

AGENDA

LANGUAGE ACCESS COMMITTEE

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84114

Education Room
Friday, January 24, 2014
12:00 p.m. to 1:30 p.m.

1. Welcome, Introduction of New Members (Tab 1) and Approval of Minutes Judge Vernise Trease
2. Update on Subcommittee on Language and Culture Jenny Andrus
3. Language Access Report (Tab 2) Alison Adams-Perlac
4. Other Business
5. Adjourn

Committee Web Page: <http://www.utcourts.gov/committees/CourtInterpreter/>

Meeting Schedule: Matheson Courthouse, Judicial Council Room, 12:00 to 1:30 unless otherwise stated.

March 21, 2014

May 16, 2014

June 20, 2014

September 19, 2014

November 21, 2014

Tab 1

Meeting Date	Language Access Committee	
November 15, 2013	Education Room	
Members Present	Members Excused	
Judge Rick Romney	Ghulam Hasnain	
Judge Vernice Trease	Jennifer Andrus	
Maureen Magagna	Judge Rick Smith	
Miguel Medina	Wendell Roberts	
Evangelina Burrows		
Randall McUne		
Jennifer Storrer		
Staff: Alison Adams-Perlac, Rosa P. Oakes		
Guests:		
Topic: Approve minutes of September 27, 2013		
Motion: Judge Romney moved to approve the minutes; Evangelina Burrows seconded. Motion passed.		
Topic: Disciplinary Action		By Alison Adams-Perlac
<p>Jennifer Storrer moved to close the meeting for this topic – motion passed. Ms. Adams-Perlac informed the committee that the formal complaint filed against a Spanish certified interpreter was near resolution.</p> <p>Ms. Adams-Perlac has issued a proposed resolution that includes a 6 month penalty in the way of the interpreter’s removal from the state court interpreter roster (retroactive). The interpreter and his attorney are amenable to this and have stated that they will stipulate to it. The interpreter will be eligible for reinstatement at the end of January 2014.</p> <p>Ms. Adams-Perlac stated that this process has revealed the importance of documenting any instances involving interpreter failure to comply with Rule 3-306, the code of ethics, or negative situations that impact court processes. As such, training for coordinators and clerks is imperative.</p> <p>Judge Romney moved to open the meeting; Jennifer Storrer seconded; motion passed.</p>		
Topic: Training – Basic Orientation		By Rosa Oakes
<p>Ms. Oakes reported that the free-of-charge Basic Orientation class that has been offered quarterly for the last fifteen years is in need of adjustments as it relates to when, where, and how often it is offered, and to whom. Within the past 3-4 years there has been a significant drop in attendance. Given that the state policy is to call on certified interpreters and the majority of certified interpreters are in the Spanish language, Ms. Oakes suggested that the class is no longer a valid option for Spanish interpreters. Frequently the majority of registrants for any given class are Spanish-speakers who quite often fail to show up for the class. Ms. Oakes finds that the cost of preparation and instructor’s fees are for naught when registrants fail to show.</p> <p>Also, in an effort to qualify ASL interpreters for court interpreting, the Basic Orientation was somewhat modified to accommodate them. Jennifer Storrer reports that although the Basic Orientation offers very good information, it is not completely relevant to ASL</p>		

interpreters. After some discussion, Judge Trease suggested that a sub-committee be formed to discuss options for overhauling the class. Rosa Oakes and Jennifer Storrer will meet with Tom Langhorne (Judicial Education) to discuss the matter further.

Topic: Reciprocity

By Rosa Oakes

Ms. Oakes reported that she has received a request for certification reciprocity from an interpreter out of Washington State. Since the candidate does not intend to relocate to Utah, she was informed that her WA certification would be honored should she be called on to interpret in Utah; nevertheless, she would not be issued a Utah certificate or be added to the state interpreter rosters. Committee members discussed the potential reasoning behind the request and agreed that it is not rational. Ms. Adams-Perlac suggested that the issue be presented to the Policy and Planning Committee in an effort to modify Rule 3-306 to include reciprocity information for non-residents. Judge Romney moved to approve that action; Jennifer Storrer seconded; and the motion passed.

Meeting adjourned

Next meeting is scheduled for January 24, 2014

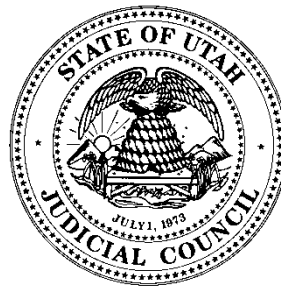
Tab 2



Utah State Courts

Language Access in the Trial Courts of Record

2011-2013



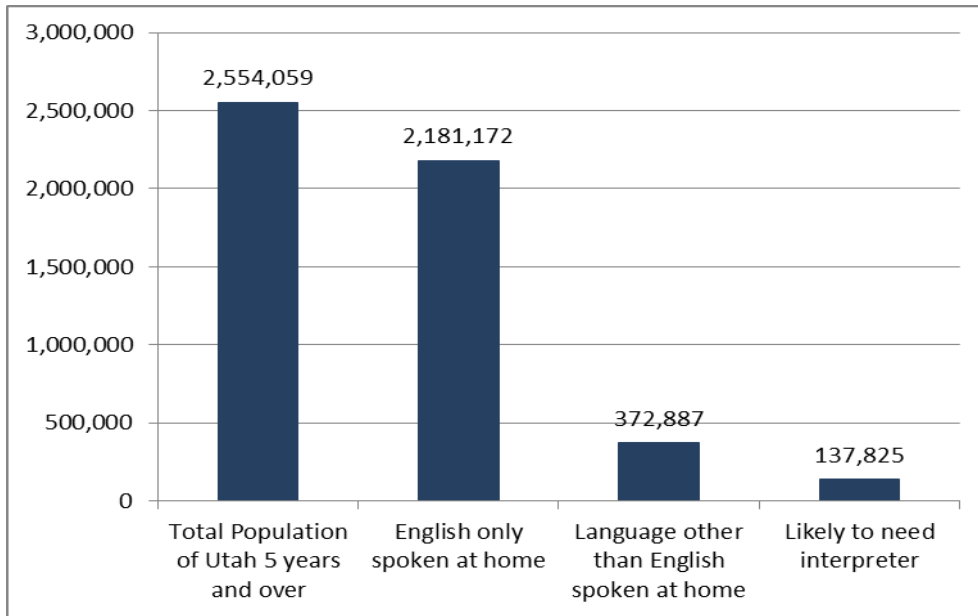
November 18, 2013

1.	Language in Utah	4
a.	English Fluency by Utah Population.....	4
b.	Language Spoken at Home	4
c.	Change in Language Spoken at Home, 2000-2010	5
d.	Change in “Speaks English less than very well,” 2000-2010.....	5
e.	“Speaks English less than very well” as Percent of Language Spoken at Home, 2010.....	6
2.	Interpreters.....	6
a.	Credentialing.....	6
i.	Certified.....	6
ii.	Approved.....	6
iii.	Registered	7
iv.	Conditionally Approved	7
b.	Interpreter Availability	7
c.	Percent of Hours Interpreted by Highest Credentials Available – Certified	9
d.	Percent of Hours Interpreted by Highest Credentials Available – Approved	9
e.	Percent of Spanish Language Hours Interpreted by a Certified Interpreter.....	10
3.	Interpreting.....	10
a.	Hours Interpreted by District, 2013	10
b.	District Court	11
i.	Total Interpreted Hearings.....	11
ii.	Interpreted Hearing by District.....	11
iii.	Interpreted Hearings by Case Type.....	12
iv.	Interpreted Hearings by Hearing Type.....	13
c.	Juvenile Court	14
i.	Total Cases and Parties Using Interpreter(s)	14
ii.	Total Cases by District.....	14
4.	Language Access Program Costs	15
a.	Language Interpreting.....	15
i.	Interpreting Costs, 2011-2013	15
ii.	Interpreting Costs by District, 2011-2013.....	15

iii.	Change in Language Interpreting Costs, 2012-2013.....	16
b.	Travel.....	16
i.	Travel Costs, 2012-2013.....	16
ii.	Travel Costs by District, 2012-2013	17
iii.	Travel Costs by District, 2013.....	17
5.	Analysis	18
a.	Data Sources	18
b.	Program Costs vs. Number of Hearings	18
6.	Interpreter Information on the Court’s Website.....	19
7.	Remote Interpreting Program.....	19
8.	Staff Interpreter Pilot Program	20
a.	Estimated Savings	20
b.	Third and Eighth District Collaboration.....	20
c.	Recommendations	21
9.	Strategic Plan	21
10.	Expected Impact on Program Costs in 2014	21
a.	Additional Judges in Eighth District	22
b.	Third District Aggravated Murder Case Requiring Karen and Burmese Interpreters.....	22

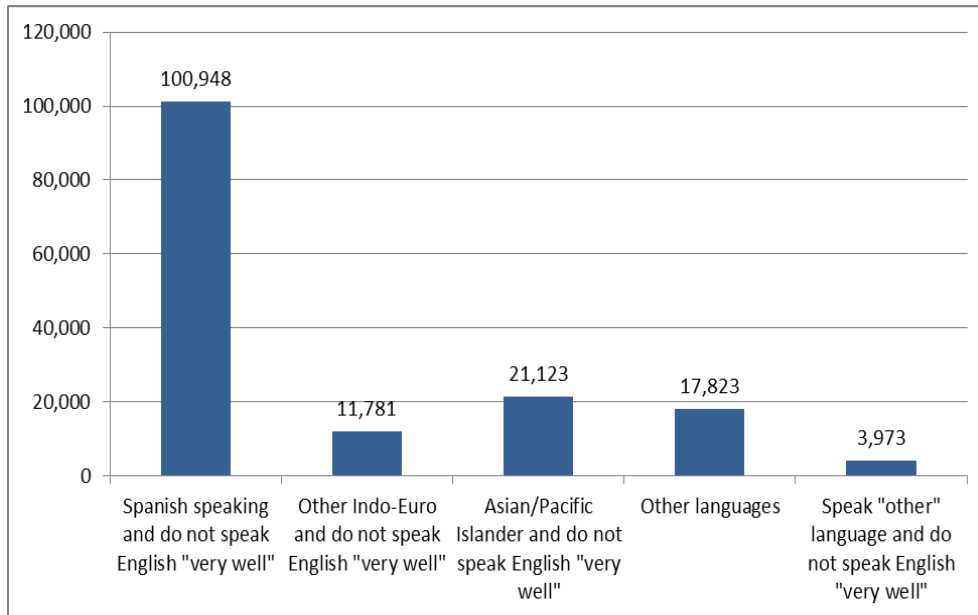
1. Language in Utah

a. English Fluency by Utah Population¹



Source: U.S. Census Bureau, 2010-2012 American Community Survey

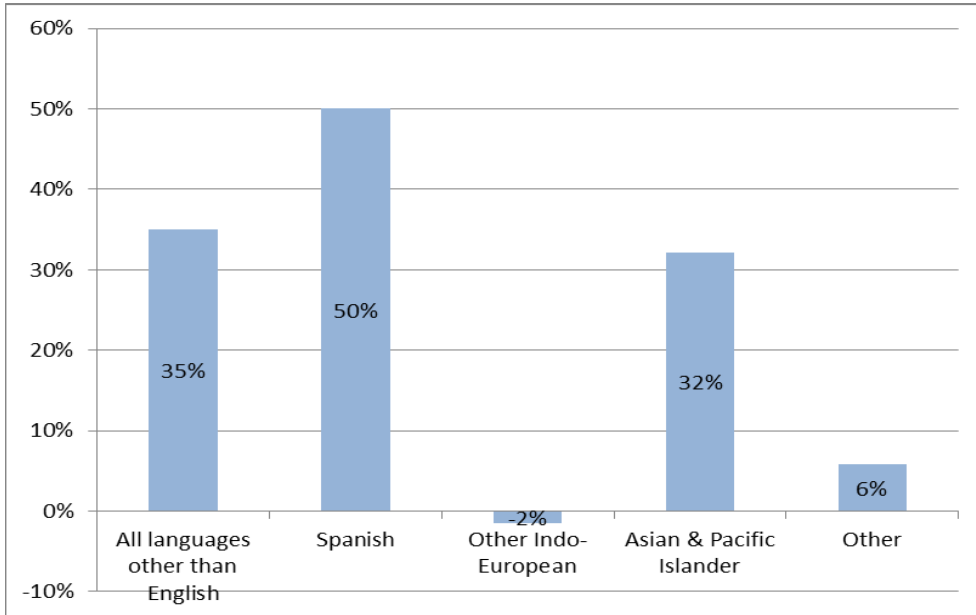
b. Language Spoken at Home



Source: U.S. Census Bureau, 2010-2012 American Community Survey

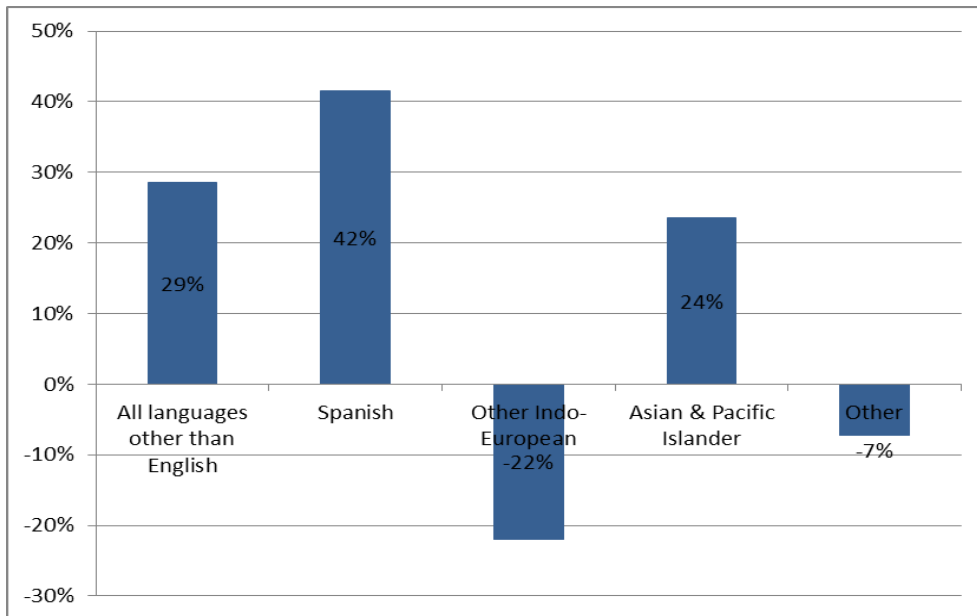
¹ Individuals who do not speak English at home and speak English "less than very well" are considered likely to need an interpreter.

c. Change in Language Spoken at Home, 2000-2010



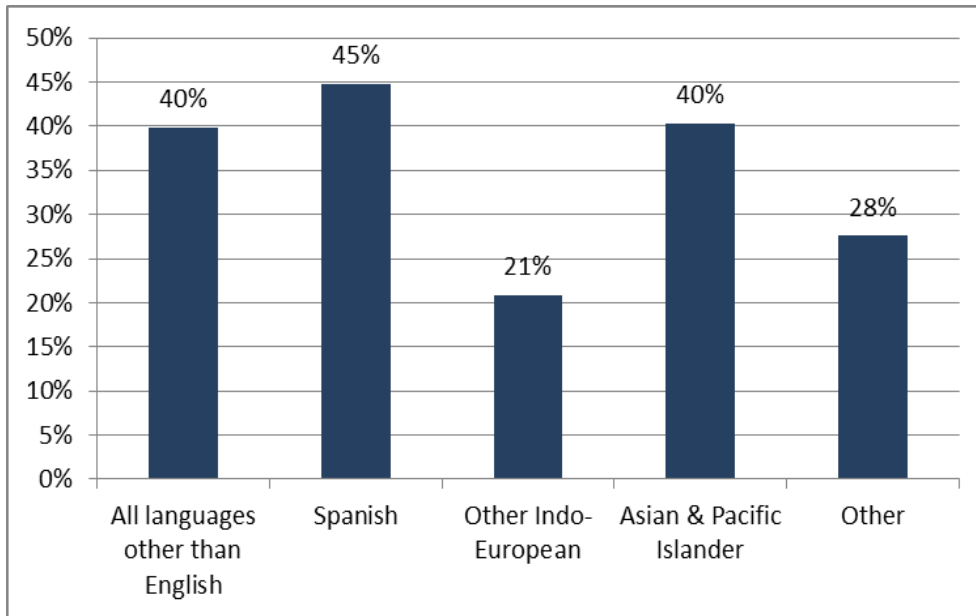
Source: Migration Policy Institute

d. Change in "Speaks English less than very well," 2000-2010



Source: Migration Policy Institute

e. **“Speaks English less than very well” as Percent of Language Spoken at Home, 2010**



Source: Migration Policy Institute

2. Interpreters

a. Credentialing

i. Certified

- Most highly qualified interpreter.
- Requirements: Must pass an English diagnostic test and a test on the Interpreter Code of Professional Responsibility; attend a one-day orientation workshop; complete a background check; and complete 10 hours of observation. The interpreter must also complete a seven-day training course and pass a three-part examination offered by the National Center for State Courts.

ii. Approved

- Requirements: Must pass an English diagnostic test and a test on the Interpreter Code of Professional Responsibility; attend a one-day orientation workshop; complete a background check; and complete 10 hours of observation. The interpreter must also pass an oral proficiency interview offered by Language Testing International.

iii. Registered

- **Requirements:** Must pass an English diagnostic test and a test on the Interpreter Code of Professional Responsibility; attend a one-day orientation workshop; complete a background check; and complete 10 hours of observation.
- Designated as “Registered 1” if there is no examination available in the language for certified or approved credentials.
- Designated as “Registered 2” if the interpreter has not taken or has not passed the examination available for certified or approved credentials.

iv. Conditionally Approved

- Vetted by the appointing authority for suitability in a particular hearing.
- Any languages listed for which there are no interpreters will have been interpreted by a conditionally approved interpreter.

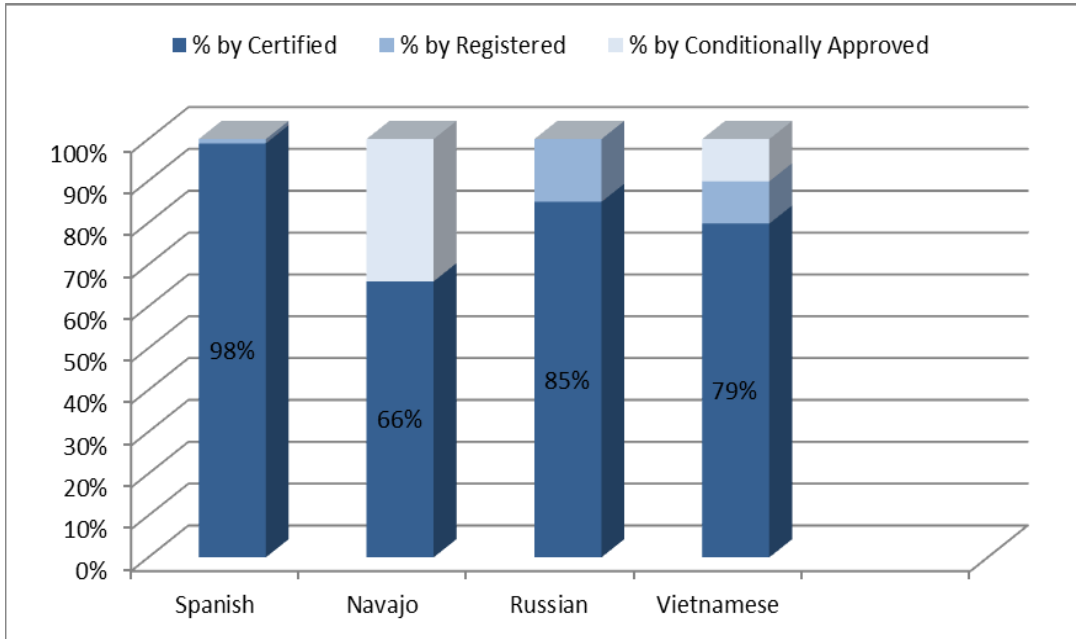
b. Interpreter Availability

Language	Hours Interpreted 2013	Frequency of Language	Interpreters				Frequency of Interpreters
			Certified	Approved	Registered	Total	
Spanish	16,022	83.10%	42	6	14	62	45%
Arabic	439	2.30%		1	3	4	3%
Somali	296	1.50%			2	2	1%
Burmese	284	1.50%		1	1	2	1%
Vietnamese	269	1.40%	1		1	2	1%
Bosnian	154	0.80%			2	2	1%
Farsi	154	0.80%		1	3	4	3%
Tongan	151	0.80%			1	1	1%
Mandarin	129	0.70%		1	4	5	4%
Laotian	127	0.70%		2	1	3	2%
Dinka	122	0.60%					0%
Russian	116	0.60%	1		4	5	4%
Swahili	108	0.60%			1	1	1%
French	105	0.50%			7	7	5%
Samoan	80	0.40%			2	2	1%
Nuer	73	0.40%					0%
Kirundi	65	0.30%					0%
Korean	61	0.30%			4	4	3%
Hmong	57	0.30%					0%
Navajo	54	0.30%	1		2	3	2%

Language	Hours Interpreted 2013	Frequency of Language	Interpreters				Frequency of Interpreters
			Certified	Approved	Registered	Total	
Panjabi	52	0.30%			2	2	1%
Chuukese	46	0.20%					0%
Cambodian	43	0.20%					0%
Tigrigna	28	0.20%			2	2	1%
Tagalog	27	0.10%					0%
Nepalese	26	0.10%					0%
Kurdish	25	0.10%					0%
Uduk	22	0.10%					0%
Cantonese	21	0.10%		1	2	3	2%
Hindi	21	0.10%			2	2	1%
Liberian	18	0.00%					0%
Trampa	13	0.00%					0%
Marshallese	11	0.00%			1	1	1%
Portuguese	11	0.00%			5	5	4%
ASL	8	0.00%					0%
Thai	8	0.00%			2	2	1%
Karen	6	0.00%					0%
Armenian	4	0.00%					0%
Igbo	4	0.00%					0%
Japanese	4	0.00%		1	3	4	3%
Ute	4	0.00%					0%
German	3	0.00%			3	3	2%
Italian	3	0.00%			3	3	2%
Urdu	3	0.00%			2	2	1%
Mabaan	2	0.00%					0%
Tibetan	2	0.00%					0%
Total	19,281	100%	45	14	79	138	100%

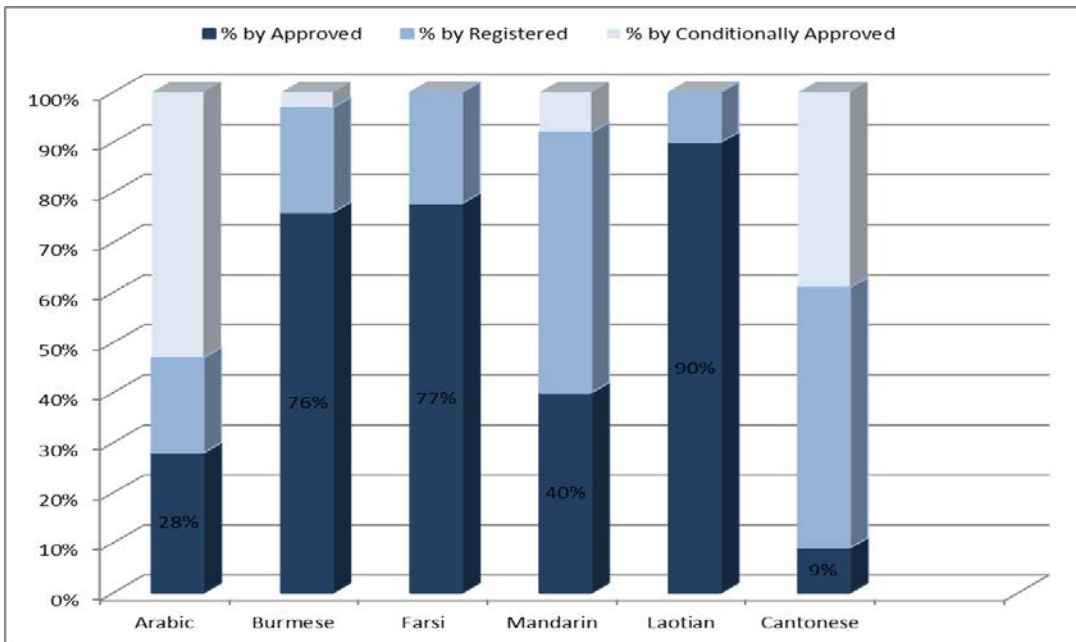
Source: FINET

c. Percent of Hours Interpreted by Highest Credentials Available – Certified



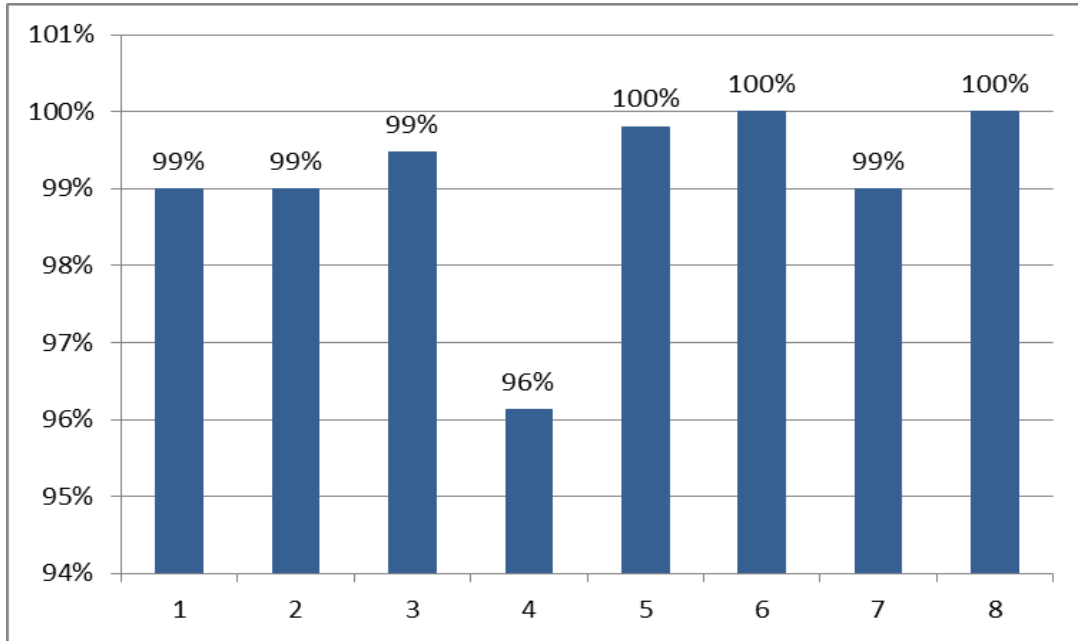
Source: FINET

d. Percent of Hours Interpreted by Highest Credentials Available – Approved



Source: FINET

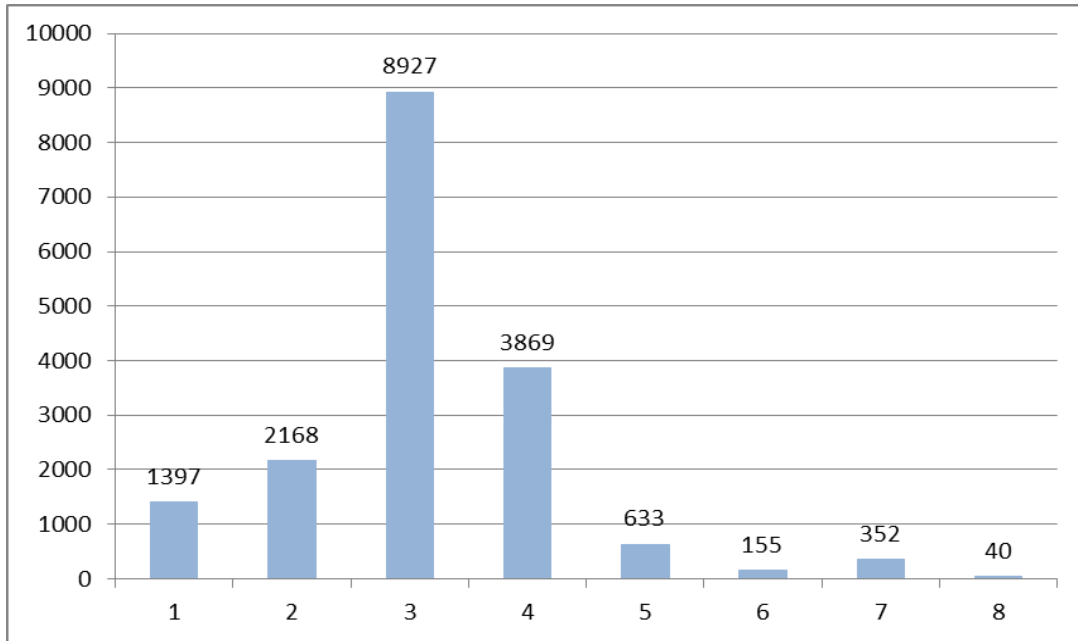
e. Percent of Spanish Language Hours Interpreted by a Certified Interpreter



Source: FINET

3. Interpreting

a. Hours Interpreted by District, 2013

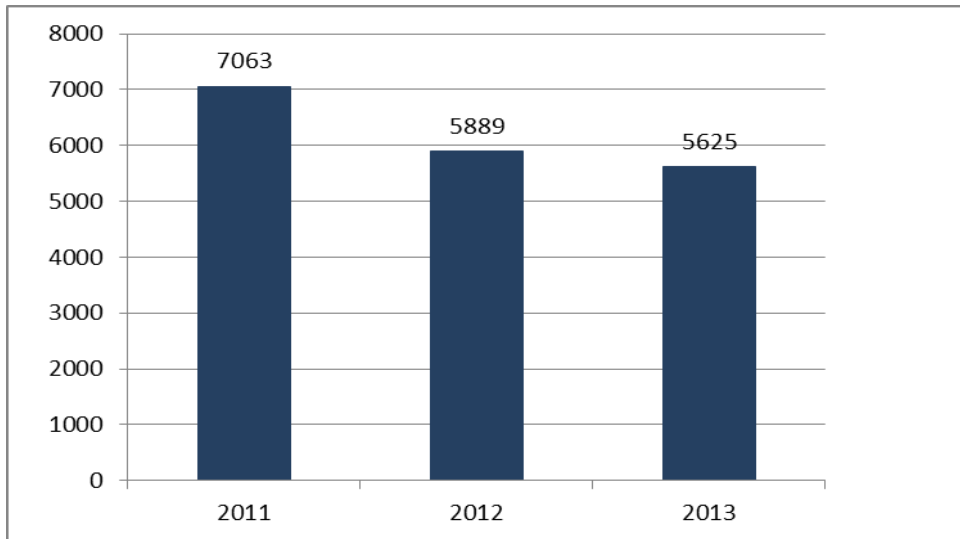


Source: FINET

The reported time spent interpreting is the accumulation of the actual or minimum time for which the interpreter was paid.²

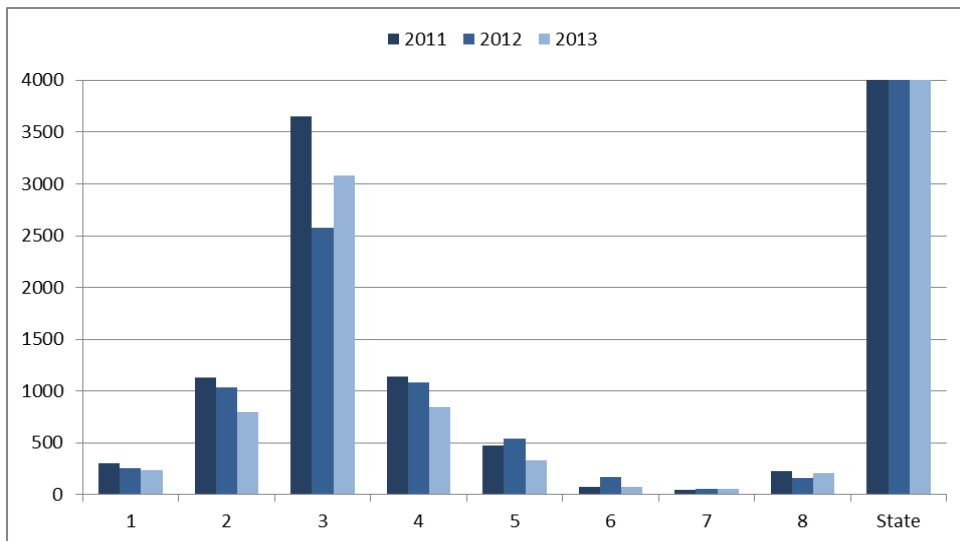
b. District Court

i. Total Interpreted Hearings



Source: CORIS

ii. Interpreted Hearing by District



Source: CORIS

² Interpreters are paid in half-hour increments for the actual time interpreting or a minimum time based on the distance traveled to the hearing, whichever is greater.

iii. Interpreted Hearings by Case Type

Case Type	2011	2012	2013
Administrative Agency		1	1
Adoption		2	7
Common Law Marriage			2
Conservatorship		3	1
Contracts		5	
Custody & Support	4	5	23
Debt Collection	2	30	24
Divorce	8	57	100
DUI	148	108	167
Estate		2	
Eviction	2	14	15
Felony	5497	4386	4000
Foreign Judgment			1
Guardianship		12	17
Infraction		10	1
Minor's Settlement		3	4
Miscellaneous			2
Misdemeanor	962	810	813
Name Change		7	5
Not Applicable	4	10	17
Paternity		9	16
Personal Injury		4	2
Post Conviction Relief		1	
Probate		1	
Property Rights			2
Protective Order	50	81	103
Small Claims Appeal		6	2
Stalking		7	6
SC de novo Justice Court			5
Traffic		241	288
UIFSA		3	1
TOTAL	6677	5818	5625

Source: CORIS

iv. Interpreted Hearings by Hearing Type

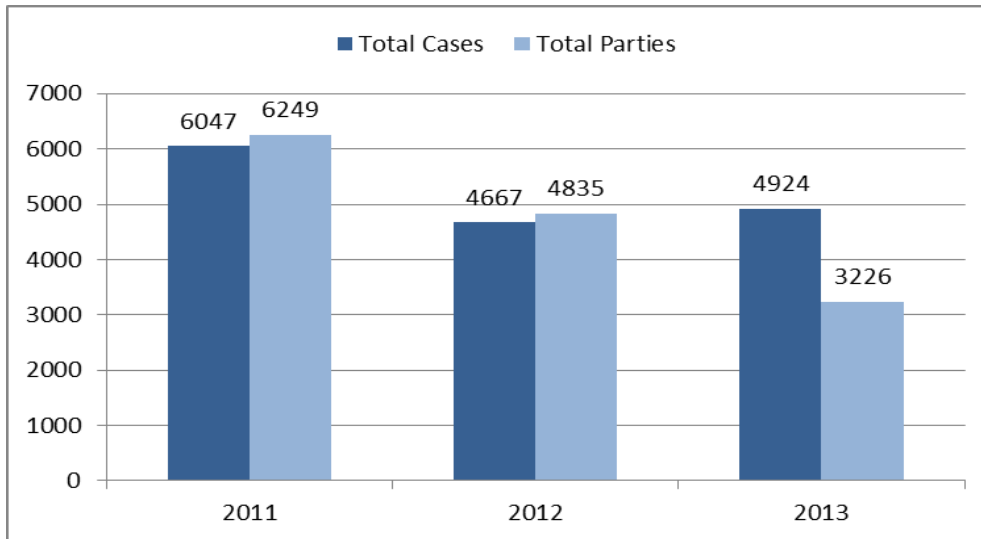
Hearing Type	2011	2012	2013
Appoint Counsel	710	514	372
Arraignment	573	448	498
Bail Forfeiture		8	5
Bail Hearing	36	52	23
Bench Trial	8	27	21
Bench Warrant	79	36	50
Bond Hearing	2		1
Change of Plea	586	386	358
Competency Hearing	10	6	5
Disposition Hearing		4	1
Drug Court	84	3	
ECR Status Conference	2	31	32
Evidentiary Hearing		6	
Hearing		24	
Hearing Default		8	
Immediate Occupancy		5	4
Initial Appearance	683	599	413
Jury Trial	44	35	32
Law and Motion	870	911	855
Motion Hearing		8	5
Order to Show Cause	81	70	75
Plea Bargain		8	5
Preliminary Hearing	354	301	331
Pretrial Conference	375	281	277
Probable Cause			
Probation Report	68	69	57
Probation Revocation	68	69	57
Protective Order	45	71	94
Remand Hearing	1	3	4
Resolution Hearing	12	1	
Restitution Hearing	5	2	3
Review Hearing	135	155	161
Roll Call	556	158	80
Sanctions		1	2
Scheduling Conference	96	268	809
Sentencing	1284	978	838
Status Conference	17	2	4
Sufficiency Bond	2		1
Summary Judgment		1	
Supplemental Order			1
Support Order		6	
Temporary Restraining Order		1	1
Trial de Novo		2	
Waiver of Preliminary Hearing	182	261	128

Hearing Type	2011	2012	2013
Unknown	1		22
TOTAL	6968	5819	5625

Source: CORIS

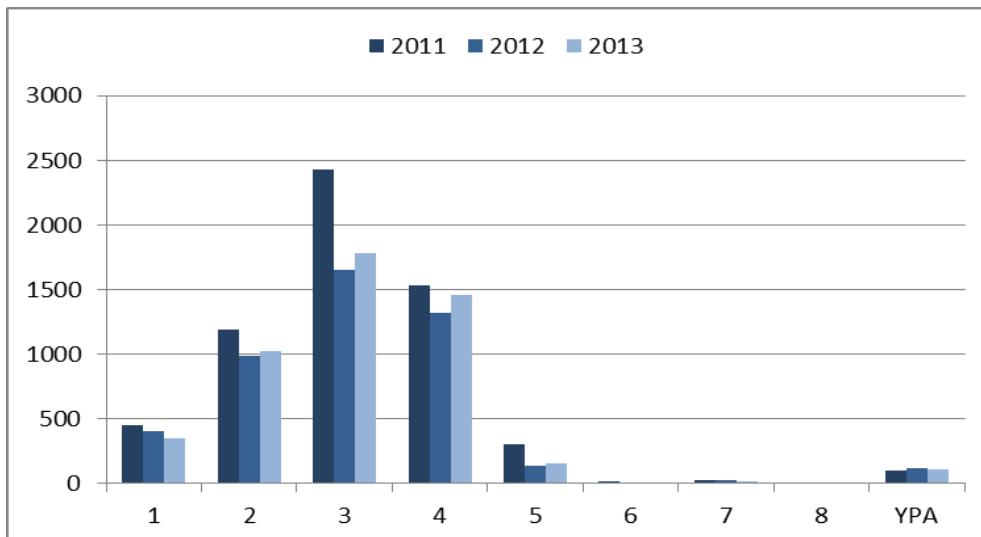
c. Juvenile Court

i. Total Cases and Parties Using Interpreter(s)



Source: CARE

ii. Total Cases by District³



Source: CARE

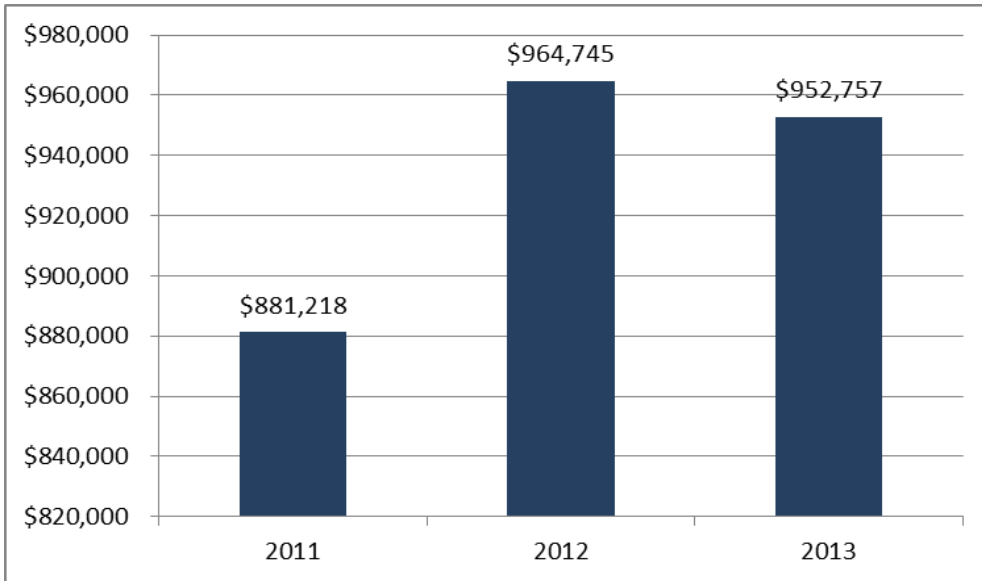
³ There are several cases associated with the Youth Parole Authority (YPA) each year. These are interpreted hearings held at the YPA, but recorded in CARE. In these cases, the court does not pay the interpreter.

Juvenile court data are compiled on a calendar year basis, and the data for calendar year 2013 include hearings scheduled through the end of 2013.

4. Language Access Program Costs

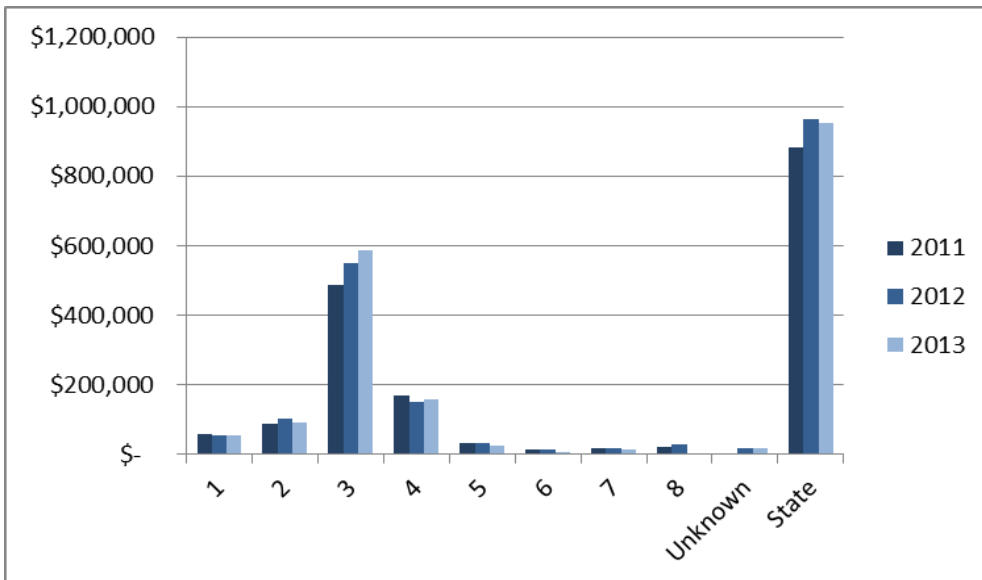
a. Language Interpreting

i. Interpreting Costs, 2011-2013



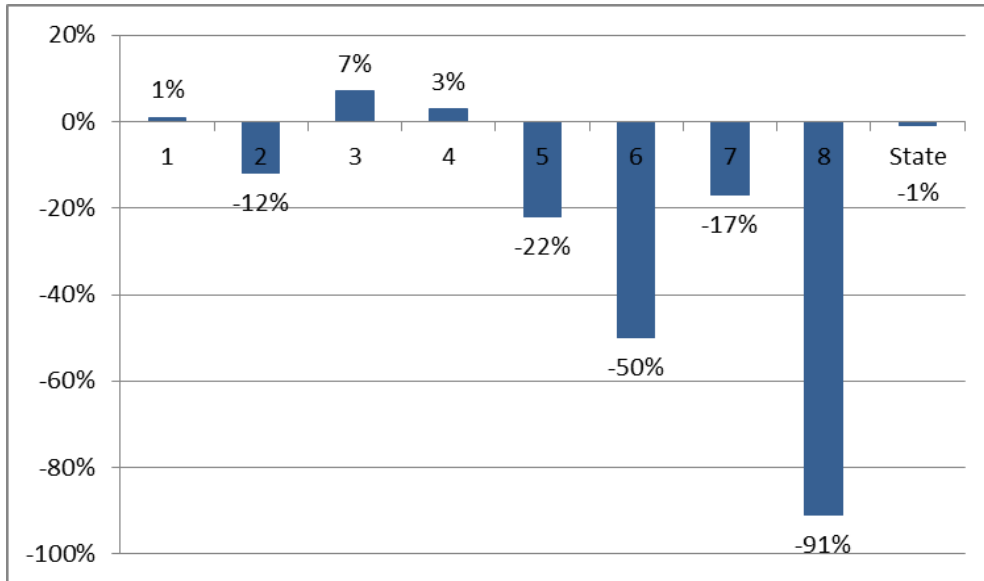
Source: FINET

ii. Interpreting Costs by District, 2011-2013



Source: FINET

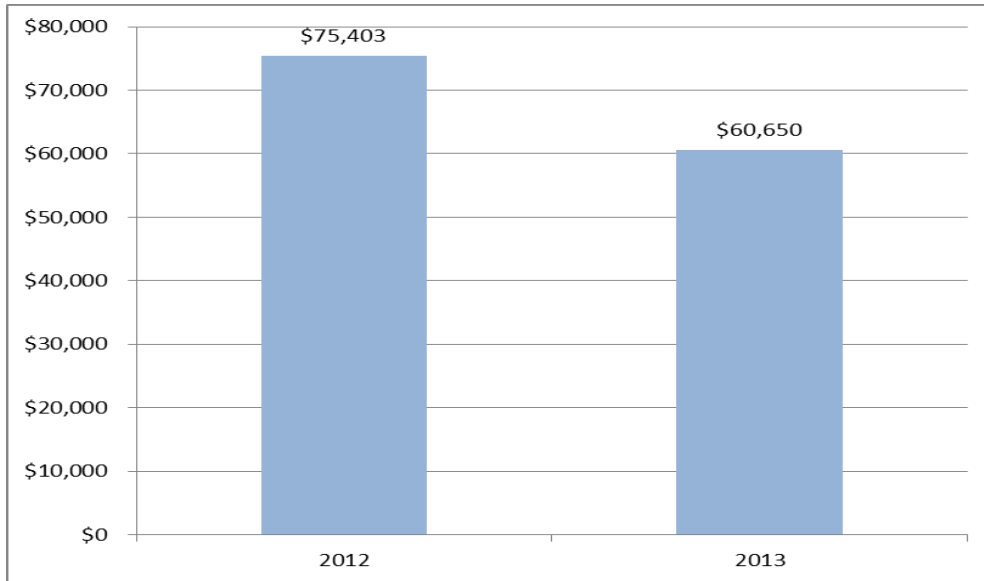
iii. Change in Language Interpreting Costs, 2012-2013



Source: FINET

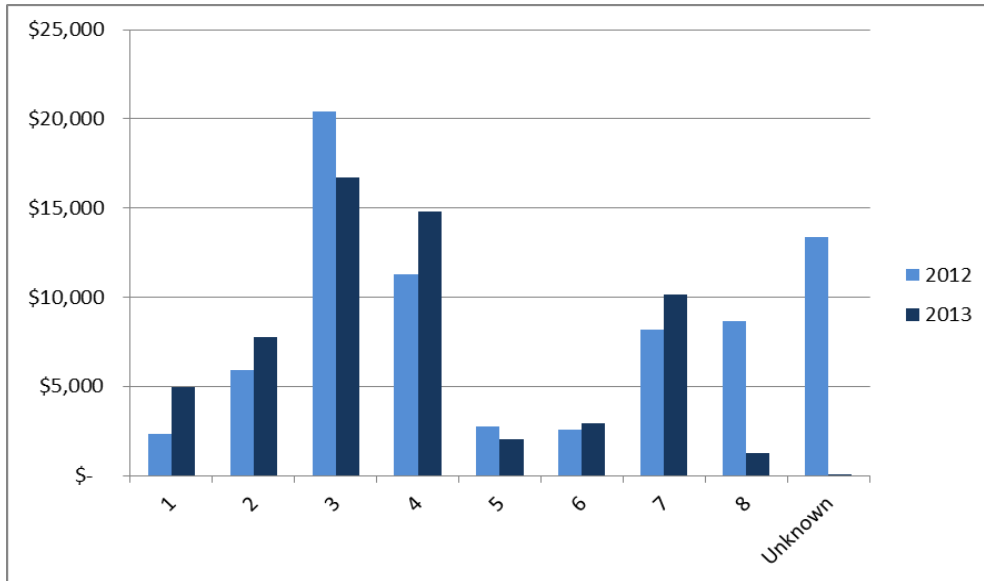
b. Travel

i. Travel Costs, 2012-2013



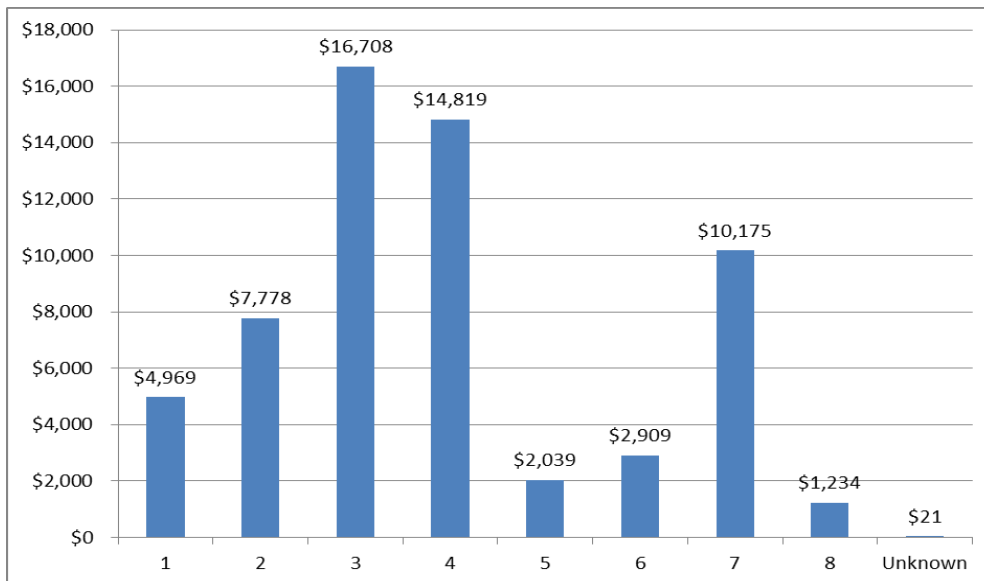
Source: FINET

ii. Travel Costs by District, 2012-2013



Source: FINET

iii. Travel Costs by District, 2013



Source: FINET

Coding for travel reimbursement has dramatically improved since 2012. In 2012, over \$13,000 was “unknown” or not attributed to a particular district. As the above graph shows, in 2013 only \$21 of over \$60,000 is not attributed to a particular district.

5. Analysis

a. Data Sources

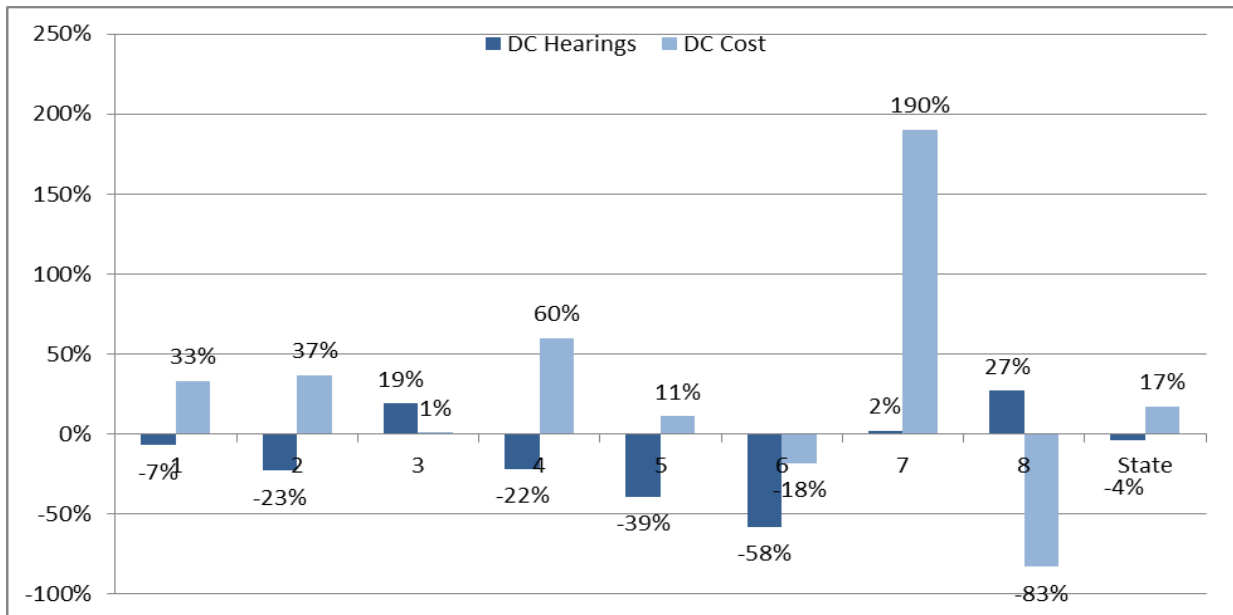
FINET is the most reliable source for data because the court and the interpreter have an interest in paying and being paid an accurate amount.

CORIS data are likely underreported, but not substantially. Judicial assistants are typically good about recording the presence of an interpreter. However, from a case management perspective, there is no difference between recording an interpreter, and failing to record an interpreter. Additionally, there are interpreting assignments for which an interpreter is paid that occur outside of a court hearing, so that they are not captured in CORIS.

CORIS shows that the number of interpreted hearings has continued to decline. Because CARE does not provide comparable hearing data, it is omitted from this analysis.

b. Program Costs vs. Number of Hearings

There does not seem to be a correlation between costs and hearings among districts. Only in the Third District did costs and hearings both increase, and only in the Sixth District did costs and hearings both decline. When the Third District (the only district to have staff interpreters) is removed from the analysis, the number of district court interpreted hearings declined by 23%, while costs increased by 36%.



Although the number of interpreted hearings in the Third District increased by 19%, costs increased only marginally at 1%, likely due at least in part, to interpretation provided by interpreters on staff.

It is unclear why costs in the Seventh District increased so dramatically, while the number of hearings increased only marginally.

Statewide, costs have declined, although not significantly. Interpretation costs have declined by about \$12,000, or 1%. Travel costs have declined by \$15,000, or nearly 20%. The decline in travel costs can likely be attributed, at least in part, to remote interpreting. This is evidenced by the nearly \$7,500 decrease in travel costs for the Eighth District alone.

6. Interpreter Information on the Court's Website

Information about the following topics can be found on the court's website:

- [American Sign Language Interpreters](#)
- [Find a Court Interpreter](#) (list of interpreters by language and credentials)
- [How to Become a Court Interpreter](#)
- [Request a Court Interpreter](#) (includes forms and instructions in English, Spanish, and Vietnamese)
- [English-Spanish Legal Terminology](#)
- [Language Access Committee](#)

7. Remote Interpreting Program

The remote interpreting project allows interpreters in the Third District to interpret hearings in Manti, Moab, Richfield, Roosevelt, and Vernal. Although the program still needs fine-tuning, it has resulted in measurable benefits to the courts, including cost-savings. As an example, travel costs associated with the Eighth District decreased from \$8,657 in 2012, to \$1,234 in 2013.

There are two offices located in the Matheson Courthouse, dedicated to remote interpreting. These offices contain all the equipment an interpreter needs to communicate with the equipment in the remote courtrooms. Unfortunately, there are periodic problems with the equipment. Equipment should be tested in order to discover problems before they occur during a hearing.

It is recommended that the remote interpreting program be further studied to determine whether expansion to other areas is feasible and whether it would result in additional benefits and savings to the courts.

8. Staff Interpreter Pilot Program

a. Estimated Savings

The Third District currently employs four staff interpreters. Staff interpreter pay ranges from \$21.90 to \$30.30 per hour including benefits compared to \$39.02 per hour with no benefits for contract interpreters.⁴ The staff interpreters work full-time. Two of the interpreters have been on staff since mid-April 2011, one since mid-April 2012, and one since February 2013.

Staff interpreters keep track of their time and tasks on their calendars. Although the court's staff interpreters keep track of most of their time, they do not all keep track of all of their hours, all of the time. As a result, estimated savings were based on an average of the hours of the two staff interpreters with the most complete calendars.

Task	Average Hours Spent	Staff Interpreter @ \$30.30/hr	Contract Interpreter @ \$39.02/hr	Difference
Filing In	17	\$515	\$663	\$148
Front Counter/Library	21	\$636	\$820	\$184
Regular Interpretation	1756	\$53,201	\$68,519	\$15,318
Remote Interpretation	36	\$1,091	\$1,405	\$314
Translation	58	\$1,740	\$4,355 ⁵	\$523
Holiday	88	\$2,667		\$(2,667)
Vacation	108	\$3,272		\$(3,272)
Meetings	15	\$455		\$(455)
Total	2099	\$63,574	\$73,670	\$10,093

- Estimated annual savings per interpreter are negligible, particularly when benefits are taken into account.⁶
- Actual savings are likely higher, since this analysis does not include mileage reimbursement to contract interpreters. Staff interpreters are reimbursed for miles driven in a private vehicle, but they usually use a state vehicle.
- Webpage translation is a need that would largely go unmet if the court did not employ staff interpreters.

b. Third and Eighth District Collaboration

⁴ After the Legislature approved a 1% cost of living adjustment for fiscal year 2014, the staff interpreters' wages were increased, along with those of all other employees, to \$30.60 per hour. The Judicial Council approved a 1% increase for contract interpreters to \$39.41 per hour.

⁵ Contract interpreters who translate webpages, forms, and court documents are paid by the word. This amount is the cost for a contract interpreter to translate the webpages and forms translated by the staff interpreters in 2013.

⁶ In fiscal year 2014, wages and benefits for the four staff interpreters equaled \$267,831.71. Those paid at the highest rate, make roughly \$70,000 per year including benefits.

Through an agreement between the Third and Eighth Districts, the Third District interpreter coordinator schedules all interpreters for hearings in the Eighth District. Eighth District judicial assistants communicate the need for an interpreter and in which language, and the Third District coordinator schedules the interpreter.

If an in-person interpreter is needed, the coordinator schedules one of the staff interpreters to the hearing in the Eighth District, and then schedule a contract interpreter to cover any Third District hearings that would have been covered by the staff interpreter.

c. Recommendations

The savings resulting from the pilot program continue to be modest. However, in addition to savings, the court continues to benefit from the program in other ways including:

- No minimum fees.
- No travel reimbursement when the staff interpreter uses a state vehicle.
- Reduced reimbursement when the staff interpreter uses a private vehicle as compared to reimbursement to a contract interpreter.
- Increased translation of court webpages and forms.
- Unscheduled and short-term needs are better met, resulting in improvements in language access to the courts.
- Use of staff interpreters for remote and in-person interpreting in the Eighth District, and for remote interpreting in Richfield, Roosevelt, Manti, and Moab.
- Time in between hearings is productive.

Four staff interpreters have not exceeded the demand for their time. It is important that staff interpreters be trained to better understand the importance of keeping accurate and complete time records to ensure better data for future reference.

While it is recommended that the court retain the four staff interpreters as full-time, full-benefited employees, no additional staff interpreters in the Third District are recommended at this time. It is recommended that these positions be analyzed to ensure that staff interpreters are making the best use of their time. Further, it is recommended that we begin analyzing whether there are needs in other districts that warrant hiring staff interpreters.

9. Strategic Plan

The Language Access Committee (formerly the Court Interpreter Committee) has developed a strategic plan for addressing language access in the courts. [The strategic plan](#) focuses on cultural awareness, community outreach, quality interpretation, the role of the Language Access Committee, and education.

10. Expected Impact on Program Costs in 2014

a. Additional Judges in Eighth District

The Legislature recently authorized funding for two additional judges in the Eighth District, one in juvenile court and one in district court. It is difficult to determine what impact these positions will have on programs costs, but it is likely that there will be one.

b. Third District Aggravated Murder Case Requiring Karen and Burmese Interpreters

The Third District currently has an aggravated murder trial scheduled in a case that requires Karen and Burmese interpreters. Because there are no qualified Karen and Burmese interpreters in the state, coordinators have had to contract with interpreters outside of the state. The interpreting costs for this case are expected to exceed \$22,000, including interpreting for the entire trial, lodging, and per diem.