CALIFORNIA JUDICIAL BRANCH

Strategic Plan for Language Access in the California Courts

January 22, 2015

Executive Summary

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Following extensive gathering of stakeholder input, the Joint Working Group for California's Language Access Plan has prepared the *Strategic Plan for Language Access in the California Courts*. This Executive Summary provides an overview on the formation of the plan, along with a summary of highlights of stakeholder input and recommendations. The Joint Working Group's objective was to draft recommendations that would create a branchwide approach to providing language access services to court users throughout the state while accommodating an individual court's need for a large degree of flexibility in implementing the plan recommendations. A primary goal is to incorporate language access as part of the core court services. A draft plan was posted on the California Courts website for public comment on July 31, with the comment period continuing through September 29, 2014. Following the public comment process, the draft plan was revised and a final plan was presented to the Judicial Council for its review and adoption.

Previous Council Action

The California judicial branch has long supported the need to expand language access services in the courts. However, the branch has not yet adopted a comprehensive statewide language access plan that will provide recommendations, guidance, and a consistent statewide approach to ensure language access to all limited English proficiency (LEP) court users. In June 2013, the Joint Working Group for California's Language Access Plan was established to create a plan that would serve all of California's LEP court users. The working group was comprised of members of both the Court Interpreters Advisory Panel and the Advisory Committee on Providing Access and Fairness, along with other stakeholders and a language access consultant.

Methodology and Process

California is the most diverse state in the country, with approximately 7 million LEP residents and potential court users, dispersed over a vast geographic area, who speak more than 200 languages. Therefore, the effort to develop a comprehensive statewide language access plan included several forums to engage court leaders and other interested language access stakeholders across the state in order to obtain valuable input. The Joint Working Group conducted a series of listening sessions with court executive officers and presiding judges, court interpreter organizations (including the California Federation of Interpreters and contract interpreter groups), and legal services providers. At the listening sessions, participants reviewed the draft outline for the language access plan and discussed the significant challenges and opportunities for the California courts regarding language access.

Then in late February and early March 2014, three public hearings on language access were held, in San Francisco, Los Angeles, and Sacramento. The notice for the public hearings—including the agenda, a fact sheet, and the draft outline—were provided in multiple languages

and posted on the California Courts website.[1] At the hearings, experts provided input from local, state, national, health-care, court, and legislative perspectives. Language access through interpreters was provided, as relevant to each region, and the hearings were also accessible by web simulcast. After the hearings, audio and written comments, as well as prepared presentations from panelists, were posted to the Joint Working Group's web page.[2] The thoughtful, varied, and valuable perspectives provided by all individuals and groups were instrumental in developing the draft plan.

After the public hearings, the Joint Working Group began the complex task of reviewing and analyzing all stakeholder input to formulate appropriate recommendations for the draft plan.

Concerns of Stakeholders

Although the range of topics covered, the insights shared, and the experiences relayed were extensive, some salient themes surfaced throughout the planning process:

- LEP speakers who need to use the judicial system for a variety of civil cases—from family law to domestic violence to evictions—are unable to meaningfully access court processes because of language barriers. In critical proceedings such as hearings and trials, LEP court users are often forced to resort to family members or friends to communicate with the court. These untrained interpreters are rarely equipped to accurately and completely assist with communication between the court and the LEP litigant. Failure to ensure proper communication can lead to basic misunderstandings and confusion, the loss by LEP court users of important legal rights, or an inability to access remedies.

- Language access must be provided at all critical or significant points of contact that LEP persons have with the court system. LEP parties are often unable to handle even the very first steps in seeking legal recourse, such as knowing what remedies or legal protections may be available and where to seek them out, knowing what legal procedures to follow, and understanding how and where to fill out and file court forms.

- Language access must start before an LEP court user reaches the courthouse doors; it must begin with community outreach, public education efforts, and web-based access. Language access services must be available as an LEP court user enters the courthouse and at all points of contact within the courthouse, such as self-help centers, alternative dispute resolution services, and clerks' counters.

- Court administrators in particular provided comments on the critical need for increased funding for the judicial branch, concerned that, without additional funds, compliance with the language access plan would present difficulties or lead to a reduction of court

[1] See LAP Joint Working Group web page, at *www.courts.ca.gov/LAP.htm*.

[2] *Ibid.*

services in other areas. Expansion of language access services, though supported by all stakeholders, poses fiscal demands that in part can be met by efficiencies in the provision of language services but, more important, will require additional funding appropriated for that purpose and not by shifting already scarce resources from other court services.

- Any efforts to improve the provision of language access services should include a more comprehensive mechanism for collecting data on LEP communities in California. Traditional sources of demographic data underestimate the existing numbers of LEP residents in the state, in particular with regard to linguistically isolated communities, migrant workers, and speakers of indigenous languages. Similarly, these data sources fail to adequately track emerging languages.

- As services are expanded, questions remain about whether the existing pool of certified and registered court interpreters is sufficient to meet the possible demand, because projections about the cost of expanding language access throughout all court proceedings and points of contact vary widely. Estimates will need to be made, and must include all related costs, such as technology, training, and signage.

- Technologies such as video remote interpreting, telephonic interpretation, web-based access, and multilingual audiovisual tools have an important role to play in the statewide provision of language access. However, courts must exercise care to ensure that the use of technology is appropriate for the setting involved, that safeguards are in place for ensuring due process rights, and that high quality is maintained.

- Any effort to ensure meaningful language access to the court system for all Californians must include partnerships with stakeholders. These stakeholders include community-based providers like social services organizations, domestic violence advocates, mental health providers, and substance abuse treatment programs; justice partners such as legal services organizations, court interpreter organizations, district attorneys, public defenders, law enforcement, jails, probation departments, and administrative agencies; and language access experts.

- The branch should become more active in recruiting potential interpreters at the earliest stages of their education, particularly in high schools, and then expanding to community college and university programs. Courts should create partnerships with educational providers to develop a pipeline of potential interpreters and bilingual court employees.

- The need is critical for training judicial officers, court staff, and security personnel in (1) identifying and addressing the needs of court users at all points of contact with the court; (2) understanding distinct features of the various ethnic communities, which can ensure respectful treatment of LEP court users; (3) ensuring that interpreters are, in

fact, certified or are properly provisionally qualified; and (4) conducting courtroom proceedings in a manner that facilitates the maximum quality of language access.

Plan Goals

The Joint Working Group identified the following eight strategic goals, which guided the development of the plan:

- **Goal 1: Improve Early Identification of and Data Collection on Language Needs**
  The Judicial Council will identify statewide language access needs of limited English proficiency Californians, and the courts will identify the specific language access needs within local communities, doing so as early as possible in court interactions with LEP Californians.

- **Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings**
  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.[3]

- **Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings**
  By 2020, courts will provide language access services at all points of contact in the California courts. Courts will provide notice to the public of available language services.

- **Goal 4: Provide High Quality Multilingual Translation and Signage**
  The Judicial Council, assisted by the courts, will identify best practices and resources for the highest quality of document translation and court signage in all appropriate languages.

- **Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers**
  The courts and the Judicial Council will ensure that all providers of language access services deliver high quality services. Courts and the Judicial Council will establish proficiency standards for bilingual staff and volunteers appropriate to the service being delivered, offer ongoing training for all language services providers, and proactively recruit persons interested in becoming interpreters or bilingual court staff.

- **Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures**
  Judicial officers, court administrators, and court staff will receive training on language access policies, procedures, and standards, so they can respond consistently and

[3] Within the context of this plan, the term "provided" (as in "qualified court interpreters will be provided") means at no cost to the LEP court user and without cost recovery.

effectively to the needs of LEP court users, while providing culturally competent language access services.

- **Goal 7: Conduct Outreach to Communities Regarding Language Access Services**
  The Judicial Council and the courts will undertake comprehensive outreach to, and engage in partnership with, LEP communities and the organizations that serve them.

- **Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation and Language Access Management**
  In order to complete the systematic expansion of language access services, the Judicial Council will (1) secure adequate funding that does not result in a reduction of other court services; (2) propose appropriate changes to the law, both in statutory amendments and changes to the rules of court; and (3) develop systems for implementing the Language Access Plan, for monitoring the provision of language access services, and for maintaining the highest quality of language services.

Policy and Cost Implications

The *Strategic Plan for Language Access in the California Courts* proposes an incremental approach to expand and enhance language access in the California courts for all of California's 7 million LEP residents and potential court users. California has over 1,800 highly trained certified and registered court interpreters, significantly more than any other state, who provide 215,000 interpreter service days annually at a cost of over $92 million each year.[4] Expansion of language access services will by necessity require creative solutions and securing additional court funding. As indicated by stakeholders during the planning process, however, much work remains to be done, especially in the civil arena, to ensure that all court users have meaningful access to the state's courts. Expansion of language access services will by necessity require creative solutions and additional court funding, without diminishing other core court operations.

One of the plan's key goals (Goal 2) is to ensure 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." Many civil cases such as evictions, guardianships, conservatorships, and family matters involving custody of children and termination of parental rights are critical to the lives of Californians. Court-ordered and court-operated programs, services, and events, such as settlement conferences or mandatory mediation, are also essential to the fair resolution of disputes. It is therefore the intent of the Language Access Plan that the phase-in of interpreter services in civil proceedings and court-ordered, court-operated events be instituted immediately and be ongoing throughout the process of implementation of full language access.

[4] Total statewide court interpreter expenditures incurred during 2013–2014 that are eligible to be reimbursed from the Trial Court Trust Fund (TCTF) Program 45.45 (court interpreter) totaled $92,471,280.

Implementation Efforts

Having completed its task, the Joint Working Group recommends immediate formation of two groups that would report to the Judicial Council's Executive and Planning Committee: (1) a Language Access Implementation Task Force, which would develop and recommend the methods and means for implementing the Language Access Plan in all 58 counties, as well as coordinate with related advisory groups and Judicial Council staff on implementation efforts; and (2) a translation committee, which would oversee translation protocols for Judicial Council forms, written materials, and audiovisual tools.

Phase-In of Recommendations

To assist courts and all interested persons with understanding how the various recommendations contained in the Language Access Plan can be gradually phased in for implementation by the courts and the Judicial Council during the next five years (2015–2020), Appendix A (attached) groups all of the plan's recommendations into one of three categories:

- **PHASE 1:** These recommendations are urgent or should already be in place. Implementation of these recommendations should begin in year 1 (2015).

- **PHASE 2:** These recommendations are critical, but less urgent or may require completion of Phase 1 tasks. Implementation of these recommendations may begin immediately, where practicable, and in any event should begin by years 2–3 (2016–2017).

- **PHASE 3:** These recommendations are critical, but not urgent, or are complex and will require significant foundational steps, time, and resources to be completed by 2020. Implementation of these recommendations should begin immediately, where practicable, or immediately after the necessary foundational steps are in place.

Appendix A: Phase-In of Recommendations

PHASE 1: These recommendations are urgent or should already be in place. Implementation of these recommendations should begin in year 1 (2015).

#1 Language access needs identification. 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. (Phase 1)

#2 Requests for language services. 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. (Phases 1, 2)

#3 Protocol for justice partners to communicate language needs. Courts should establish protocols by which justice partners can indicate to the court that an individual requires a spoken language interpreter at the earliest possible point of contact with the court system. (Phase 1)

#4 Mechanisms for LEP court users to self-identify. 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). In the absence of self-identification, judicial officers and court staff must proactively seek to ascertain a court user's language needs. (Phase 1)

#5 Information for court users about availability of language access services. 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. (Phase 1)

#6 Expansion of language services cost reporting. The Judicial Council and the courts will continue to expand and improve data collection on interpreter services, and expand language services cost reporting to include amounts spent on other language access services and tools

such as translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. This information is critical in supporting funding requests as the courts expand language access services into civil cases. (Phase 1)

#8 Expansion of court interpreters to all civil proceedings. Qualified interpreters must be provided in the California courts to LEP court users in all court proceedings, including civil proceedings as prioritized in Evidence Code section 756 (see Appendix H), and including Family Court Services mediation. (Phases 1 and 2)

#9 Provisional qualification requirements. Pending amendment of California Rules of Court, rule 2.893, when good cause exists, a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth once the existing rule of court is amended). (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 70, on amending rule 2.893 to include civil cases.) (Phases 1 and 2)

#10 Provision of qualified interpreters in all court-ordered/court-operated proceedings. Beginning immediately, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered, court-operated programs, services and events, to all LEP litigants, witnesses, and persons with a significant interest in the case. (Phases 1, 2, and 3)

#12 Preference for in-person interpreters. The use of in-person, certified and registered court interpreters is preferred for court proceedings, but courts may consider the use of remote interpreting where it is appropriate for a particular event. Remote interpreting may only be used if it will allow LEP court users to fully and meaningfully participate in the proceedings. (Phase 1)

#13 Remote interpreting in the courtroom. When using remote interpreting in the courtroom, the court must satisfy, to the extent feasible, the prerequisites, considerations, and guidelines for remote interpreting set forth in Appendix B. (Phase 1)

#14 Remote interpreting minimum technology requirements. The Implementation Task Force will establish minimum technology requirements for remote interpreting which will be updated on an ongoing basis and which will include minimum requirements for both simultaneous and consecutive interpreting. (Phase 1)

#15 Use of video for remote interpreting. Courts using remote interpreting should strive to provide video, used in conjunction with enhanced audio equipment, for courtroom interpretations, rather than relying on telephonic interpreting. (Phase 1)

#16 Pilot for video remote interpreting. The Judicial Council should conduct a pilot project, in alignment with the Judicial Branch's Tactical Plan for Technology 2014–2016. This pilot should, to the extent possible, collect relevant data on: due process issues, participant satisfaction, whether remote interpreting increases the use of certified and registered interpreters as opposed to provisionally qualified interpreters, the effectiveness of a variety of available technologies (for both consecutive and simultaneous interpretation), and a cost-benefit analysis. The Judicial Council should make clear that this pilot project would not preclude or prevent any court from proceeding on its own to deploy remote interpreting, so long as it allows LEP court users to fully and meaningfully participate in the proceedings. (Phase 1)

#18 Creation of multilingual standardized videos. The Judicial Council should continue to create multilingual standardized videos for high-volume case types that lend themselves to generalized, not localized, legal information, and provide them to courts in the state's top eight languages and captioned in other languages. (Phase 1)

#19 Verifying credentials of interpreters. Effective January 2015, pursuant to Government Code section 68561(g) and (f), judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, properly represent their credentials on the record, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.) (Phase 1)

#22 Avoiding conflicts of interest. Absent exigent circumstances, when appointing a noncertified, nonregistered interpreter, courts must not appoint persons with a conflict of interest or bias with respect to the matter. (Phase 1)

#23 Appointment of minors to interpret. Minors will not be appointed to interpret in courtroom proceedings nor court-ordered and court-operated activities. (Phase 1)

#25 Designation of language access office or representative. The court in each county will designate an office or person that serves as a language access resource for all court users, as well as court staff and judicial officers. This person or persons should be able to: describe all the services the court provides and what services it does not provide, access and disseminate all of the court's multilingual written information as requested, and help LEP court users and court staff locate court language access resources. (Phase 1)

#26 Identification of critical points of contact. Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. (See Recommendation 47, which discusses possible standards for the appropriate qualification level of bilingual staff at these locations.) (Phase 1)

#28 Recruitment of bilingual staff. Courts should strive to recruit bilingual staff fluent in the languages most common in that county. In order to increase the bilingual applicant pool, courts should conduct outreach to educational providers in the community, such as local high schools,

community colleges, and universities, to promote the career opportunities available to bilingual individuals in the courts. (Phase 1)

#34 Use of bilingual volunteers. Courts should consider the use of bilingual volunteers to provide language access services at points of contact other than court proceedings, where appropriate. Bilingual volunteers and interns must be properly trained and supervised. (Phase 1)

#36 Establishment of translation committee. The Judicial Council will create a translation committee to develop and formalize a translation protocol for Judicial Council translations of forms, written materials, and audiovisual tools. The committee should collaborate with interpreter organizations and courts to develop a legal glossary in all certified languages, taking into account regional differences, to maintain consistency in the translation of legal terms. The committee's responsibilities will also include identifying qualifications for translators, and the prioritization, coordination, and oversight of the translation of materials. The qualification of translators should include a requirement to have a court or legal specialization and be accredited by the American Translators Association (ATA), or to have been determined qualified to provide the translations based on experience, education, and references. Once the Judicial Council's translation protocol is established, individual courts should establish similar quality control and translation procedures for local forms, informational materials, recordings, and videos aimed at providing information to the public. Local court website information should use similarly qualified translators. Courts are encouraged to partner with local community organizations to accomplish this recommendation. (Phase 1)

#37 Statewide multilingual samples and templates. The Judicial Council staff will work with courts to provide samples and templates of multilingual information for court users that are applicable on a statewide basis and adaptable for local use. (Phase 1)

#38 Posting of translations on web. The Judicial Council's staff will post on the California Courts website written translations of forms and informational and educational materials for the public as they become available and will send notice to the courts of their availability so that courts can link to these postings from their own websites. (Phase 1)

#40 Translation of court orders. Courts will provide sight translation of court orders and should consider providing written translations of those orders to LEP persons when needed. At a minimum, courts should provide the translated version of the relevant Judicial Council form to help litigants compare their specific court order to the translated template form. (Phase 1)

#43 Standards for qualifications of interpreters. Courts, the Judicial Council, and the Court Interpreters Advisory Panel (CIAP) will ensure that all interpreters providing language access services to limited English proficient court users are qualified and competent. Existing standards for qualifications should remain in effect and will be reviewed regularly by the CIAP. (Phase 1)

#44 Online orientation for new interpreters. The online statewide orientation program will continue to be available to facilitate orientation training for new interpreters working in the courts. (Phase 1)

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

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

(Phase 1)

#46 Training for interpreters on civil cases and remote interpreting. The Judicial Council, interpreter organizations, and educational groups should collaborate to create training programs for those who will be interpreting in civil cases and those who will be providing remote interpreting. (Phase 1)

#47 Language proficiency standards for bilingual staff. Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to "intermediate mid" as defined under the American Council on the Teaching of Foreign Languages guidelines. (See Appendix F.) The existing Oral Proficiency Exam available through the Judicial Council's Court Language Access Support Program (CLASP) unit may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency. (Phase 1)

#48 Standards and online training for bilingual staff. Beyond the specified minimum, the Judicial Council staff will work with the courts to (a) identify standards of language proficiency for specific points of public contact within the courthouse, and (b) develop and implement an online training for bilingual staff. (Phase 1)

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

- Optimal methods for managing court proceedings involving interpreters, including an understanding of the mental exertion and concentration required for interpreting, the challenges of interpreter fatigue, the need to control rapid rates of speech and dialogue, and consideration of team interpreting where appropriate;

- The interpreter's ethical duty to clarify issues during interpretation and to report impediments to performance;
- Required procedures for the appointment and use of a provisionally qualified interpreter and for an LEP court user's waiver, if requested, of interpreter services;
- Legal requirements for establishing, on the record , an interpreter's credentials;
- Available technologies and minimum technical and operational standards for providing remote interpreting; and
- Working with LEP court users in a culturally competent manner.

The staff of the Judicial Council will develop curricula for trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs. (Phase 1)

#52 Benchcards on language access. Judicial Council staff should develop bench cards that summarize salient language access policies and procedures and available resources to assist bench officers in addressing language issues that arise in the courtroom, including policies related to remote interpreting. (Phase 1)

#56 Advocacy for sufficient funding. The judicial branch will advocate for sufficient funding to provide comprehensive language access services. The funding requests should reflect the incremental phasing-in of the Language Access Plan, and should seek to ensure that requests do not jeopardize funding for other court services or operations. (Phase 1)

#57 Use of data for funding requests. Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to implement the recommendations of this Language Access Plan. This may include information being gathered in connection with the recent Judicial Council decision to expand the use of Program 45.45 funds for civil cases where parties are indigent; information being gathered for the 2015 Language Need and Interpreter Use Report; and information that can be extrapolated from the Resource Assessment Study (which looks at court staff workload), as well as other court records (e.g., self-help center records regarding LEP court users). (Phase 1)

#58 Pursuit by the Judicial Council of other funding opportunities. Judicial Council staff will pursue appropriate funding opportunities from federal, state, or nonprofit entities such as the National Center for State Courts, which are particularly suitable for one-time projects, for example, translation of documents or production of videos. (Phase 1)

#59 Pursuit by courts of other funding opportunities. Courts should pursue appropriate funding opportunities at the national, state, or local level to support the provision of language access services. Courts should seek, for example, one-time or ongoing grants from public interest foundations, state or local bar associations, federal, state, or local governments, and others. (Phase 1)

#60 Language Access Implementation Task Force. The Judicial Council will create a Language Access Implementation Task Force (name TBD) to develop an implementation plan for

presentation to the council. The Implementation Task Force membership should include representatives of the key stakeholders in the provision of language access services in the courts, including, but not limited to, judicial officers, court administrators, court interpreters, legal services providers, and attorneys that commonly work with LEP court users. As part of its charge, the task force will identify the costs associated with implementing the LAP recommendations. The Implementation Task Force will coordinate with related advisory groups and Judicial Council staff on implementation, and will have the flexibility to monitor and adjust implementation plans based on feasibility and available resources. (Phase 1)

#61 Compliance and monitoring system. The Implementation Task Force will establish the necessary systems for monitoring compliance with this Language Access Plan. This will include oversight of the plan's effects on language access statewide and at the individual court level, and assessing the need for ongoing adjustments and improvements to the plan. (Phase 1)

#62 Single complaint form. The Implementation Task Force will develop a single form, available statewide, on which to register a complaint about the provision of, or the failure to provide, language access. This form should be as simple, streamlined, and user-friendly as possible. The form will be available in both hard copy at the courthouse and online, and will be capable of being completed electronically or downloaded for printing and completion in writing. The complaints will also serve as a mechanism to monitor concerns related to language access at the local or statewide level. The form should be used as part of multiple processes identified in the following recommendations of this plan. (Phase 1)

#63 Complaints at local level regarding language access services. Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may file a complaint about the court's provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. Local courts may choose to model their local procedures after those developed as part of the implementation process. Complaints must be filed with the court at issue and reported to the Judicial Council to assist in the ongoing monitoring of the overall implementation and success of the Language Access Plan. (Phase 1)

#66 Statewide repository of language access resources. The Judicial Council should create a statewide repository of language access resources, whether existing or to be developed, that includes translated materials, audiovisual tools, and other materials identified in this plan in order to assist courts in efforts to expand language access. (Phase 1)

#67 Adoption of plan by the California Courts of Appeal and California Supreme Court. The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of this Language Access Plan with necessary modifications. (Phase 1)

#69 Procedures and guidelines for good cause. The Judicial Council should establish procedures and guidelines for determining "good cause" to appoint non-credentialed court interpreters in civil matters. (Phase 1)

#70 Amend rule of court for appointment of interpreters in civil proceedings. The Judicial Council should amend rule of court 2.893 to address the appointment of non-credentialed interpreters in civil proceedings. (Phase 1)

#75 Policy regarding waiver of interpreter. The Implementation Task Force will develop a policy addressing an LEP court user's request of a waiver of the services of an interpreter. The policy will identify standards to ensure that any waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel; and is approved by the appropriate judicial officer, exercising his or her discretion. The policy will address any other factors necessary to ensure the waiver is appropriate, including: determining whether an interpreter is necessary to ensure the waiver is made knowingly; ensuring that the waiver is entered on the record, or in writing if there is no official record of the proceedings; and requiring that a party may request at any time, or the court may make on its own motion, an order vacating the waiver and appointing an interpreter for all further proceedings. The policy shall reflect the expectation that waivers will rarely be invoked in light of access to free interpreter services and the Implementation Task Force will track waiver usage to assist in identifying any necessary changes to policy. (Phase 1)

PHASE 2: These recommendations are critical, but less urgent or may require completion of Phase 1 tasks. Implementation of these recommendations may begin immediately, where practicable, and in any event should begin by years 2–3 (2016–2017).

#2 Requests for language services. 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. (Phases 1, 2)

#7 Review of other data beyond the U.S. Census. The Judicial Council and the courts should collect data in order to anticipate the numbers and languages of likely LEP court users. Whenever data is collected, including for these purposes, the courts and the Judicial Council should look at other sources of data beyond the U.S. Census, such as school systems, health departments, county social services, and local community-based agencies. (Phase 2)

#8 Expansion of court interpreters to all civil proceedings. Qualified interpreters must be provided in the California courts to LEP court users in all court proceedings, including civil proceedings as prioritized in Evidence Code section 756 (see Appendix H), and including Family Court Services mediation. (Phases 1 and 2)

#9 Provisional qualification requirements. Pending amendment of California Rules of Court, rule 2.893, when good cause exists, a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These

procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth once the existing rule of court is amended). (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 70, on amending rule 2.893 to include civil cases.) (Phases 1 and 2)

#10 Provision of qualified interpreters in all court-ordered/court-operated proceedings. Beginning immediately, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered, court-operated programs, services and events, to all LEP litigants, witnesses, and persons with a significant interest in the case. (Phases 1, 2, and 3)

#11 Consideration of language accessibility of service providers in making court orders. An LEP individual should not be ordered to participate in a court-ordered program if that program does not provide appropriate language accessible services. If a judicial officer does not order participation in services due to the program's lack of language capacity, the court should order the litigant to participate in an appropriate alternative program that provides language access services for the LEP court user. In making its findings and orders, the court should inquire if the program provides language access services to ensure the LEP court user's ability to meet the requirements of the court. (Phase 2)

#17 Pilot for central pool of remote interpreters. In order to maximize the use and availability of California's highly skilled certified and registered interpreters, the Judicial Council should consider creating a pilot program through which certified and registered interpreters would be available to all courts on a short-notice basis to provide remote interpreting services. (Phase 2)

#20 Expansion of regional coordination system. The Judicial Council should expand the existing formal regional coordination system to improve efficiencies in interpreter scheduling for court proceedings and cross-assignments between courts throughout the state. (See Recommendation 30, addressing coordination for bilingual staff and interpreters for non-courtroom events.) (Phase 2)

#21 Methods for calendaring and coordination of court interpreters. Courts should continue to develop methods for using interpreters more efficiently and effectively, including but not limited to calendar coordination. Courts should develop these systems in a way that does not have a chilling effect on LEP court users' access to court services. (Phase 2)

#24 Appointment of bilingual staff. Absent exigent circumstances, courts should avoid appointing bilingual court staff to interpret in courtroom proceedings; if the court does appoint staff, he or she must meet all of the provisional qualification requirements. (Phase 2)

#27 Provision of language access tools to court personnel. All court staff who engage with the public will have access to language assistance tools, such as translated materials and resources, multi-language glossaries and "I speak" cards, to determine a court user's native language,

direct him or her to the designated location for language services, and/or provide the LEP individual with brochures, instructions, or other information in the appropriate language. (Phase 2)

#29 Development of protocols for where bilingual staff are not available. Courts will develop written protocols or procedures to ensure LEP court users obtain adequate language access services where bilingual staff are not available. For example, the court's interpreter coordinator could be on call to identify which interpreters or staff are available and appropriate to provide services in the clerk's office or self-help center. Additionally, the use of remote technologies such as telephone access to bilingual staff persons in another location or remote interpreting could be instituted. (Phase 2)

#30 Policies that promote sharing of bilingual staff and interpreters among courts. The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings. (Phase 2)

#31 Pilot for remote assistance at counters and in self-help centers. The courts and the Judicial Council should consider a pilot to implement the use of remote interpreter services for counter help and at self-help centers, incorporating different solutions, including court-paid cloud-based fee-for-service models or a court/centralized bank of bilingual professionals. (Phase 2)

#32 Pilot for remote assistance for workshops. The courts should consider a pilot to implement inter-court, remote attendance at workshops, trainings, or "information nights" conducted in non-English languages using a variety of equipment, including telephone, video-conferencing (WebEx, Skype), or other technologies. (Phase 2)

#33 Qualifications of court-appointed professionals. In matters with LEP court users, courts must determine that court-appointed professionals, such as psychologists, mediators, and guardians, can provide linguistically accessible services before ordering or referring LEP court users to those professionals. Where no such language capability exists, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters. (Phase 2)

#39 Signage throughout courthouse. The staff of the Judicial Council should assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse, and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation. Where more localized signage is required, courts should have all public signs in English and translated in 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. At a minimum, all such materials should be available in English and Spanish. (Phase 2)

#41 Accessible courthouses. The Judicial Council, partnering with courts, should ensure that new courthouse construction efforts, as well as redesign of existing courthouse space, are undertaken with consideration for making courthouses more easily navigable by all LEP persons. (Phase 2)

#42 Wayfinding strategies. The Judicial Council's staff will provide information to courts interested in better wayfinding strategies, multilingual (static and dynamic) signage, and other design strategies that focus on assisting LEP court users. (Phase 2)

#49 Recruitment strategies for language access providers. The Judicial Council staff will work with educational providers, community-based organizations, and interpreter organizations to identify recruitment strategies, including consideration of market conditions, to encourage bilingual individuals to pursue the interpreting profession or employment opportunities in the courts as bilingual staff. (Phase 2)

#51 Language access resources on intranet. Information on local and statewide language access resources, training and educational components identified throughout this plan, glossaries, signage, and other tools for providing language access should be readily available to all court staff through individual courts' intranets. (Phases 2 and 3)

#64 Complaints regarding court interpreters. The Judicial Council, together with stakeholders, will develop a process by which the quality and accuracy of an interpreter's skills and adherence to ethical requirements can be reviewed. This process will allow for appropriate remedial action, where required, to ensure certified and registered interpreters meet all qualification standards. Development of the process should include determination of whether California Rule of Court 2.891 (regarding periodic review of court interpreter skills and professional conduct) should be amended, repealed, or remain in place. Once the review process is created, information regarding how it can be initiated must be clearly communicated to court staff, judicial officers, attorneys, and in plain language to court users (e.g., LEP persons and justice partners). (Phase 2)

#68 Implementation Task Force to evaluate need for updates to rules and statutes. To ensure ongoing and effective implementation of the LAP, the Implementation Task Force will evaluate, on an ongoing basis, the need for new statutes or rules or modifications of existing rules and statutes. (Phases 2 and 3)

#71 Legislation to delete exception for small claims proceedings. The Judicial Council should sponsor legislation to amend Government Code section 68560.5(a) to include small claims proceedings in the definition of court proceedings for which qualified interpreters must be provided. (Phase 2)

#72 Legislation to require credentialed interpreters for small claims. The Judicial Council should sponsor legislation to amend Code of Civil Procedure section 116.550 dealing with small

claims actions to reflect that interpreters in small claims cases should, as with other matters, be certified or registered, or provisionally qualified where a credentialed interpreter is not available. (Phase 2)

#73 Updating of interpreter-related forms. The Judicial Council should update the interpreter-related court forms (INT-100-INFO, INT-110, INT-120, and INT-200) as necessary to be consistent with this plan. (Phase 2)

#74 Evaluation of Trial Court Interpreter Employment and Labor Relations Act. The Implementation Task Force should evaluate existing law, including a study of any negative impacts of the Trial Court Interpreter Employment and Labor Relations Act on the provision of appropriate language access services. The evaluation should include, but not be limited to, whether any modifications should be proposed for existing requirements and limitations on hiring independent contractors beyond a specified number of days. (Phase 2)

PHASE 3: These recommendations are critical, but not urgent, or are complex and will require significant foundational steps, time, and resources to be completed by 2020. Implementation of these recommendations should begin immediately, where practicable, or immediately after the necessary foundational steps are in place.

#10 Provision of qualified interpreters in all court-ordered/court-operated proceedings. Beginning immediately, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered, court-operated programs, services and events, to all LEP litigants, witnesses, and persons with a significant interest in the case. (Phases 1, 2, and 3)

#35 Pilot programs for language access kiosks. As an alternative for traditional information dissemination, the Judicial Council should consider creating pilot programs to implement the use of language access kiosks in lobbies or other public waiting areas to provide a variety of information electronically, such as on a computer or tablet platform. This information 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. At a minimum, all such materials should be available in English and Spanish. (Phase 3)

#51 Language access resources on intranet. Information on local and statewide language access resources, training and educational components identified throughout this plan, glossaries, signage, and other tools for providing language access should be readily available to all court staff through individual courts' intranets. (Phases 2 and 3)

#53 Partnerships to disseminate information. Courts should strengthen existing relationships and create new relationships with local community-based organizations, including social services providers, legal services organizations, government agencies, and minority bar

associations to gather feedback to improve court services for LEP court users and disseminate court information and education throughout the community. (Phase 3)

#54 Multilingual audio or video recordings to inform public. To maximize both access and efficiency, multilingual audio and/or video recordings should be used as part of the outreach efforts by courts to provide important general information and answers to frequently asked questions. (Phase 3)

#55 Collaboration with media. Courts should collaborate with local media and leverage the resources of media outlets, including ethnic media that communicate with their consumers in their language, as a means of disseminating information throughout the community about language access services, the court process, and available court resources. (Phase 3)

#65 Complaints regarding statewide translations. The translation committee (as described in Recommendation 36), in consultation with the Implementation Task Force, will develop a process to address complaints about the quality of Judicial Council–approved translations, including translation of Judicial Council forms, the California Courts Online Self-Help Center, and other Judicial Council–issued publications and information. (Phase 3)

#68 Implementation Task Force to evaluate need for updates to rules and statutes. To ensure ongoing and effective implementation of the LAP, the Implementation Task Force will evaluate, on an ongoing basis, the need for new statutes or rules or modifications of existing rules and statutes. (Phases 2 and 3)