# JUDICIAL COUNCIL OF CALIFORNIA

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*Chair, Judicial Branch Budget Committee*
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MR. MARTIN HOSHINO
*Administrative Director*
*Judicial Council*

May 15, 2020

Hon. Gavin Newsom
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Re: *2020 Language Need and Interpreter Use Study*, as required under Government Code section 68563

Dear Governor Newsom:

Attached is the Judicial Council report required under Government Code section 68563, which requires the Judicial Council to conduct a study every five years on language need and interpreter use in the California trial courts.

The study was conducted by the Judicial Council's Language Access Services and covers the period from fiscal years 2014–15 through 2017–18.

If you have any questions related to this report, please contact Mr. Douglas Denton, Principal Manager, Language Access Services, at 415-865-7870 or douglas.denton@jud.ca.gov.

Sincerely,

Martin Hoshino
Administrative Director
Judicial Council

MH/DGD/icb
Attachment

cc: Eric Dang, Policy Consultant, Office of Senate President pro Tempore Toni G. Atkins
Alf Brandt, Senior Counsel, Office of Assembly Speaker Anthony Rendon
Gabrielle Zeps, Policy Consultant, Office of Assembly Speaker Anthony Rendon
Amy Alley, Policy Advisor, Office of Senate President pro Tempore Toni G. Atkins
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Tina McGee, Executive Secretary, Legislative Analyst's Office
Jessie Romine, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
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Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Gregory Pagan, Chief Counsel, Assembly Public Safety Committee
Jennifer Kim, Consultant, Assembly Budget Committee
Lyndsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget
Gary Olson, Consultant, Assembly Republican Office of Policy & Budget
Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget
Amy Leach, Minute Clerk, Office of Assembly Chief Clerk
Cory T. Jasperson, Director, Governmental Affairs, Judicial Council
Yvette Casillas-Sarcos, Administrative Coordinator, Governmental Affairs, Judicial Council

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*Administrative Director*
*Judicial Council*

May 15, 2020

Ms. Diane F. Boyer-Vine
Legislative Counsel
State Capitol, Room 3021
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: *2020 Language Need and Interpreter Use Study*, as required under Government Code section 68563

Dear Ms. Boyer-Vine, Ms. Contreras, and Ms. Parker:

Attached is the Judicial Council report required under Government Code section 68563, which requires the Judicial Council to conduct a study every five years on language need and interpreter use in the California trial courts.

The study was conducted by the Judicial Council's Language Access Services and covers the period from fiscal years 2014–15 through 2017–18.

If you have any questions related to this report, please contact Mr. Douglas Denton, Principal Manager, Language Access Services, at 415-865-7870 or douglas.denton@jud.ca.gov.

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MR. MARTIN HOSHINO
*Administrative Director*
*Judicial Council*

## Report Summary

Report title: *2020 Language Need and Interpreter Use Study*

Statutory citation: Government Code section 68563

Date of report: March 2020

The Judicial Council has submitted a report to the Governor and the Legislature in accordance with Government Code section 68563.

The following summary of the report is provided under the requirements of Government Code section 9795.

The study was conducted by the Judicial Council's Language Access Services and covers a period of four fiscal years, 2014–15 through 2017–18.

The report is divided into two key parts: Interpreter Use in Mandated and Civil Case Types and Projecting Future Language Need. Following the passage of Assembly Bill 1657 (Stats. 2014, ch. 721), the study includes data on court interpreter usage for civil cases.

After reviewing all available data, the study recommends that the Judicial Council (1) retain the certification classification of the top ten most-frequently interpreted languages during the study period, (2) continue to monitor the usage of Hmong for possible future certification, and (3) explore and develop a recommended credentialing process for certification as a California American Sign Language interpreter.

The Court Interpreters Advisory Panel, on behalf of the Judicial Council, will address the above recommendations and will present its findings and recommended actions to the Judicial Council.

The full *2020 Language Need and Interpreter Use Study* is available at www.courts.ca.gov/7466.htm. A printed copy of the report may be obtained by calling 415-865-7870.

# 2020 Language Need and Interpreter Use Study

MARCH 2020

JUDICIAL COUNCIL
OF CALIFORNIA
OPERATIONS AND PROGRAMS DIVISION

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
*www.courts.ca.gov*

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The *2020 Language Need and Interpreter Use Study* was adopted by the Judicial Council on May 15, 2020. It was prepared under the direction of the Court Interpreters Advisory Panel.

For electronic copies of this report and for more information, visit *www.courts.ca.gov/programs-interpreters.htm.*

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# JUDICIAL COUNCIL OF CALIFORNIA

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*Matthew Clark and Douglas G. Denton*

# Court Interpreters Advisory Panel
# (January 2020)

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Court Executive Officer, Superior Court of
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# Acknowledgments

This report reflects the work of many individuals across California who have dedicated their professional lives to improving access to justice for limited-English-proficient or deaf or hard-of-hearing court users. The Judicial Council of California would like to recognize the ongoing work of over 2,500 talented and dedicated bilingual staff and court interpreters who provide services every day that court is open, as well as the 58 superior court Language Access Representatives who serve as their court's language access resource for all court users, court staff, and judicial officers.

We thank the California Department of Education, California Department of Finance, Center for Immigration Studies, and Migration Policy Institute for their helpful research, including analysis of data provided by the U.S. Census Bureau.

Judge Steven Austin, Superior Court of Contra Costa County, Judge Jonathan Conklin, Superior Court of Fresno County, and Justice Laurie Zelon, Second Appellate District of the Court of Appeal, have been great leaders for branch language access efforts.

Justice Terence Bruiniers, First Appellate District of the Court of Appeal (retired), and California Supreme Court Justice Ming Chin provided vision for the branch on the appropriate use of technology for efficiency and improved service for all court users.

From the Judicial Council, Leah Rose-Goodwin, Manager of the Office of Court Research, and Martha Wright, Manager of Criminal Justice Programs, provided helpful input for this report.

Finally, we thank California Supreme Court Justice Mariano-Florentino Cuéllar and Judge Manuel Covarrubias, Superior Court of Ventura County, who led the Language Access Plan Implementation Task Force from 2015 through 2019. Justice Cuéllar encouraged and inspired staff of the Judicial Council of California to improve and maintain language access data collection efforts on an ongoing basis to support the development of sound policy and maintain language access as a core service of the court.

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# Executive Summary

## Purpose

As the policymaking body for the judiciary, the Judicial Council of California is responsible for providing direction for the fair and impartial administration of justice in the state courts of California. The availability of language access services is essential to the fair and impartial administration of justice, as well as a fundamental right guaranteed by the California Constitution (Cal. Const., art. I, § 14). This constitutional provision exists to ensure equal access to justice for litigants with limited English proficiency. In order to monitor the availability of language services, Government Code section 68563 was enacted to require that the Judicial Council conduct a study of language and interpreter use in the trial courts beginning in 1995 and every five years thereafter, reporting its findings to the Governor and the Legislature:

> The Judicial Council shall conduct a study of language and interpreter use and need in court proceedings, with commentary, and shall report its findings and recommendations to the Governor and to the Legislature not later than July 1, 1995, and every five years thereafter. The study shall serve as a basis for (1) determining the need to establish interpreter programs and certification examinations, and (2) establishing these programs and examinations through the normal budgetary process. The study shall also serve as a basis for (1) determining ways in which the Judicial Council can make available to the public, through public service announcements and otherwise, information relating to opportunities, requirements, testing, application procedures, and employment opportunities for interpreters, and (2) establishing and evaluating these programs through the normal budgetary process.

This report, pursuant to section 68563, provides a comprehensive look at interpreter services used in courts for spoken languages from fiscal year (FY) 2014–15 through FY 2017–18, and offers analysis on future language need in order to consider changes to the designation of languages for certification.

## Overview

California's superior courts recorded over 4.4 million interpretations for the four-year study period. Criminal cases are the main driver of interpretation volume. Criminal case interpretations numbered approximately 3,315,799 for the study period. However, criminal interpretations declined steadily during this time, almost certainly because criminal filings fell sharply in these years. Juvenile interpretations for the entire four-year study period accounted for 474,750 while family law case interpretations accounted for 334,681. Juvenile case interpretations declined throughout the four-year period, while family law interpretations rose steadily and significantly in all but the last year. Ultimately, any trends in language access across case types should be viewed through the lens of the civil expansion policies outlined in the Judicial Council's *Strategic Plan for Language Access in the California Courts* in 2015. These policies have

expanded interpreter services to cover all case types beyond the mandated case types of criminal, traffic, juvenile, and mental health. And while the mandated case types still make up the majority of interpretations for the study period, the expansion of interpretation services into non-mandated civil case types increased significantly, from 141,298 in FY 2014–15 to 196,650 in FY 2017–18, an increase of almost 40 percent. Case types falling into the civil expansion category amounted for roughly 11 percent of overall volume in FY 2014–15, but represented over 18 percent of all interpretations by FY 2017–18.

Generally, California trial courts use the Court Interpreter Data Collection System to aid in the tracking of interpreter services throughout the state. Improved data reporting, including the use of more granular metrics that more thoroughly measure language need and case-type volume, has improved the analysis of interpreter needs and services, adding clarity to recommendations and the trends they are based on.

## Key Findings

The findings are divided into two sections, reflecting the two sections of the report.

### *Part One: Interpreter Use in Mandated and Civil Case Types*

- California's superior courts reported over 4.4 million interpretations for the four-year study period of FY 2014–15 through FY 2017–18.
- Criminal cases are the main driver of interpretation volume (around 75 percent). Criminal case interpretations numbered approximately 3.3 million for the study period.
- Spanish is by far the most interpreted language in the state in courtroom proceedings, accounting for 91.36 percent of the overall interpreter volume for the study period.
- Vietnamese was the second most-interpreted language, accounting for 1.47 percent of overall volume for the state during that same period. No other language accounted for more than 1 percent of interpretations for the study period.
- The top ten most commonly interpreted languages for this study period were (in order of prevalence) Spanish, Vietnamese, American Sign Language, Mandarin, Cantonese, Korean, Punjabi, Russian, Arabic, and Farsi.
- Region 1 generated the most interpreter activity for the study period.[1] This is likely because Region 1 contains the trial court in Los Angeles County, which accounted for

[1] Region 1 courts are those superior courts in the counties of Los Angeles, San Luis Obispo, and Santa Barbara. Ventura would be in this region but has a statutory arrangement under Government Code section 71828 that allows it to operate outside the regional structure.

approximately 1,281,065 interpretations during the four-year study period, which is roughly 28.64 percent of all interpreter activity statewide.

- Region 4 accounted for the second-most interpreter activity, with 29.51 percent of all interpretations, while Regions 2 and 3 accounted for 17.69 percent and 18.81 percent of the state courts' interpretations, respectively.[2]

- Many languages are interpreted in significant volume across the state while others are concentrated in one region or even one county.

- Interpretations in civil case types—including limited, unlimited, complex, and other "traditional" civil case types—rose dramatically throughout the study period, almost doubling from 35,213 interpretations in FY 2014–15 to 67,645 in FY 2017–18. Additionally, the interpretations in cases covered under the expanded civil interpretation policy (everything other than the mandated case types of criminal, traffic, juvenile, and mental health) increased from 141,298 in FY 2014–15 to 196,650 in FY 2017–18. This is an increase of almost 40 percent.

### *Part Two: Projecting Future Language Need*

- Over 200 languages are spoken in the California courts.

- In 2016, approximately 10,678,000 (10.7 million) foreign-born individuals resided in California, accounting for 27 percent of the state's population. This represents twice the immigrant share of the U.S. population overall (14 percent).

- The states with the largest percentage of their populations speaking a foreign language at home in 2018 were California (45 percent), Texas (36 percent), New Mexico (34 percent), New Jersey (32 percent), New York and Nevada (each with 31 percent), Florida (30 percent), Arizona and Hawaii (each with 28 percent), and Massachusetts (24 percent).

- As of 2018, 44.1 percent of California households speak a language other than English, and 18.1 percent of the California population over the age of five (6.6 million out of 37.7 million) speak English less than "very well."

---

[2] Region 2 courts include Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Sonoma. Solano would be in this region but, like Ventura, has the same statutory arrangement under Government Code section 71828 to operate outside the regional structure.

Region 3 courts include Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kern, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

Region 4 courts are Imperial, Inyo, Orange, Riverside, San Bernardino, and San Diego.

- The U.S. Census Bureau groups language usage differently from how California tracks interpreter usage by language. However, the most commonly spoken foreign languages in California per the census are generally the same as the most frequently interpreted spoken languages.

- Data collected by the California Department of Education indicates that 93 percent of English learners speak one of these top ten non-English languages (listed in order of prevalence): Spanish, Vietnamese, Mandarin, Arabic, Filipino (Pilipino or Tagalog), Cantonese, Korean, Punjabi, Russian, and Hmong.

- In 38 out of California's 58 counties, more than 20 percent of the population speaks a language other than English at home.

- Despite the significant decline in new case filings throughout the state of California over the past decade,[3] there continues to be increasing demand for interpretation services in the courts.

- There are challenges regarding the provision of full interpretation services:
    - Insufficient numbers of qualified interpreters, particularly in other than Spanish languages;
    - Limited funding to reimburse courts for interpreter services;
    - Too few applicants for interpreter training coupled with outdated interpreter recruitment efforts; and
    - No credentialing process for certification as an American Sign Language (ASL) court interpreter.

- There are opportunities to help meet these challenges:
    - Explore a tiered approach for court interpreter credentialing that would allow near-passers of credentialing exams to enter the courts with a journey-level or administrative credential status.
    - Undertake more modern and effective recruitment and informational efforts, including the use of social media and more direct help by the Judicial Council's Court Interpreters Program for courts that need to fill empty interpreter positions.
    - Continue ongoing efforts, in conjunction with other states, to identify options for a credentialing process as an ASL court interpreter.
    - Employ the appropriate technology to provide services in more languages and in a more cost-effective manner.

[3] Case filings peaked in FY 2008–09 at roughly 10.2 million in all case types in that fiscal year. Filings have consistently declined for the nine subsequent years. In FY 2017–18, there were approximately 5.8 million filings.

## Summary of Recommendations

Based on the findings in this report, the following are recommendations for consideration by the Court Interpreters Advisory Panel and the Judicial Council:

- **Recommendation 1:** The Judicial Council should retain the certification classification of the top ten most frequently interpreted languages for this study period (listed in order of prevalence): Spanish, Vietnamese, American Sign Language, Mandarin, Cantonese, Korean, Punjabi, Russian, Arabic, and Farsi. This report makes no other recommendations regarding other languages designated for certification.

- **Recommendation 2:** The Judicial Council should continue to monitor the usage of Hmong for possible future designation as a certified language.

- **Recommendation 3:** The Judicial Council should explore and develop a recommended credentialing process for certification as a California ASL court interpreter.

# Part One: Interpreter Use in Mandated and Civil Case Types

## Introduction

This report evaluates interpretation services based on the number of interpretations for both mandated and civil case types for the period including FY 2014–15 through FY 2017–18. This is a departure from previous reports that evaluated interpretation services based on the number of service days for interpretations. (Depending on the assignment, service days can encompass multiple interpretations, so counting the number of interpretations is a more accurate metric to reflect interpreter usage in the courts.)

It is also important to note that, effective January 1, 2015, Evidence Code section 756 expanded and prioritized the case types in which the courts will be reimbursed for providing interpreters to limited-English-proficient (LEP) parties in the circumstance that there are insufficient resources to provide interpreters to all courts in all civil case types.[4]

Pursuant to Evidence Code section 756, the priority levels are as follows:

Priority 1: *Domestic violence, civil harassment where fees are waived (Code Civ. Proc., § 527.6(y)), elder abuse (physical abuse or neglect)*

Priority 2: *Unlawful detainer*

Priority 3: *Termination of parental rights*

Priority 4: *Conservatorship, guardianship*

Priority 5: *Sole legal or physical custody, visitation*

Priority 6: *Other elder abuse, other civil harassment*

Priority 7: *Other family law*

Priority 8: *Other civil actions or proceedings*

Given the limited resources of both funding and available certified court interpreters, California courts have made noteworthy progress in expanding interpreter services into all civil case types. In fact, as of June 30, 2019, all courts indicated that they were able to provide interpreter services in all eight civil case type priorities. The languages for which interpretation services were provided, and the interpreter coverage/availability for each priority, vary by court.

Data on interpreter use from FY 2014–15 through FY 2017–18 in this report is analyzed and presented by:

- region
- language

[4] Evidence Code section 756 is accessible at http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EVID&division=6.&title=&part=&chapter=4.&article=.

- interpreter employment status
- interpreter certification status
- case type

## Language Access Services Program

For more than 25 years, California has been committed to understanding and addressing the language needs of those who appear in our courts. A leader in court interpreter services, California was the first state in the country to adopt laws requiring standards for interpreters' professional conduct and qualifications (Assem. Bill 2400 in 1978; codified as Gov. Code, § 68560). In 2015, the Judicial Council adopted the *Strategic Plan for Language Access in the California Courts* (Language Access Plan),[5] which recommends a consistent statewide approach to ensuring language access throughout the courts. The Language Access Plan is a landmark effort by the judicial branch to address and improve access to justice for California's estimated 7 million limited-English-proficient (LEP) residents and potential court users.

Upon publication of the Language Access Plan in 2015, the goal was to implement the phases of the plan over a five-year period beginning in 2015, consistent with the phased recommendations in the plan. This thoughtful approach for the implementation of each of eight goals and their associated 75 recommendations is ongoing. To date, over 50 of the 75 recommendations have been completed, and several of the remaining recommendations are ongoing. In 2019, the Language Access Subcommittee was formed as part of the council's Advisory Committee on Providing Access and Fairness. The advisory committee and the subcommittee are charged with ensuring the full implementation of the Language Access Plan's recommendations to achieve access to justice for California's LEP court users.

There is much more to the council's language access program than implementing the Language Access Plan. The Language Access Services Program, which is part of the council's Center for Families, Children & the Courts, also focuses on developing language access resources for both courts and LEP court users. The Language Access Services Program is comprised of two units: Language Access Implementation and the Court Interpreters Program.

The Language Access Implementation unit supports the standing Language Access Subcommittee described above. The subcommittee makes recommendations to the Advisory Committee on Providing Access and Fairness in the areas of technology, education, and translation, and on legislative and rule of court proposals to enhance language access services throughout the judicial branch. The unit also works on a variety of language access projects, including all of the following:

- The online Language Access Toolkit;
- Development of tools for courts and LEP court users;
- Support for the trial court Language Access Representatives;

[5] Available on the California Courts website at www.courts.ca.gov/documents/CLASP_report_060514.pdf.

- The signage and technology grant program; and
- Technology, statistical reporting, and other language access projects, including translation efforts.

The Court Interpreters Program (CIP) unit has a robust portfolio that includes administrative oversight regarding the provision of court interpreters. For context, effective January 1, 1993, the Judicial Council assumed responsibility for the certification and registration of court interpreters, and for developing a comprehensive program to ensure an available, competent pool of qualified interpreters (Sen. Bill 1304; Stats. 1992, ch. 770, § 2). In the intervening years, the branch identified several approaches to addressing interpreter needs throughout the state. The Court Interpreters Program was developed specifically to oversee the improvement and administration of court interpreter services to ensure that courts provide qualified interpreters to deaf, hard-of-hearing, and LEP court customers as broadly as possible. The CIP unit's services include spoken and sign-language interpreter recruitment, certification, education, and professional development.

Among other responsibilities, the unit is charged with managing the testing and certification of court interpreters statewide, as well as the training, continuing education, and professional development requirements of court interpreters. The Court Interpreters Program website contains comprehensive information for the courts and the public for California's certified and registered court interpreters.[6] The website materials and resources are designed to inform court interpreter candidates about the requirements to become certified or registered in California, which exams are required and how to prepare for them, and how to remain current on educational requirements. There are also online court interpreter preparation videos to assist candidates with their professional court interpreter journey. Titles such as "How to Become a Court Interpreter in California" and "Getting Started in Court Interpreting" are very popular. There is also online content on specific exams including the written exam, the oral proficiency exam (OPE), and the bilingual interpreting exam (BIE) for certified spoken languages.

Additionally, and in collaboration with the National Center for State Courts, the CIP Unit makes available on its webpage content related to the court interpreter exam. This includes practice exercises, step-by-step instructions on becoming a California certified and registered court interpreter, certified language details, a qualifications self-assessment, an assessment questionnaire, and testing and application procedures on how to maintain certified and registered status with the Judicial Council. Details about the Judicial Council's testing administrator, Prometric Inc., is also available online. Prometric's Candidate Care department provides testing support; test registration for the written exam, OPE, and BIE; and test dates and location information.

[6] Court Interpreters Program, *www.courts.ca.gov/programs-interpreters.htm*.

In addition to all of this, language-specific trainings have been implemented by the CIP Unit to assist "near passers"[7] of the bilingual interpreting exam. In the past, the CIP Unit conducted informational outreach to potential interpreter candidates at conferences and events, and developed public service announcements to encourage persons to consider a career in court interpreting. The supply of California court interpreters has remained relatively static since 2014, which poses both challenges and opportunities for courts and LEP court users. On the one hand, the number of court interpreters has not dropped precipitously. On the other hand, the current cadre of interpreters is aging faster than new interpreters can be certified. It is possible that the CIP Unit can take a more active role in recruitment, including the use of social media, LinkedIn, and other online tools that advertise employment opportunities and reach a younger audience.

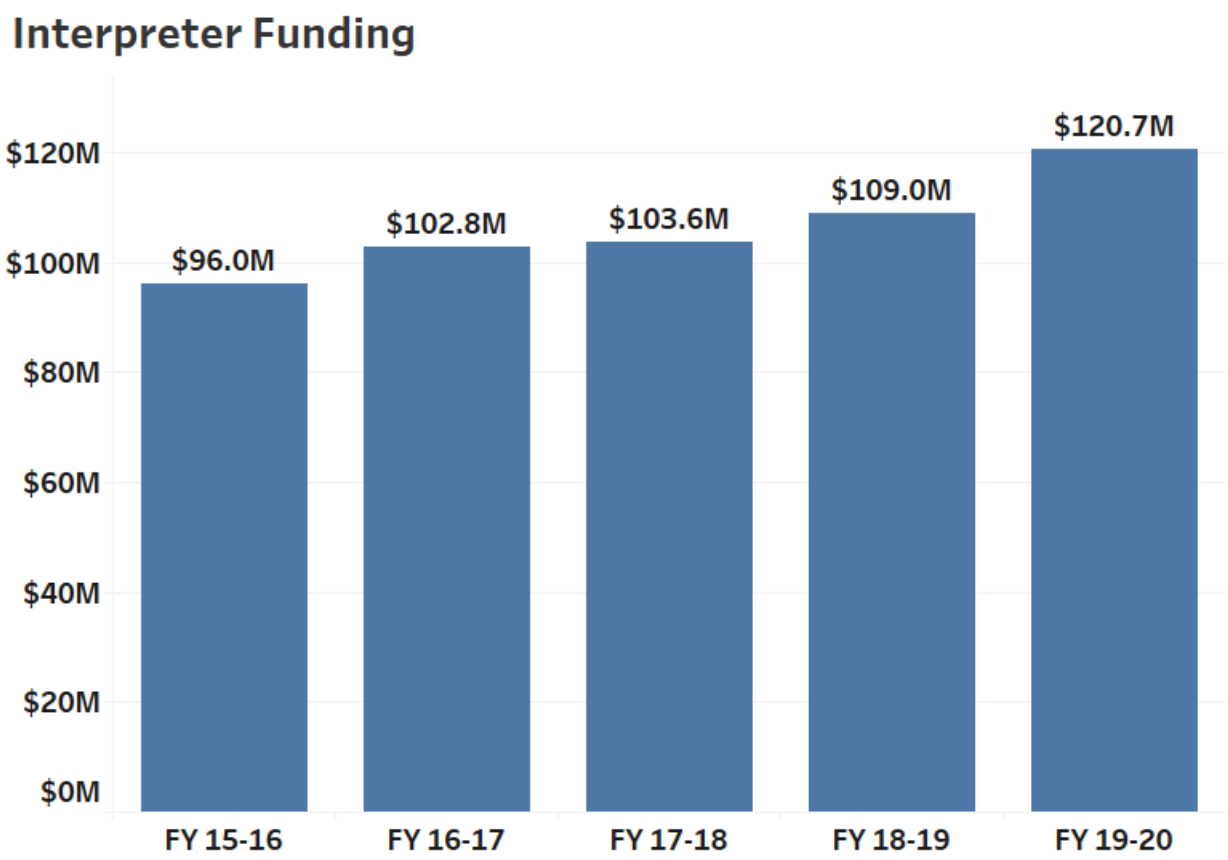
The CIP Unit staff works under the direction of the Court Interpreters Advisory Panel, which reports to and advises the Judicial Council on the advancement of language access services in the courts. These recommendations include interpreter use and need, certification, registration, and professional conduct. This report is prepared as part of that requirement.

## Program Resources

### *Court interpreter funding*

Although California has both the most court users of any state who have limited English proficiency (LEP) and the most court interpreters in the nation, there are still limited resources to pay for the services of court interpreters. In recent years, the annual appropriation for court interpreter services has grown by over 25 percent, from $96 million in FY 2015–16 to $120.7 million in FY 2019–20 (see graph below). However, as discussed in Part Two of this report, more resources are needed and efforts are ongoing to ensure adequate funding for interpreter services for the future.

[7] Near-passers are applicants who came within 65 to 70 percent of passing one of the four required components of the bilingual interpreting exam (simultaneous interpreting, consecutive interpreting, sight translation from English to the non-English language, and sight translation from the non-English language to English). California requires that applicants pass all four components of the BIE in one sitting, with a passing score of 70 percent or more for each of the four sections.




### *Court interpreter pool*

In addition to securing funds to hire and appropriately pay certified court interpreters, there are serious concerns about the number of available interpreters to serve the geographic and language diversity of California's LEP court users.

As of December 2019:

- There are 1,968 certified and registered court interpreters on the Judicial Council's Master List of Certified and Registered Court Interpreters (Master List)[8] representing dozens of languages. Of those, 1,794 are certified court interpreters and 174 are registered court interpreters.[9]

[8] Available on the California Courts website at *www.courts.ca.gov/35273.htm*.

[9] Only interpreters who pass the bilingual interpreter exam (BIE), or the legal specialist (SC:L) exam previously administered by the Registry of Interpreters for the Deaf, Inc. for American Sign Language, and who have fulfilled the corresponding Judicial Council requirements, are referred to as *certified* interpreters. Languages certified for court interpreters include American Sign Language and 15 spoken languages—Arabic, Eastern Armenian, Western Armenian, Cantonese, Farsi, Japanese, Khmer, Korean, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. (Note: Western Armenian and Japanese currently remain certified languages, but there is no BIE available in those languages.) Interpreters of other spoken languages for which there is no state-certifying exam are required to pass the written exam and oral proficiency exam (OPE) in both English and in their non-English

- The Master List allows courts and members of the public to search for court-certified, registered, and enrolled interpreters who are in good standing with the Judicial Council.
- Interpreters included on the Master List have passed the required exams and officially applied with the Judicial Council.[10]
- Table 1 shows the annual number of certified court interpreters in the most frequently interpreted languages from 2017 through 2019.
- Table 2 shows the number of interpreter registrants who passed the bilingual interpreter exam (BIE). The BIE is a requirement for becoming a certified court interpreter in California. Over 76 percent of those who passed the test are certified to interpret in Spanish. Languages other than Spanish have few incoming interpreter registrants available. And despite the new registrants, the number of available certified and registered interpreters has remained static for the past several years (see Table 3).

**Table 1. Number of Certified Court Interpreters for California's 10 Most Interpreted Spoken Languages (as of December 2019)**

| Language* | 2017 | 2018 | +/– | 2019 | +/- |
|---|---|---|---|---|---|
| Spanish | 1,373 | 1,367 | –6 | 1,398 | +31 |
| Vietnamese | 53 | 55 | +2 | 59 | +4 |
| Korean | 60 | 60 | 0 | 61 | +1 |
| Mandarin | 66 | 72 | +6 | 79 | +7 |
| Farsi | 1 | 10 | +9 | 10 | 0 |
| Cantonese | 29 | 28 | –1 | 30 | +2 |
| Russian | 39 | 35 | –4 | 42 | +7 |
| Tagalog | 4 | 4 | 0 | 5 | +1 |
| Arabic | 8 | 8 | 0 | 7 | -1 |
| Punjabi | 3 | 3 | 0 | 3 | 0 |

Source: The top 10 spoken languages, ranked in this table, are from the *2015 Language Need and Interpreter Use Study* (prepared for the Judicial Council by the National Center for State Courts).

* There are currently 55 American Sign Language interpreters in California.

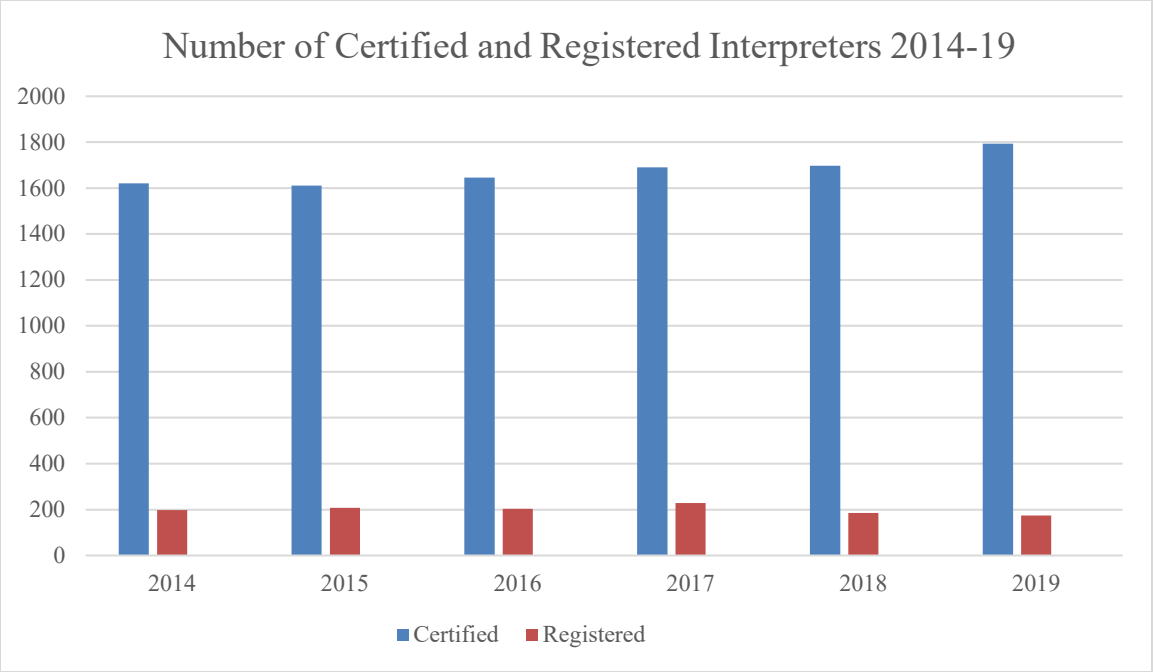
language if available and fulfill the corresponding Judicial Council requirements in order to become a *registered* interpreter. The OPE is available in Spanish and 69 other languages.

[10] Application requirements include submitting an application to the Judicial Council, paying an annual fee of $100, and taking the online course "Interpreter Orientation: Working in the California Courts."

**Table 2. Number of Recent Passers of Bilingual Interpreting Exam Required for Qualification as a Certified Interpreter**

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

**Table 3. Overall Number of Certified and Registered Interpreters Remained Relatively Static From 2014–2019**



| Year | Certified Interpreters | Registered Interpreters | Total |
|---|---|---|---|
| **2014** | 1,621 | 198 | **1,819** |
| **2015** | 1,611 | 207 | **1,818** |
| **2016** | 1,646 | 203 | **1,849** |
| **2017** | 1,691 | 229 | **1,920** |
| **2018** | 1,697 | 186 | **1,883** |
| **2019** | 1,794 | 174 | **1,968** |

*Updated Dec. 2019*

## Data Sources for Court Interpreter Services

The primary source of data for this study was the Court Interpreter Data Collection System (CIDCS), a program of the Judicial Council. CIDCS tracks actual court interpreter usage, including case type, number of interpreted events, languages, and costs, including capturing whether court interpreter events were handled by in-person, telephonic, or video remote interpreting (VRI). Most of the counties within the state use CIDCS to report data regarding completed interpreter assignments within their respective courts to the Judicial Council of California. CIDCS is designed to allow court managers as well as individual interpreters to upload interpretation data about each interpretation provided. Information about active interpreters within the state, interpreter employment status as court employees or independent contractors, language certification status (certified, registered, or non-certified/non-registered), and case-specific data is collected by CIDCS.

Courts that do not use CIDCS still report data to the Judicial Council. Using a Microsoft Excel template designed by the Judicial Council, or a spreadsheet of their own design, the data provided by these non-CIDCS courts is far less robust in detail. Non-CIDCS courts report the number of interpretations broken down by case type and language, as well as the overall percentage of interpretations provided in person, by telephone, or using video remote interpreting. Non-CIDCS courts store this data in their own internal data systems and transmit reports to the Judicial Council on a regular basis.

The Judicial Council is committed to supporting, improving and expanding the Court Interpreter Data Collection System. Ideally, all courts will eventually migrate onto the system, and the data collected will continue to improve. Toward this end, a recent feature of CIDCS was implemented that permits interpreter employees and independent contractors to report the details of their completed assignments directly into CIDCS. Currently, most data is still entered by court staff. Looking ahead, the capacity to distribute the data-entry workload of completed interpreter assignments will enable high-volume, non-CIDCS courts to start using CIDCS, making the data they collect more comprehensive, and likewise more consistent.

The table below details the reporting methods of those courts that do not fully utilize CIDCS for their data tracking and reporting as of the last year of data collection for this study (FY 2017–18).

**Data Sources Outside of the Court Interpreter Data Collection System (CIDCS)**

| Court | Reporting Method |
|---|---|
| Alameda | CIDCS & Data Extract |
| Los Angeles | CIDCS* |
| Modoc | JCC Template |
| Napa | No Data Source |
| Orange | JCC Template |
| Sacramento | JCC Template |
| San Francisco | Data Extract |
| Sierra | JCC Template |

* Los Angeles reported partial data via CIDCS for each of the four years of the study period.

## Looking Back: Status of the 2015 Recommendations

The following chart shows the current status of each of the recommendations from the *2015 Language Need and Interpreter Use Study* (2015 Study).[11]

| Recommendation | Current Status |
|---|---|
| **1** The Judicial Council should retain the classification of Arabic, Eastern Armenian, Western Armenian, Cantonese, Khmer, Korean, Mandarin, Punjabi, Russian, Spanish, Tagalog, and Vietnamese as designated languages with established certification programs. | Each of these languages continues to be a certified language. |
| **2** The Judicial Council should continue the classification of Farsi as a designated language and should establish a certification program for testing and certifying court interpreters in this language. | In June 2015, the Court Interpreters Advisory Panel approved the commencement of certification testing for Farsi in the fall of 2016. |
| **3** The Judicial Council should consider the de-designation of the Japanese language. | Japanese remains a certified language. |
| **4** The Judicial Council should consider the de-designation of the Portuguese language. | Portuguese remains a certified language. |
| **5** The Judicial Council should monitor the usage of the Hmong, Lao, and Romanian languages for possible future designation. | Based on findings in this report, it is recommended that the Judicial Council continue to monitor the usage of Hmong for possible future designation as a certified language. |

[11] *2015 Language Need and Interpreter Use Study* (prepared for the Judicial Council by the National Center for State Courts), www.courts.ca.gov/documents/lr-2015-Language-Need-and-Interpreter-Use-Study.pdf.

## Methodology for This Report

### *Overview*

The landscape of data reporting for the Court Interpreters Program has changed since the 2015 Study was published. The adoption and implementation of much of the Language Access Plan has resulted in the expansion of interpreter services to almost all case types, and put a focus on data collection and regular reporting of key performance indicators at the local court level. This shift has encouraged some courts that were not previously using CIDCS to begin tracking more comprehensive interpreter data. While some trial courts still do not report via CIDCS, they do report the most basic metrics of interpreter activity. As a result, filling gaps in the master data set was much easier for the current report, and the methodology for doing so was much simpler than in 2015.[12] Significantly, and largely as a result of the widespread utilization of CIDCS, this report represents the first that the Judicial Council has been able to complete in-house.

This report relies on a master data set that serves as the underlying basis for the information provided in this report. The methodology for creating the master data set was developed by utilizing four significant steps:

- Step 1: Collecting, cleaning and analyzing court interpreter data that is used to create an Interpreter Usage Report for each county[13] in the state.
- Step 2: Filling gaps in the foundational data set created by courts that report outside of CIDCS.
- Step 3: Estimating the overall volume of language access in Los Angeles County using a combination of linear regression analysis and case-type ratios.
- Step 4: Combining reported data with estimates to make a uniform master data set.

### *Regular data collection and reporting—creating interpreter usage reports*

Beginning in the first quarter of FY 2014–15, the Judicial Council began regular analysis of court interpreter data from both CIDCS and non-CIDCS courts. After completing this analysis, the branch released an Interpreter Usage Report. These reports were released quarterly in FY 014–15 and FY 2015–16, and annually thereafter. The data used for these reports comes from the same sources described above: online via CIDCS, template submissions, and internal data system extracts. The data that was submitted outside of CIDCS included only the most basic key performance indicators of interpreter data, specifically the number of interpretations broken down by case type and language. Some amount of data cleaning was needed to integrate the

[12] The 2015 Study was conducted by the National Center for State Courts and covered a period of four fiscal years, from FY 2009–10 through FY 2012–13; the study did not include American Sign Language.

[13] The Superior Court of Napa County did not submit data for most of the study period of FY 2014–15 through FY 2017–18. The numbers they did submit for part of this period would suggest that their overall interpreter volume was too low to adversely affect the conclusions drawn from the data overall. For this reason, no attempt was made to estimate the volume they did not report. Judicial Council staff are working with the Napa court to ensure future reporting.

information from the three data sources to prepare the usage reports. For example, the data that was submitted via internal data system extract was structured differently from data in CIDCS. Staff used statistical software programs (e.g., R, STATA, and Excel) to isolate only the relevant data variables, exclude or amend any erroneous data entries (such as misspelled languages or incorrect case types), and put all of the information in a unified format for the reports.

### *Filling in the gaps—estimating numbers for non-CIDCS courts*

The primary goal of this report is to focus on how the courts are addressing the language needs of the LEP population in California courts. The underlying metric used to gauge the demand for different languages was the number of interpretations performed in that language throughout the study period. This metric was reported by almost all courts throughout the study period, even those who did not report their data via CIDCS. Other data, however, such as the number of interpreter assignments completed, was not provided by non-CIDCS courts, and so had to be estimated for those courts. In order to adjust for non-CIDCS courts, statewide ratios of the proportionality of "interpretations" to the other metrics in the report (e.g., assignments completed by employees or whether the sessions were full day, half day, or night) were applied to the number of interpretations reported by non-CIDCS courts. For example, for all courts that fully reported data (i.e., CIDCS courts) in FY 2014–15, the total number of interpretations was 761,399, and the total number of assignments was 122,819, or 6.2 interpretations per assignment (761,399 interpretations divided by 122,819 assignments). This ratio was then used to estimate the number of assignments for FY 2014–15 for the courts that did not provide data on the number of assignments. The complete list of variables that had to be estimated for non-CIDCS courts is as follows:

- Total Assignments
- Assignments Completed by Employees
- Assignments Completed by Independent Contractors
- Assignments Completed by Certified or Registered Interpreters
- Session Type

### *Estimating numbers for Superior Court of Los Angeles County*

The Superior Court of Los Angeles County is a unique case when it comes to reporting interpreter data. Los Angeles has the most court interpreter volume and serves the largest LEP population in California. Court staff enter some interpreter data into CIDCS but only for a select group of case types. As a result, the data entered by Los Angeles into CIDCS is only a fraction of their overall volume. However, since the assignments entered are chosen regardless of language, this relatively small amount of data can be used as a representative sample to estimate the volume of interpretations for the different languages in the Superior Court of Los Angeles County. It is worth noting that Los Angeles plans to have interpreters enter their own completed assignment information directly into CIDCS once that additional functionality is available.

To estimate the number of interpretations for the case types not reported by Los Angeles, two different methods were used. A simple linear regression model was built to estimate the numbers for the most high-volume case types—namely felonies, misdemeanors, and traffic infraction

cases. Statewide ratios of each case type were compared to total statewide volume to estimate the remaining case types not reported by Los Angeles. Finally, the data Los Angeles entered in CIDCS was used to derive ratios for the other metrics in the report. These ratios were then applied to the interpretation estimates to derive aggregate numbers of the following metrics:

- Total Assignments
- Assignments Completed by Employees
- Assignments Completed by Independent Contractors
- Assignments Completed by Certified or Registered Interpreters
- Session Type

A more detailed explanation of the methodology used to estimate interpretation numbers for Los Angeles is included in the appendix to this report.

## Statewide and Regional Interpreter Use in Spoken Languages

### *Overview*

California's superior courts recorded over 4.4 million interpretations for the four-year study period of FY 2014–15 through FY 2017–18. The primary function of CIDCS is to provide a platform through which superior courts can track and report completed interpreter assignments. When inputting assignment data into CIDCS, court staff record many different pieces of information, including the following:

- Case type
- Case number
- Language being interpreted
- Number of interpretations performed during the assignment

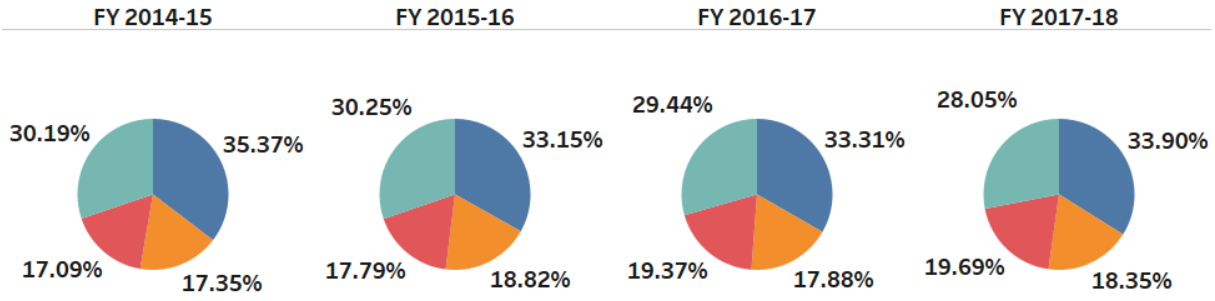
An assignment can be either for a full day (eight hours), a half day (four hours), or a night (four hours). The designation of "full day," "half day," or "night" is referred to as the session type. Regardless of the session type, one assignment can represent anywhere from one to many interpretations across multiple cases. Previously published interpreter studies used "number of interpreter service days" rather than number of interpretations as the metric to illustrate interpreter use. Since the primary objective of this report is to identify which languages have the greatest demand and how that demand impacts which languages should be considered for certification (or if certification should be removed), the decision was made to report "interpretations" because it more accurately documents the language need among court users in California.

As stated above, California's interpreter program is divided into regions (see the Court Interpreter Region Map below; for details about each region, see pages 2–3). As a starting point, statewide interpretations by region and year are demonstrated in Graphic 1 and Graphic 2. Region 1 accounted for over 1.5 million interpretations, which is 33.96 percent of all interpretations in California during the study period. Region 1 includes the Superior Court of Los Angeles County, which has the greatest volume of filings, and by extension interpretations, in California. Region 4 includes the Superior Courts of Orange, Riverside, San Bernardino, and San Diego Counties; combined, Region 4 courts reported just over 1.3 million interpretations for the study period, representing 29.51 percent of interpretation volume overall. Region 2 reported 791,808 interpretations, and Region 3 reported 841,870 interpretations, which accounted for roughly 18 percent and 19 percent of statewide demand, respectively.

Despite these numbers, statewide interpretations declined by almost 12.5 percent during the study period. This trend was driven by Regions 1 and 4, which both experienced small but steady declines, of 16.1 percent and 18.7 percent, respectively, in interpretation volume during the reporting period. Region 2 also experienced a decline in interpretation volume of 7.69 percent. Region 3 was the only region to remain relatively consistent in its demand for interpretation services; the 32 courts in this region experienced an increase in interpretations over the four-year reporting period of just under 1 percent.

## Map of the Court Interpreter Regions

## Graphic 1. Regional Proportions and Total Interpretations by Fiscal Year

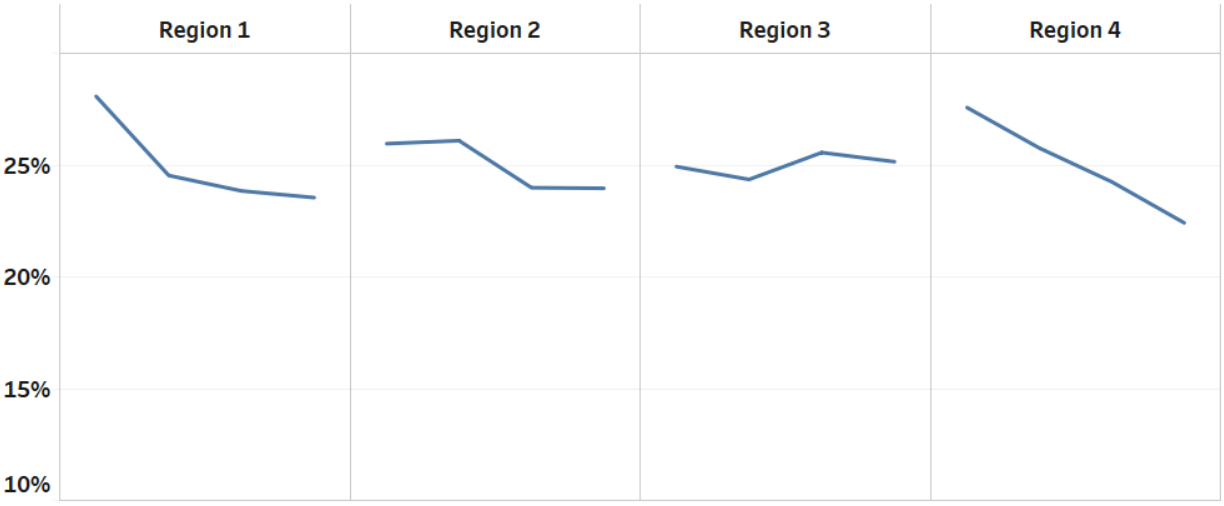



Region
- Region 1
- Region 2
- Region 3
- Region 4

| Region | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 | Grand Total |
|---|---|---|---|---|---|
| Region 1 | 426,600 | 372,779 | 362,281 | 357,751 | 1,519,411 |
| Region 2 | 205,543 | 206,596 | 189,937 | 189,732 | 791,808 |
| Region 3 | 209,896 | 205,050 | 215,190 | 211,734 | 841,870 |
| Region 4 | 364,156 | 340,197 | 320,253 | 296,030 | 1,320,636 |
| Statewide | 1,206,195 | 1,124,622 | 1,087,661 | 1,055,247 | 4,473,725 |

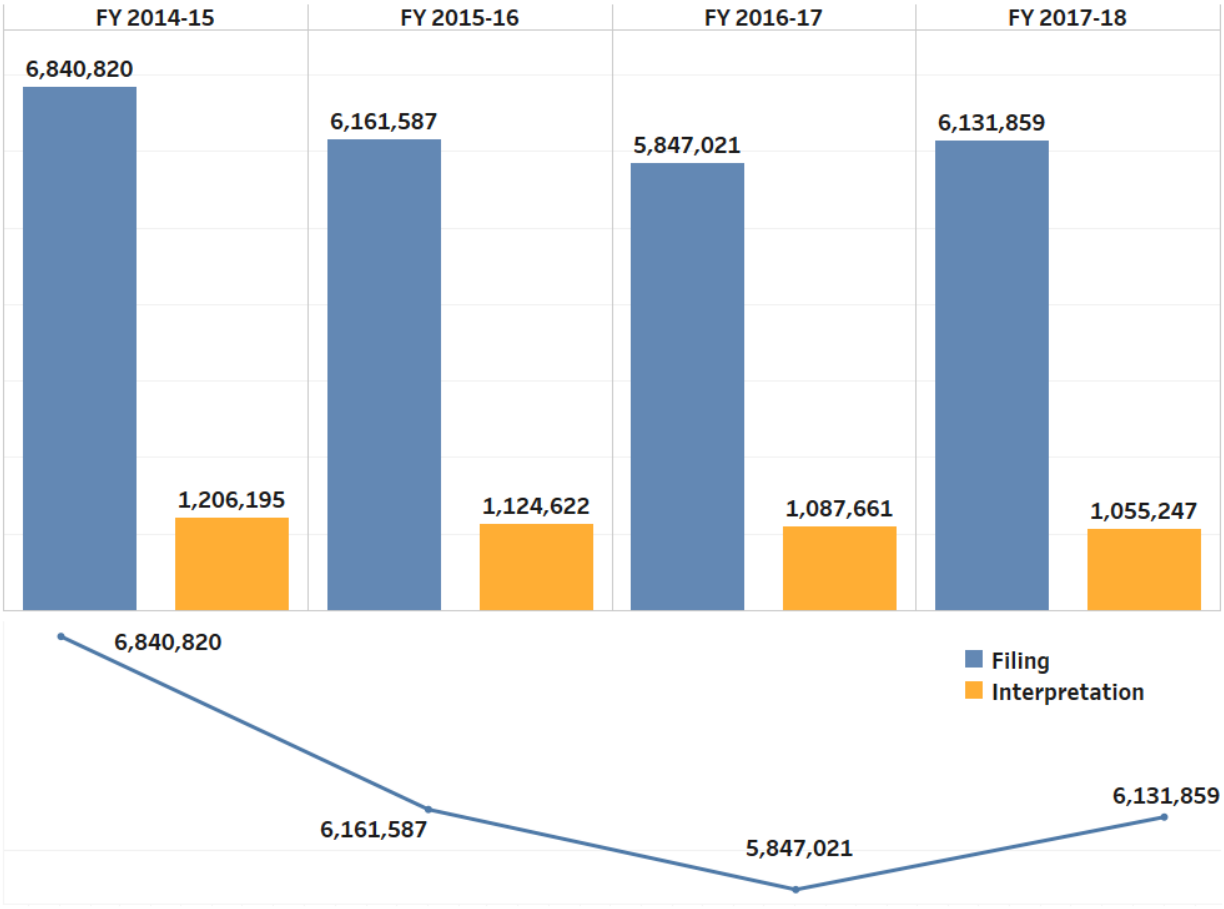
## Graphic 2. Regional Proportion per Fiscal Year and Trend Over Time

| Region | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 | Grand Total |
|---|---|---|---|---|---|
| Region 1 | 28.08% | 24.53% | 23.84% | 23.55% | 100.00% |
| Region 2 | 25.96% | 26.09% | 23.99% | 23.96% | 100.00% |
| Region 3 | 24.93% | 24.36% | 25.56% | 25.15% | 100.00% |
| Region 4 | 27.57% | 25.76% | 24.25% | 22.42% | 100.00% |
| Statewide | 26.96% | 25.14% | 24.31% | 23.59% | 100.00% |



The 15 percent decline in interpretation volume should be compared to similar trends with filings; during the same four-year period of this report, there was a 10.3 percent decline in filings. See Graphic 3 for filings data during the reporting period.

**Graphic 3. Total Filings and Interpretations During Study Period**




In analyzing the reduced demand for interpretation services and the reduction in filings, it appears that the demand for language access remained constant during the same four-year period. In FY 2014–15, for example, there were 6,840,820 court filings and 1,206,195 interpretations. In other words, for every 5.7 cases filed, there was one instance of language access need. Looking at this same ratio for the last year in the study period (FY 2017–18 saw 6,131,859 filings and 1,055,247 interpretations), it can be estimated that for every 5.8 cases filed, there was one instance of language access need. The decrease in both filings and interpretations is a continuation of trends documented in the previous release of this study. FY 2009–10 through FY 2012–13 saw a 21 percent decrease in required case-type filings[14] and a 6 percent decrease in

[14] *2015 Language Need and Interpreter Use Study*, *supra*, at p. 6, Table 3.

interpreter service days.[15] The *2015 Language Need and Interpreter Use Study* assumed that the decrease in filings for the period of FY 2009–10 through FY 2012–13 was due to the Great Recession and that while the economy recovered, filing numbers would increase. However, this turned out not to be the case as filings continued to decline well into the economic recovery. Part Two of this report discusses why filings have continued to decline over the last decade.

### *Number of interpretations by language*

Graphic 4 illustrates the number and percentage of interpretations attributed to each language for the study period.

[15] *Id.* at p. 5.

## Graphic 4. Top 30 Most Interpreted Languages

| Language (Top 30) | Interpretation | Percent of Total |
|---|---|---|
| Spanish | 4,087,295 | 91.36% |
| Vietnamese | 65,555 | 1.47% |
| American Sign Language | 38,460 | 0.86% |
| Mandarin | 35,401 | 0.79% |
| Cantonese | 28,471 | 0.64% |
| Korean | 25,248 | 0.56% |
| Punjabi | 19,982 | 0.45% |
| Russian | 18,738 | 0.42% |
| Arabic | 18,653 | 0.42% |
| Farsi (Persian of Iran) | 18,031 | 0.40% |
| Tagalog | 14,534 | 0.32% |
| Hmong | 12,059 | 0.27% |
| Armenian - Eastern | 10,804 | 0.24% |
| Lao | 8,068 | 0.18% |
| Khmer (Cambodian) | 5,286 | 0.12% |
| Japanese | 4,330 | 0.10% |
| Mixteco | 4,179 | 0.09% |
| French | 4,141 | 0.09% |
| Thai | 3,804 | 0.09% |
| Romanian | 3,506 | 0.08% |
| Mixteco Alto | 3,389 | 0.08% |
| Portuguese | 3,312 | 0.07% |
| Triqui | 2,524 | 0.06% |
| Hindi | 2,295 | 0.05% |
| Chaldean | 2,129 | 0.05% |
| Amharic | 2,106 | 0.05% |
| Urdu | 2,096 | 0.05% |
| Bengali | 2,054 | 0.05% |
| Mixteco Bajo | 1,791 | 0.04% |
| Mien | 1,719 | 0.04% |
| Other Languages (Below Top 30) | 23,766 | 0.53% |
| Grand Total | 4,473,725 | 100.00% |

**Darker cell color signifies higher numbers of interpretations and lighter color signifies lower numbers of interpretations.**

The top 30 languages in the current reporting period are slightly different from those in the prior reporting period (see the appendix to this report for the language rankings from the 2015 Study). The most significant changes are as follows:

- American Sign Language (ASL) is included in this study (ASL was not included in the prior five-year analysis);
- Both Japanese and Romanian have fallen below the top 15 most interpreted languages; and
- Hmong and Armenian (Eastern) interpretations now have sufficiently high volume to be included in the top 15 most interpreted languages.

Additionally, the increase in various indigenous languages from Mexico and Latin America, such as Mixteco and Triqui, is noteworthy.

Graphic 5 shows the 30 most interpreted languages for the current reporting period, by fiscal year, which provides a view of year-over-year changes. Spanish and Russian were the only two languages in the top 10 to decrease each fiscal year, while Punjabi and Arabic were the only top 10 languages to increase each year.

## Graphic 5. Top 30 Most Interpreted Languages by Fiscal Year

| Language (Top 30) | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 |
|---|---|---|---|---|
| Spanish | 1,111,261 | 1,027,451 | 993,201 | 955,381 |
| Vietnamese | 17,645 | 15,339 | 15,896 | 16,675 |
| American Sign Language | 8,768 | 10,149 | 9,401 | 10,142 |
| Mandarin | 6,319 | 8,976 | 8,770 | 11,336 |
| Cantonese | 7,319 | 7,818 | 7,096 | 6,237 |
| Korean | 6,434 | 7,083 | 5,777 | 5,954 |
| Punjabi | 3,814 | 5,257 | 5,342 | 5,569 |
| Russian | 5,858 | 4,450 | 4,252 | 4,178 |
| Arabic | 3,568 | 3,961 | 4,982 | 6,143 |
| Farsi (Persian of Iran) | 3,888 | 4,951 | 4,632 | 4,561 |
| Tagalog | 3,245 | 3,495 | 3,724 | 4,070 |
| Hmong | 4,379 | 3,335 | 2,254 | 2,091 |
| Armenian - Eastern | 3,211 | 2,671 | 2,623 | 2,299 |
| Lao | 2,309 | 2,394 | 2,013 | 1,352 |
| Khmer (Cambodian) | 1,601 | 1,381 | 1,171 | 1,133 |
| Japanese | 1,464 | 1,369 | 800 | 697 |
| Mixteco | 1,042 | 1,195 | 1,068 | 874 |
| French | 2,576 | 686 | 425 | 453 |
| Thai | 817 | 1,116 | 1,208 | 662 |
| Romanian | 905 | 882 | 876 | 843 |
| Mixteco Alto | 444 | 608 | 1,127 | 1,210 |
| Portuguese | 803 | 749 | 732 | 1,027 |
| Triqui | 93 | 99 | 221 | 2,111 |
| Hindi | 562 | 582 | 635 | 515 |
| Chaldean | 660 | 608 | 473 | 388 |
| Amharic | 612 | 480 | 533 | 481 |
| Urdu | 220 | 797 | 500 | 579 |
| Bengali | 197 | 474 | 724 | 659 |
| Mixteco Bajo | 668 | 546 | 170 | 407 |
| Mien | 536 | 432 | 416 | 335 |
| Other Languages (Below Top 30) | 4,977 | 5,288 | 6,616 | 6,885 |

Darker cell color signifies higher numbers of interpretations and lighter color signifies lower numbers of interpretations.

Graphic 6 breaks down the proportion of interpretations for each language within each region for the four-year study period.

## Graphic 6. Proportion of Top 30 Most-Interpreted Languages by Region

| Language (Top 30) | Region 1 | Region 2 | Region 3 | Region 4 |
|---|---|---|---|---|
| Spanish | 34.87% | 17.00% | 18.12% | 30.01% |
| Vietnamese | 4.07% | 34.22% | 12.60% | 49.10% |
| American Sign Language | 21.42% | 16.83% | 29.90% | 31.85% |
| Mandarin | 32.38% | 32.45% | 10.16% | 25.00% |
| Cantonese | 6.40% | 58.74% | 31.54% | 3.32% |
| Korean | 59.04% | 9.17% | 4.18% | 27.61% |
| Punjabi | 9.44% | 17.29% | 70.55% | 2.72% |
| Russian | 20.01% | 13.02% | 59.50% | 7.48% |
| Arabic | 20.10% | 16.33% | 20.15% | 43.42% |
| Farsi (Persian of Iran) | 46.91% | 11.33% | 18.75% | 23.01% |
| Tagalog | 18.31% | 48.97% | 13.30% | 19.42% |
| Hmong | 0.06% | 3.06% | 95.88% | 1.00% |
| Armenian - Eastern | 77.70% | 0.33% | 14.72% | 7.25% |
| Lao | 0.56% | 8.03% | 71.09% | 20.31% |
| Khmer (Cambodian) | 25.33% | 7.72% | 46.67% | 20.28% |
| Japanese | 56.90% | 18.08% | 2.56% | 22.45% |
| Mixteco | 77.55% | 8.54% | 12.11% | 1.79% |
| French | 73.46% | 11.62% | 4.61% | 10.31% |
| Thai | 64.11% | 12.17% | 9.41% | 14.30% |
| Romanian | 24.68% | 5.45% | 28.61% | 41.27% |
| Mixteco Alto | 66.18% | 23.58% | 9.06% | 1.18% |
| Portuguese | 16.56% | 55.17% | 15.76% | 12.50% |
| Triqui | 0.24% | 95.05% | 4.71% | |
| Hindi | 31.97% | 23.10% | 32.90% | 12.03% |
| Chaldean | | | | 100.00% |
| Amharic | 29.33% | 44.93% | 12.35% | 13.39% |
| Urdu | 46.39% | 11.26% | 31.10% | 11.26% |
| Bengali | 93.96% | 1.31% | 0.68% | 4.04% |
| Mixteco Bajo | 90.90% | 5.03% | 3.63% | 0.45% |
| Mien | | 14.66% | 85.34% | |
| Other Languages (Below Top 30) | 17.37% | 35.55% | 25.31% | 21.77% |

Darker cell color signifies higher concentration in one region while lighter cell color signifies lower concentration.

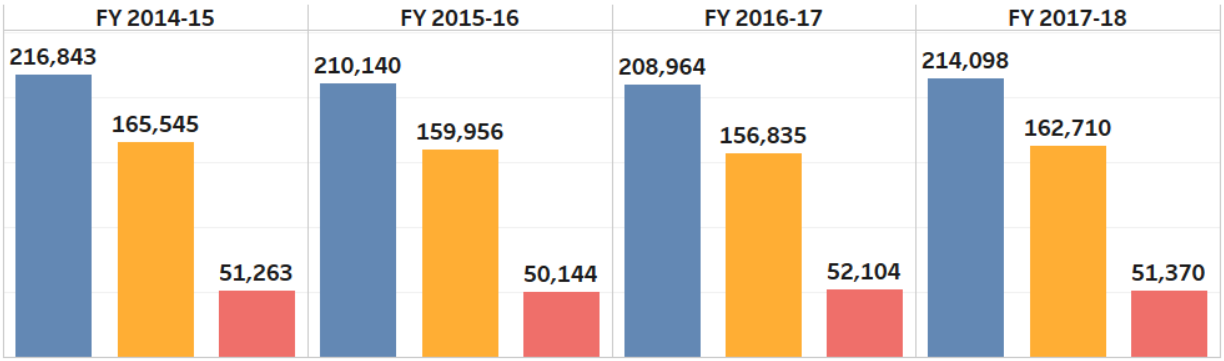
Spanish, the overwhelmingly dominant language, mirrors almost the same distribution of volume as total interpretations, with roughly 34 percent in Region 1, 17 percent in Region 2, 18 percent in Region 3, and 30 percent in Region 4. Additionally, Spanish and American Sign Language have relatively even distributions across the four regions while almost all other languages have some concentration in just one or two regions. The most extreme example of this is Chaldean, in which interpretations occurred entirely in Region 4, but there are many other examples of languages concentrated in one specific area. Almost two-thirds of Korean interpretations were recorded in Region 1 and over a quarter in Region 4. The vast majority of Korean interpretations are almost exclusively concentrated in Southern California. Punjabi, Hmong, Lao, and Mien are heavily concentrated in Region 3, while Japanese, French, Thai, Armenian, and Mixteco (Alto and Bajo) are all concentrated in Region 1.

A note of caution is advised when attempting to draw conclusions from the distribution of language volume among the different regions, as inconsistencies in the reporting of certain language families is not uncommon. A relevant example of this is the Austronesian language family, which includes Tagalog, Ilocano, and Cebuano, among many others. These languages are sometimes misreported or grouped into the larger language family, either by court staff conducting data entry or by interpreters filling out daily activity logs. Therefore, extreme concentrations of a language in one region or county may be the result of reporting inconsistencies, rather than a concentration of people who speak that particular language.

### *Assignments completed—by session type*

Graphic 7 illustrates the number of assignments for each fiscal year. Note that the metric for these tables is the number of interpreter assignments rather than the number of interpretations. While the number of interpretations more accurately captures the volume and demand for a language, analysis of issues around interpreter employment, status, and certification are more accurately presented by assignment.

**Graphic 7. Assignments by Session Type**




| | | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 | Grand Total |
|---|---|---|---|---|---|---|
| Region 1 | Full Day | 76,805 | 68,793 | 65,703 | 67,333 | 278,634 |
| | Half Day | 13,349 | 11,987 | 11,664 | 11,703 | 48,703 |
| | Night | 2 | 0 | 0 | 1 | 3 |
| Region 2 | Full Day | 25,047 | 25,785 | 24,568 | 26,053 | 101,453 |
| | Half Day | 12,687 | 13,634 | 12,773 | 12,823 | 51,917 |
| | Night | 19 | 28 | 13 | 9 | 69 |
| Region 3 | Full Day | 25,547 | 26,232 | 26,980 | 29,187 | 107,946 |
| | Half Day | 13,248 | 13,426 | 15,102 | 14,463 | 56,239 |
| | Night | 8 | 3 | 6 | 4 | 21 |
| Region 4 | Full Day | 38,146 | 39,146 | 39,584 | 40,137 | 157,013 |
| | Half Day | 11,979 | 11,097 | 12,565 | 12,381 | 48,022 |
| | Night | 5 | 9 | 5 | 4 | 23 |
| Statewide | Full Day | 165,545 | 159,956 | 156,835 | 162,710 | 645,046 |
| | Half Day | 51,263 | 50,144 | 52,104 | 51,370 | 204,881 |
| | Night | 34 | 40 | 24 | 18 | 116 |

As presented in Graphic 7, night assignments are extremely rare, with only 116 night assignments recorded statewide for the entire study period. Full-day assignments account for just over 75 percent, while half-day assignments make up the remaining 25 percent.

### *Assignments completed—by employment status*

Interpreters who provide language access services in the California courts can either be employees of the superior courts where they work or independent contractors hired by the courts to fill interpreter requests. Graphic 8 documents the number of assignments attributed to employees and independent contractors for each region and each year in the study period. Statewide, employee interpreter assignments remained constant, roughly near 60 percent, for each year of the study. Assignments completed by independent contractors made up the remainder, usually around 40 percent, for any given year. This proportion varies greatly when the four interpreter regions are viewed individually, as demonstrated in Graphic 8.

## Graphic 8. Assignments by Employment Status

| Region | | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 |
|---|---|---|---|---|---|
| Region 1 | Employees | 71,186 | 65,848 | 62,950 | 64,471 |
| | Independent Contractors | 18,970 | 14,932 | 14,416 | 14,566 |
| | All | 90,156 | 80,780 | 77,367 | 79,037 |
| Region 2 | Employees | 18,143 | 18,359 | 15,561 | 16,251 |
| | Independent Contractors | 19,612 | 21,086 | 21,793 | 22,634 |
| | All | 37,754 | 39,446 | 37,355 | 38,885 |
| Region 3 | Employees | 13,585 | 12,843 | 13,723 | 13,818 |
| | Independent Contractors | 25,218 | 26,818 | 28,364 | 29,837 |
| | All | 38,803 | 39,662 | 42,088 | 43,655 |
| Region 4 | Employees | 31,567 | 31,705 | 32,122 | 33,105 |
| | Independent Contractors | 18,563 | 18,547 | 20,031 | 19,416 |
| | All | 50,130 | 50,252 | 52,154 | 52,521 |

| Region | | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 |
|---|---|---|---|---|---|
| Region 1 | Employees (%) | 79.0% | 81.5% | 81.4% | 81.6% |
| | Contractors (%) | 21.0% | 18.5% | 18.6% | 18.4% |
| Region 2 | Employees (%) | 48.1% | 46.5% | 41.7% | 41.8% |
| | Contractors (%) | 51.9% | 53.5% | 58.3% | 58.2% |
| Region 3 | Employees (%) | 35.0% | 32.4% | 32.6% | 31.7% |
| | Contractors (%) | 65.0% | 67.6% | 67.4% | 68.3% |
| Region 4 | Employees (%) | 63.0% | 63.1% | 61.6% | 63.0% |
| | Contractors (%) | 37.0% | 36.9% | 38.4% | 37.0% |

While most regions did not experience a significant change in the proportion of assignments being completed by employees and contractors, Region 2 reported a notable decrease in the assignments filled by employees from 48.1 percent in FY 2014–15 down to 41.8 percent in FY 2017–18.

Also noteworthy, Region 3 experienced a high reliance on independent contractors, who filled 68.3 percent of assignments during the study period as compared to only 31.7 percent completed by employees. This is likely a result of the vast geography and rural locations of many courts in Region 3, which covers 32 counties in the state, from the Central Valley to the Oregon border (see the Court Interpreter Region Map on page 20).

Regions 1 and 4 reported the inverse of this trend, attributing 81 and 63 percent respectively of completed assignments to employees, as compared to only 18 and 37 percent for independent contractors.

### *Assignments completed—by certification status*

Graphic 9 shows the number of assignments completed by certified or registered interpreters as compared to non-certified or non-registered interpreters. Certified or registered interpreters completed almost 90 percent of all assignments for the study period. Even when analyzed by region and fiscal year, there was nominal fluctuation in this proportion.

**Graphic 9. Assignments by Certification Status**

| Region | | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 |
|---|---|---|---|---|---|
| Region 1 | Certified/Registered | 87,374 | 75,898 | 71,177 | 73,037 |
| | Non-Cert/Non-Reg | 2,782 | 4,882 | 6,190 | 6,000 |
| | All | 90,156 | 80,780 | 77,367 | 79,037 |
| Region 2 | Certified/Registered | 31,716 | 31,955 | 29,917 | 32,466 |
| | Non-Cert/Non-Reg | 6,038 | 7,491 | 7,438 | 6,419 |
| | All | 37,754 | 39,446 | 37,355 | 38,885 |
| Region 3 | Certified/Registered | 31,164 | 31,939 | 34,127 | 34,942 |
| | Non-Cert/Non-Reg | 7,639 | 7,723 | 7,961 | 8,713 |
| | All | 38,803 | 39,662 | 42,088 | 43,655 |
| Region 4 | Certified/Registered | 44,543 | 44,157 | 45,179 | 45,585 |
| | Non-Cert/Non-Reg | 5,587 | 6,095 | 6,975 | 6,936 |
| | All | 50,130 | 50,252 | 52,154 | 52,521 |

| Region | | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 |
|---|---|---|---|---|---|
| Region 1 | Certified or Registered | 96.9% | 94.0% | 92.0% | 92.4% |
| | Non-Cert/Reg | 3.1% | 6.0% | 8.0% | 7.6% |
| Region 2 | Certified or Registered | 84.0% | 81.0% | 80.1% | 83.5% |
| | Non-Cert/Reg | 16.0% | 19.0% | 19.9% | 16.5% |
| Region 3 | Certified or Registered | 80.3% | 80.5% | 81.1% | 80.0% |
| | Non-Cert/Reg | 19.7% | 19.5% | 18.9% | 20.0% |
| Region 4 | Certified or Registered | 88.9% | 87.9% | 86.6% | 86.8% |
| | Non-Cert/Reg | 11.1% | 12.1% | 13.4% | 13.2% |

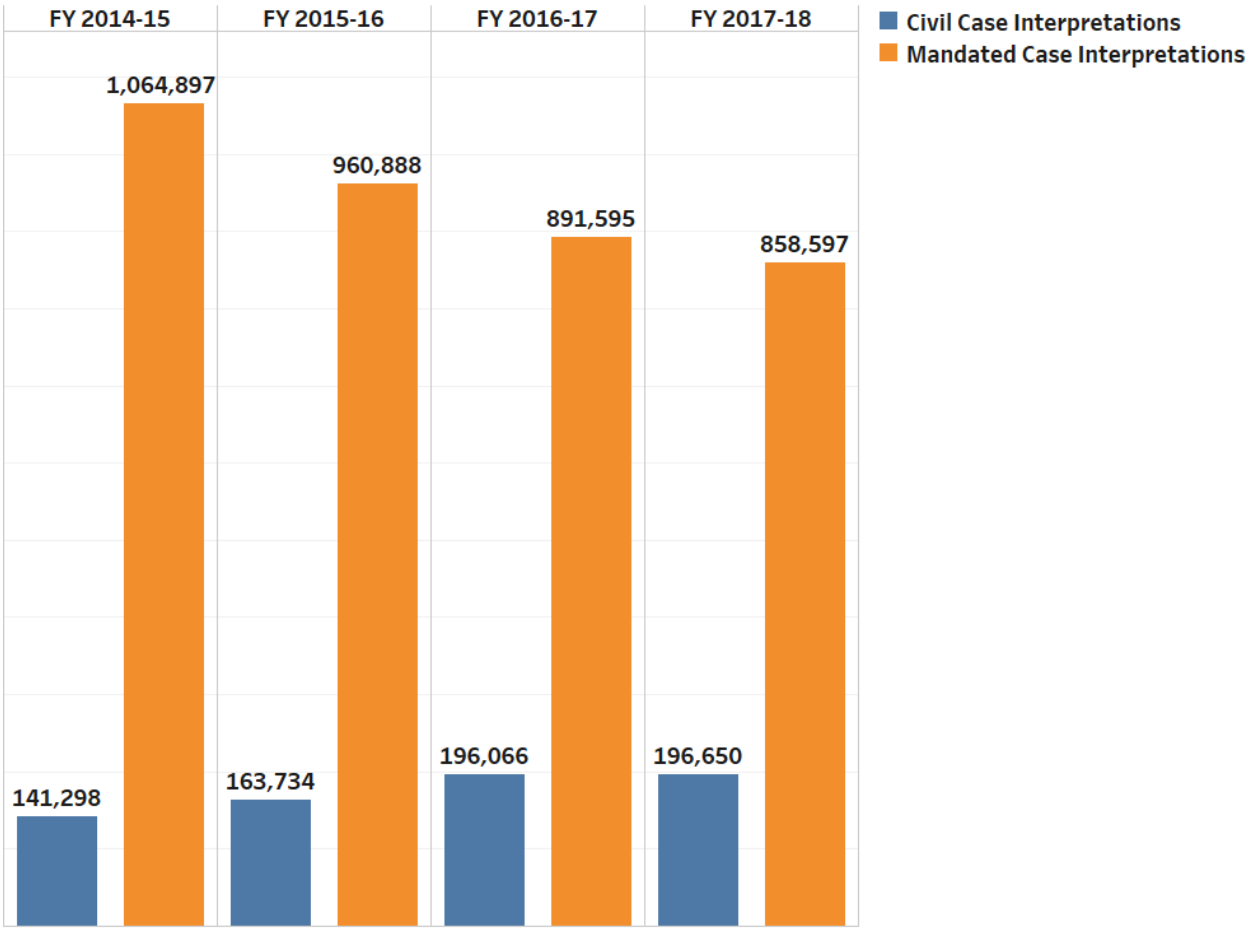
The numbers above are very similar to the findings in this area in the 2015 Study, which documented 91 percent of assignments being completed by certified or registered interpreters, 8 percent being completed by non-certified/non-registered interpreters, and 1 percent of assignments being “unspecified.”

### *Number of interpretations by case type*

Case-type interpretation data is essential for understanding the growth of interpretation services provided by the courts. The following information shows the numbers and proportions of the different types of cases for which interpretations were performed. This is an area in which this report differs greatly from previous studies. With the adoption of the Language Access Plan in 2015, courts are no longer limited to providing interpreters in mandated case types. Court-funded interpretation services are now available in all cases and case types upon request.

Graphic 10 illustrates the usage of interpreters in mandated case types compared to the usage of interpreters in civil case types. Interpretations for mandated case types consistently declined for the study period. However, the provision of interpretations in non-mandated case types has increased by almost 40 percent, while filings in the corresponding case types only increased by 7.9 percent during the study period. The expansion of interpretations into non-mandated case types reached 18.6 percent of total interpretations by the end of the most recent study period.

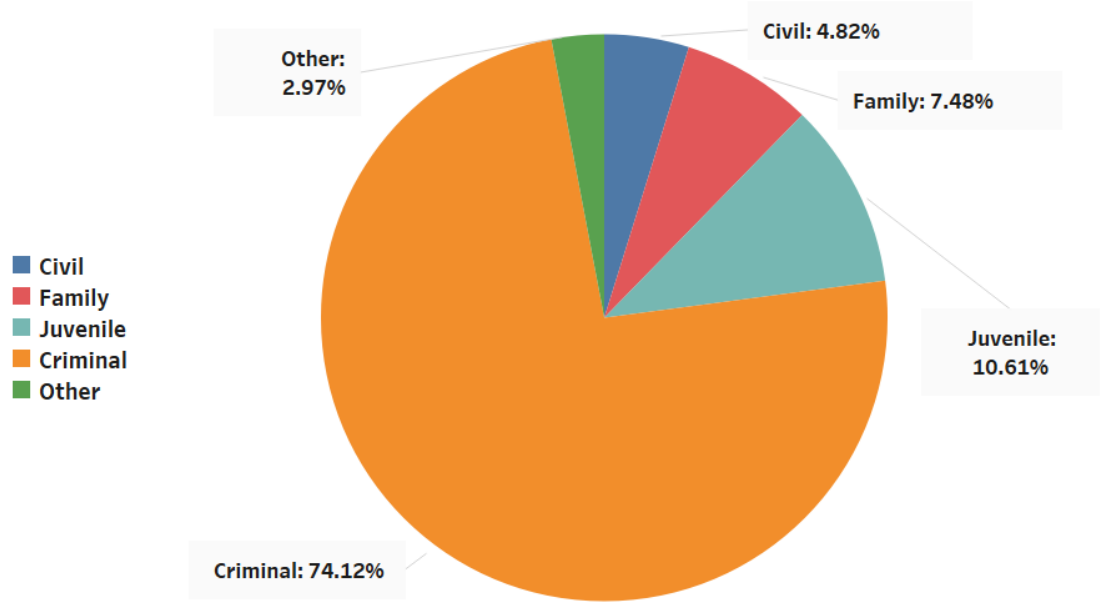
**Graphic 10. Civil Expansion Compared to Mandated**




**The mandated group of case types include felony, misdemeanor, infraction, traffic, juvenile (delinquency and dependency) as well as mental competency cases. The civil expansion group contains all other case types.**

Graphic 11 shows the number of interpretations by case type. Criminal cases make up almost 75 percent of interpretations, despite the decline in criminal filings during the study period. Juvenile case interpretations also declined throughout the same four-year period. Family law case interpretations showed a marked increase, and civil cases rose dramatically throughout the study period, almost doubling from 35,213 interpretations in FY 2014–15 to 67,645 in FY 2017–18. A more detailed breakdown of the number of interpretations attributed to each specific case type is available in the appendix to this report.

**Graphic 11. Number of Interpretations and Proportion by Case Type**

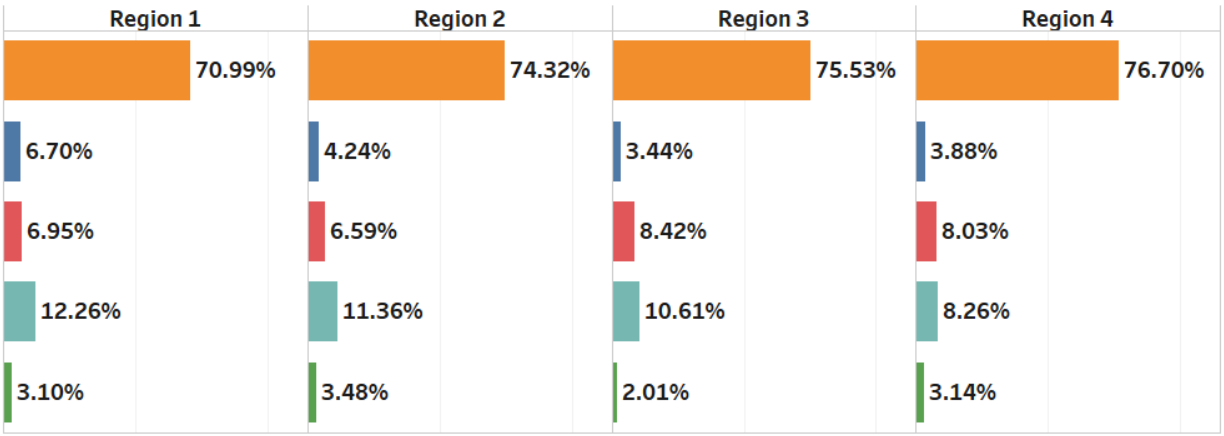



| Case Types | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 | Grand Total |
|---|---|---|---|---|---|
| Criminal | 941,450 | 841,093 | 778,500 | 754,756 | 3,315,799 |
| Juvenile | 129,267 | 123,621 | 115,435 | 106,427 | 474,750 |
| Family | 68,073 | 81,130 | 97,167 | 88,312 | 334,681 |
| Civil | 35,213 | 50,385 | 62,215 | 67,645 | 215,459 |
| Other | 32,191 | 28,393 | 34,344 | 38,108 | 133,036 |

Criminal cases, accounting for almost 75 percent of total volume for the study period, continue to be a huge driver of overall interpretation and language access volume, even as the courts provide interpretation services in increasingly large numbers of noncriminal cases.

Graphic 12 shows the number of interpretations by case type and their proportions within each of the four interpreter regions.

**Graphic 12. Number and Proportion of Interpretations by Case Type and Region**




| Case Types | Region 1 | Region 2 | Region 3 | Region 4 | Grand Total |
|---|---|---|---|---|---|
| Criminal | 1,078,565 | 588,497 | 635,870 | 1,012,867 | 3,315,799 |
| Juvenile | 186,335 | 89,973 | 89,304 | 109,138 | 474,750 |
| Family | 105,594 | 52,211 | 70,847 | 106,029 | 334,681 |
| Civil | 101,761 | 33,578 | 28,942 | 51,178 | 215,459 |
| Other | 47,156 | 27,549 | 16,907 | 41,424 | 133,036 |
| Grand Total | 1,519,411 | 791,808 | 841,870 | 1,320,636 | 4,473,725 |

### *Number of interpretations by language and by case type*

Graphic 13 documents the number of interpretations by language and by case type for each of the top 30 most interpreted languages.

**Graphic 13. Interpretations by Language and Case Type**

| Language (Top 30) | Civil | Criminal | Family | Juvenile | Other | Grand Total |
|---|---|---|---|---|---|---|
| Spanish | 193,518 | 3,032,679 | 296,335 | 447,947 | 116,815 | 4,087,295 |
| Vietnamese | 2,320 | 51,411 | 6,669 | 2,373 | 2,782 | 65,555 |
| American Sign Language | 2,601 | 22,082 | 5,284 | 3,654 | 4,839 | 38,460 |
| Mandarin | 2,688 | 27,038 | 2,549 | 1,706 | 1,421 | 35,401 |
| Cantonese | 1,780 | 22,693 | 2,279 | 998 | 721 | 28,471 |
| Korean | 2,295 | 18,428 | 1,478 | 2,111 | 936 | 25,248 |
| Punjabi | 1,306 | 15,049 | 2,536 | 641 | 451 | 19,982 |
| Russian | 1,123 | 12,807 | 2,388 | 2,120 | 301 | 18,738 |
| Arabic | 1,198 | 13,584 | 1,912 | 1,363 | 596 | 18,653 |
| Farsi (Persian of Iran) | 1,047 | 13,382 | 1,798 | 1,307 | 498 | 18,031 |
| Tagalog | 821 | 10,962 | 1,157 | 1,005 | 589 | 14,534 |
| Hmong | 490 | 7,989 | 2,451 | 1,030 | 99 | 12,059 |
| Armenian - Eastern | 579 | 8,148 | 804 | 1,015 | 258 | 10,804 |
| Lao | 129 | 6,933 | 394 | 474 | 139 | 8,068 |
| Khmer (Cambodian) | 173 | 3,743 | 464 | 623 | 282 | 5,286 |
| Japanese | 278 | 2,928 | 498 | 430 | 195 | 4,330 |
| Mixteco | 152 | 3,092 | 276 | 465 | 194 | 4,179 |
| French | 233 | 2,973 | 245 | 459 | 231 | 4,141 |
| Thai | 256 | 2,650 | 402 | 403 | 93 | 3,804 |
| Romanian | 109 | 2,622 | 293 | 417 | 66 | 3,506 |
| Mixteco Alto | 14 | 2,971 | 123 | 271 | 10 | 3,389 |
| Portuguese | 256 | 2,441 | 282 | 216 | 116 | 3,312 |
| Triqui | 68 | 1,426 | 67 | 920 | 43 | 2,524 |
| Hindi | 184 | 1,576 | 328 | 151 | 56 | 2,295 |
| Chaldean | 94 | 1,795 | 174 | 23 | 43 | 2,129 |
| Amharic | 112 | 1,445 | 349 | 121 | 79 | 2,106 |
| Urdu | 168 | 1,452 | 257 | 165 | 54 | 2,096 |
| Bengali | 219 | 1,365 | 181 | 228 | 61 | 2,054 |
| Mixteco Bajo | 22 | 1,473 | 107 | 172 | 17 | 1,791 |
| Mien | 70 | 1,510 | 67 | 46 | 26 | 1,719 |
| Other Languages | 1,157 | 17,153 | 2,534 | 1,896 | 1,026 | 23,766 |
| Grand Total | 215,459 | 3,315,799 | 334,681 | 474,750 | 133,036 | 4,473,725 |

As stated above, the overwhelming majority of interpretations are in Spanish. As shown in Graphic 14, criminal case interpretations are the main driver of volume for every language. For a more detailed breakdown of the numbers attributed to each specific case type within the top 30 languages, see the appendix to this report.

## Graphic 14. Proportion of Language by Case Type

| Language (Top 30) | Civil | Criminal | Family | Juvenile | Other | Grand Total |
|---|---|---|---|---|---|---|
| Spanish | 4.73% | 74.20% | 7.25% | 10.96% | 2.86% | 100.00% |
| Vietnamese | 3.54% | 78.42% | 10.17% | 3.62% | 4.24% | 100.00% |
| American Sign Language | 6.76% | 57.42% | 13.74% | 9.50% | 12.58% | 100.00% |
| Mandarin | 7.59% | 76.38% | 7.20% | 4.82% | 4.01% | 100.00% |
| Cantonese | 6.25% | 79.71% | 8.00% | 3.50% | 2.53% | 100.00% |
| Korean | 9.09% | 72.99% | 5.85% | 8.36% | 3.71% | 100.00% |
| Punjabi | 6.53% | 75.31% | 12.69% | 3.21% | 2.26% | 100.00% |
| Russian | 5.99% | 68.34% | 12.75% | 11.31% | 1.60% | 100.00% |
| Arabic | 6.42% | 72.83% | 10.25% | 7.31% | 3.20% | 100.00% |
| Farsi (Persian of Iran) | 5.81% | 74.21% | 9.97% | 7.25% | 2.76% | 100.00% |
| Tagalog | 5.65% | 75.43% | 7.96% | 6.91% | 4.05% | 100.00% |
| Hmong | 4.06% | 66.25% | 20.33% | 8.54% | 0.82% | 100.00% |
| Armenian - Eastern | 5.36% | 75.41% | 7.44% | 9.40% | 2.39% | 100.00% |
| Lao | 1.59% | 85.93% | 4.88% | 5.88% | 1.72% | 100.00% |
| Khmer (Cambodian) | 3.28% | 70.81% | 8.79% | 11.79% | 5.34% | 100.00% |
| Japanese | 6.42% | 67.63% | 11.50% | 9.94% | 4.51% | 100.00% |
| Mixteco | 3.64% | 73.99% | 6.60% | 11.13% | 4.64% | 100.00% |
| French | 5.62% | 71.80% | 5.90% | 11.09% | 5.58% | 100.00% |
| Thai | 6.73% | 69.68% | 10.56% | 10.58% | 2.45% | 100.00% |
| Romanian | 3.10% | 74.77% | 8.35% | 11.90% | 1.88% | 100.00% |
| Mixteco Alto | 0.41% | 87.67% | 3.63% | 8.00% | 0.30% | 100.00% |
| Portuguese | 7.74% | 73.73% | 8.53% | 6.51% | 3.50% | 100.00% |
| Triqui | 2.69% | 56.50% | 2.65% | 36.45% | 1.70% | 100.00% |
| Hindi | 8.01% | 68.66% | 14.30% | 6.58% | 2.45% | 100.00% |
| Chaldean | 4.42% | 84.31% | 8.17% | 1.08% | 2.02% | 100.00% |
| Amharic | 5.30% | 68.64% | 16.59% | 5.73% | 3.74% | 100.00% |
| Urdu | 8.01% | 69.24% | 12.27% | 7.88% | 2.60% | 100.00% |
| Bengali | 10.67% | 66.43% | 8.83% | 11.12% | 2.95% | 100.00% |
| Mixteco Bajo | 1.23% | 82.24% | 5.97% | 9.60% | 0.95% | 100.00% |
| Mien | 4.07% | 87.84% | 3.90% | 2.68% | 1.51% | 100.00% |
| Other Languages (Below Top 30) | 4.87% | 72.17% | 10.66% | 7.98% | 4.32% | 100.00% |

Darker cell color signifies higher proportion and lighter cell color signifies lower proportion.

## Summary of Part One

The four-year study period of this report saw significant changes to language access, both in practice and policy, in California. Nonetheless, some trends identified in the 2015 Study continued into the current reporting period. The two most significant examples of these ongoing trends were the following:

- Spanish language interpreting has, far and away, the greatest demand and continues to be the greatest need in interpretations in every court and in every case type in the state. Spanish language interpretations accounted for 91.49 percent of overall volume.

- Interpretations in criminal cases continue to represent the greatest need, representing 74.12 percent of overall interpretation volume during the current reporting period.

Other observations worth noting include:

- The small but gradual increase in the use of contract interpreters over the study period;

- The rise in the number of interpretations in Hmong, which pushed that language into the top 12 most-interpreted languages; and

- The massive uptick in interpretations in civil cases, which almost doubled from 35,213 in FY 2014–15 to 67,645 in FY 2017–18.

Lastly, one trend to observe closely is the rise in indigenous languages from Mexico. Mixteco, Mixteco Alto, Mixteco Bajo, and Triqui are all part of the Mixtecan group of languages in the Oto-Manguean language family. Interpretation of all of these languages has reached a volume sufficiently high to have them included in the top 30 most-interpreted languages of the study period.[16] And, while grouping these languages together may not be linguistically academic, individually they are starting to reach significant volumes. Triqui interpretations, for example, experienced an increase of 855 percent, jumping from 221 interpretations in FY 2016–17 to 2,111 interpretations in FY 2017–18. This was the most volume for an indigenous language in any recorded year, positioning Triqui as the 11th most-interpreted language for that year, more frequently interpreted than Hmong. While this report does not make any recommendations regarding the designation of any of these indigenous languages, it draws attention to the stark increase in indigenous language numbers in the event this trend persists or accelerates. With the emergence of improved court interpreter usage reports, the Judicial Council will be able to track these trends and better identify the most frequently interpreted languages on a rolling basis—instead of five-year intervals—to analyze, understand, and report this information.

[16] When analyzed individually, none of these languages rises to the level of being considered for designation. However, when grouped, they would rank 16th on the list of top 30 languages, reaching 11,883 interpretations for the study period—just 178 interpretations shy of Hmong, which this study recommends that the council continue to monitor for possible future designation as a certified language.

# Part Two: Projecting Future Language Need

## Introduction

Although English and Spanish are the dominant spoken languages in California courts, over 200 languages are spoken in court proceedings, and the state has approximately 7 million residents who have limited English proficiency. This language diversity poses unique challenges for the courts in terms of financial resources and the number of available interpreters in languages other than Spanish. This part of the report focuses on data related to the prevalence and geographic reach of limited-English-proficient (LEP) residents in California to provide context for recommendations about how to provide language access throughout the state.

Among other strategies to help meet the varied language needs already present in the courts and likely to expand in the coming years, and to effectively utilize the limited funding currently available for interpreter services, the use of technology (including remote technology) must be considered, where appropriate. The branch must also redesign its interpreter recruitment efforts to ensure that interpreter training and careers are available and appealing to potential recruits, including the younger generation. The branch may also benefit from developing an interpreter credential for near-passers of the bilingual interpreter exam to address some non-litigation or non-complex needs of LEP court users. This approach would expand the interpreter pool, ensure that younger, emerging interpreters are mentored, and prepare them for the successful completion of their credentialing efforts and progression toward full interpreter credential status. It also must be noted that all states are experiencing challenges in providing adequate sign language interpreter service because there is currently no nationally recognized credentialing process for the certification of American Sign Language (ASL) court interpreters.[17]

## Overview: Languages Other Than English in California

California is home to the most diverse foreign language-speaking population in the country. While many people speak both their native language *and* English well, there are approximately 7 million limited-English-proficient Californians, speaking more than 200 languages, who are dispersed over a vast geographic area. The most commonly spoken languages vary widely; indigenous languages[18] have become more common, particularly in rural areas; and new

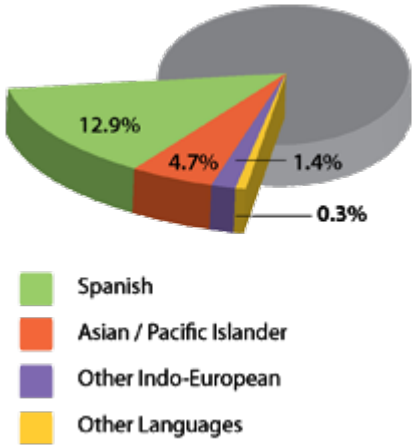
[17] In 2015, the Registry of Interpreters for the Deaf, Inc. eliminated testing for the Specialist Certificate: Legal (SC:L) credential for ASL interpreters. The SC:L credential has been the credential status accepted by the California judiciary as certification that ASL interpreters have achieved appropriate training to work in the courts.

[18] The term "indigenous languages" is used for minority languages that are native to a region and spoken by indigenous peoples. Many of these languages have limited or no written components. These indigenous languages present unique language access challenges because it is often difficult to find interpreters who are able to speak both the indigenous language and English with enough proficiency for meaningful communication. Therefore, it is often necessary to provide relay interpreting, where the first interpreter renders the indigenous language into a more common foreign language (e.g., from Mixteco Alto to Spanish) and a second interprets from the more common language to English (e.g., Spanish to English).

immigrants bring languages of emerging prevalence in the courts.[19] This richly diverse and dynamic population is among California's greatest assets, and a significant driver of the state's economic growth. It also means that the state's institutions, including the judicial branch, must continually adapt to meet the needs of its constituents.

**The 2015 Census identified that approximately 7 million Californians (19 percent of the state's total population) speak English less than "very well."**

**Of those 7 million, this graph shows the language groups those speakers represent by percentage.**




Source: U.S. Census Bureau (2015)

## Limited-English-Proficient Population and Language Trends in the United States

There is reason to believe that the diversity of languages spoken in California will continue to grow. A Migration Policy Institute fact sheet reports the following:

> In 2016, approximately 10,678,000 foreign-born individuals resided in California, accounting for 27 percent of the state population—twice the immigrant share of the U.S. population overall (14 percent) … . Historically, California has been a destination for substantial numbers of immigrants, with the state home to about one-quarter of the U.S. foreign-born population. [T]he growth rate of the immigrant population in California slowed from 37 percent in the period between 1990 and 2000 to 21 percent between 2000 and 2016. Nevertheless, the immigrant population continues to grow more rapidly than the native-born population.[20]

[19] "Emerging languages" are those that are spoken by newly arrived immigrants who have not yet established themselves in significant enough numbers or over an extended period of time to be visible to service providers, census trackers, or other data collectors. They are varied and ever changing, as migration patterns shift.

[20] Julie Sugarman and Courtney Geary, *English Learners in California: Demographics, Outcomes, and State Accountability Policies* (Migration Policy Institute fact sheet, Aug. 2018).

**Table 4. Foreign- and U.S.-born Populations, California and the United States**

| | California | | United States | |
|---|---|---|---|---|
| | *Foreign Born* | *U.S. Born* | *Foreign Born* | *U.S. Born* |
| Number | 10,677,663 | 28,572,354 | 43,739,345 | 279,388,170 |
| % of total population | 27.2% | 72.8% | 13.5% | 86.5% |
| | **Population Change Over Time** | | | |
| % change 2000–2016 | 20.5% | 14.3% | 40.6% | 11.6% |
| % change 1990–2000 | 37.2% | 7.3% | 57.4% | 9.3% |
| | **Age Group** | | | |
| % under age 5 | 0.6% | 8.5% | 0.7% | 7.0% |
| % ages 5–17 | 3.7% | 21.8% | 5.1% | 18.5% |
| % ages 18+ | 95.7% | 69.8% | 94.2% | 74.5% |

*Source:* Julie Sugarman & Courtney Geary, *English Learners in California: Demographics, Outcomes, and State Accountability Policies* (Migration Policy Institute fact sheet, Aug. 2018).

Based on analysis of newly released U.S. Census Bureau data for 2018,[21] the Center for Immigration Studies found that 67.3 million residents in the United States now speak a language other than English at home, a number equal to the entire population of France. The number has nearly tripled since 1980, and more than doubled since 1990. The growth at the state level is even more pronounced.[22]

Other key findings:

- Since 1980, the number of U.S. residents who speak a foreign language at home grew nearly seven times faster than the number who speak only English at home. Even since 2010, when the number of individuals speaking a foreign language at home was already very large, the number of foreign language speakers increased more than twice as fast as that of English speakers.

- As a share of the population, 21.9 percent of U.S. residents speak a foreign language at home—more than double the 1980 figure of 11 percent.

- In nine states including California, more than one in four residents now speaks a language other than English at home (see Table 5). These nine states account for two-thirds of all foreign language speakers. In contrast, in 1980 one in four residents was a foreign language speaker in just two states—New Mexico and Hawaii—and those two states accounted for just 3 percent of all foreign language speakers.

[21] Karen Zeigler and Steven A. Camarota, *67.3 Million in the United States Spoke a Foreign Language at Home in 2018* (Center for Immigration Studies fact sheet, Oct. 2019).

[22] All language figures in U.S. Census Bureau data are for persons five years of age and older.

- In California, between 2010 and 2018, the percentage of people speaking a foreign language at home increased 9 percent, from 15,232,350 to 16,554,135 individuals.
- There are now more people who speak Spanish at home in the United States than in most countries in Latin America. Only Mexico, Colombia, and Argentina have larger populations of native Spanish speakers than the United States.
- Of those who speak a foreign language at home, 25.6 million (38 percent) self-reported that they speak English less than "very well."[23]
- Of those who speak a foreign language at home, 45 percent were born in the United States.

**Table 5. Increasing Language Diversity: Top 15 States Where People Speak a Language Other Than English at Home (1980–2018)**

| State | 1980 | 1990 | 2000 | 2010 | 2018 |
|---|---|---|---|---|---|
| **California** | 23% | 31% | 39% | 44% | 45% |
| **Texas** | 22% | 25% | 31% | 35% | 36% |
| **New Mexico** | 37% | 36% | 37% | 37% | 34% |
| **New Jersey** | 16% | 20% | 25% | 30% | 32% |
| **Nevada** | 10% | 13% | 23% | 29% | 31% |
| **New York** | 20% | 23% | 28% | 30% | 31% |
| **Florida** | 13% | 17% | 23% | 27% | 30% |
| **Hawaii** | 26% | 25% | 27% | 26% | 28% |
| **Arizona** | 20% | 21% | 26% | 27% | 28% |
| **Massachusetts** | 13% | 15% | 19% | 22% | 24% |
| **Illinois** | 12% | 14% | 19% | 22% | 23% |
| **Connecticut** | 14% | 15% | 18% | 21% | 22% |
| **Rhode Island** | 17% | 17% | 20% | 21% | 22% |
| **Washington** | 7% | 9% | 14% | 18% | 20% |
| **Maryland** | 6% | 9% | 13% | 17% | 19% |

*Source:* Figures for 1980, 1990, and 2000 are from the decennial census. Figures for 2010 and 2018 are from American Community Survey data published by the U.S. Census Bureau.

Individuals who are limited in their English proficiency are a subset of the population that speaks a language other than English at home. In other words, there are many people throughout the country who speak both a native language and English well. However, many people are limited English proficient, which is defined by the U.S. Department of Justice as a person who does not speak English as their primary language *and* who may have a limited ability to read, write,

[23] The U.S. Census Bureau does not measure language skills.

speak, or understand English. California has approximately 7 million limited-English-proficient residents, all of whom are potential court users.

Census data ranks by prevalence the foreign languages spoken at home in California and includes the responses from census takers about their proficiency in speaking English.

## Limited-English-Proficient Population and Language Trends in California

The spread of language diversity in California has impacted every county in the state. As of 2018, estimates indicate that 44.1 percent of the California population five years and older speak a language other than English at home, and 18.1 percent of the California population five years and older (6.6 million out of 37.7 million) speak English less than "very well."[24] To address this growing population of limited-English-proficient (LEP) Californians and ensure that they have quality access to justice if and when they need to use the court system, each of the state's 58 superior courts has implemented a LEP plan to address language access services and policies that affect LEP court users and language access procedures at their court. The plans identify the top five non-English languages spoken in each county. Periodically, each court's plan is updated to address the forecasted trends in language need in the county.

California is the most populous state and has the highest share of foreign-born residents. An excellent source for comprehensive and up-to-date information on language usage is the annual American Community Survey published by the U.S. Census Bureau. The American Community Survey employs a monthly series of samples to produce its annual estimates. The most accurate estimates come from a combined five-year estimate and these data are therefore used in this analysis.

Table 6 highlights California census information collected for 2009–2013, as compared to 2013–2017, for the most prevalent languages by number of speakers. Although the U.S. Census Bureau groups languages differently from how California courts track interpreter usage by language, census information pertaining to the most commonly spoken non-English languages generally tracks the courts' data regarding the most frequently interpreted languages. In comparing the two estimates, the state's total population increased by 3.9 percent between 2013 and 2017, and the number of people who speak English primarily at home and the number who speak a language "other than English" also increased by 3.2 percent and 4.7 percent, respectively. The total of those who speak English "very well" also increased by 9.6, while the

[24] U.S. Census Bureau, 2014–2018 American Community Survey 5-Year Estimates (extracted by California State Census Data Center, Demographic Research Unit, Department of Finance). The 2014–2018 estimates also indicate that over 20 percent of the population in each of 38 out of California's 58 counties speaks a language other than English at home. In eight California counties 20 percent or more of the population five years and older speak English less than "very well" (Colusa, Imperial, Los Angeles, Merced, Monterey, San Francisco, Santa Clara, and Tulare).

total number who speak English less than "very well" slightly decreased by 1.4 percent. Out of the 17 most prevalent languages listed in the table, the census indicates that the number of Arabic speakers and Chinese speakers (including speakers of Cantonese, Mandarin, and other Chinese languages) in California who speak English less than "very well" saw the most significant increases, 14.8 percent and 12.04 percent, respectively, between 2013 and 2017. It is important to note that the American Community Survey estimates evolve from year to year; however, the census is an important tool to help courts to identify statewide and local language needs and trends.

## Table 6. California's Most Prevalent Languages, by Number of Speakers

| Language | 2009–2013 | | 2013–2017 | | % Change |
|---|---|---|---|---|---|
| | Number of Speakers | Speak English less than "very well" | Number of Speakers | Speak English less than "very well" | |
| **Speak English at home (exclusively or primarily)** | **19,782,598** | **N/A** | **20,418,288** | **N/A** | **N/A** |
| **Speak a language other than English at home** | **15,348,831** | **6,799,270** | **16,071,014** | **6,703,770** | (1.40%) |
| **Total** | **35,131,429** | | **36,489,302** | | |
| Spanish | 10,105,385 | 4,539,250 | 10,486,447 | 4,335,414 | (4.49%) |
| Chinese [a] | 1,058,231 | 593,816 | 1,180,602 | 665,320 | 12.04% |
| Tagalog [b] | 764,743 | 258,008 | 795,154 | 266,400 | 3.25% |
| Vietnamese | 521,534 | 311,142 | 547,165 | 324,984 | 4.45% |
| Korean | 372,742 | 218,622 | 367,658 | 206,974 | (5.33%) |
| Armenian [c] | 191,928 | 93,415 | 189,940 | 87,966 | (5.83%) |
| Persian | 191,138 | 73,557 | 201,067 | 80,698 | 9.71% |
| Arabic | 153,635 | 58,805 | 178,553 | 67,493 | 14.77% |
| Russian | 151,685 | 74,239 | 160,254 | 68,843 | (7.27%) |
| Japanese | 140,575 | 64,044 | 143,412 | 64,189 | 0.23% |
| Punjabi [d] | — | — | 138,203 | 61,088 | — |
| French | 124,980 | 18,755 | 126,686 | 17,238 | (8.09%) |
| German | 110,545 | 14,225 | 101,075 | 11,518 | (19.03%) |
| Thai, Lao [e] | 83,283 | 44,831 | 83,242 | 44,379 | (1.01%) |
| Mon-Khmer, Cambodian | 79,882 | 41,350 | 75,341 | 39,281 | (5.00%) |
| Portuguese | 79,550 | 25,320 | 80,097 | 24,681 | (2.52%) |
| Hmong | 76,789 | 35,655 | 74,666 | 33,301 | (6.60%) |

*Source:* U.S. Census Bureau, American Community Survey (ACS) 5-Year Estimates, Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over (California), 2009–2013 and 2013–2017.

[a] Includes Cantonese, Mandarin, and other Chinese languages.

[b] Includes Western and Eastern Armenian.

[c] Includes Filipino.

[d] The 2009–2013 ACS estimates grouped Punjabi with "Other Indic languages," so there are not unique numbers for Punjabi for that year range in this table.

[e] The 2009–2013 ACS estimates broke out Thai and Lao separately, while the 2013–2017 ACS estimates grouped them together. For 2009–2013, there were 46,434 Thai speakers (26,035 spoke English less than "very well") and 36,849 Lao speakers (18,796 spoke English less than "very well").

Census and court data regarding language prevalence is also supported by the California Department of Education, which tracks "home languages" spoken by school-based English language learners. Table 7 below shows home languages spoken by English learners in kindergarten through grade 12. In the 2018–19 school year, there were approximately 1.196 million English learners in California public schools. Although English learner data are collected for 67 language groups, 93 percent of English learners speak one of the top ten languages in the state.

**Table 7. Home Languages Spoken by California English Learners, School Year 2018–19**

| Language | Percent |
|---|---|
| **Spanish** | 81.56% |
| **Vietnamese** | 2.21% |
| **Mandarin (Putonghua)** | 1.87% |
| **Arabic** | 1.53% |
| **Filipino (Pilipino or Tagalog)** | 1.25% |
| **Cantonese** | 1.21% |
| **Korean** | 0.81% |
| **Punjabi** | 0.77% |
| **Russian** | 0.76% |
| **Hmong** | 0.69% |

Source: California Department of Education, www.cde.ca.gov/ds/sd/cb/cefelfacts.asp.

Conclusions that can be drawn from this information include the following:

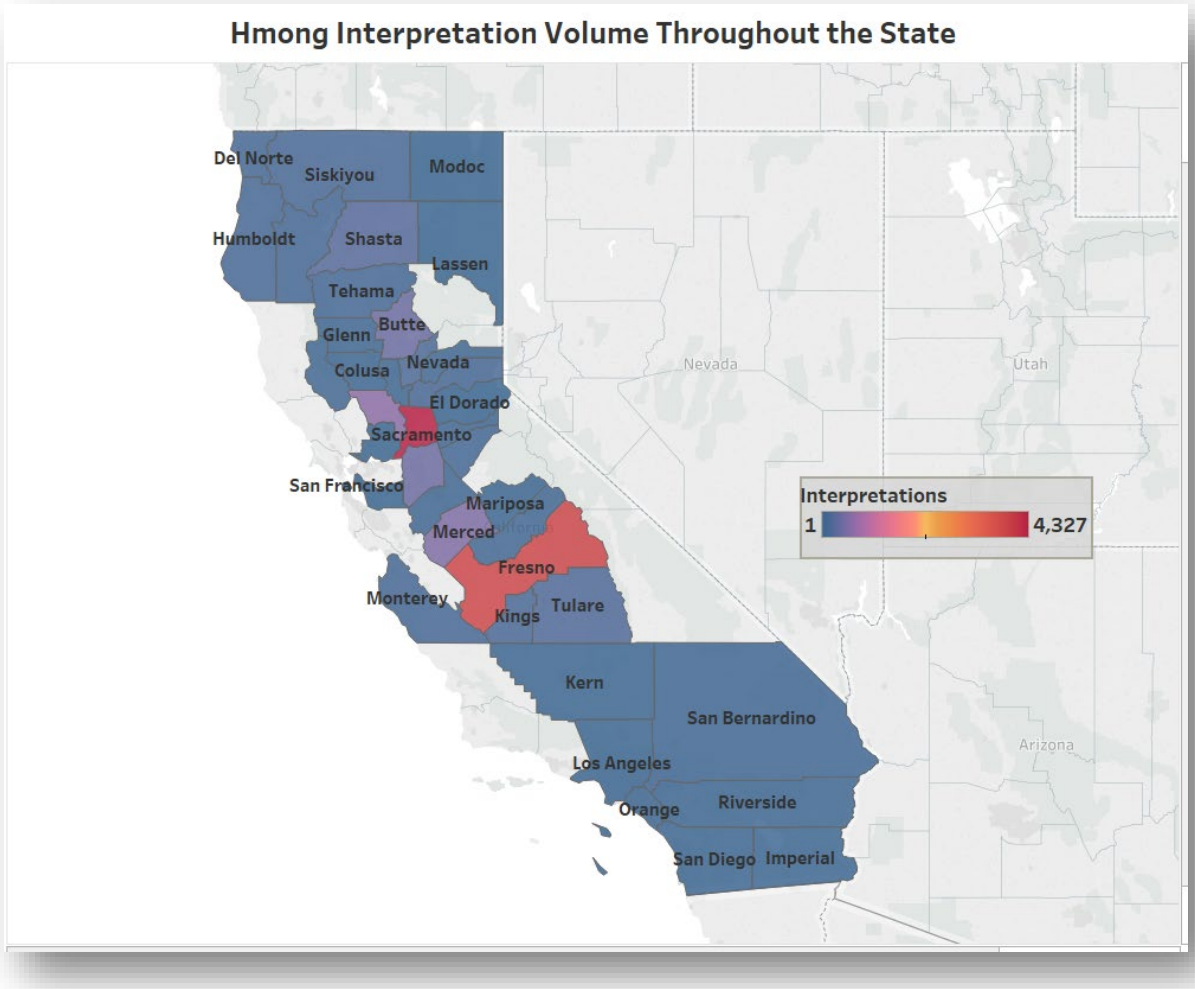
- English learners are a significant portion of California public school students. The 1,195,988 English learners in California public schools constitute 19.3 percent of the total enrollment in California public schools.

- A total of 2,587,609 students (English learners and fluent English proficient) speak a language other than English in their homes. This number represents about 41.8 percent of the state's public school enrollment.

- The majority of English learners (70.2 percent) are enrolled in elementary grades kindergarten through grade 6. The rest (29.8 percent) are enrolled in secondary grades 7 through 12, or are in an ungraded category.

One of the important language trends in California is the growing need for Hmong interpretations. While limited geographically, Hmong emerged during the reporting period as a frequently interpreted language in Fresno and Sacramento superior courts, and, albeit more limited, in other courts in the north San Joaquin Valley and into the Sacramento Valley regions of the state. California is home to the largest population of Hmong in the United States, with

estimates of up to 100,000 Hmong persons living primarily in California's Central Valley. The map below shows the concentration of Hmong interpretations in the state.




## Caseload Trends and Projections

Any discussion about the trends facing California's trial courts needs to address case filings. California's trial courts have experienced a significant decline in new case filings over the past decade (roughly corresponding to the start of the Great Recession). Filings peaked in FY 2008–09 at roughly 10.2 million total filings in all case types and have consistently declined for the subsequent nine years. In FY 2017–18, which is the last year for which there is complete data, there were an estimated 5.8 million cases filed in California's trial courts. While the beginning of this decline coincided with the Great Recession, the decline in filings has persisted long since the recession officially ended and has continued even during the current long stretch of economic recovery. Preliminary data for FY 2018–19 shows the first year in which filings within the state actually increased.

The reduction in filings was discussed in the 2015 Study, which hypothesized that the decrease in filings was due to the economic recession, and its impact on the state court system and California population. The 2015 Study stated,

> Caseload data for FY 02–03 to FY 12–13 suggest that the effects of the recession were reflected in a continuous decline in aggregate filings starting in FY 08–09. In the most recent year for which data were provided, the Judicial Council noted that this decline coincided with budget cuts, fee increases, and reduction of access through reduced hours and closure of courthouses. … [I]t now seems likely that a result of the recovering economy will be a return to a closer approximation of business as observed prior to the major recessionary disruption.[25]

It turns out that this forecast was incorrect, as overall filings continued their steady decline until last year. There may, however, be other factors that were not considered in the previous study that may have impacted filings. For example, population growth in California has slowed to its lowest pace in over a century. In December 2019, the California Department of Finance announced that California's population had only increased by 141,300 people in FY 2018–19, representing a growth rate of one-third of one percent, down from essentially one-half of one percent for the prior 12 months. These are, according to the department, the two lowest recorded growth rates in the state population since 1900.[26] The decline in California's population growth was attributed, in part, to lower international migration.

Another factor contributing to the recent decline in total statewide case filings is limited jurisdiction case types—declines in misdemeanors and infractions in the criminal case category, including traffic. These limited jurisdiction cases tend to be, on average, much less complex and resource-intensive for courts than unlimited jurisdiction cases such as felonies, civil torts, family and juvenile, probate, and mental health.[27] A report by the Public Policy Institute of California found that Assembly Bill 109 (2011), more commonly known as realignment, and Proposition 47 (2014), which reduced many crimes to misdemeanors, have combined to lower the overall arrest rate by nearly 20 percent.[28] In addition to the drop in criminal and traffic matters, limited civil filings account for the rest of the decline. Also a significant factor are the reduced numbers of traffic and non-traffic tickets issued by law enforcement over the past decade. Infraction

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[25] *2015 Language Need and Interpreter Use Study, supra*, at p. 32 (fns. omitted).

[26] California Department of Finance, "State's Population Increases By 141,300, While Rate of Growth Continues to Decline," news release dated December 20, 2019, *www.dof.ca.gov/Forecasting/Demographics/Estimates/E-2/documents/PressReleaseJuly2019.pdf*.

[27] Judicial Council of California, *2018 Court Statistics Report: Statewide Caseload Trends 2007–08 Through 2016–17,* p. ii, *www.courts.ca.gov/documents/2018-Court-Statistics-Report.pdf*.

[28] Ervan Sernoffsky, "Arrest rates in California drop nearly 20% after reforms, study finds," *San Francisco Chronicle* (Sept. 9, 2019).

violations historically account for the single largest number of filings in any trial court.[29] In FY 2008–09, there were 6.3 million infractions filed with the courts, and in FY 2017–18, there were 3.6 million infraction filings. Also, in the intervening years, in addition to Proposition 47,[30] other statewide initiatives, such as Proposition 57[31] and Proposition 64[32] modified policies regarding crimes and punishments in California, thereby necessarily reducing the number of criminal filings in specified circumstances. And finally, the high cost of civil (non-criminal) filing fees may have reduced the number of civil cases filed throughout the state.

With all of these different factors affecting the number of new cases filings and recognizing that some case types have experienced a consistent and significant increase in filings over the past ten years,[33] estimating future caseload and filings numbers for the purpose of anticipating language needs becomes very difficult. Based purely on recent trends from year to year, Graphic 15 offers some idea of the direction of total case filings and criminal case filings statewide for the next five years (through FY 2022–23).

Criminal case filings are particularly relevant to the overall number of interpretations because roughly 75 percent of all interpretations for the current study period occurred in criminal cases. While total filings and criminal filings did increase in FY 2017–18, one year of data is insufficient to controvert ten years of continuous decline, especially given the changed policies of the state and the shifting attitudes of the people of California as evidenced by the propositions described above. What can be observed in the data from the study period is that the number of filings (especially criminal cases) and the number of interpretations seem to be positively correlated, with interpretations being dependent on filings. However, it is also very likely that as California's population becomes more diverse, including the increased diversity of languages spoken, and as more LEP persons become aware of interpreter services, the demand for interpretations in the courts will increase, even if filings remain relatively constant. The tracking and reporting of court interpreter usage on a regular and ongoing basis is the Judicial Council's best determinant of future language need in California.[34]

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[29] For detailed filings data, see Judicial Council of California, *2019 Court Statistics Report: Statewide Caseload Trends 2008–09 Through 2017–18,* www.courts.ca.gov/documents/2019-Court-Statistics-Report.pdf.

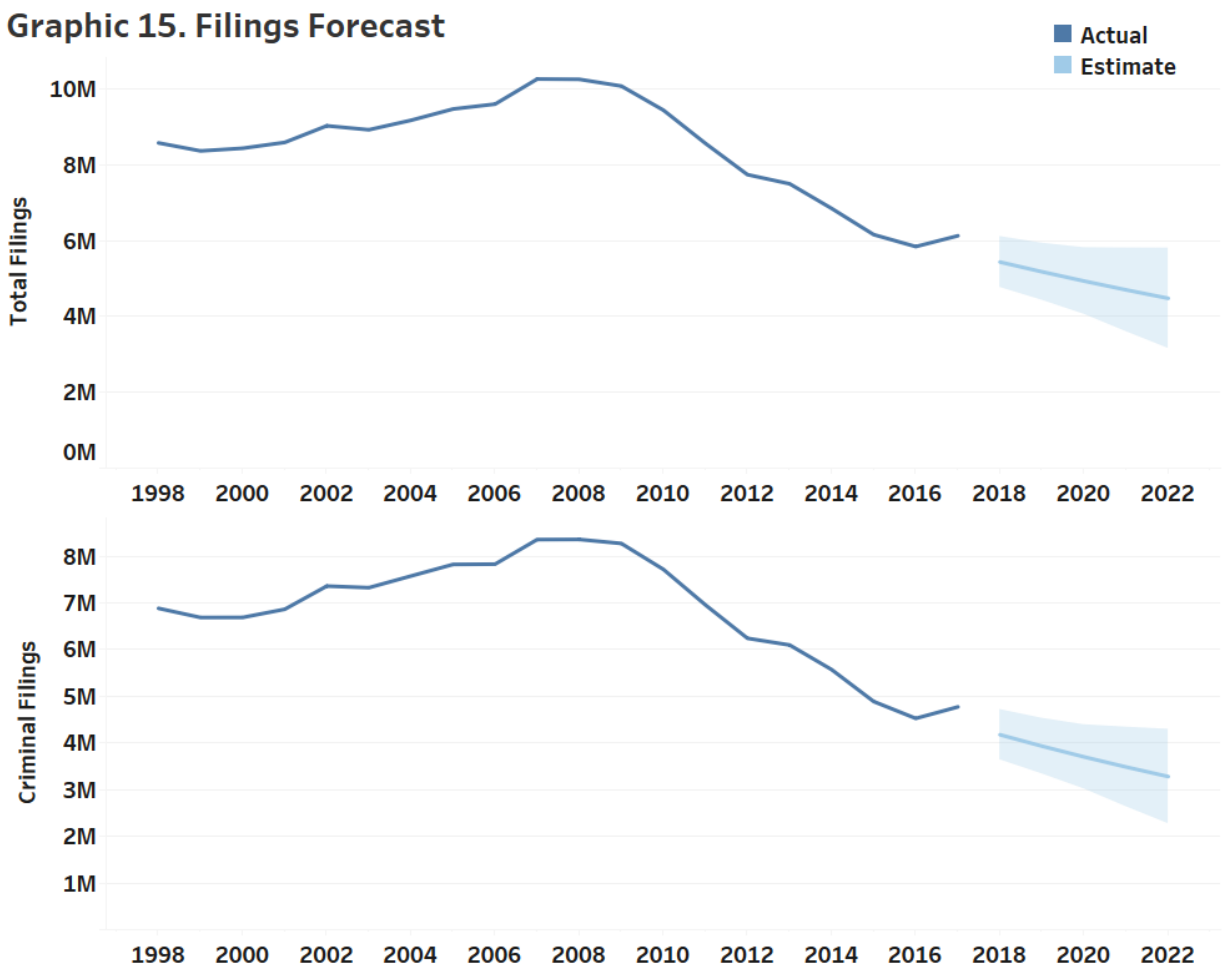
[30] Proposition 47 reduced certain felony charges to misdemeanors; see www.courts.ca.gov/prop47.htm.

[31] Proposition 57 requires judges, rather than prosecutors, to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court; see www.cdcr.ca.gov/proposition57/.

[32] Proposition 64 legalized the adult use of recreational marijuana; see www.courts.ca.gov/prop64.htm.

[33] *2019 Court Statistics Report, supra*. Filings in probate and mental health have been increasing.

[34] See Judicial Council of California, *Trial Court Interpreters Program Expenditure Report for Fiscal Year 2018–19*, available at www.courts.ca.gov/7466.htm.




## Challenges and Opportunities in Providing Language Access Services

In addition to demographic and filings data, there are other factors that are part of the discussion about the use and availability of interpreters in California's trial courts. The costs associated with hiring qualified expert interpreters have been steadily rising over the past several years. These costs include the time and wage rates demanded by and paid to contract interpreters, and the negotiated wage and benefit increases for interpreter staff. With the expansion of interpreter services into civil matters, as well as the increased use of interpreters in criminal cases, there are regular shortfalls in the annual court interpreter appropriation that must be addressed. As courts attempt to provide interpreter services in all court proceedings, it is logical to expect increases in expenditures on interpretation services in California's courts.

Underlying the Language Access Plan is the principle of adequate funding so that the expansion of language access services—to the extent there are available qualified interpreters—will

proceed without impairing funding for other court services. The total Court Interpreters Program appropriation for FY 2018–19 was approximately $109 million. The 2019 Budget Act converted one-time funding of $4 million into ongoing funding and included an additional $9.6 million in ongoing funding. This brought the FY 2019–20 appropriation for the Court Interpreters Program to $120.7 million. For the past few years, the state appropriation has fallen short in providing the courts with enough funding for full reimbursement of their reported allowable court interpreter expenditures. The expansion of interpreter services for civil matters, and increased costs in mandated cases, have led to shortfalls that require ongoing resources. However, this additional funding meant that, as of June 2019, all courts were able to provide interpreters in all eight civil case-type priorities.[35]

Increased funding for court interpreter services—even from current levels of investment—will allow more courts to provide interpreters in more languages and in growing numbers of cases and case types. This expansion of court interpreter services in civil matters is consistent with the direction of the U.S. Department of Justice and the findings set forth in Government Code section 68092.1; it is imperative that courts provide interpreter services for all parties who require them, and that both the legislative and judicial branches of government continue in their joint commitment to carry out this shared goal. To help in this effort, the courts will continue to report on interpreter usage by case type, and the Judicial Council will be able to more effectively calculate the continuing unmet need.

Funding is not the only issue for improved and increased access to interpreter services. To increase LEP court user access to qualified interpreters, the Language Access Plan allows for the use of video remote interpreting (VRI) in the courts so long as the LEP court user can fully and meaningfully participate in the proceedings.[36] Additional recommendations in the Language Access Plan were designed to inform and support the successful implementation of VRI by conducting a pilot and the development of recommended guidelines for the appropriate use of VRI, including technical guidelines.[37] Pursuant to these recommendations, the Language Access Plan Implementation Task Force, Information Technology Advisory Committee, and Judicial Council staff conducted a six-month pilot project for VRI in 2018 in Merced, Sacramento, and Ventura superior courts. The pilot was evaluated by the San Diego State University Research Foundation—an independent, third-party evaluator. The pilot successfully demonstrated that when equipment is properly installed and utilized by trained court interpreters, judges, and staff, video remote interpreting allows meaningful participation by LEP court users and provides one viable solution to the lack of available qualified (certified and registered) interpreters. When onsite interpreters are unavailable, or when there is no interpreter available for a particular language in a court or region, VRI reduces the need to reschedule court visits. The pilot resulted

[35] The languages provided, and the estimated interpreter coverage for each priority, vary by court.

[36] Judicial Council of California, *Strategic Plan for Language Access in the California Courts* (2015), Recommendation 12.

[37] *Id.*, Recommendations 14 and 16.

in updated Language Access Plan guidelines for VRI, which now include recommended minimum technology requirements. Due to the success of the VRI pilot, the Judicial Council voted in March 2019 to establish a new VRI program for the branch in order to expand LEP court user access to qualified interpreters.

Recent enhancements to the court interpreter data reporting program also allow courts to record the way an interpretation was provided. Effective July 1, 2018, courts began recording whether the interpretation was performed in person, telephonically, or with VRI. This additional layer of information will enable the council to track not only the volume of interpretations being performed via telephone or VRI, but also locations that may have very specific language needs where resources should be expanded. The tracking and continual improvement of these data metrics will help the council focus and target its language access efforts, including identifying courts or regions that may have unmet interpreter need and that may benefit from video remote solutions. This will ensure appropriate and meaningful access to qualified interpreters for LEP court users, as well as identify the most efficient use of limited interpreter resources.

While in-person interpreting remains the preferred interpretation delivery method, VRI will help address greater efficiencies for the branch by (1) increasing statewide LEP court user access to qualified interpreters, (2) reducing travel time and costs to allow for more efficient use of limited interpreter resources, and (3) creating a service delivery model that allows more interpreters to deliver services to LEP court users as needed across the state in more case matters. Once VRI can be expanded into a statewide program, VRI will help ensure a statewide network of remote service providers.

Like funding, video remote access to interpreters is also not the only need that impacts the availability of interpreter services within the courts. The overarching problem experienced in California is that there are not enough interpreters in every county in many languages to address the needs of California's incredibly diverse population. As described above, the judicial branch can be helpful in increasing the pipeline for court interpreters. However, this is not a solution the branch can implement alone. Investment and engagement from the legislative and executive branches will be required to provide Californians with the interpretation services they need—not just to conduct business in the courts, but to fully participate in California's rich and diverse economy.

## Summary of Part Two

Over 200 languages are spoken in the California courts. As of 2018, 44.1 percent of California households speak a language other than English, and 18.1 percent of the California population over five years of age (6.6 million out of 37.7 million) speak English less than "very well." The most commonly interpreted languages for this study period generally match the most recent census information *and* California Department of Education information regarding the limited-English-proficient population in California, with Spanish remaining the language of greatest need. Hmong emerged during the reporting period as a frequently interpreted language in California. Overall case filings for the branch have steadily decreased during this study period,

but the costs of interpreting services have steadily increased, which means the branch will need to look for efficiencies and the state will need to make some investments to be able to provide interpreter services in the languages required.

This report identified the following challenges for the judicial branch regarding the provision of full language access:

- A limited supply of qualified interpreters, particularly in languages other than Spanish;
- Limited funding to reimburse courts for interpreter services;
- The need to focus and modernize interpreter recruitment efforts, including efforts designed to reach an emerging pool of qualified interpreters; and
- The need for a credentialing process for certification as an American Sign Language (ASL) court interpreter.

Fortunately, there are several opportunities for California to help meet these challenges. Those opportunities include the following:

- The appropriate use of VRI technology for language access to provide services in more languages and in a more cost-effective manner;
- The exploration of a tiered-approach for court interpreter credentialing, which would allow near-passers of the credentialing exam to have a journey-level or administrative credential status;
- More modern recruitment and informational efforts, including the use of social media and more direct help by the Court Interpreters Program for courts that need to fill empty interpreter positions; and
- Ongoing efforts by California and other states to identify a recommended credentialing process for certification as an ASL court interpreter.

## Recommendations on Future Credential Status

Based on the findings in this report, the following are recommendations for consideration by the Court Interpreters Advisory Panel and the Judicial Council:

- **Recommendation 1:** The Judicial Council should retain the certification classification of the top ten most frequently interpreted languages for this study period (listed in order of prevalence): Spanish, Vietnamese, American Sign Language, Mandarin, Cantonese, Korean, Punjabi, Russian, Arabic, and Farsi. This report makes no other recommendations regarding other languages designated for certification.
- **Recommendation 2:** The Judicial Council should continue to monitor the usage of Hmong for possible future designation as a certified language.

- **Recommendation 3:** The Judicial Council should explore and develop a recommended credentialing process for certification as a California American Sign Language court interpreter.

Note: The 2015 Study recommended that Japanese and Portuguese be de-designated, but they remain certified languages. And, while Western Armenian and Japanese are certified languages, a bilingual interpreting exam is not available in either of these two languages. Since candidates cannot take the oral proficiency exam (OPE) to become a registered interpreter in these two languages, the Court Interpreters Advisory Panel and the Judicial Council may also need to consider at a future date whether to (1) maintain these languages as certified, or (2) recommend one or more of these languages be de-designated and reclassified as registered languages to allow candidates to take the OPE in order to become registered interpreters in one or more of these languages.

# Part Three: Conclusion

The 2020 Census commenced in January 2020, and the U.S. Census Bureau is expected to announce the new population counts by April 30, 2021, due to the COVID-19 health crisis. This study was able to highlight data collected through 2018, including demographic data, even as data is evolving. The collection of language access and interpreter data enables the branch to more accurately determine the level of language access expansion in the courts, gaps in services, and the need for additional funding. Ongoing refinement of statewide data metrics to capture and report unmet court interpreter need will also assist the Judicial Council with improved and targeted service delivery and interpreter recruitment efforts.

The provision of language access in the California Courts—and the necessary infrastructure for support—went through significant change during this study period. Following passage of Assembly Bill 1657 (Stats. 2014, ch. 721) and council adoption of the *Strategic Plan for Language Access in the California Courts* in 2015, all California courts began providing interpreter services in all non-mandated matters. In just four years, as of 2019, all courts indicated that they were able to provide interpreters in all eight civil case-type priorities, as resources allowed. While there is more work to be done, this sea change in court operations was supported by all three branches of government, including efforts to secure the necessary funding to help all courts to expand interpreter services.

Language access continues to be an area of innovation—the 2018 Budget Act provided ongoing funding for trial court language access signage and technology needs. The Governor's Proposed Budget for 2020 includes new funding to help the Judicial Council establish video remote interpreting as a statewide program beginning in FY 2020–21. Implementation of appropriate technology will allow more LEP persons to be served across the state in more languages. With an ongoing branch commitment to language access, the next study, due in 2025, should reflect an era of innovation and further improvements to data collection, investment, and expanded numbers of interpreter applicants—all with a shared goal of improving access to justice for the approximately 7 million LEP residents and potential court users in California.

# Appendix

### Table 8. Total Service Days, 30 Most-Interpreted Spoken Languages (2015 Study)

| Language | Total | Percent |
|---|---|---|
| Spanish | 759,409 | 71.9% |
| Vietnamese | 40,711 | 3.9% |
| Korean | 25,568 | 2.4% |
| Mandarin | 22,966 | 2.2% |
| Farsi | 18,927 | 1.8% |
| Cantonese | 17,605 | 1.7% |
| Russian | 17,262 | 1.6% |
| Tagalog | 14,606 | 1.4% |
| Arabic | 14,558 | 1.4% |
| Punjabi | 13,105 | 1.2% |
| Khmer | 9,864 | 0.9% |
| Japanese | 6,872 | 0.7% |
| Hmong | 6,755 | 0.6% |
| Lao | 5,990 | 0.6% |
| Romanian | 4,591 | 0.4% |
| Hindi | 4,080 | 0.4% |
| Armenian (unknown) | 3,899 | 0.4% |
| Armenian, Eastern | 3,742 | 0.4% |
| Tongan | 3,351 | 0.3% |
| Portuguese | 3,283 | 0.3% |
| Armenian, Western | 3,019 | 0.3% |
| Pashto | 2,457 | 0.2% |
| Samoan | 2,292 | 0.2% |
| Thai | 2,091 | 0.2% |
| Amharic | 2,051 | 0.2% |
| Slovak | 1,817 | 0.2% |
| French | 1,741 | 0.2% |
| Mongolian | 1,585 | 0.2% |
| Mien | 1,572 | 0.1% |
| Mixteco | 1,527 | 0.1% |
| Other/Unknown | 38,222 | 3.6% |
| **Total** | **1,055,516** | **100.0%** |

## Estimating Interpreter Use in the Superior Court of Los Angeles County

As stated in the methodology section of this report, the Superior Court of Los Angeles County only reports a small amount of their interpreter usage via the Court Interpreter Data Collection System (CIDCS). The case types that Los Angeles reports into CIDCS are listed below:

- Civil Harassment
- Domestic Violence (domestic violence restraining order and marital cases with domestic violence)
- Unlawful Detainer
- Civil (Other)
- Family Law—Child Support
- Elder Abuse
- Family Law—Termination of Parental Rights
- Family Law (Other)
- Probate—Guardianship
- Probate—Conservatorship

Linear regression analysis was used to estimate the remaining case types not reported by Los Angeles. Numerous regression models were built, each one taking in data on filings, interpretations, population, and interpreter fund expenditures from various counties throughout the state. Numerous models were built to assess which set of counties and variables would produce the best-fitting model per the R-square and adjusted R-square outputs of the model, as well as the *p*-values of the various independent variables used. Through the development of many iterative regression models, it became obvious that the best-fitting models were the most simplistic. Additionally, filings and interpretations ratios for certain case types varied too significantly from one county to another to build reliable regression models for every case type. Considering these two aspects, it was decided to use simple linear regression models that took in only one independent variable, and to use data from only a handful of counties in geographic proximity to Los Angeles County, to construct models only for the most high-volume case types not reported by the Superior Court of Los Angeles County.

As stated in the report, criminal case interpretations are the largest driver of overall interpretation volume. Therefore, models were built to estimate the number of interpretations for the felony, misdemeanor, and traffic case types. The counties whose data was used to construct the regression models included Imperial, Kern, Orange, Riverside, San Bernardino, San Diego, and Ventura. The models took in filing and interpretation counts for all of these counties for FY 2014–15 through FY 2017–18. Filings and interpretations data from seven courts from the four-year study period meant that models had 28 observations each. These models were meant to estimate the number of interpretations in Los Angeles for each of these three criminal case types. As such, the dependent variable was the number of interpretations and the independent variable was the number of filings. The relevant output from each model is listed in the table below.

**Table 9. Regression Outputs**

| Case Type | R-square | Adjusted R-square | *p*-value of Independent Variable | Observations | Beta Coefficient of Filings |
|---|---|---|---|---|---|
| Felony | 0.655184 | 0.641922 | 1.83E-07 | 28 | 0.734896 |
| Misdemeanor | 0.630795 | 0.616595 | 4.53E-07 | 28 | 0.406448 |
| Traffic | 0.733929 | 0.723696 | 5.98E-09 | 28 | 0.096433 |

The beta coefficients from the models were then applied to the number of new case filings for felonies, misdemeanors, and traffic cases reported by Los Angeles for FY 2014–15 through FY 2017–18. The result was the estimation of interpretations for these case types in Los Angeles. Finally, the overall proportion of languages reported by Los Angeles via CIDCS was then applied to the estimation of interpretations for each case type to approximate the number of felony, misdemeanor, and traffic case interpretations to attribute to each individual language (Spanish, Vietnamese, Mandarin, etc.)

To estimate the number of interpretations for the last remaining case types not reported by Los Angeles and for which reliable regression models could not be built, case-type ratios from all CIDCS reporting courts were used. For example, the case types that Los Angeles reported via CIDCS (listed above) were compared to all CIDCS data for that year. The total number of interpretations for these case types (unlawful detainer, probate, elder abuse, etc.) was anywhere from 9 percent to 15 percent of the total volume of interpretations of the data reported via CIDCS (the ratio varied by fiscal year). This ratio was then used to estimate the total number of interpretations for Los Angeles for each year of the study. Finally, the percent of total volume for each missing case type (infractions, delinquency, dependency, etc.) from all CIDCS reporting for that year was then multiplied by the estimate of total interpretations for Los Angeles. This gave an estimate of the total interpretations to attribute to each missing case type. Once again, the language proportion from Los Angeles's CIDCS reporting was applied to the total estimated interpretations for each case type to obtain the number of interpretations to attribute to each language. Once estimates of the number of interpretations for all missing case types and the number of those interpretations to attribute to each language were established, this data was integrated into the master data set.

For a breakdown by case type and language, see Graphics 16 through 20 on the following pages.

## Graphic 16. Interpretations by Language and Case Type *(Civil)*

| | Civil | | | |
|---|---|---|---|---|
| Language (Top 30) | Civil (Other) | Civil Harassment | Domestic Violence | Unlawful Detainer |
| Spanish | 42,570 | 17,616 | 74,732 | 58,600 |
| Vietnamese | 922 | 224 | 896 | 277 |
| American Sign Language | 798 | 497 | 1,078 | 228 |
| Mandarin | 870 | 210 | 797 | 811 |
| Cantonese | 660 | 177 | 478 | 466 |
| Korean | 508 | 97 | 610 | 1,080 |
| Punjabi | 235 | 115 | 916 | 40 |
| Russian | 340 | 54 | 526 | 203 |
| Arabic | 297 | 154 | 637 | 110 |
| Farsi (Persian of Iran) | 280 | 73 | 464 | 230 |
| Tagalog | 125 | 80 | 459 | 157 |
| Hmong | 165 | 5 | 317 | 3 |
| Armenian - Eastern | 74 | 35 | 252 | 219 |
| Lao | 25 | 6 | 90 | 8 |
| Khmer (Cambodian) | 39 | 23 | 62 | 49 |
| Japanese | 45 | 16 | 148 | 69 |
| Mixteco | 21 | 9 | 122 | 0 |
| French | 41 | 7 | 147 | 38 |
| Thai | 39 | 9 | 110 | 98 |
| Romanian | 54 | 6 | 37 | 12 |
| Mixteco Alto | 7 | 2 | 5 | 0 |
| Portuguese | 58 | 30 | 148 | 20 |
| Triqui | 14 | 0 | 54 | 0 |
| Hindi | 19 | 20 | 141 | 3 |
| Chaldean | 4 | 19 | 71 | 0 |
| Amharic | 29 | 9 | 66 | 8 |
| Urdu | 58 | 5 | 100 | 5 |
| Bengali | 26 | 8 | 96 | 89 |
| Mixteco Bajo | 5 | 3 | 14 | 0 |
| Mien | 10 | 3 | 54 | 3 |
| Other Languages | 256 | 77 | 703 | 121 |
| Grand Total | 48,593 | 19,589 | 84,330 | 62,947 |

## Graphic 17. Interpretations by Language and Case Type *(Criminal)*

| | Criminal | | | | |
|---|---|---|---|---|---|
| Language (Top 30) | Drug Court | Felony | Infraction | Misdemeanor | Traffic |
| Spanish | 23,477 | 650,417 | 137,885 | 1,413,372 | 807,528 |
| Vietnamese | 1,442 | 15,263 | 585 | 19,005 | 15,116 |
| American Sign Language | 179 | 7,418 | 426 | 9,426 | 4,633 |
| Mandarin | 89 | 6,211 | 662 | 8,276 | 11,801 |
| Cantonese | 15 | 9,105 | 368 | 5,766 | 7,439 |
| Korean | 111 | 2,904 | 634 | 6,650 | 8,129 |
| Punjabi | 41 | 5,973 | 157 | 6,098 | 2,780 |
| Russian | 30 | 3,261 | 232 | 4,671 | 4,613 |
| Arabic | 47 | 2,638 | 235 | 4,073 | 6,591 |
| Farsi (Persian of Iran) | 62 | 2,183 | 404 | 4,471 | 6,262 |
| Tagalog | 184 | 4,213 | 116 | 5,183 | 1,266 |
| Hmong | 6 | 4,960 | 51 | 2,167 | 805 |
| Armenian - Eastern | 59 | 1,646 | 364 | 2,694 | 3,385 |
| Lao | 28 | 4,519 | 83 | 1,969 | 333 |
| Khmer (Cambodian) | 58 | 1,633 | 131 | 1,361 | 560 |
| Japanese | 19 | 500 | 114 | 1,148 | 1,147 |
| Mixteco | 17 | 902 | 40 | 2,096 | 37 |
| French | 29 | 486 | 132 | 1,267 | 1,059 |
| Thai | 17 | 528 | 108 | 1,132 | 866 |
| Romanian | 7 | 670 | 66 | 1,127 | 751 |
| Mixteco Alto | 2 | 725 | 0 | 2,146 | 98 |
| Portuguese | 19 | 558 | 62 | 795 | 1,007 |
| Triqui | 1 | 549 | 0 | 855 | 21 |
| Hindi | 7 | 438 | 39 | 655 | 436 |
| Chaldean | 0 | 379 | 0 | 587 | 829 |
| Amharic | 21 | 284 | 31 | 453 | 657 |
| Urdu | 7 | 330 | 90 | 604 | 421 |
| Bengali | 12 | 204 | 69 | 518 | 561 |
| Mixteco Bajo | 8 | 382 | 18 | 1,027 | 38 |
| Mien | 1 | 831 | 13 | 532 | 133 |
| Other Languages | 86 | 5,190 | 285 | 7,326 | 4,265 |
| Grand Total | 26,081 | 735,301 | 143,402 | 1,517,449 | 893,565 |

## Graphic 18. Interpretations by Language and Case Type *(Family)*

| | Family | | | | |
|---|---|---|---|---|---|
| Language (Top 30) | Child Support | Domestic Violence | Elder Abuse | Family (Other) | Term. Parental Rights |
| Spanish | 74,362 | 9,242 | 8,012 | 199,954 | 4,765 |
| Vietnamese | 2,007 | 391 | 417 | 3,825 | 29 |
| American Sign Language | 1,395 | 59 | 98 | 3,663 | 69 |
| Mandarin | 365 | 91 | 183 | 1,884 | 26 |
| Cantonese | 722 | 118 | 378 | 1,044 | 17 |
| Korean | 304 | 91 | 219 | 828 | 36 |
| Punjabi | 786 | 51 | 21 | 1,653 | 25 |
| Russian | 732 | 32 | 83 | 1,531 | 10 |
| Arabic | 344 | 42 | 111 | 1,376 | 39 |
| Farsi (Persian of Iran) | 327 | 64 | 67 | 1,327 | 13 |
| Tagalog | 321 | 49 | 73 | 691 | 23 |
| Hmong | 1,184 | 24 | 3 | 1,228 | 12 |
| Armenian - Eastern | 150 | 43 | 16 | 581 | 14 |
| Lao | 217 | 6 | 5 | 162 | 4 |
| Khmer (Cambodian) | 162 | 6 | 15 | 275 | 7 |
| Japanese | 84 | 23 | 33 | 356 | 3 |
| Mixteco | 46 | 14 | 0 | 215 | 1 |
| French | 80 | 22 | 10 | 114 | 18 |
| Thai | 81 | 12 | 30 | 274 | 5 |
| Romanian | 71 | 4 | 3 | 215 | 0 |
| Mixteco Alto | 23 | 0 | 0 | 100 | 0 |
| Portuguese | 57 | 7 | 14 | 199 | 5 |
| Triqui | 33 | 0 | 0 | 34 | 0 |
| Hindi | 18 | 3 | 10 | 295 | 1 |
| Chaldean | 3 | 6 | 0 | 159 | 6 |
| Amharic | 88 | 5 | 4 | 248 | 4 |
| Urdu | 36 | 7 | 12 | 192 | 11 |
| Bengali | 29 | 1 | 5 | 144 | 2 |
| Mixteco Bajo | 15 | 0 | 0 | 92 | 0 |
| Mien | 14 | 2 | 2 | 48 | 1 |
| Other Languages | 572 | 84 | 79 | 1,769 | 31 |
| Grand Total | 84,627 | 10,496 | 9,903 | 224,476 | 5,179 |

## Graphic 19. Interpretations by Language and Case Type *(Juvenile)*

| | Juvenile | |
|---|---|---|
| Language (Top 30) | Delinquency | Dependency |
| Spanish | 304,703 | 143,244 |
| Vietnamese | 1,076 | 1,297 |
| American Sign Language | 1,463 | 2,191 |
| Mandarin | 995 | 710 |
| Cantonese | 545 | 453 |
| Korean | 1,409 | 702 |
| Punjabi | 415 | 225 |
| Russian | 1,284 | 836 |
| Arabic | 814 | 548 |
| Farsi (Persian of Iran) | 856 | 451 |
| Tagalog | 384 | 620 |
| Hmong | 727 | 303 |
| Armenian - Eastern | 674 | 342 |
| Lao | 224 | 250 |
| Khmer (Cambodian) | 380 | 243 |
| Japanese | 219 | 211 |
| Mixteco | 251 | 214 |
| French | 267 | 192 |
| Thai | 247 | 156 |
| Romanian | 315 | 102 |
| Mixteco Alto | 238 | 33 |
| Portuguese | 94 | 122 |
| Triqui | 845 | 75 |
| Hindi | 88 | 63 |
| Chaldean | 22 | 1 |
| Amharic | 63 | 58 |
| Urdu | 120 | 45 |
| Bengali | 153 | 76 |
| Mixteco Bajo | 151 | 21 |
| Mien | 29 | 17 |
| Other Languages | 972 | 924 |
| Grand Total | 320,025 | 154,725 |

## Graphic 20. Interpretations by Language and Case Type *(Other)*

| Language (Top 30) | Mental Health | Other/Unknown | Probate | Public Assistance |
|---|---|---|---|---|
| Spanish | 8,265 | 63,876 | 32,478 | 12,196 |
| Vietnamese | 660 | 1,028 | 343 | 751 |
| American Sign Language | 659 | 3,182 | 366 | 632 |
| Mandarin | 258 | 831 | 133 | 199 |
| Cantonese | 254 | 346 | 105 | 15 |
| Korean | 109 | 465 | 113 | 250 |
| Punjabi | 83 | 310 | 46 | 11 |
| Russian | 54 | 198 | 26 | 22 |
| Arabic | 92 | 397 | 27 | 80 |
| Farsi (Persian of Iran) | 80 | 281 | 48 | 89 |
| Tagalog | 197 | 336 | 37 | 19 |
| Hmong | 9 | 43 | 46 | 1 |
| Armenian - Eastern | 29 | 169 | 15 | 45 |
| Lao | 74 | 48 | 14 | 3 |
| Khmer (Cambodian) | 162 | 76 | 38 | 6 |
| Japanese | 43 | 97 | 37 | 18 |
| Mixteco | 14 | 117 | 10 | 53 |
| French | 39 | 75 | 99 | 18 |
| Thai | 9 | 56 | 15 | 13 |
| Romanian | 5 | 39 | 8 | 15 |
| Mixteco Alto | 0 | 4 | 6 | 0 |
| Portuguese | 9 | 71 | 12 | 24 |
| Triqui | 21 | 6 | 16 | 0 |
| Hindi | 15 | 30 | 6 | 5 |
| Chaldean | 13 | 7 | 2 | 21 |
| Amharic | 48 | 27 | 1 | 3 |
| Urdu | 11 | 35 | 5 | 4 |
| Bengali | 10 | 41 | 2 | 8 |
| Mixteco Bajo | 7 | 8 | 2 | 0 |
| Mien | 7 | 11 | 8 | 0 |
| Other Languages | 275 | 533 | 138 | 81 |
| Grand Total | 11,510 | 72,741 | 34,202 | 14,583 |