

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1127

Introduced by Assembly Member Chau

February 22, 2013

An act ~~relating to court interpreters~~: to add Section 68567 to the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1127, as amended, Chau. ~~Court interpreters~~. *Courts: California Language Access Task Force.*

Existing law requires, when a witness is incapable of understanding the English language or expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury, an interpreter to be sworn to interpret for him or her. Existing law requires the Judicial Council to conduct a study of language and interpreter use and need in court proceedings, with commentary, and to report its findings and recommendations to the Governor and to the Legislature every 5 years. Existing law requires that this study serve as the basis for determining the need to establish interpreter programs and certification and for establishing these programs and examinations through the normal budgetary process.

This bill would, on or before March 1, 2014, require the Judicial Council to establish the California Language Access Task Force, which would be responsible for developing a comprehensive statewide Language Access Plan (LAP) for use by courts to address the needs of limited-English-proficient individuals. The bill would require the task force to, among other things, establish standards for meaningful and timely access to language services in all court proceedings and at all

public points of contact within the courts, and to establish a statewide plan to provide for the translation of court documents using competent and qualified interpreters. The bill would also make related legislative findings and declarations.

~~This bill would declare the intent of the Legislature that every effort be made to recruit and retain qualified interpreters to work in the state courts, and that the Judicial Council make further efforts to improve and expand court interpreter services and address the shortage of qualified court interpreters.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature hereby finds and declares the*
2 *following:*

3 *(a) California is one of the most linguistically diverse states in*
4 *the nation. As language diversity continues to increase, there is a*
5 *greater need to ensure that all Californians have meaningful access*
6 *to the court system.*

7 *(b) There continues to be a need to expand and improve*
8 *California’s ability to provide language assistance within the*
9 *judicial system.*

10 *(c) Currently, California has not developed a statewide plan to*
11 *address the needs of limited-English-proficient individuals in all*
12 *court proceedings and at all public points of contact within our*
13 *courts.*

14 *SEC. 2. Section 68567 is added to the Government Code, to*
15 *read:*

16 *68567. (a) On or before March 1, 2014, the Judicial Council*
17 *shall establish the California Language Access Task Force, which*
18 *shall be responsible for developing a comprehensive statewide*
19 *Language Access Plan (LAP) for use by courts to address the needs*
20 *of limited-English-proficient individuals.*

21 *(b) In developing the LAP, the task force shall do all of the*
22 *following:*

23 *(1) Establish standards for meaningful and timely access to*
24 *language services in all court proceedings and at all public points*
25 *of contact within the courts.*

1 (2) *Establish procedures for gathering comprehensive data on*
2 *the language access needs of court users, including, but not limited*
3 *to, providing a means of registering an individual's language*
4 *needs in court documents. These procedures should provide metrics*
5 *on the need for interpreter services in court proceedings and*
6 *ancillary programs and services.*

7 (3) *Review current court interpreter procedures and recommend*
8 *improvements or additional procedures to provide the most*
9 *competent interpreter services to limited-English-proficient court*
10 *users and to ensure compliance with Rule 2.890 of the California*
11 *Rules of Court.*

12 (4) *Review current court procedures and recommend*
13 *improvements or additional procedures to maximize existing*
14 *language resources, including bilingual staff, court interpreters,*
15 *translators, and other resources shared among courts to expand*
16 *access to language services at all public points of contact within*
17 *the courts.*

18 (5) *Review current practices and develop strategies to provide*
19 *interpreter services that comply with the Trial Court Interpreter*
20 *Employment and Labor Relations Act in all court proceedings.*
21 *The review may include the evaluation of any programs providing*
22 *interpreters in domestic violence cases or other civil cases,*
23 *including any pilot projects.*

24 (6) *Establish a statewide plan to provide for the translation of*
25 *court documents using competent and qualified interpreters.*

26 (7) *Establish a plan to provide education and training to judicial*
27 *officers, court personnel, and court-appointed professionals on*
28 *the legal requirements for language access, court policies and*
29 *rules pertaining to language access, language service provider*
30 *qualifications, ethics pertaining to interpreter services, the effective*
31 *use of translated court documents, and effective techniques for*
32 *working with language service providers.*

33 (8) *Review and consider the American Bar Association's*
34 *Standards for Language Access in Courts, as adopted February*
35 *2012.*

36 ~~SECTION 1. The Legislature hereby finds and declares all of~~
37 ~~the following:~~

38 ~~(a) California is the most populous and demographically diverse~~
39 ~~state in the nation, a meeting place of cultures, ethnicities, and~~
40 ~~ideas unlike any other in the world. Of the state's 34 million people,~~

1 about 26 percent (roughly 8.8 million people) are foreign born.
2 Californians speak more than 220 languages, and 40 percent of
3 the state's population speaks a language other than English in the
4 home. This extraordinary diversity is among the state's greatest
5 assets and has helped make California an international leader in
6 business, the arts, entertainment, engineering, medicine, and other
7 fields. The state's diversity also poses unique challenges for the
8 delivery of government services, particularly for the courts.

9 (b) For Californians not proficient in English, the prospect of
10 navigating the legal system is daunting, especially for the growing
11 number of parties who do not have access to legal services and
12 therefore have no choice but to represent themselves in court,
13 which is a virtually impossible task for people who are unable to
14 understand the proceedings. Nearly seven million Californians
15 cannot access the courts without significant language assistance,
16 cannot understand pleadings, forms, or other legal documents,
17 cannot communicate with clerks or court staff, and cannot
18 understand or participate meaningfully in court proceedings, much
19 less effectively present their cases without a qualified interpreter.
20 People with limited English proficiency are also often members
21 of groups whose cultural traits or economic circumstances make
22 them more likely to be subjected to legal problems, in part because
23 perpetrators recognize their victims' limited ability to access
24 judicial protection. It is essential to provide English learners and
25 other non-English-speaking litigants with interpreters in order to
26 provide full and equal access to our justice system without regard
27 to language.

28 (e) The Legislature has previously recognized that the number
29 of persons with limited English proficiency in California is
30 increasing and recognized the need to provide equal justice under
31 the law to all California residents and the need to provide for their
32 special needs in their relations with the judicial and administrative
33 law systems. The Legislature has likewise recognized that the
34 effective maintenance of a democratic society depends on the right
35 and ability of its residents to communicate with their government
36 and the right and ability of the government to communicate with
37 them.

38 (d) Court interpreter services are a core court function. Our
39 judicial system relies on the adversarial process in which neutral
40 arbiters decide disputes based upon competing presentations of

1 facts and law. Conducting court proceedings when one party is
2 incapable of fully participating significantly impairs the quality
3 and efficiency of the process and its results, including compliance
4 with court orders.

5 (e) The inability to respond to the language needs of parties in
6 court impairs trust and confidence in the judicial system and
7 undermines efforts to secure justice for all. The authority of the
8 courts depends on public perceptions of fairness and accessibility.
9 Any significant erosion of public trust and confidence in the
10 fairness of judicial outcomes threatens the future legitimacy of the
11 legal system. By excluding a large segment of the population from
12 participation in an institution that shapes and reflects our values,
13 we threaten the integrity of the judicial process. Resentment
14 fostered by the inability to access the benefits of the court system
15 can ultimately impair enforcement of judicial decrees and attenuate
16 the rule of law.

17 (f) Reliance on untrained interpreters, such as family members
18 or children, can lead to faulty translations and threaten the court's
19 ability to ensure justice. Court interpretation is extremely difficult
20 and takes a rare combination of skills, experience, and training.
21 Apart from the possibility of fraud, unqualified interpreters often
22 fail to accurately and comprehensively convey questions and distort
23 testimony by omitting or adding information, or by stylistically
24 altering the tone and intent of the speaker, thereby preventing
25 courts from hearing the testimony properly. These problems
26 compromise the factfinding process and can result in genuine
27 injustice.

28 (g) California law currently mandates the appointment of an
29 interpreter for all witnesses in civil cases, and for parties with
30 hearing impairments. In addition, California statutes mandate the
31 appointment of an interpreter in adjudicative proceedings before
32 state agencies, boards, and commissions at no charge to the parties
33 whenever a party or the party's witness does not proficiently speak
34 or understand English. Other states, by contrast, provide both
35 witnesses and parties with a right to a court-appointed interpreter
36 in all civil matters at no cost to the party.

37 SEC. 2. The Legislature finds and declares that there continues
38 to be a shortage in the availability of certified and registered
39 interpreters in the state courts that impacts the state's ability to
40 provide meaningful access to justice for all court users. It is the

1 ~~intent of the Legislature that every effort be made to recruit and~~
2 ~~retain qualified interpreters to work in the state courts, and that~~
3 ~~the Judicial Council make further efforts to improve and expand~~
4 ~~court interpreter services and address the shortage of qualified~~
5 ~~court interpreters.~~

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