

Court Interpreters Advisory Panel
Annual Agenda—2015

Approved by E&P/RUPRO: Not approved this is First Draft in progress

I. ADVISORY BODY INFORMATION

Chair:	Hon. Steven Austin
Vice Chair:	Ms. Christina Volkers
Staff:	Ms. Sonia Sierra Wolf, Ms. Catharine Price
<p>Advisory Body's Charge: Makes recommendations to the Judicial Council on:</p> <ul style="list-style-type: none">○ Interpreter use and need for interpreters in court proceedings; and○ Certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters.○ Reviews and makes recommendations to the Judicial Council on the findings of the study of language and interpreter use and need for interpreters in court proceedings that are conducted by the Judicial Council staff, as required by statute, every 5 years. <p style="text-align: right;"><i>(Sen. Bill 1304; Stats. 1992, ch.770, Rule 10.51 and GC §68561-68565)</i></p>	

Advisory Body's Membership: 15 Member Panel – Rule of Court 10.51 provides that the Court Interpreters Advisory Panel will consist of 11 members, a majority of whom must be court interpreters. The panel must include representatives from the following categories:

- One appellate court justice;
- Two trial court judges;
- Two court administrators, including at least one trial court executive officer;
- Four certified or registered court interpreters working as employees in the trial courts, one from each of the four regions established by Government Code section 71807; and
- Two certified or registered court interpreters in a language other than Spanish, working in the trial courts as independent contractors or in an educational institution.

There are also four advisory non-voting positions, each offering a perspective not represented by the voting members. They currently are:

- A representative of the American Sign Language (ASL) community;
- A representative of court users of interpreter services, such as a public defender, legal aid attorney, or other public advocate;
- A representative familiar with the hands-on supervision of day-to-day court interpreter operations; and
- A representative with legal experience within the court (This position has been held by someone in the field of interpreter education)

Subgroups/Working Groups: *[List the names of each subgroup/working group, including groups made up exclusively of advisory body members and joint groups with other advisory bodies, and provide additional information about the subgroups/working groups in Section IV below. To request approval for the creation of a new subgroup/working group, include “new” before the name of the proposed subgroup/working group and describe its purpose and membership in section IV below.¹]*

Name and makeup of each subgroup/working group to be determined.

¹ California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

Advisory Body's Key Objectives for 2015: (Proposed objectives pending possible assignments from the Implementation Task Force)

1. Maintain performance standards of current interpreters by developing a means of fairly and consistently assessing court interpreter knowledge, skills and abilities in the courtroom, per Rule of Court 2.891, and by developing procedures through which the quality and accuracy of an interpreter's skills and adherence to ethical requirements are fairly reviewed and assessed.
2. Determine the grounds (including criteria/cause) and procedures (including a comprehensive review and appeal process) for revocation of certified/registered interpreter status that will result in removal from the Judicial Council's Master List.
3. Conduct comprehensive evaluation of existing Rules of Court 2.893, and Judicial Council INT forms. Recommend appropriate revisions to the current rules and forms.
4. Consult with other committees on Video Remote Technology.
5. Consult with other committees on Request for Interpreter in Civil Action Forms.

These objectives are anticipated to take two years to complete; as they may require revising existing rules of court and Judicial Council forms.

II. ADVISORY BODY PROJECTS

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p>Research, develop and recommend method and means by which a biennial periodic review on court interpreter skills can be fairly and consistently assessed throughout the courts. (Rule of Court 2.891)</p> <p>This may include but is not limited to:</p> <ul style="list-style-type: none"> • Research professional associations, licensing entities, and other organizations that utilize interpreters to identify methods for assessing performance. • Work with the Court Executive Advisory Committee on the assessment of research findings and develop 	1	<p><u>Judicial Council Direction:</u> <u>GC §68562 (d)</u> The Judicial Council shall adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline. The Judicial Council shall adopt standards of professional conduct for court interpreters <u>GC§68564 (f)</u> A procedure for Judicial Council and local court review of each court interpreter's skills and for reporting to the certification entity the results of the review <u>Judicial Branch Strategic Plan Goal IV</u> – Quality of Justice and Service to the Public <u>Operational Objective 1.</u> Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p>	Ongoing, completion anticipated 2017.	<p>Recommended processes, procedures and tools for courts to implement Rule of Court 2.891 consistently and fairly.</p> <p><i><u>Note: This project will be fully informed by:</u></i> <u>GC§71811 Trial Court Interpreter Employment and Labor Relations Act, and regional Memoranda of Understanding.</u></p>

² All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

³ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

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	<p>appropriate review processes, procedures and tools.</p> <p><u>Subgroup: TBD</u></p>		<p><u>Origin of Project:</u> <u>Language Access Plan (LAP)</u>⁴<i>recommendation 64: Develop a procedure by which the quality and accuracy of an interpreter’s skills and adherence to ethical requirements can be reviewed including a determination of whether California Rule of Court 2.891 should be amended, repealed, or remain in place.</i></p> <p><u>Rule of Court 2.891 Periodic Review of Court Interpreter Skills and Professional Conduct</u> call for biennial review of court interpreters by courts.</p> <p><u>Resources:</u> CEAC, LERU/Legal Services, Court Human Resources, Language Access Plan Implementation Taskforce, and other stakeholders as needed for consultative purposes.</p> <p><u>Key Objective Supported:</u> Maintain performance standards of current interpreters by developing a means of fairly and consistently assessing court interpreter knowledge, skills and abilities in the courtroom, per Rule of Court 2.891, and by developing procedures through which the quality and accuracy of an interpreter’s skills</p>		

⁴ LAP refers to the *Strategic Plan for Language Access in the California Courts*

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			and adherence to ethical requirements are fairly reviewed and assessed.		
2	<p>Determine criteria that establish grounds for revocation of interpreters' certified or registered status and removal from the Master List; to include a comprehensive review and appeal procedure. Extraordinary circumstances may arise, albeit not on a regular basis, that requires clear standards to determine the need for permanent revocation of interpreter status and removal from the Master List.</p> <p><u>Subgroup: TBD</u></p>	2	<p><u>Judicial Council Direction:</u> <u>GC §68562 (d)</u> The Judicial Council shall adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline. The Judicial Council shall adopt standards of professional conduct for court interpreters. <u>Rule of Court 2.890</u> Professional conduct for interpreters <u>Judicial Branch Strategic Plan Goal IV</u> – Quality of Justice and Service to the Public <u>Operational Objective 1.</u> Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes</p> <p><u>Origin of Project:</u> There has been a standing need for the Judicial Council to adopt policies and criteria for revocation of Certified or Registered status and removal from the Master List for court interpreters.</p> <p>This work was approved as part of the 2013 CIAP Annual Agenda,</p>	Ongoing and completion anticipated end of 2016	<p>Recommendations on grounds (including criteria/cause) and procedures (including a comprehensive review and appeal process) for revocation of certified/registered interpreter status that will result in removal from the Judicial Council Master List.</p> <p>Grounds may include for example: inability to competently perform the duties of a court interpreter; ethical misconduct; sexual harassment; or being found guilty of a felony. (Note: Currently the only ground for revocation of status is failure to comply with annual renewal requirements.)</p>

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			<p>commenced during that year, and was subsequently suspended pending completion of the LAP.</p> <p>Resources: CEAC, Language Access Plan Implementation Task Force, LERU/Legal Services, Court Human Resources, other stakeholders for consultative purposes as required.</p> <p>Key Objective Supported: Determine the grounds (including criteria/cause) and procedures (including a comprehensive review and appeal process) for revocation of certified/registered interpreter status that will result in removal from the Judicial Council Master List.</p>		
3	Undertake a comprehensive evaluation of existing Rule of Court (2.893) and Judicial Council INT forms and instructions, and recommend any appropriate revisions. The revised forms are to include procedures for the appointment for good cause of non certified/registered interpreters in civil cases, similar to the procedures that currently exist	1(b)	<p>Judicial Council Direction: GC §68561 requires the use of certified and registered interpreters and outlines the process for provisional qualification of a non-certified /non-registered. It was recently changed to expand the information required on the record. (Relates to LAP Recommendation 19.) <u>Rule of Court 2.893</u> Appointment of noncertified interpreters in criminal cases and juvenile delinquency</p>	January 2017	Provide recommendations on ways Rule of Court 2.893 and Judicial Council INT Forms and Instructions should be amended.

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	<p>for interpreters in criminal and juvenile delinquency proceedings.</p> <p>Investigate whether Rule of Court 2.893 should be amended, consider the possible scope of amendments, and made recommendations accordingly. (As per Recommendation 70 in the LAP.)</p> <p><u>Subgroup: TBD</u></p>		<p>proceedings.</p> <p><u>Judicial Branch Strategic Plan: Operational Objective 3:</u> Increase qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; increase the availability of language-assistance services to all court users.</p> <p><u>Origin of Project:</u> AB 2370 (Stats. 2014, ch. 424; effective January 1, 2015) expanded upon the previous GC 68561 by requiring that certain statements be made on the record whenever an interpreter interprets in a court proceeding, including statements that confirm that the court is following the procedures for provisional qualification.</p> <p><u>LAP Recommendation 9:</u> Proposed amendments to this rule and these forms related to LAP Recommendation #9.</p> <p><u>Resources:</u> PJ's, CEAC, Chairs of the Bargaining Regions, Court Subject Matter Experts, Legal Services, Human Resources Labor Relations Unit, Language Access Plan Implementation Task Force</p>		

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			<p>Key Objective Supported: Conduct comprehensive evaluation of existing Rule of Court 2.893, and Judicial Council INT forms. Recommend appropriate revisions to the current rules and forms.</p>		
4	<p>Consultative Only: Consult with Court Technology Advisory Committee (name changing to ITAC in July) and Judicial Council Technology Committee in the execution of a Video Remote Interpreting pilot project for spoken languages.</p> <p>CIAP cannot serve as the lead, and cannot commit to committee or staff resources on an ongoing basis.</p>	1	<p>Judicial Council Direction: Component of the Chief Justice’s “Access 3D” initiative that highlights physical, remote, and equal access to the justice system.</p> <p>The Information Technology Committee has identified this project on their Annual Agenda: Tactical Plan for Technology: Courthouse Video Connectivity, p.22 (Tactical Plan; carryover from Annual Agenda 2014; notice from JC Legal Services regarding the pilot program; member recommendation)</p> <p>Origin of Project: <i>LAP recommendation 16: The Judicial Council should conduct a pilot project, in alignment with the Judicial Branch’s Tactical Plan for Technology 2014-2016. This pilot should, to the extent possible, collect relevant data on: due process issues, participant satisfaction, whether</i></p>	December 2016 (per CTAC)	<p>Provide consultation services.</p> <p>Outcomes as stated in CTAC’s Annual Agenda: Technical Standards Implementation of VRI Pilot Program Rule Proposal</p>

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			<p><i>remote interpreting increases the use of certified and registered interpreters as opposed to provisionally qualified interpreters, the effectiveness of a variety of available technologies (for both consecutive and simultaneous interpretation), and a cost-benefit analysis.</i></p>		
5	<p><u>Consultative Only:</u> Consult with the Civil and Small Claims Advisory Committee on the new form for requesting an interpreter.</p> <p>This would be consultative only and CIAP would not be the lead and cannot commit committee or staff resources on an ongoing basis.</p>	2	<p><u>Origin of Project:</u> The Judicial Council directed the Civil and Small Claims Advisory Committee to create a new form for parties to use to request court interpreters in civil matters; <i>Request for Court Interpreter, Civil Actions</i>, the form will be consistent with the requirements of AB 1657. Initial Public comments were received (January 23, 2015)</p>	December 2015	Finalized form for request for interpreter services.

III. STATUS OF 2014 PROJECTS:

#	Project	Completion Date/Status
1	Continue to develop and complete the Comprehensive California Language Access Plan	Complete – Final plan was and adopted by Judicial Council on January 22, 2015
2	Review and address public comment to proposed changes for Evidence Code 754.	Completion Date TBD/On Hold
3	Conduct Legislatively Mandated 2015 Interpreter Need and Language Use Study(GC §68563)	Complete— The 2015 Language Need and Use Study will be finalized by and reviewed by CIAP. It is scheduled to be submitted for consideration and at the April 2015 Judicial Council meeting, and subsequently submitted, as required, to the Legislature.

DRAFT IN PROGRESS

IV. Subgroups/Working Groups – Detail (To be completed once determine subgroup structure and assignments)

Subgroups/Working Groups: *[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]*

Subgroup or working group name:

Purpose of subgroup or working group:

Number of advisory body members on the subgroup or working group:

Number and description of additional members (not on this advisory body):

Date formed:

Number of meetings or how often the subgroup or working group meets:

Ongoing or date work is expected to be completed: