary aids, or similar services are directed to the appropriate form to receive those services, as required under the Americans with Disabilities Act. This form should not be used for interpreters for individuals with disabilities, as those interpreters are covered separately and are mandatory, and the form should make that clear. There should also be an explanation directing those requesting disability accommodations to the proper procedure under California Rule of Court 1.100.</p> <p>[5o] Here is an example of our suggested changes to Item (3):</p> <p>The language(s) for which I need an interpreter are (check all):</p> <p>Los idiomas para que necesito un intérprete son</p>	<p>5m. Including multiple languages (applies to 5m and o) CIAP agrees and modified the official form to include key language about requesting an interpreter in the State’s top 10 languages.</p> <p>5n. ADA Requests A reference to the MC-410 for ADA requests was included in the form.</p> <p>5o. Including multiple languages (applies to 5m and o) CIAP agrees and modified the official form to include key language about requesting an interpreter in the State’s top 10 languages.</p>

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			<p>(marque todos): Các ngôn ngữ mà tôi cần thông dịch (hãy đánh dấu): ภาษาที่ฉันต้องการล่ามคือ (เช็คได้ทั้งหมด):</p> <p>내가 필요로 하는 통역 언어(들)은 (모두 선택) 입니다 :</p> <p>我需要以下語言的翻譯人員(請選擇所有適用的語言):</p> <p><input type="checkbox"/> 粵語 (Cantonese)</p> <p>[LIST IN MORE LANGUAGES HERE]</p> <p><input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Other Language Related Requests</p> <p>_____</p> <p>_____</p> <p>[If you need a disability accommodation, please use Form MC-410 and/or follow your local court's process under California Rule of Court 1.100]</p> <p>As stated above, items (4) and (5) should be removed entirely.</p> <p>[5p] Item (6) should be removed entirely. The list of case types is confusing even to seasoned attorneys. For example, distinguishing between a “Domestic violence case” and a “Family law case in which there is a domestic violence claim” can result in confusion and frustration</p>	<p>5p. CIAP agrees that the list of case types could be confusing for LEP court users and eliminated that list.</p>

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			<p>among those using the form. We believe that pro per litigants would not meaningfully distinguish between the different options. Court staff should be able to determine the type of proceeding from the case file and pleadings.</p> <p>[5q] The form itself should be changed to include a section to allow the court to grant or deny the request, similar to these examples:</p> <ul style="list-style-type: none">- Request for Accommodations by Persons with Disabilities and Response http://www.courts.ca.gov/documents/mc410.pdf (incorporated into the form) or- Order on Fee Waiver: http://www.courts.ca.gov/documents/fw003.pdf (as a separate form). <p><i>Action should be prompt and a hearing should be held on all denials.</i> The decision to grant or deny the request should be provided to the litigant within 10 days of filing. If there is no decision within 10 days, the request should be deemed granted. Any denial should include a right to a hearing within 10 days and explanation of the complaint process. This should be similar to the fee waiver process, with a form to request such a hearing (http://www.courts.ca.gov/documents/fw006.pdf).</p> <p>For your convenience, we have attached a mock-up of the fillable portion of the form, incorporating the changes recommended above.</p>	<p>5 q. Response</p> <p>CIAP does not believe that a response should be incorporated in the form. A form with an embedded response creates processing issues about which copy of the form becomes official and how to handle a form which must be completed by the court and then returned to a court user who is no longer present. However CIAP agrees that a response is important and modified the Rule to include the requirement for a response. By incorporating this in the Rule, courts will have sufficient flexibility develop response procedures appropriate for their court.</p>

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		<p>D. Specific Comments to Page 2 (Instructional Page)</p> <p>[5r] In Item (2) of the instructional page, the first sentence “Courts are not able to provide or pay for an interpreter in every language or in every civil case”, should be removed. Similarly, the last sentence, “Even in those cases, interpreters will not always be available in all hearings or in all languages”, should be removed. Also in Item (3), the sentence, “Courts may be able to provide interpreters in some languages in some other civil cases”, should be removed. As explained above, this language is unnecessary and discouraging to litigants.</p> <p>[5s] The list of proceedings in Item (2) and Item (3) is basically a reiteration of Evidence Code § 756 and does not provide a meaningful explanation to an individual litigant. Local courts should be required to amend these sections according to their actual phases of expansion. For example, some courts may have decided that they can comply with providing interpreters in proceedings listed in items “a” through “g”. They should list those proceedings together and state they are providing interpreters in those proceedings, according to the legislature under Item (2). For Item (3), they</p>	<p>5r. Tone and simplification (applies to 5g, h, j and r.) CIAP agrees that modifications were needed to further enhance access, improve tone and reduce barriers for Limited English Proficient (LEP) litigants. Modifications to incorporate plain language, reduce confusion and eliminate warnings were made throughout the form.</p> <p>5r. CIAP agrees that the instructions needed simplification and modification and made changes consistent with the comment.</p> <p>5s. Case type listings and prioritization (applies to 5c, e and s.) CIAP agrees Evidence Code 756 should guide courts as to priorities of where to provide interpreters in the early years where resources may be limited. CIAP agrees that understanding these priorities, tracking them and considering them is not the responsibility of the LEP requestor and including lists of case types on the form can be confusing and discourage language access. Instead, references are included in the Rule instructing the courts to prioritize, if needed, according to Evidence Code 756. The list of case types was eliminated.</p>

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			<p>can list items “h” through “j” as those with the explanations that preference will be given to those with fee waivers.</p> <p>[5t] Item (4) of the instructional page, the text reading: “If your case falls within one of the categories of cases listed in paragraphs 2 or 3 above” should be replaced with “If your case is any type of civil or small claims action.” While the case types in paragraphs 2 and 3 include a catch-all category of “all other civil actions, including small claims cases” (item j), referring form users to a list of specific case types may create unnecessary complication or confusion and discourage them from using the form if their case is not one of those that is specifically named.</p> <p>[5u] Further, under Item (4), all local courts should be required to list their actual processes and local rules. This section should include an explanation of where the request can be filed, a timeline for when a decision will be made, the right to request a hearing, a point of contact to field questions, and the method for filing a complaint with the court. This will ensure uniformity across the State and create proper accountability for local courts that may be reluctant or unwilling to comply. As part of this process and also to comply with the LAP, local courts should be instructed to create all of these procedures to be articulated and placed on the instructional page. [5v] A complaint procedure,</p>	<p>5t. CIAP agrees that including the various categories for prioritization in the instructions created confusion, and they were removed, while a reference to Evidence Code 756 was instead included in the Rule.</p> <p>5u. CIAP does not believe that including local rules and details as part of the form is appropriate. A statewide form doesn’t allow the flexibility to include each court’s local rules and processes.</p> <p>5v. A complaint procedure is required under the Language Access plan and will be addressed by</p>

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			<p>even if interim in nature, will be especially important and critical to data collection and monitoring efforts, as implementation of the LAP moves forward. It will provide invaluable guidance and insight into creating a practical and efficient process for LEP litigants.</p> <p>[5w] Item (5) should begin with the following: “While every effort will be made to provide interpretation assistance when needed, please be aware that interpreters may not be available for all hearings or in all languages. The State of California has a goal of providing interpreters for all litigants in all proceedings by 2017. If the court is unable to provide an interpreter”</p> <p>Further, Item (5) should include additional changes that ensure LEP individuals who are not provided an interpreter by the court still receive quality, accurate, and unbiased interpretation. This should include language prohibiting the use of children as interpreters. For example, the language should affirmatively prohibit the use of minors as interpreters. The language should state, “You may ask a friend or relative to act as an interpreter, but that individual must be an adult. Children are not permitted to act as interpreters in court-operated or court-ordered activities under any circumstances.” The LAP includes a recommendation that minors “will not be appointed to interpret in courtroom proceedings</p>	<p>the LAP Implementation Task Force.</p> <p>5w. (applies to 5w and x.) CIAP agrees that the original Item 5 needed modification, and it has mostly been eliminated, including in its references to the use of family and friends as interpreters. As such, the need to explain the issues of using family and friends to interpreter in court is no longer relevant and so CIAP has not incorporated those changes.</p>

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			<p>nor court-ordered and court-operated activities.”¹¹ Thus, the instructional page should include a stronger statement that does not include permissive language on this issue (<i>i.e.</i>, “it should be an adult”). Instead, the prohibition against use of minors as interpreters should be made unequivocally clear.</p> <p>[5x] The instructional page should also consider adding additional language that explains some of the potential issues associated with having a friend or relative act as an interpreter. The LAP includes the following observations: “It should be noted here that, in addition to the absence of quality control, there are other factors that should preclude the use of friends and family as interpreters in court proceedings: they are not neutral individuals, and so, they have an inherent conflict or bias; they may have a personal interest in misinterpreting what is being said; and, if minors, they may suffer emotionally from being put in ‘the middle’ of conflict between or on behalf of their parents.”¹² A similar statement should be included on the instructional page, such as, “You should consider the fact that a friend or family member is not a neutral party, and may know the other party in this matter. This can impact their ability to interpret in a way that is unbiased.” The language here also informs the LEP individual</p>	<p>5x. (applies to 5w and x.) CIAP agrees that the original Item 5 needed modification, and it has mostly been eliminated, including in its references to the use of family and friends as interpreters. As such, the need to explain the issues of using family and friends to interpreter in court is no longer relevant and so CIAP has not incorporated those changes.</p>

¹¹ LAP, at 53.

¹² LAP, at 52.

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			<p>that the court will make a determination of whether the individual is qualified to interpret. However, as the LAP articulates, “Overall, relying on unqualified interpreters can result in serious and potentially dangerous consequences, such as necessary protective orders not being issued.”¹³ [5y] Thus, to the extent that non-qualified interpreters are permitted during implementation of these language assistance policies, courts themselves must be trained how to ensure that non-trained interpreters can assume these important duties, or that any underlying biases would not interfere with neutral interpretation. Training judges on this issue is crucial to ensure that interpretation by untrained individuals still retains the aims of providing interpretation that is unbiased and accurate.</p> <p><u>Importance of Evaluation and Next Steps</u></p> <p>[5z] As mentioned above, we believe it is imperative that this form be viewed as an interim measure as the LAP is implemented. It should be an important tool for the courts and the LAP Implementation Committee to collect data, receive feedback on the process, and thoughtfully consider the best method of capturing language needs going forward to provide appropriate and quality language services. In evaluating the use of this form, the</p>	<p>5y. Instructions related to provisional qualification of interpreters is beyond the scope of this Rule and form related to requests for interpreters in civil actions</p> <p>5z. Interim adoption as a model form CIAP agrees that the Rule and form are important tools, especially during the early years of full expansion of interpreters into civil cases. CIAP believes that it should stay focused on reaching the end goal of full language access, and so has modified both the Rule and form to that end. By recommending an interim adoption of the forms as model, courts who are beginning to create their related processes and publish the relevant notices will have time to fully consider</p>

¹³ LAP, at 38.

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			<p>Implementation Committee and Judicial Council should also consider simpler, less formal alternatives, such as the form used by the Los Angeles Superior Court (LASC) after their May 2014 expansion. As indicated above, the current draft is unnecessarily complicated and will be difficult for many litigants to use. LASC's form, though not perfect, offers a different model of capturing interpreter requests. A simpler form would also allow the court to include many more languages within the same document. The form itself could even be as simple as: "I need an interpreter who speaks (insert language)." Other concepts to be explored in accordance with the case management capacities of the local courts include developing methods to properly code and identify the language needs within the case or stamp the language needed on all pleadings. We understand that this will be a nuanced and layered process that will develop over time, and the courts must invest the appropriate resources and evaluation necessary to find the most efficient process.</p> <p>Thank you very much for your time and consideration in reviewing our comments. We appreciate the opportunity to contribute to this process. We look forward to working collaboratively with you to make the LAP a meaningful reality in California and to provide access to justice for all Californians. If you have any questions, please feel free to contact</p>	<p>what will work in their court, develop best practices while ensuring flexibility for the litigants. This interim model period will be followed by a January 1, 2018 effective date of the request form as optional which will mean that courts will be required to accept the form (along with other methods the court may put in place), but litigants will be allowed to make requests in other ways if they wish..</p>

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			Joann Lee at jlee@lafla.org or (323) 801-7976, or any of the undersigned organizations.	
6.	Orange County Bar Association By: Ashleigh E. Aitken, President	AM	<p>The following suggestions are made relative to the form proposed:</p> <p>1. [6a] We believe the form should be approved as a statewide, mandatory form rather than a model local form because the form can then be available on a uniform basis on the Court website, ensuring consistent format of the requests, and facilitating possible translation of the form or instructions, which we suggest.</p> <p>2. [6b] Consideration should be given to editing the introductory language so as to indicate: “<i>IMPORTANT: Interpreters will not be made available by the court for all hearings or in all languages....</i>”</p> <p>3. [6c] Box 6 (Type of Case) and the Instructions should include reference to Civil Harassment claims in order to reference all types of cases identified in <i>Evidence Code</i> §756(b)(1).</p>	<p>6a. Optional form CIAP does not believe that the request for an interpreter form should be mandatory because it would limit the ways in which LEP litigants may request interpreting assistance, which will inadvertently limit language access to justice. CIAP recommends an interim adoption of the forms as model, serving as an example for courts who are beginning to create their related processes and publish the relevant notices. This interim model period will be followed by a January 1, 2018 effective date of the request form as optional.</p> <p>6b. Modifications CIAP agrees that certain modifications were needed to further enhance access and reduce barriers for Limited English Proficient (LEP) litigants and referenced language was deleted.</p> <p>6 c. Elimination of case types (applies to 6 c and d.) CIAP decided not to include a list of case types because it could be confusing and create a barrier to language access. All case types were eliminated. Instead references were included in the Rule instructing the courts to prioritize, if needed, according to Evidence Code 756.</p>

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			<p>4. [6d] At Box 6 and the corresponding Instructions, consideration should be given to ordering the specified types of cases to track the priority stated in <i>Evidence Code</i> §756(b)(1) (e.g., in the Instructions, Unlawful detainer or eviction cases are grouped with what are otherwise “first priority” cases but are not referenced in (b)(1) but in (b)(2)).</p> <p>5. [6e] Spelling of “dependant” versus “dependent” at what was proposed as section “h” of part “6”.</p>	<p>6 d. Elimination of case types (applies to 6 c and d.) CIAP decided not to include a list of case types because it could be confusing and create a barrier to language access. All case types were eliminated. Instead references were included in the Rule instructing the courts to prioritize, if needed, according to Evidence Code 756.</p> <p>6e. The referenced spelling error was deleted in its entirety.</p>
7.	Standing Committee on the Delivery of Legal Services San Francisco By: Maria Livingston, Chair	AM	<p><u>General Comments</u></p> <p>SCDLS supports removing language barriers and improving language access in all court proceedings and other points of contact with the courts for all litigants, but especially for those who are low- and moderate-income Limited English Proficient (LEP). This proposal, to adopt rule 2.895 and recommend a model local court form to request a court interpreter in civil actions, is a critical step in ensuring meaning[ful] access to the courts and implementing Goal II of the Strategic Plan for Language Access in the California Courts, to provide language access services in all judicial proceedings.</p> <p>[7a] We have some overall concerns with the proposed model form and accompanying</p>	<p>7a. Plain language, simplified structure and tone (applies to 7a, c, e and f.)</p>

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			<p>instructions in that an LEP litigant may not understand how to fill it out in the first place even if translated. There are too many questions that ask the LEP litigant to describe and to actually write something down when the assumption is that the litigant needs an interpreter. In addition, the instructions as set forth indicate that an interpreter may not be provided even though the litigant may be entitled to one (e.g., domestic violence cases). The resulting unintended consequence is that the litigant may be too intimidated or frustrated to request an interpreter at all. The instructions page should be simplified so that it is more user-friendly for LEP litigants.</p> <p><u>Specific Comments</u></p> <ul style="list-style-type: none">• <i>Does the proposal appropriately address the stated purpose?</i> <p>Partially. [7b] Having either a mandatory statewide form or a model template would make it easier for litigants to understand the process for requesting an interpreter.</p>	<p>CIAP agrees that certain modifications were needed. The committee's modifications include simplified language and structure including eliminating the case type listing, references to fee waivers, prioritizations and suggestions about bringing friends to court as interpreters. The committee agreed that providing too many details may set the wrong tone or confuse LEP litigants and could discourage interpreter requests. As a result, CIAP amended the form to eliminate language that could serve to discourage a request, made clear that interpreters will be provided at no cost whenever possible and eliminated references to litigants bringing their own interpreters.</p> <p>7b. An optional form (applies to 7b, h and i.) CIAP agrees that the request for an interpreter form should ultimately be either mandatory or optional and has chosen to go with an optional form. This will be after an interim adoption of the forms as model, serving as an example for courts who are beginning to create their related processes and publish the relevant notices. This interim model period will be followed by a January 1, 2018 effective date of the request form as optional.</p> <p>A mandatory form would limit the ways in which LEP litigants may request interpreting assistance,</p>

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				<p>which will inadvertently limit language access to justice. As an optional statewide form the commentator's concerns about availability in multiple languages and accessibility will be addressed.</p> <p>Ultimately making the form optional will assure that courts who have already developed effective processes will not be precluded from continuing those processes, so long as they also accept this newly developed form.</p>
			<p>[7c] The language on priorities attempts to make it clear that certain litigants in certain cases may have priority over others. However, the language is confusing and should state directly that the goal is to provide interpreters in all cases, but due to limited funding, some cases may have priorities over others. Litigants may need to know quickly whether they will be granted an interpreter at no cost and may be waiting to learn the status of the request when they should be seeking an interpreter at low-cost. Because of that, it must be clear to litigants early on when they will learn whether they have been provided an interpreter.</p> <p>[7d] We recommend having a form with the request and response on the same page, similar</p>	<p>7c. Plain language, simplified structure and tone (applies to 7a, c, e and f.) CIAP agrees that certain modifications were needed. The committee's modifications include simplified language and structure including eliminating the case type listing, references to fee waivers, prioritizations and suggestions about bringing friends to court as interpreters. The committee agreed that providing too many details may set the wrong tone or confuse LEP litigants and could discourage interpreter requests. As a result, CIAP amended the form to eliminate language that could serve to discourage a request, made clear that interpreters will be provided at no cost whenever possible and eliminated references to litigants bringing their own interpreters.</p> <p>7d. Response</p>

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			<p>to Judicial Council form MC-410 (Request for Accommodations by Persons with Disabilities and Response). The court's response should make it clear whether 1) an interpreter will be provided at no cost, 2) an interpreter will be provided at cost (allowing the litigant to opt-out, if appropriate and bring his/her own interpreter), or 3) no interpreter will be provided, and the litigant should bring a family member, friend, or seek other resources. The court should also make available in the self-help centers potential resources for court-certified interpreters in the event litigants have no appropriate family members or friends to interpret.</p> <ul style="list-style-type: none">• <i>Would courts benefit from having any additional items included on the model form?</i> <p>[7e] No. However, the questions presented on the form may not be clear to LEP readers and they may not be answered correctly. Please see proposed modifications below.</p> <ul style="list-style-type: none">• <i>Would parties benefit from having any additional instructions included on the model form?</i>	<p>CIAP does not believe that a response should be incorporated in the form. A form with an embedded response creates processing issues about which copy of the form becomes official and how to handle a form which must be completed by the court and then returned to a court user who is no longer present. However CIAP agrees that a response is important and modified the Rule to include the requirement for a response.</p> <p>7e. Plain language, simplified structure and tone (applies to 7a, c, e and f.) CIAP agrees that certain modifications were needed. The committee's modifications include simplified language and structure including eliminating the case type listing, references to fee waivers, prioritizations and suggestions about bringing friends to court as interpreters. The committee agreed that providing too many details may set the wrong tone or confuse LEP litigants and could discourage interpreter requests. As a result, CIAP amended the form to eliminate language that could serve to discourage a request, made clear that interpreters will be provided at no cost whenever possible and eliminated references</p>

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			<p>[7f] Instructions included in the model form will be very intimidating for LEP populations in need of an interpreter. It is not likely that they will be read unless the language is easier to understand. The words “witness” and “fee waiver” should be defined and a form number for the fee waiver provided.</p> <p>[7g] Parties will also benefit from having a list of community resources in counties where there may be volunteer interpreters available. The instructions also should clarify if a new form should be completed for each hearing in a case, and whether a new form is required if a hearing date is continued.</p> <ul style="list-style-type: none">• <i>Would the council’s adoption of the Request for Court Interpreter (Civil Actions) form as a statewide mandatory form be a better alternative at this time than its recommending a model local form?</i>	<p>to litigants bringing their own interpreters.</p> <p>7f. Plain language, simplified structure and tone (applies to 7a, c, e and f.) CIAP agrees that certain modifications were needed. The committee’s modifications include simplified language and structure including eliminating the case type listing, references to fee waivers, prioritizations and suggestions about bringing friends to court as interpreters. The committee agreed that providing too many details may set the wrong tone or confuse LEP litigants and could discourage interpreter requests. As a result, CIAP amended the form to eliminate language that could serve to discourage a request, made clear that interpreters will be provided at no cost whenever possible and eliminated references to litigants bringing their own interpreters.</p> <p>7g. CIAP does not believe that the form should include a list of community resources. This kind of assistance would be very localized and thus not appropriate for a statewide form. CIAP believes this would be more appropriate as an informational handout, than something on the form which the LEP litigants submits to the court.</p>

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			<p>[7h] The proposed model form may have unintended consequences if it is published as a “model” form rather than a “mandatory” or “optional” form. SCDLS would support a form that is available in multiple languages so it is accessible to its intended audience. As a model form, with presumably the ability to edit as a template model, the form itself may not be made accessible to many LEP litigants who must file in courts that have not adopted such a form or, in courts that have edited a model template, available translated versions from the Judicial Council may not be an exact match.</p> <p>Because the form is only requesting an interpreter, there should not be an extensive need to reformulate the questions on this form. As a mandatory form, the form may be widely available in multiple languages as the Judicial Council will translate it into at least five languages. One possible unintended consequence of making it a required form is that local forms that are concise and have already been translated (and work effectively in those courts) may no longer be accepted.</p> <p>[7i] We would propose that the Judicial Council consider implementing the form as an optional form, recognizing the implementation of the forthcoming statewide Language Access Plan may mean that a future form would be mandatory. If the form were an optional form, it would be made more widely available through</p>	<p>7h. An optional form (applies to 7b, h and i.) CIAP agrees that the request for an interpreter form should ultimately be either mandatory or optional and has chosen to go with an optional form. This will be after an interim adoption of the forms as model, serving as an example for courts who are beginning to create their related processes and publish the relevant notices. This interim model period will be followed by a January 1, 2018 effective date of the request form as optional.</p> <p>A mandatory form would limit the ways in which LEP litigants may request interpreting assistance, which will inadvertently limit language access to justice. As an optional statewide form the commentator’s concerns about availability in multiple languages and accessibility will be addressed.</p> <p>Ultimately making the form optional will assure that courts who have already developed effective processes will not be precluded from continuing those processes, so long as they also accept this newly developed form.</p> <p>7i. An optional form (applies to 7b, h and i.) CIAP agrees that the request for an interpreter form should ultimately be either mandatory or optional and has chosen to go with an optional form. This will be after an interim adoption of the forms as model, serving as an example for courts who are beginning to create their related processes</p>

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			<p>the Judicial Council, translated into multiple languages, and also may be adopted by local courts. Community-based nonprofits would be able to translate the form and instructions into many other languages and help litigants understand the process to request an interpreter. If the Judicial Council adopts this form as an optional form, it must be clear to all courts that it is mandatory that they have some form to request an interpreter, and if the courts do not have an adequate form already, the optional form is the preferred form. The Judicial Council should also require local courts to accept the optional form, in addition to a preferred local form, so that litigants are not restricted to one request form, especially if they cannot find the local form online.</p> <p>In line with these comments, the proposed Rule of Court 2.895 should be revised [7j] to require local courts to accept the Judicial Council optional form and translations of these sample forms.</p> <p>[7k] In addition to publishing the rules, local courts should also notify LEP litigants of the availability of translators through strategic signage throughout courthouses.</p>	<p>and publish the relevant notices. This interim model period will be followed by a January 1, 2018 effective date of the request form as optional.</p> <p>A mandatory form would limit the ways in which LEP litigants may request interpreting assistance, which will inadvertently limit language access to justice. As an optional statewide form the commentator's concerns about availability in multiple languages and accessibility will be addressed.</p> <p>Ultimately making the form optional will assure that courts who have already developed effective processes will not be precluded from continuing those processes, so long as they also accept this newly developed form.</p> <p>7j. Translations and Multiple Languages CIAP does not believe that the Rule should be modified to require acceptance of translated forms. However, CIAP has modified the official form to include key language about requesting an interpreter in the State's top 10 languages.</p> <p>7k. Signage CIAP agrees that signage is important for establishing language accessibility but signage is beyond the scope of this rule and form. The Implementation Task Force is further addressing ways to use signage to increase language access</p>

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			<p><u>Proposed Modifications to the Model Form</u></p> <p>[7l] Page 1, Request for Court Interpreter (Civil Actions)</p> <p>#2: Remove query to “describe” in the witness category. Also define what “witness” means in the instructions. Any definition for the term “witness” used should also be simplified yet accurate (i.e., “a person who speaks in court under oath”).</p> <p>[7m] #3: Reword the question to ask what primary and secondary languages spoken are. The way that the question is written is confusing and ambiguous. (i.e., “I need an interpreter for a) Spanish, b) Mandarin, c) Cantonese, d) Tagalog, e) other: _____)</p> <p>[7n] #5: Include an option for a case that is continued or the litigant/witness may need an interpreter for future dates as well. Otherwise, it is unclear whether the litigant would need to file an additional form.</p>	<p>consistent with the Language Access Plan.</p> <p>7l. LEP party/ witness request language CIAP agrees that modifications were needed to clarify the request as related to the LEP party and any LEP witness they may have. The form has been modified accordingly.</p> <p>7m. CIAP agrees this language was confusing and it has been eliminated.</p> <p>7n. One request for an LEP party; separate requests for witnesses CIAP agrees that clarification was needed around whether or not a request was for a specific date or not. Litigants who request interpreters for themselves require them for the duration of their entire legal case, whenever they will be in court and litigants should only be required to file this form once for themselves, while the courts must determine how to continue to provide language access services. CIAP believes that the litigant should make separate requests for witnesses. The language has been modified, and the form</p>

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			<p>[7o] #6: Remove this question as the litigant may not be aware of the type of case. Since the case number is being submitted the court will know what type of case it is. The terms used for case types are too complicated for LEP litigants. For example, the litigant may not know what the terms “domestic violence” or “conservator” means.</p>	<p>restructured, accordingly.</p> <p>7 o. Elimination of case types (applies to 7 o and p) CIAP agrees that including the list of case types was confusing and may have created a barrier to language access. All case types were eliminated. Instead references were included in the Rule instructing the courts to prioritize, if needed, according to Evidence Code 756.</p> <p>As such, CIAP disagrees with including Fee Waivers claims among the list of case types, since the list was removed in its entirety.</p>
			<p>[7p] #7: Fee waiver status is not applicable for all cases and leads the litigant to believe that a fee waiver is required. For example, a fee waiver is not required for Domestic Violence or Elder Abuse cases. An additional field that states whether the interpreter will be granted or denied would be very helpful. This field should include the timeline that the litigant should wait before contacting the court or making alternate arrangements for an interpreter. See form MC-410 as an example of how a request to the court for an accommodation can include a response on the same form. We would support a simple form similar to the MC-410.</p> <p>Page 2, Instructions</p>	<p>7 p. Elimination of case types (applies to 7 o and p) CIAP agrees that including the list of case types was confusing and may have created a barrier to language access. All case types were eliminated. Instead references were included in the Rule instructing the courts to prioritize, if needed, according to Evidence Code 756.</p> <p>As such, CIAP disagrees with including Fee Waivers claims among the list of case types, since the list was removed in its entirety.</p>
			<p>[7q] #5: Although it may be permitted for a</p>	<p>7q. This language was eliminated in its entirety.</p>

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			litigant to ask a friend or family member to interpret for them, there should be more language to stress that minors are not appropriate interpreters in any case.	
8.	The State Bar of California's Committee on Administration of Justice	AM	<p>The State Bar of California's Committee on Administration of Justice (CAJ) has reviewed and analyzed the Judicial Council's Invitation to Comment, and appreciates the opportunity to submit these comments.</p> <p>CAJ generally supports the adoption of the proposed form, subject to the comments below.</p> <p>[8a] First, CAJ believes the purpose of including the term "describe" in question 2 of the form (regarding witnesses) should be clarified. It is not clear whether this seeks the name of the witness, additional information concerning the subject of the proposed testimony, or some other information.</p> <p>[8b] Second, CAJ believes that some explicit distinction should be made between a request for an interpreter for a party and a request for an interpreter for a particular hearing date for a witness. If an interpreter is sought for a party, CAJ suggests that the court's file could be identified as one with a standing request for an interpreter, so that the form need not be re-filed before every hearing. That could also be clarified on the form. If an interpreter is sought for a witness who will testify at a particular</p>	<p>8a. CIAP agrees that the referenced language needed clarification and it was removed and replaced with a differently structured set of questions.</p> <p>8b. One request for an LEP party; separate requests for witnesses CIAP agrees that modifications were needed to clarify the request as related to the LEP party and any LEP witness they may have. Litigants who request interpreters for themselves require them for the duration of their entire legal case, whenever they will be in court and litigants should only be required to file this form once for themselves, while the courts must determine how to continue to provide language access services.</p>

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			<p>hearing, the date, time, and department could be identified, as provided in question 5 of the proposed form.</p> <p>[8c] Third, CAJ suggests that consideration be given to modifying the form to allow a party to specify a need for an interpreter for oral communications, written communications, or both, if it is determined that this information would be helpful to the court.</p> <p>[8d] With respect to the question of whether a statewide form or a model form to be adapted locally should be provided, the potentially cumbersome nature of obtaining accurate and consistent translations of the form and instructions in many languages weighs in favor of having one mandatory statewide form, translated into many languages and centrally available online at the California courts website. As reflected by proposed California Rule of Court 2.895, circulated with the proposed form, the form should include instructions in multiple languages and the form itself should be available in multiple languages. This would not preclude local rules (not incorporated in the Judicial Council Form) regarding where or when the request should be filed. The lead time to be required for the provision of interpreters is a separate consideration not addressed in these comments, but CAJ notes that this could have a significant practical impact depending on the hearing or trial involved (e.g., in the context of</p>	<p>CIAP believes that the litigant should make separate requests for witnesses. The form has been modified accordingly.</p> <p>8c. CIAP considered the suggested change but found it might create confusion for LEP litigants, and the language to distinguish between oral and written communications was not included.</p> <p>8d. Optional form CIAP does not believe that the request for an interpreter form should be mandatory. A mandatory form would limit the ways in which LEP litigants may request interpreting assistance, which will inadvertently limit language access to justice. CIAP recommends an interim adoption of the forms as model, serving as an example for courts who are beginning to create their related processes and publish the relevant notices. This interim model period will be followed by a January 1, 2018 effective date of the request form as optional.</p> <p>CIAP has modified the official form to include key language about requesting an interpreter in the State's top 10 languages which addresses commentator's concerns regarding access to the form in multiple languages.</p>

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			unlawful detainees, where trials can be set on short notice).	
9.	Superior Court of Los Angeles County	AM	<p>The Los Angeles Superior Court supports measures that improve language access for limited English proficient court users. However, the Court strongly opposes making mandatory the proposed form, <i>Request for Court Interpreter (Civil Actions)</i>.</p> <p>The manner in which we improve language access has not yet been determined and the process of identifying necessary and appropriate measures may require experimentation. In identifying changes to language services, it is critical to address the actual needs of litigants locally to ensure that scarce resources are properly deployed.</p> <p>In the Invitation to Comment, the authors write:</p> <p><i>Ultimately, the advisory committee concluded that, at this point, it would recommend circulation of the proposed form for comment as a model local form. However, the committee requests that courts and others provide specific comments on whether a statewide mandatory form, in the format of the attached form with the modification to Instruction paragraph 4 described above, including only Alternative A, would be a better alternative for the committee to recommend to the council.</i></p>	<p>An optional form CIAP agrees that the courts are in a time of transition and recommends an interim adoption of the forms as model, serving as an example for courts who are beginning to create their related processes and publish the relevant notices.</p> <p>CIAP also agrees that the request for an interpreter form should not be mandatory. A mandatory form would limit the ways in which LEP litigants may request interpreting assistance, which will inadvertently limit language access to justice. A mandatory form means that the litigant may not use any other method to request an interpreter and the court must only accept this method.</p> <p>CIAP recommends that the request form ultimately become optional after the interim period. The effective date would be January 1, 2018 for the optional form.</p>

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			<p>At this early stage in expansion of interpreter services, any form, even if amended, is unsuitable for mandatory implementation.</p> <p>In the past year, policy and legislative changes significantly changed courts' obligation to provide interpreters in non-mandated areas. As reflected in the language of AB 1657, policy makers anticipate that expansion of interpreter usage would be varied given the wide-ranging differences in local language needs and local court resources.</p> <p>The authors recognize this, as they write:</p> <p><i>Courts have different preferences as to how long before a hearing an interpreter should be requested in order to facilitate scheduling of interpreters, and different time frames as to when the court will be able to tell a party whether the request can be fulfilled. Because of these differences and because the Judicial Council did not direct the committee to develop statewide rules regarding such procedures, at this time the advisory committee recommends only that each court develop its own procedures and make them available to the public.</i></p> <p>We should not mandate a form without first having consistency in the procedures the form is meant to support. The courts are not in a situation in which best practices have emerged</p>	

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			<p>that provide the foundation for a mandatory form. Statutory priorities are not dispositive of all the procedural variation that might still appropriately occur. There is no pressing need for a mandatory form; the potential for confusion outweighs the benefits of apparent consistency.</p> <p>The varied use of fee waivers illustrates the problems of using a single mandatory form. Statute and rule state that a court may give preference to indigent parties (as demonstrated by the granting of a fee waiver) in a certain area if the court lacks the resources to completely serve that area. For such a court, a form that reminds the litigant of the significance of a fee waiver is helpful. For courts which do not use fee waivers as screening information, however, such a reminder can distract and confuse the litigant.</p>	
10.	Superior Court of Riverside County By: Marita Ford, Senior Management Analyst	AM	[10a] The Riverside Superior Court agrees with the form, however we propose that it be a statewide model form to be used at a court's discretion (with modification/s) instead of a statewide mandate.	10a. Optional form CIAP does not believe that the form should be ultimately be a model form, but recommends an interim adoption of the form as model, serving as an example for courts who are beginning to create their related processes and publish the relevant notices. CIAP also agrees that the request for an interpreter form should not be mandatory. By

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			<p>[10b] We also would suggest that Civil Harassments be identified separately and not combined with Domestic Violence matters.</p>	<p>ultimately adopting an optional form, courts will be able to use alternative methods of accepting interpreter requests</p> <p>10b. Elimination of case types CIAP disagrees with identifying either Civil Harassment claims or Domestic Violence matters among the list of case types. CIAP found that including the list of case types was confusing and may have created a barrier to language access. All case types were eliminated. Instead references were included in the Rule instructing the courts to prioritize, if needed, according to Evidence Code 756. As such, there is no need to separate Civil Harassments from Domestic Violence matters.</p>
11.	Superior Court of San Diego County By: Mike Roddy, Executive Officer	AM	<p>In answer to the request for specific responses, our court provides the following:</p> <ul style="list-style-type: none">• Does the proposal appropriately address the stated purpose? Yes.• Would courts benefit from having any additional items included on the model form? <p>[11a] Yes. Items 2 and 4 could use revisions.</p> <p>Item 2 – It is not clear what is expected to be described if the party checks the box “witness.” Whose witness, the party’s witness or someone else’s witness? Character witness, expert witness, or something else? Having an example of what is expected to be described would be helpful.</p>	<p>11a. Plain language, simplified structure and tone CIAP agrees that certain modifications were needed. The committee’s modifications include clarifying the language about interpreter requests for witnesses and LEP litigants and restructuring those questions.</p>

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			<p>Item 4 – Same problem. Either have an example or maybe even put check boxes for hearings such as trial, long cause hearing, Request for Order, Other:</p> <ul style="list-style-type: none">• Would parties benefit from having any additional instructions included on the model form? <p>[11b] Yes. A cite to Paragraph 5 of the Instructions provides the parties with additional resources to review if they can't afford a certified interpreter and one will not be made available. Perhaps a reference to GC section 68092.1(b) could also be included.</p> <ul style="list-style-type: none">• Would the council's adoption of the Request for Court Interpreter (Civil Actions) form as a statewide mandatory form be a better alternative at this time than its recommending a model local form? <p>[11c] No. Adopting this form as an Optional draft local form is best. By doing so, if a local court wants to develop its own form it can and if not, it can use the statewide optional form. This is important because, until interpreters are fully funded, courts will need to have their own rules on how they provide interpreters and the form will need to be adaptable to match each court's abilities.</p> <p>[11d] If and when interpreters are fully funded, a uniform statewide mandatory form would be best.</p>	<p>11b. The referenced section has been removed in its entirety, so the proposed code references is no longer needed.</p> <p>11c. Optional form CIAP agrees that the request for an interpreter form should ultimately be optional. This will be after an interim adoption of the form as model, creating the local flexibility which the commentator recommends. This interim model period will be followed by a January 1, 2018 effective date of the request form as optional.</p> <p>11d. CIAP does not believe that the form should ultimately become mandatory because it would limit the ways in which LEP litigants may request</p>

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				interpreting assistance, which will inadvertently limit language access to justice. As such, CIAP is recommending that the form ultimately be optional.

Rule 2.895 of the California Rules of Court would be adopted, effective July 1, 2015, to read:

Title 2. Trial Court Rules

Division 6. Appointments by the Court or Agreement of the Parties

Chapter 4. Court Interpreters

Rule 2.895. Requests for interpreters

Each court must have and publish procedures for parties to file and the court to process requests for interpreters. Each court must publish notice of these procedures in the major languages used within the court's jurisdiction.

Advisory Committee Comment

A model form that courts may use as a basis for a local *Request for Court Interpreter (Civil Actions)* is available from the Judicial Council.

MODEL FORM

Form ##

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO. (if available): _____ E-MAIL ADDRESS (if available): _____ ATTORNEY FOR (name): _____	DRAFT 11/20/14
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
REQUEST FOR COURT INTERPRETER (CIVIL ACTIONS)	CASE NUMBER: _____

IMPORTANT: Interpreters will not be available for all hearings or in all languages. See instructions on the back of this form for more information about requesting an interpreter in a civil action.

1. I (name): _____ am a party in this case (check one item below):
☐ Plaintiff/Petitioner ☐ Defendant/Respondent ☐ Other (describe): _____
2. I need an interpreter for (check all that apply) ☐ me ☐ a witness (describe): _____
3. The language(s) in which I need an interpreter are (list all): _____
4. The court hearing or proceeding for which I need an interpreter is (describe): _____
5. The court proceeding is going to take place on (date): _____ at (time): _____
 in (department): _____ before (name of judicial officer, if known): _____
☐ No date is set yet.
6. **Type of case (check one)**

a. <input type="checkbox"/> Domestic violence case b. <input type="checkbox"/> Family law case in which there is a domestic violence claim c. <input type="checkbox"/> Elder or dependent adult physical abuse case d. <input type="checkbox"/> Unlawful detainer or eviction action e. <input type="checkbox"/> Case to terminate parental rights f. <input type="checkbox"/> Guardianship or conservator action	g. <input type="checkbox"/> Sole custody or visitation rights case h. <input type="checkbox"/> Elder or dependant adult abuse case <i>not</i> involving physical abuse i. <input type="checkbox"/> Family law case <i>not</i> involving domestic violence or sole custody or visitation rights j. <input type="checkbox"/> Any other civil action, including Small Claims cases
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7. **Fee waiver status (check one)**
 - a. ☐ I received a fee waiver in this case on (give date of order granting fee waiver; attach copy of order if available): _____
 - b. ☐ I applied for a fee waiver in this case on (date application was filed): _____
 - c. ☐ I have not received and am not seeking a fee waiver.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE)

INSTRUCTIONS

1. Court proceedings are conducted in English. If a party or a witness does not speak English well, he or she may need an interpreter to testify, to speak to the judge, and to understand what others are saying in the proceeding. Certified and registered court interpreters are specifically trained to interpret in court proceedings. If you need language assistance, you should ask the court if it can provide a court interpreter by filling out this form.
2. Courts are not always able to provide or pay for an interpreter in every language or in every civil case. The Legislature has set priorities for which cases courts with limited funds are to try to provide court interpreters. The first priority is to try to provide interpreters in the following kinds of cases:
 - a. Domestic violence cases,
 - b. Family law cases in which there is a domestic violence issue,
 - c. Elder or dependent adult physical abuse cases, and
 - d. Unlawful detainer or eviction cases.

Even in those cases, interpreters will not always be available for all hearings or in all languages.

3. Courts may be able to provide interpreters in some languages in some other civil cases. The Legislature has set priorities in these cases also, providing that the court should try to provide interpreters for cases in the following order:
 - e. Actions to terminate parental rights,
 - f. Actions relating to conservatorships or guardianships,
 - g. Actions for child custody or visitation,
 - h. Elder abuse cases and dependant adult abuse cases that do not involve domestic violence,
 - i. Actions relating to family law other than those relating to domestic violence or child custody or visitation, and
 - j. All other civil actions, including small claims cases.

In these types of cases, preference will be given to parties with financial need who have qualified for a fee waiver, so if you need a court interpreter *and* need financial assistance, you should apply for a fee waiver if you do not already have one. To do so, complete and file a *Request to Waive Court Fees (Civil Actions)* (form FW-001). You should note in item 7 of this form whether you have a fee waiver already, have applied for one, or do not intend to apply for one.

4. If your case falls within one of the categories of cases listed in paragraphs 2 or 3 above, and you would benefit from having an interpreter during your court proceedings, you should use this form to request a court interpreter. Complete the first page and file it with the court. **[Alternative A:** Check with your local court to find out about any local rules it has regarding requests for an interpreter, including how long before the hearing you must file the request and when the court will act on it. **OR Alternative B:** *Court to add description of its procedures or rules here.*]
5. If the court is unable to provide an interpreter, you may bring a person who can speak English with you to act as an interpreter at the proceeding. The court may have a list of interpreters in your area whom you could hire. You may ask a friend or relative (it should be an adult) to act as an interpreter. It must be someone who can understand, speak, and read both your language and English. The court will need to make sure that person is qualified to interpret for you or the witness before the proceeding begins and will require the person to take an oath, swearing to interpret as completely and accurately as possible. If you are going to use a noncertified court interpreter, you should give him or her a copy of the form *Foreign Language Interpreter's Duties--Civil and Small Claims* (form INT-200), which is available on the California Courts website at www.courts.ca.gov/documents/int200.pdf.