



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688  
www.courts.ca.gov

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 21, 2018

---

**Title**

Trial Court Budget: FY 2018–19 Allocation  
from Trial Court Trust Fund to Court  
Interpreter Program

**Agenda Item Type**

Action Required

**Effective Date**

September 21, 2018

**Rules, Forms, Standards, or Statutes Affected**

N/A

**Date of Report**

September 4, 2018

**Recommended by**

Trial Court Budget Advisory Committee  
Hon. Jonathan B. Conklin, Chair

**Contact**

Catrayel Wood, 916-643-7008  
[catrayel.wood@jud.ca.gov](mailto:catrayel.wood@jud.ca.gov)

---

### Executive Summary

The Trial Court Budget Advisory Committee recommends approving a one-time allocation of fund balance from the Trial Court Trust Fund to address an anticipated shortfall in the Court Interpreter Program for fiscal year (FY) 2018–19, not to exceed the current \$3.4 million estimated amount required to cover cost increases and maintain service levels.

### Recommendation

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective September 21, 2018:

1. Approve an allocation of fund balance from the Trial Court Trust Fund (TCTF) on a one-time basis to address an anticipated shortfall in the Court Interpreter Program (CIP) for FY 2018–19, not to exceed the current \$3.4 million estimated amount required to cover cost increases and maintain service levels; and
2. Direct Judicial Council staff to continue to monitor the CIP fund and will provide regular updates to TCBAC to report any changes and to incorporate any additional funding after the Governor's proposed budget is released in January 2019.

## **Relevant Previous Council Action**

A fundamental goal of the California judicial system is equal access to justice and to the courts, regardless of any individual's ability to communicate in English. With over 200 languages spoken in California, court interpreters play a critical role in achieving this goal by accurately interpreting for persons with limited-English-proficient language skills.

In 1998, the Judicial Council approved the establishment of the CIP, which oversees program development and is responsible for the recruitment, orientation, testing, and certification of individuals seeking to become court interpreters. The CIP also oversees mandatory ethics training for newly certified or registered interpreters and monitors annual renewal requirements, including compliance with the continuing education and professional assignment requirements of certified and registered interpreters in California's courts.

## **Mandates to provide court interpreting services**

Article I, section 14 of the California Constitution was amended in 1974 to provide that "[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings." This provision established a mandate for courts to provide interpreters in criminal matters to all defendants who have a limited ability to understand or speak English. The constitutional mandate and subsequent case law has been interpreted to include proceedings related to criminal, misdemeanor, and delinquency matters as well as certain civil matters such as divorce or separation involving a protective order and child custody and visitation proceedings.

Effective January 1, 2015, the enactment of Assembly Bill 1657 (Stats. 2014, ch.721) expanded California's constitutional mandate and authorized courts to provide interpreters to all parties in civil matters, regardless of income, and presented a priority and preference order when courts have insufficient resources to provide interpreters for all persons.

## **Allowable expenditures**

The following expenditures qualify for reimbursement under TCTF CIP 150037:

- Contract court interpreters, including per diems and travel
- Certified and registered court interpreters employed by the courts, including salaries, benefits, and travel
- Court interpreter coordinators, including salaries and benefits
- Four court interpreter supervisor positions: two in Los Angeles County, one in Orange County, and one in San Diego County

## **Appropriation and expenditures**

In FY 2016–17,<sup>1</sup> the most current fiscal year for which we have available data, the available funding from the annual appropriation in TCTF CIP 0150037 for reimbursement of court

---

<sup>1</sup> All subsequent references to year ranges are to fiscal years, unless otherwise stated.

interpreter costs was \$103.458 million. Less the \$87,000 designated for the Court Interpreter Data Collection System, the appropriation for reimbursement was \$103.371 million. The appropriation included an additional \$7 million in ongoing funds to advance the implementation of the *Strategic Plan for Language Access in the California Courts*, adopted in January 2015, and \$603,000 for interpreter benefits.

**Table 1. FY 2016–17 Court Interpreter Program 0150037 (formerly Program 45.45)  
Expenditures Overview**

O V E R V I E W   O F   E X P E N D I T U R E S	
Program	Expenditure
1. Total mandated criminal	\$100,780,466
2. Total domestic violence reported by courts	1,424,228
3. Total civil reported by courts	3,930,041
Total court reimbursements (sum of 1–3)	\$106,134,735
Court Interpreter Data Collection System	87,000
<b>Total Expenditures</b>	<b>\$106,221,735</b>

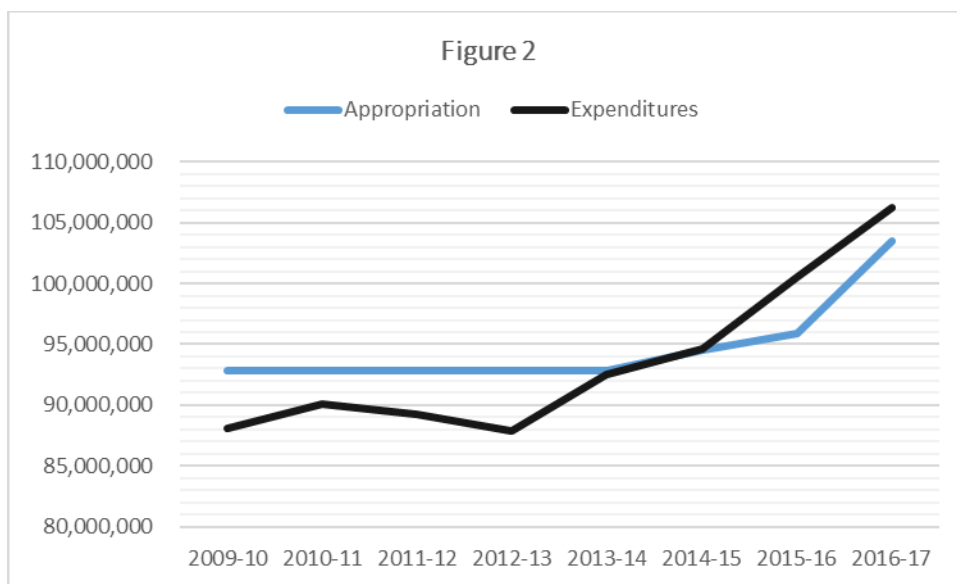
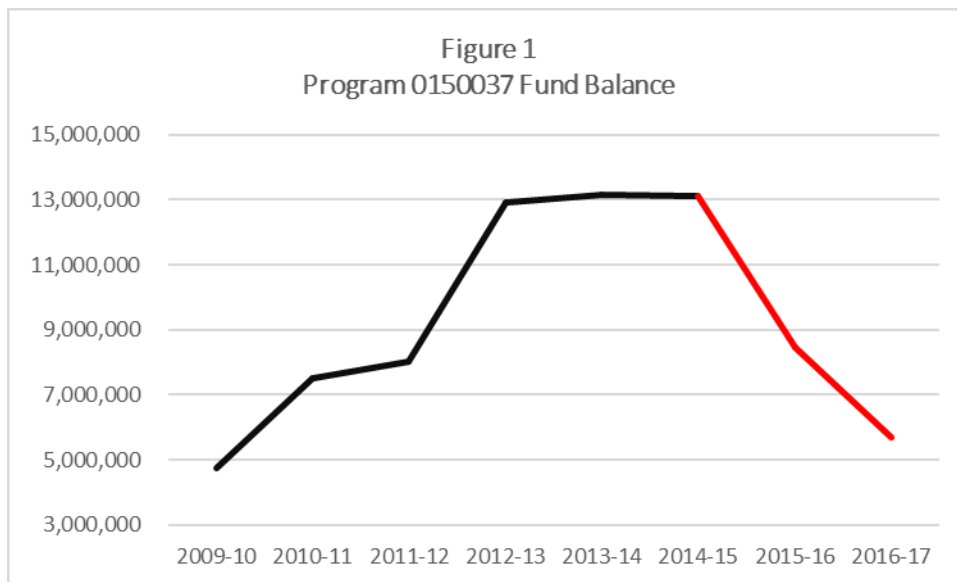
The 2016–17 CIP fund balance totaled \$5.7 million. The fund balance is designated as restricted in the TCTF per Judicial Council policy and available to reimburse trial courts for interpreter services. The 2017–18 CIP fund balance will not be known until the 2017–18 fund balance templates are returned from the courts around November 2018.

For 2017–18, the appropriation was \$103.632 million. The appropriation for reimbursement of the court interpreter costs, excluding the \$87,000 designated for the Court Interpreter Data Collection System, is \$103.545 million. The difference in appropriation of \$173,000 from 2016–17 is for interpreter benefits.

Historical appropriation and language changes can be referenced at Attachment A.

#### **Past shortfall practice**

At its business meeting on July 29, 2009, the council authorized the allocation of savings from the statewide special funds, on a one-time basis, to address the anticipated 2008–09 shortfall of \$912,000 in the CIP (Link A). Fund balance (see figure 1) has historically been sufficient to address instances where expenditures have exceeded appropriation (see figure 2).



## Analysis/Rationale

With current projections for the CIP indicating that the fund balance has been depleted, and with expenditures exceeding allocations, the fund will become insolvent in the current fiscal year.

The projected expenditures (see table 4, below) reflect:

1. An estimated 6 percent wage growth over a three-year term starting in 2018–19,
2. The AB 1657 mandate for the ongoing expansion of court interpreter services into all civil matters, and

3. The cost of interpreter coordinators, who no longer need to be certified and/or registered.

**Table 4. Projected CIP Expenditures Over Four Fiscal Years**

P R O J E C T E D   E X P E N D I T U R E S					
Expenditure Categories		FY 2017–18	FY 2018–19	FY 2019–20	FY 2020–21
		A	B	C	D
1	Mandated criminal	100,780,466	102,339,457	103,920,316	105,532,792
2	Domestic violence	1,307,433	1,346,656	1,387,056	1,428,667
3	Civil	3,802,455	3,878,504	3,956,074	4,035,196
4	Additional interpreter coordinator expenses	1,000,000	2,637,215	2,637,215	2,637,215
5	Estimated wage increases	1,558,991	1,580,859	1,612,476	1,644,726
6	Court Interpreter Data Collection System	87,000	87,000	87,000	87,000
<b>Total Projected Expenditures</b>		<b>108,536,345</b>	<b>111,869,691</b>	<b>113,600,137</b>	<b>115,365,596</b>

The civil projection of approximately \$3.9 million, in fiscal year 2018-19, comprises the following: Priority 2, Unlawful Detainer, \$1.12 million; Priority 3, Parental Termination, \$11,000; Priority 4, Conservatorship/Guardianship, \$150,000; Priority 5, Custody/Visitation, \$80,000; Priority 7, Other Family Law, \$2.1 million; Priority 8, Other Civil, \$318,000; and Unidentified Civil, \$129,000. A listing of each priority for providing court interpreter services to parties is at Attachment B.

The 2018 Budget Act included a one-time, \$4.0 million funding award for the CIP, resulting in an estimated shortfall of \$3.4 million for 2018–19. The deficit is expected to increase by nearly \$6.0 million in 2019–20 through a combination of estimated increased costs of \$1.7 million and the sunset of the \$4.0 million one-time funding (see table 5).

**Table 5. Projected Fund Balance Over Four Fiscal Years**

P R O J E C T E D   F U N D   B A L A N C E *				
Description	FY 2017–18	FY 2018–19	FY 2019–20	FY 2020–21
Beginning fund balance (prior-year carryover)	5,698,434	794,089	—	—
Allocation	103,632,000	107,632,000	103,632,000	103,632,000
Projected expenditures	(108,536,345)	(111,869,691)	(113,600,137)	(115,365,596)
<b>Ending Fund Balance</b>	<b>794,089</b>	<b>(3,443,602)</b>	<b>(9,968,137)</b>	<b>(11,733,596)</b>
Surplus / (Deficit)	(4,904,345)	(4,237,691)	(9,968,137)	(11,733,596)

\*Assumes no additional increases to the allocation for fiscal years 2019–20 and 2020–21.

In process is a 2019–20 budget change proposal (BCP) requesting an additional \$11 million ongoing for the CIP, which would resolve the budget shortfall for 2019–20 in the estimated amount of \$10 million. Until additional ongoing funding is secured, the CIP will continue to be monitored and TCBAC will review methodologies for addressing the structural deficit in the CIP for developing a recommendation to the council.

Current projections indicate that the TCTF has sufficient reserves to address the anticipated current-year shortfall (Attachment C), which would enable courts to maintain the CIP at its current service level through 2018–19. The TCTF is projecting a structural deficit beginning in 2019–20; however, there is sufficient fund balance to carry the deficit through at least the next three to four fiscal years.

### **Policy implications**

In the event the Council does not approve the one-time allocation from the TCTF, there may be implications for the trial courts in meeting the expectations of the language access plan and expanded interpreter services in civil per AB 1657.

### **Comments**

Public comments were received by TCBAC from an array of organizations and individuals and of the comments submitted, there was overwhelming support to approve an allocation of fund balance from the TCTF on a one-time basis to address the anticipated shortfall and maintain service levels (Attachment D).

### **Alternatives considered**

TCBAC considered other options first recommended by the Funding Methodology Subcommittee and then by Judicial Council Budget Services staff at the committee's request during its meeting on July 31, 2018.

#### ***Alternative 1: Discontinue reimbursement for all civil matters effective October 1, 2018, for the current year only, pending the outcome of the 2019–20 BCP.***

Discontinuing reimbursement for all civil matters could result in budget implications for the trial courts. Doing so will not preclude the courts from continuing to provide interpreters in civil matters because they have the authority to use their operational funds for this purpose. Adoption of this option would require pro rata reductions to courts' monthly staff interpreter employee distributions based on courts' 2018–19 Schedule 7A. Recommendation of this option would include direction to Judicial Council staff to notify courts that this recommendation will be considered by the Judicial Council at its business meeting on September 20–21, 2018, to allow courts the ability to plan.

To show support of the interpreter need in all priority levels, to avoid the likelihood of reducing services in civil matters as a result of expansion, and to support of the public's expectation of continuity in service levels, TCBAC is not recommending this option.

***Alternative 2: Discontinue reimbursement for civil matters effective October 1, 2018, for the current year only, pending the outcome of the 2019–20 BCP, but reimburse civil matters to the extent funds are available to reimburse all courts up to a certain priority level.***

This option would continue to reimburse courts to the extent funds are available and may mitigate the budget implications for the trial courts. For example, if funds are available to fully reimburse courts up to priority level 4, reimbursement for priority levels 5 through 8 will be discontinued. This option will not preclude the courts from continuing to provide interpreters in civil matters: they have the authority to use their operational funds for this purpose. Adoption of this option would require pro rata reductions to courts' monthly staff interpreter employee distributions based on courts' 2018–19 Schedule 7A.

***Alternative 3: Seek approval from the administration and the Legislature to repurpose the \$4.0 million provided in the Budget Act of 2018 for Language Access Plan implementation.***

The \$4.0 million ongoing was for infrastructure and foundational items, including signage, credential review, training, equipment, and staff to administer the program. Repurposing the funds would require a statutory change because these funds have already been appropriated in the 2018 Budget Act through the BCP process. As a result, there is insufficient time to secure Judicial Council approval of this alternative in order to meet legislative timelines.

## **Fiscal and Operational Impacts**

If the recommendation to allocate funds from the TCTF on a one-time basis to the CIP is not approved for the current fiscal year, there could be significant fiscal and operational impacts to the trial courts, either to interpreter services directly or to other service areas, in an effort to maintain current levels of interpreter services.

## **Attachments and Links**

1. Attachment A: Historical Appropriation and Language Changes
2. Attachment B: Priority in Providing Court Interpreter Services to Parties
3. Attachment C: Trial Court Trust Fund – Fund Condition Statement
4. Attachment D: Written public comments from the August 14, 2018, Trial Court Budget Advisory Committee telephonic meeting
5. Link A: Judicial Council meeting minutes of the meeting on July 29, 2009, at [www.courts.ca.gov/documents/min072909.pdf](http://www.courts.ca.gov/documents/min072909.pdf) (see p. 5, item 7)

## Historical Appropriation and Language Changes

### 2000–01 (Initial Language)

The funds appropriated in Schedule (d) shall be for payments for services of contractual court interpreters, certified court interpreters employed by the courts, and the following court interpreter coordinators: one each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through 58th classes. Courts in counties with a population of 500,000 or less are encouraged, but not required, to coordinate interpreter services on a regional basis. For the purposes of this provision, “court interpreter coordinators” may be full- or part-time court employees, or those contracted by the court to perform these services.

### 2001–02

The funds appropriated (\$54,450,000) in Schedule (4) shall be for payments for services of contractual court interpreters, and certified *and registered* court interpreters employed by the courts, and the following court interpreter coordinators: one each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through 58th classes. Courts in counties with a population of 500,000 or less are encouraged, but not required, to coordinate interpreter services on a regional basis. For the purposes of this provision, “court interpreter coordinators” may be full- or part-time court employees, or those contracted by the court to perform these services.

### 2010–11

The funds appropriated (\$92,794,000) in Schedule (4) shall be for payments to contractual court interpreters, and certified and registered court interpreters employed by the courts *for services provided during court proceedings and other services related to pending court proceedings, including services provided outside a courtroom*, and the following court interpreter coordinators: 1.0 each in counties of the 1st through the 15th classes, 0.5 each in Ch. 712 — 20 — Item Amount counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through the 58th classes. For the purposes of this provision, “court interpreter coordinators” may be full- or part-time court employees, or those contracted by the court to perform these services.

### 2012–13

The funds appropriated (\$92,794,000) in Schedule (4) shall be for payments to contractual court interpreters, and certified and registered court interpreters employed by the courts for services provided during court proceedings and other services related to pending court proceedings, including services provided outside a courtroom, and the following court interpreter coordinators: 1.0 each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through the 58th classes. For the purposes of this provision, “court interpreter coordinators” may be full- or part-time court employees, *and shall be certified and registered court interpreters in good standing under existing law.*



**2017–18**

The funds appropriated (**\$103,632,000**) in Schedule (4) shall be for payments to contractual court interpreters, and certified or registered court interpreters employed by the courts for services provided during court proceedings and other services related to pending court proceedings, including services provided outside a courtroom, and the following court interpreter coordinators: 1.0 each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through the 58th classes. For purposes of this provision, *“court interpreter coordinators” may be full- or part-time court employees.*

## PRIORITY IN PROVIDING COURT INTERPRETER SERVICES TO PARTIES

### MANDATORY PROVISION OF INTERPRETER SERVICES

- CRIMINAL
- TRAFFIC
- JUVENILE DELINQUENCY OR DEPENDENCY
- MENTAL COMPETENCY HEARINGS WITH APPOINTED COUNSEL
- OTHER MANDATED CIVIL

Until sufficient funds are appropriated, provide interpreters in all other case types in the following priority order:

#### PRIORITY 1

Protective order in family law case with domestic violence claim, elder or dependent adult case involving physical abuse or neglect, or civil harassment case under CCP § 527.6(w)

*Fee waiver does not have preference.*

#### PRIORITY 2

Unlawful detainer

*Fee waiver does not have preference.*

#### PRIORITY 3

Action to terminate parental rights

*Fee waiver has preference.*

#### PRIORITY 4

Conservatorship or guardianship

*Fee waiver has preference.*

#### PRIORITY 5

Actions by a parent to obtain sole legal or physical custody of child or visitation

*Fee waiver has preference.*

#### PRIORITY 6

Elder/dependent adult abuse not involving physical abuse or neglect or other civil harassment under CCP § 527.6

*Fee waiver has preference.*

#### PRIORITY 7

All other family law (not involving domestic violence/custody/visitation)

*Fee waiver has preference.*

#### PRIORITY 8

All other civil cases

*Fee waiver has preference.*

CCP = Code of Civil Procedure

**Trial Court Trust Fund - Fund Condition Statement**

#	Description	YEAR END FINANCIAL STATEMENTS			ESTIMATED				
		2014-15	2015-16	2016-17	2017-18 <sup>1</sup>	2018-19 <sup>2</sup>	2019-20	2020-21	2021-22
A		B	C	D	E	F	G	H	I
1	<b>Beginning Fund Balance</b>	<b>21,218,232</b>	<b>6,614,017</b>	<b>34,829,875</b>	<b>66,569,098</b>	<b>70,995,870</b>	<b>73,684,784</b>	<b>59,903,812</b>	<b>46,509,154</b>
2	Prior-Year Adjustments	5,624,798	7,208,461	5,759,000			-	-	-
3	<b>TOTAL REVENUES AND TRANSFERS</b>	<b>2,333,631,984</b>	<b>2,431,232,814</b>	<b>2,486,227,327</b>	<b>2,481,415,502</b>	<b>2,645,637,422</b>	<b>2,624,401,000</b>	<b>2,624,401,000</b>	<b>2,605,301,000</b>
4	<i>Total Revenues</i>	<i>1,341,324,951</i>	<i>1,294,611,392</i>	<i>1,270,421,327</i>	<i>1,283,589,502</i>	<i>1,263,321,872</i>	<i>1,250,998,000</i>	<i>1,250,998,000</i>	<i>1,250,998,000</i>
5	<b>Transfers/Charges/Reimbursements</b>								
6	General Fund Transfer	922,648,255	943,724,000	1,021,832,000	986,281,000	1,161,529,000	1,161,529,000	1,161,529,000	1,142,429,000
7	General Fund Transfer - Court-Appointed Dependency Counsel		114,700,000	114,700,000	136,700,000	136,700,000	136,700,000	136,700,000	136,700,000
8	General Fund Transfer - Revenue Backfill	30,900,000	58,900,000	61,300,000	55,000,000	64,294,000	56,000,000	56,000,000	56,000,000
9	General Fund Loan - Statewide E-Filing				671,000	491,000			
10	Reduction Offset Transfers	26,080,000	6,080,000	6,080,000	6,080,000	6,080,000	6,080,000	6,080,000	6,080,000
11	Net Other Transfers/Charges/Reimbursements	12,678,778	13,217,422	11,894,000	13,094,000	13,221,550	13,094,000	13,094,000	13,094,000
12	<b>Total Resources</b>	<b>2,360,475,014</b>	<b>2,445,055,292</b>	<b>2,526,816,202</b>	<b>2,547,984,600</b>	<b>2,716,633,292</b>	<b>2,698,085,784</b>	<b>2,684,304,812</b>	<b>2,651,810,154</b>
13	<b>EXPENDITURES/ENCUMBRANCES/ALLOCATIONS</b>								
14	Program 30/30.05 (0140010) - Judicial Council (AOC Staff)	4,095,938	3,620,851	2,306,934	3,292,198	3,636,608	3,130,608	3,130,608	3,130,608
15	Program 30.15 (Formerly Program 45.10) (0140019) - Trial Court Operations <sup>4</sup>	15,622,980	12,369,281	-	-	-	-	-	-
16	Program 45.10 (0150010) - Support for Operation of the Trial Courts	1,883,174,214	1,816,242,767	1,860,003,547	1,832,248,717	1,989,577,876	1,989,577,876	1,989,577,876	1,970,477,876
17	Program 0150011 - Court-Appointed Dependency Counsel	-	114,387,117	114,699,919	136,631,250	136,700,000	136,700,000	136,700,000	136,700,000
18	Program 45.15 - Trial Court Security	-	-	-	-	-	-	-	-
19	Program 45.25 (0150019) - Compensation of Superior Court Judges	319,803,869	330,369,783	335,384,000	348,583,021	356,974,000	356,974,000	356,974,000	356,974,000
20	Program 45.35 (0150028) - Assigned Judges	24,792,538	25,199,733	25,923,351	28,063,247	28,117,000	28,117,000	28,117,000	28,117,000
21	Program 45.45 (0150037) - Court Interpreters	96,802,928	99,598,715	102,282,915	108,537,000	108,960,000	104,960,000	104,960,000	104,960,000
22	Program 45.55 (0150046) - Grants	8,864,250	8,146,000	8,147,000	9,554,900	9,709,939	9,252,188	9,540,791	9,540,791
23	9892 Supplemental Pension Payments (State Ops)					98,000	105,000	169,000	177,000
24	Program 0150095 - Expenses on Behalf of the Trial Courts	-	-	11,391,069	10,078,398	9,175,085	9,365,300	8,626,384	9,043,384
25	Item 601 - Redevelopment Agency Writ Case Reimbursements	704,280	291,169	108,368	-	-	-	-	-
26	<b>Total, Expenditures/Encumbrances/Allocations</b>	<b>2,353,860,997</b>	<b>2,410,225,417</b>	<b>2,460,247,104</b>	<b>2,476,988,731</b>	<b>2,642,948,508</b>	<b>2,638,181,972</b>	<b>2,637,795,658</b>	<b>2,619,120,658</b>
27	<b>Ending Fund Balance</b>	<b>6,614,017</b>	<b>34,829,875</b>	<b>66,569,098</b>	<b>70,995,870</b>	<b>73,684,784</b>	<b>59,903,812</b>	<b>46,509,154</b>	<b>32,689,495</b>
28	Urgent Needs Reserve			10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
29	Funds Held on Behalf of the Trial Courts				150,000	150,000			
30	Court Interpreter Funds Held in Reserve	10,917,600	9,043,514	5,698,434	794,089		-	-	-
31	CAC Dependency Collections Held in Reserve	1,574,692	2,186,060	542,893	498,168	454,312	806,251	806,251	806,251
32	Redevelopment Agency Writ Case Reimbursements Held in Reserve	927,837	636,668		-	-	-	-	-
33	Equal Access Fund Held in Reserve		454,039	966,609	342,531	342,531	342,531	342,531	342,531
34	Sargent Shriver Civil Counsel Held in Reserve	2,494,429	1,449,503	944,028	544,494	544,494	544,494	544,494	544,494
35	<b>Total Restricted Funds</b>	<b>16,294,708</b>	<b>13,769,783</b>	<b>18,151,963</b>	<b>12,329,281</b>	<b>11,491,337</b>	<b>11,843,276</b>	<b>11,693,276</b>	<b>11,693,276</b>
36	<b>Ending Unrestricted Fund Balance</b>	<b>(9,680,691)</b>	<b>21,060,092</b>	<b>48,417,135</b>	<b>58,666,588</b>	<b>62,193,447</b>	<b>48,060,536</b>	<b>34,815,878</b>	<b>20,996,219</b>
37	<b>Net Revenue/Transfers Over or (Under) Expenditures</b>	<b>(20,229,013)</b>	<b>21,007,397</b>	<b>25,980,223</b>	<b>4,426,771</b>	<b>2,688,914</b>	<b>(13,780,972)</b>	<b>(13,394,658)</b>	<b>(13,819,658)</b>

<sup>1</sup> 2017-18 does not reflect the final year-end financial statements. The revenues are based on accruals provided to accounting; expenditures are based on estimated year end calculations.

<sup>2</sup> 2018-19 revenues reflect May Revise projections; expenditures are based on JCC approved allocations plus the \$75 million pending allocation.

**CALIFORNIA COMMISSION ON ACCESS TO JUSTICE**

c/o State Bar of California · 180 Howard Street · San Francisco, CA 94105 · (415) 538-2352 · (415) 538-2524/fax

HON. MARK A. JUHAS,  
Chair  
*Los Angeles County Superior Court*  
*Los Angeles*

CATHERINE J. BLAKEMORE,  
Vice Chair  
*Disability Rights California*  
*Sacramento*

JOHN W. ADKINS  
*San Diego Law Library*  
*San Diego*

DAISY DENISE ALFARO, Ph.D.  
*California State University, Los Angeles*  
*Los Angeles*

A. BEVERLY COLE  
*Cole Renwick, LLC*  
*Palm Desert*

DAVID R. DANIELS  
*Public Counsel*  
*Los Angeles*

HON. TIMOTHY P. DILLON  
*Los Angeles County Superior Court*  
*Los Angeles*

ERIKA C. FRANK  
*California Chamber of Commerce*  
*Sacramento*

JUAN J. GUTIERREZ  
*One Stop Immigration and Educational Center*  
*Los Angeles*

AMOS E. HARTSTON  
*California Department of Justice*  
*Los Angeles*

HON. JAMES E. HERMAN  
*Superior Court of Santa Barbara County*  
*Santa Barbara*

JANIS R. HIROHAMA  
*League of Women Voters of California*  
*Manhattan Beach*

HON. LISA R. JASKOL  
*Los Angeles Superior Court*  
*Los Angeles*

HON. MARTIN J. JENKINS  
*Court of Appeal, First Appellate District*  
*San Francisco*

VENUS D. JOHNSON  
*City of Oakland*  
*Oakland*

HON. VICTORIA S. KOLAKOWSKI  
*Alameda County Superior Court*  
*Oakland*

MICHAEL J. LEVY  
*California Department of Insurance*  
*Sacramento*

HON. GOODWIN H. LIU  
*California Supreme Court*  
*San Francisco*

DEBORAH D. MOSS-WEST  
*Santa Clara University School of Law*  
*Santa Clara*

ANNE MARIE MURPHY  
*Cotchett, Pitre & McCarthy*  
*Burlingame*

LISA R. PRUITT  
*University of California, Davis, School of Law*  
*Davis*

PANIDA M. RZONCA  
*Thai Community Development Center*  
*Los Angeles*

LORENA E. SLOMANSON  
*Legal Aid Society of San Diego*  
*San Diego*

JOHANNA VALLE SOBALVARRO  
*San Francisco*

SHUMIKA T. R. SOOKDEO  
*Robinson Sookdeo Law*  
*Riverside*

HON. ERICA R. YEW  
*Santa Clara County Superior Court*  
*San Jose*

ANDREW TUFT  
*Acting Director, Office of Access & Inclusion*  
*State Bar of California*

August 10, 2018

Trial Court Budget Advisory Committee  
Judicial Council of California  
455 Golden Gate Ave  
San Francisco, CA 94102

Dear Judge Conklin and members of TCBAC:

The California Commission on Access to Justice, “Access Commission”, writes to provide comment as part of the public comment period, to the plan regarding funding for the court interpreters program. Thank you for the opportunity to make these comments.

The 26 member Access Commission, comprise of lawyers, judges, as well as academic, business, labor and community leaders, has worked for 20 years to improve access to civil justice for Californians living on low and moderate incomes<sup>i</sup>. The Commission frequently works with the State Bar, the Judicial Council, and other stakeholders to preserve and expand access to justice in California<sup>ii</sup>.

The California Commission on Access to Justice strongly urges the Trial Court Budget Advisory Committee to recommend to the Judicial Council that any potential shortfall in Court Interpreters Program funding for fiscal year 2018-19 be covered by a one-time allocation from the Trial Court Trust Fund. Any option for addressing this temporary funding issue that would withhold reimbursement to trial courts for court interpreter services in any case type now covered by the expansion of interpreter services into civil and family law would be a significant step backwards in what has been a successful effort to increase access to one of our state’s most vulnerable populations.

Over the last few years, this expansion of court interpreter services has led to real language access for the 7 million limited English speakers in our state. According to the latest report from the Language Access Plan Implementation Task Force, 51 of our 58 trial courts report that they are now providing interpreter services in all case types and that the remaining 7 courts are well on their way to doing so. This means that for the first time in history, the vast majority of our LEP residents can meaningfully participate in the court process. These litigants can now be heard when in court facing eviction from their home, the loss of a child in custody proceedings and in so many more potentially life changing legal actions. This access must not be jeopardized or disrupted even temporarily.

Letter to TCBAC/ August 10, 2018

That is certainly what would happen if reimbursement for these essential court interpreter services were discontinued. If reimbursements were ended, trial courts would have little choice but to stop providing interpreters and stop providing access to LEP court users. We are very concerned that once this access is lost, it will be very difficult to restore. A one-time allocation from the Trial Court Trust Fund to cover any potential funding shortfall in this fiscal year (Option 1) is the only option that will preserve language access to our courts. It should be the option that this committee chooses to recommend to the Judicial Council.

The Commission is grateful for the opportunity to comment on the impact of interpreter funding in the California courts.

Very Truly Yours,



Hon. Mark A. Juhas  
Chair, California Commission on Access to Justice

---

<sup>i</sup> The CCAJ includes appointees from the California Governor, the Attorney General, the President pro Tem of the State Senate, the Speaker of the California Assembly, the California Judicial Council, California Judges Association, the State Bar of California, Consumer Attorneys of California, California Chamber of Commerce, California Labor Federation, League of Women Voters, the California Council of Churches, the Council of California County Law Librarians, and the Legal Aid Association of California.

<sup>ii</sup> The Access Commission's comments shall not be imputed to or be deemed to represent any of the Access Commission's appointing authorities, including but not limited to the State Bar of California.

**Superior Court of California**  
COUNTY OF CONTRA COSTA  
725 COURT STREET  
P.O. BOX 911  
MARTINEZ, CA 94553-0091



August 13, 2018

Trial Court Budget Advisory Committee

Re: August 14, 2018 Telephonic Meeting on Interpreter Funding

Attention: Brandy Sanborn

I'd like to start by thanking the committee for allowing me to speak to you on behalf of the Language Access Implementation Task Force at your recent meeting in which you were considering how to address the very real concerns we face as a result of the potential shortfall in the Interpreter Fund for this fiscal year. Staff has done an excellent job of exploring all of the options for addressing this temporary funding glitch. As Chair of the Task Force's Budget and Monitoring Subcommittee, I urge you to choose Option 1. It is the only means for addressing this short-term problem that does not discontinue language access services to the 7 million limited English speakers in our state. As Zlatko Theodorovic, Judicial Council Director of Budget Services, indicated at your recent meeting, there are adequate funds in the Trial Court Trust Fund to cover any projected shortfall in this fiscal year. There is no reason to jeopardize all of the ongoing, historic efforts of our trial courts to provide true language access to millions of people who have, until recently, been shut out of our court system.

The latest statistics show that through the hard work and efforts of those in our trial courts, these services certainly have been successfully implemented. As of the beginning of this year, 51 of our 58 trial courts report that they are providing interpreter services for all eight priority levels set out in Evidence Code Section 756 and the remaining 7 courts are well on their way to doing so. Language services are now, for the first time, being provided in court for vulnerable litigants in Unlawful Detainer, Guardianship, Conservatorship, Elder Abuse, Civil Harassment, Family Law, Debt Collection and all other civil cases. This is an amazing accomplishment, one that all of us justifiably celebrate. We certainly should not consider taking action to dismantle it.

And that is what I fear would happen if you choose any option that would discontinue, even temporarily, these popular and essential interpreter services. After many years of inadequate trial court funding, our local courts are fiscally stressed beyond limit. Even the prospect of a potential lack of reimbursement from the Interpreter Fund will force CEO's across the state to take immediate action to avoid another budget setback. Members of our Task Force are already fielding concerned inquiries from the trial courts about whether to preemptively discontinue interpreter services in Civil, Family and the other recently added case types, based only on the fact that this committee is considering a recommendation to halt reimbursement for such services. One can only imagine what will happen if that recommendation is actually made.

Moreover, once these essential language services are stopped, it will be extremely difficult to regain the trust of the trial courts to reinstate them out of fear that funding will be halted again in the future. This should not happen, particularly because we have been so successful in obtaining funding for these interpreter services. The 2016-17 state budget included an ongoing appropriation of \$7 million to improve access for LEP court users by providing interpreter services in civil proceedings. This fiscal year, we obtained an additional one-time appropriation of \$4 million in order to continue to expand the availability of interpreter services. And we have every reason to believe that the Legislature and the Governor will continue to authorize additional funding for these essential and popular services in the future.

Finally, I'd like to highlight one more important reason why this committee should not recommend discontinuing reimbursement for interpreter services. For the last several years, the legislation establishing the Interpreter Fund prohibited its use for reimbursing trial courts for the cost of administrators such as interpreter coordinators unless those managers were certified or registered interpreters. Since very few courts met this requirement, for the last several years few were reimbursed from the fund. That restriction was removed last year, meaning that all of the 58 trial courts can now seek reimbursement from the fund for the cost of these administrators. While this funding to the trial courts is certainly needed, it is a new expense from the Interpreter Fund that is projected to deplete the Fund by more than \$2.6 million this fiscal year. These reimbursements are not being considered for reduction as a means of addressing the potential temporary shortfall this fiscal year. I can think of no reason that would justify a significant expansion in paying for administrators, while calling for a severe cutback of direct services in the courtroom that effect the lives of so many people.

As I indicated at your recent meeting, all of us involved with the process of interpreter funding feel confident that now that the ongoing balance in the Interpreter Fund has been depleted, the Governor and the Legislature will be very receptive to a significant increase in the Fund for the next fiscal year. But first we need to get through the rough waters of this transitional fiscal year. The only way to do that without expense to the trial courts or cuts to essential and necessary interpreter services is to choose Option 1. I urge you to recommend to the Judicial Council that Trial Court Trust Fund reserves be allocated on a one-time basis.

A handwritten signature in black ink, appearing to read 'SKA', with a stylized flourish at the end.

Steven K. Austin

Judge of the Superior Court



**From:** Hayashi, Judge Dennis, Superior Court <[dhayashi@alameda.courts.ca.gov](mailto:dhayashi@alameda.courts.ca.gov)>  
**Sent:** Monday, August 13, 2018 11:12 AM  
**To:** TCBAC <[TCBAC@jud.ca.gov](mailto:TCBAC@jud.ca.gov)>  
**Subject:** Allocation Methodology for Interpreter Program Shortfall

Members of the Trial Court Budget Advisory Committee:

As a member of the Language Access Task Force, I am writing in support of your adoption of proposed Option 1 to address any projected shortfall in the budget for the Court Interpreter Program. As a civil trial judge in Alameda County, my court routinely handles litigation matters involving parties who have little, if any, English speaking ability. This is particularly true when it comes to languages other than Spanish. Any discontinuance of reimbursement for interpreter services would be a serious blow to our commitment to guaranteeing equal access to judicial services. In this light, only Option 1 would allow us to continue this critical service.

Thank you for your consideration.

Dennis Hayashi  
Judge, Superior Court of Alameda County

**From:** Friedman, Corey@DIR <[CFriedman@dir.ca.gov](mailto:CFriedman@dir.ca.gov)>

**Sent:** Monday, August 13, 2018 10:33 AM

**To:** TCBAC <[TCBAC@jud.ca.gov](mailto:TCBAC@jud.ca.gov)>

**Subject:** Public Comment on Allocation Methodology for Interpreter Program Shortfall, August 14, 2018  
Agenda Item

Dear Trial Court Budget Advisory Committee,

I understand that there has been a shortfall in funding for interpreters. I urge you to please continue reimbursing these costs, without any suspension in payments, as proposed in Option 1. As an attorney whose work has given me an appreciation of interpreters' necessity and a co-chair of the Legal Services Trust Fund Commission, which funds legal services providers throughout the state, I hope the Committee will do everything in its power to protect litigants' access to interpretation services.

Please note that I am submitting this public comment as an individual, and not on behalf of my employer, the Legal Services Trust Fund Commission, or any other entity.

Any action that will disrupt essential services to litigants should not be considered.

Thank you for your time.

yours,

Corey N. Friedman

Counsel, Division of Occupational Safety & Health  
State of California | Department of Industrial Relations  
1515 Clay Street | Suite 1901 | Oakland | California | 94612  
Telephone: 510.286.7348 | Fax: 510.286.7039

*"The Unified Voice of Legal Services"*



August 13, 2018

Trial Court Budget Advisory Committee  
Attn: Ms. Brandy Sanborn  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
tcbac@jud.ca.gov

**Re: Public Comment on Allocation Methodology for Interpreter Program Shortfall, August 14, 2018 Agenda Item 1**

To Members of the Trial Court Budget Advisory Committee:

I am writing on behalf of the Legal Aid Association of California (LAAC) to provide public comment on methodology for allocating a structural shortfall in Court Interpreter Program beginning in 2018-2019.

Founded in 1983, LAAC is a nonprofit organization created for the purpose of ensuring the effective delivery of legal services to low-income and underserved people and families throughout California. LAAC is the statewide membership organization for almost 100 legal services nonprofits in the state. In this capacity we work closely with stakeholders, including members and staff of the Judicial Council, to preserve access to justice in California.

We want to thank the Judicial Council for its support of language access for all in the California court system. Over the last few years, the expansion of court interpreter services in our courts has led to access to justice for the millions of Californians with limited English proficiency. We applaud the commitment and vision of the Judicial Council to this work. Never before have so many Californians had the opportunity to participate in the court process in a meaningful way, and we commend the hard work that made that a reality.

We have reviewed the options presented to your Committee by Judicial Council staff (August 13, 2018 Report from Catrayel Wood, Senior Budget Analyst) to address the projected shortfall in the Court Interpreter Program in the current fiscal year. ***We urge the Committee to adopt Option 1 and recommend a one-time allocation from the Trial Court Trust Fund.***

The other options before you would disrupt court interpreter services to litigants by withholding reimbursement to trial courts. If reimbursements are discontinued, trial courts would have no choice but to stop providing interpreters and thereby stop providing access to LEP court users. Many litigants, as legal aid programs see firsthand, enter the court system to address life-changing problems, like foreclosure, domestic violence, health access, wage theft, civil rights violations, and housing issues. As a result of the expansion of court interpreter services, people facing these problems can now meaningfully participate in the court process. Disrupting these services will undoubtedly harm the countless litigants that will be forced to face these serious problems without a voice.

Any action that will disrupt essential services to litigants should not be considered. Denying meaningful access to the courts to some of our state's most vulnerable people would be an affront to the invaluable progress California courts have made in language access.

*California leads the nation in providing meaningful language access. An allocation from the Trial Court Trust Fund (Option 1) is the only option that will preserve language access to the courts. For that reason, the Legal Aid Association of California asks that this Committee recommend Option 1 to the Judicial Council.* LAAC writes on behalf of itself and its nearly 100 member organizations; many of those organizations have chosen to additionally sign on below to express their strong support of Option 1 and preventing any lapse in court interpreter services.

Thank you for your consideration of our comments,



Salena Copeland  
Executive Director  
Legal Aid Association of California

*Joined by:*

Asian Americans Advancing Justice - Asian Law Caucus  
Asian Americans Advancing Justice - Los Angeles  
Bay Area Legal Aid  
Bet Tzedek  
Centro Legal de la Raza  
Child Care Law Center  
Community Legal Services in East Palo Alto  
Disability Rights Education and Defense Fund  
Disability Rights Legal Center  
Family Violence Appellate Project  
Impact Fund  
Law Foundation of Silicon Valley  
Legal Aid Foundation of Los Angeles  
Legal Aid of Marin  
Legal Services for Prisoners with Children  
Legal Services of Northern California  
Legal Aid Society of Orange County & Community Legal Services in Southeast Los Angeles  
Legal Aid Society of San Diego  
National Housing Law Project  
Neighborhood Legal Services of Los Angeles County  
Public Interest Law Project  
Public Law Center  
Watsonville Law Center  
Worksafe



# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205  
www.courts.ca.gov

HON. TANI G. CANTIL-  
SAKAUYE  
*Chief Justice of California  
Chair of the Judicial Council*

MR. MARTIN HOSHINO  
*Administrative Director,  
Judicial Council*

## **ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS**

HON. KATHLEEN E. O'LEARY  
HON. LAURIE D. ZELON  
*Co-chairs*

*Hon. Sue Alexander  
Mr. Thomas Alexander  
Hon. Craig E. Arthur  
Ms. Kim Bartleson  
Hon. Charles R. Brehmer  
Hon. Mark E. Cullers  
Ms. Ana Maria Garcia  
Hon. Ginger E. Garrett  
Hon. Maria D. Hernandez  
Hon. Victoria Kolakowski  
Hon. Lia R. Martin  
Ms. Kelly J. McNamara  
Ms. Sasha Morgan  
Hon. William J. Murray, Jr.  
Ms. Julie S. Paik  
Mr. Michael Powell  
Hon. Mickie Reed  
Ms. Carole Ross-Burnett  
Ms. Janice Schmidt  
Ms. Melanie Snider  
Mr. Bruce A. Soublet  
Hon. Sergio C. Tapia, II  
Hon. Bobbi Tillmon  
Hon. Juan Ulloa  
Hon. Erica Yew  
Hon. Rheeah Yoo*

COMMITTEE STAFF  
Ms. Kyanna Williams  
415-865-7911

August 13, 2018

Attn: Trial Court Budget Advisory Committee

### Public Comment from the Advisory Committee on Providing Access and Fairness: Regarding the August 14, 2018 Meeting of the Trial Court Budget Advisory Committee – Agenda item 1: Allocation Methodology for Interpreter Program Shortfall

The Advisory Committee on Providing Access and Fairness submits the following comments:

The Advisory Committee on Providing Access and Fairness (PAF) is charged with making recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. An important aspect of PAF's work is making court processes more fair, understandable, and accessible to everyone.

PAF recognizes that a litigant's ability to understand court proceedings and effectively communicate in those proceedings is a critical aspect of access to justice. Having access to skilled interpreters helps ensure that litigants with limited English proficiency can meaningfully participate in their court proceedings.

In recent years, the judicial branch and the legislature have worked together to improve access to court interpreter services. The legislature prioritized interpreter services for those case types that most frequently involve people of limited means and self-represented litigants. These case types involve litigants who may not know that they need to bring an interpreter when the court does not provide one and are unlikely to have the resources to locate and pay for interpreter services on their own. The legislature's order of priority is:

- Priority 1: Protective order in family law case with domestic violence claim, elder or dependent adult case involving physical abuse or neglect, or civil harassment case under CCP § 527.6(w).
- Priority 2: Unlawful detainer

August 13, 2018

Page 2


- Priority 3: Parental termination
- Priority 4: Conservatorship / guardianship
- Priority 5: Custody / visitation
- Priority 6: Elder/dependent adult abuse not involving physical abuse or neglect or other civil harassment under CCP § 527.6
- Priority 7: Other family law
- Priority 8: Other civil cases


PAF members are now deeply concerned about two of the alternative proposals before the Committee to address the projected \$3.4 million shortfall in the Court Interpreter Program (CIP) budget for the current fiscal year. In the report titled, [“Allocation Methodology for Interpreter Program Shortfall”](#), Judicial Council Budget Services staff lay out three different options for addressing this projected budget shortfall. PAF supports option 1 because it protects litigants by continuing to ensure that they have access to court interpreters in civil cases. PAF, however, cannot support options 2 and 3 because they would result in either discontinuance of all civil interpreter services in some courts, or uncertainty as to availability in others, in all or some of the priority categories identified by the legislature. Options 2 and 3 would also shift the burden of the CIP budget shortfall to individual trial courts and result in unequal access to court interpreter services throughout the state.

For the reasons stated above, PAF strongly opposes options 2 and 3 as outlined in the allocation methodology report. PAF encourages the Trial Court Budget Advisory Committee to vote in favor of option 1, as it is the only option proposed that would protect litigants and ensure that civil court proceedings are fair and accessible to those with limited English proficiency.

Thank you for considering these recommendations from our committee.

Sincerely,

  
Hon. Kathleen E. O'Leary  
Presiding Justice  
Court of Appeal  
Fourth Appellate District, Division Three

  
Hon. Laurie D. Zelon  
Associate Justice  
Court of Appeal  
Second Appellate District, Division Seven

KEO/LDZ/KW/cb

Aug. 13, 2018

Trial Court Budget Advisory Committee  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA, 94102  
[tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov)  
Attn: Ms. Brandy Sanborn

Re: Allocation Methodology for Interpreter Program Shortfall

Esteemed Members of the Trial Court Budget Advisory Committee,

The California Federation of Interpreters, Local 39000, the professional organization and union representing court interpreters statewide, urges you to protect meaningful language access for Limited English Proficient (LEP) court users and not discontinue reimbursement to courts for interpreters in civil matters.

As you consider recommendations to address the expected shortfall in the court interpreter fund, we respectfully request that you chose option 1, which recommends that the Judicial Council approve a one-time Trial Court Trust Fund allocation to make up for this gap.

The other two options up for consideration would weaken courts' existing obligation under state and federal law to provide meaningful language access to LEP court users in criminal and civil cases. In turn, LEP court users would be prevented from obtaining justice for extremely sensitive and life changing matters such as the custody and visitation of their children, termination of parental rights, or losing their housing.

Consider the ramifications that suspending payment for civil matters would cause. LEP litigants would be forced to return to using children, laypersons, or relatives who aren't impartial to interpret complicated cases. Court caseloads would swell as LEP court users, who are often low income and cannot afford to pay for a certified or registered, would have to return multiple times if no qualified interpreter is available.

Going forward, we urge all involved in this process to ensure judicious use of interpreter funding through efficiencies rather than punishing vulnerable court users.

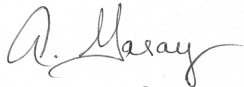
For example, additional funds should be sought for the predictable cost increase stemming from this year's change in the budget bill allowing interpreter coordinators who are not certified and or registered interpreters to be reimbursed from the court interpreter fund.

Additionally, costs for contract interpreters have been growing over the last few years not just because of civil expansion but because of compensation. More and more courts are paying not just the \$418 federal rate — up from the \$282 state per day rate — but also travel time, mileage or transportation reimbursement and lodging for interpreters brought from one part of the state to another. Expenditures for contract interpreters grew by more than \$4 million — the equivalent to a 20% jump — from fiscal year 2015-2016 to fiscal 2016-2017.

Meanwhile, costs for employee interpreters increased by little more than 2% in the same time period, a fact that points out that not as much money is being invested into the steady workforce that handles most of the LEP cases.

We are encouraged that the Language Access Plan Implementation Task Force has been and continues to work in securing the necessary funding so that language services are not rolled back. CFI stands ready to collaborate on this common goal. California has made significant progress in the common goal of language access, let's not take a step back.

Respectfully,



Anabelle Garay  
CFI representative



Janet Hudec  
Certified Court Interpreter  
Judicial Council LAPITF Member  
Judicial Council Court Interpreter Advisory Panel Member

AG: mg  
OPEIU #537 afl-cio, clc