

# Agenda

## Court Interpreter Committee

May 17, 2013  
12:00 to 1:30 p.m.

Administrative Office of the Courts  
Scott M. Matheson Courthouse  
450 South State Street  
Court of Appeals Conference Room, Fifth Floor

Welcome and approval of minutes	Tab 1	Judge Vernice Trease
Report on Conference of the Council of Language Access Coordinators	Tab 2	Rosa Oakes
Strategic Plan	Tab 3	Rosa Oakes Tim Shea
Rule 3-306	Tab 4	Tim Shea

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

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

July 19, 2013

September 27, 2013

November 15, 2013

# Tab 1

Meeting Date		Court Interpreter Committee	
March 22, 2013		Judicial Council Room	
Members Present		Member Excused	
Judge Vernice Trease - Chair		Dinorah Padro	
Judge Randall McUne		Wendell Roberts	
Judge Frederic Oddone			
Judge Rick Romney			
Jennifer Andrus			
Evangelina Burrows			
Ghulam Hashain			
Greg Johnson			
Maureen Magagna			
Miguel Medina			
Jennifer Storrer			
Staff: Tim Shea, Rosa Oakes			
Guests: Luther Gaylord, Israel Gonzalez			
Topic: Approve minutes of January 25, 2013			
Discussion: The minutes were approved.			
Motion: Jennifer Storrer moved to pass the minutes, as changed. Evangelina Burrows seconded the motion.			
Vote: Yes		Motion: Passed	
Topic: Strategic Plan		By Tim Shea	
<p>Tim Shea discussed the work product (draft outline) of the strategic plan that was distributed to the committee. Mr. Shea explained that once the plan is approved it will be delivered to the Judicial Council. Rosa Oakes explained that some of the tasks listed have already been implemented. Judge Vernice Trease stated she would like to identify and obtain information up front about defendant's and/or parties interpreter needs so that the needs can be met as soon as possible. The process is difficult because sometimes the interpreter needs are not known until the defendant's first appearance with the judge.</p> <p>Ghulam Hashain said that interpreting is not always about the use of a language. Mr. Hashain explained that there are a variety of different cultures within the same basic dialect, that cultural awareness is crucial in some languages where there are enemies that speak the same language. One possibility is to have the interpreters be able to contact their schedulers and letting them know a clear line of communication cannot be made. Ms. Oakes stated that the Third District Court has a full-time interpreter, which is Evangelina Burrows. She said that this is a benefit for the Third District but other districts don't have this so it's more difficult to find a replacement if needed. Ms. Oakes stated it is also the responsibility of the defendant to participate, through the interpreter, on his or her own case.</p> <p>Judge Trease said the Diversity Group might be a good resource to start our outreach efforts.</p>			

Ms. Burrows stated when the clerks put the need for an interpreter in CORIS, she receives a notice and is able to immediately initiate assistance. Ms. Oakes stated that the website also has information on initiating contact. Judge Trease stated she receives requests from attorneys, sometimes during a hearing, therefore she contacts Ms. Burrows.

The committee discussed the need to have e-filing set up to indicate when an interpreter is needed. Mr. Shea discussed what steps an interpreter could take before attending a hearing, such as reviewing the case file.

Mr. Shea expressed the need to encourage interpreters to always continue to improve their skills.

Mr. Shea stated that sometimes clerks and probation officers who are bi-lingual participate in a discussion that may extend beyond their qualifications. Mr. Shea said when there is a need for a certified interpreter, they should be contacted. Mr. Shea stated there are interpreters who can be contacted by phone, although it is typically not as effective as face-to-face contact.

Mr. Shea stated he is hoping for a grant from the State Justice Institute to help develop better record keeping.

Even though judge's do not necessarily speak the language, they do look at things such as body language or other cues in evaluating performance. Ms. Oakes stated she is going to attend an interpreter conference that will specifically discuss with each state interpreter evaluations.

Topic: Rule 3-306

By Tim Shea

Mr. Shea suggested changing the committee name to "Language Access in the Courts." Mr. Shea stated the national focus is changing from the person in the courtroom to being able to access the court system. Mr. Shea gave an example from "a hearing impaired person" to "a person with a hearing impairment." Mr. Shea stated the rule does not separate out a registered versus approved interpreter.

Mr. Shea discussed in depth about whether the costs could be imposed on the person needing an interpreter and if so, how would collection of the costs proceed.

A proposed copy of Rule 3-306 was distributed and reviewed by the committee. Changes were made. Mr. Shea will email the corrected copy to the committee.

Mr. Shea discussed the need to pay the price set for an out-of-state interpreter. Their fees are usually not negotiable and must be paid.

Topic: Meeting adjourned

With no further business, the meeting adjourned at 1:30 p.m. The next scheduled meeting is May 17, 2013.

# Tab 2

# **COUNCIL OF LANGUAGE ACCESS COORDINATORS (CLAC)**

## **CHARTER**

### **I. Charter**

The Conference of State Court Administrators (COSCA) hereby charters the Council of Language Access Coordinators.

### **II. Name**

This organization is the Council of Language Access Coordinators.

### **III. Purpose**

The Council of Language Access Coordinators, hereinafter referred to as CLAC, is created by COSCA to facilitate the professional development of CLAC members through educational and networking activities, and, upon request by the COSCA Language Access Advisory Committee (LAAC), to provide technical expertise, volunteer services and assistance to LAAC.

### **IV. Membership**

The Council of Language Access Coordinators shall consist of individuals designated by the COSCA member in each state who are interested in or associated with the provision of language access services to the courts, such as language access program coordinators.

### **V. Organizational Relationships**

#### **A. Conference of State Court Administrators Language Access Advisory Committee**

The Language Access Advisory Committee (LAAC) is a subcommittee of the joint Access, Fairness, Public Trust and Confidence (AFPTC) Committee of COSCA and the Conference of Chief Justices (CCJ). LAAC is composed of COSCA members, and includes representation from the Council of Language Access Coordinators as non-voting members for technical purposes, as appropriate. Such non-voting members will be designated by the members of LAAC. Policy and resolution recommendations from LAAC are submitted to the full AFPTC Committee for review and approval.

LAAC focuses on:

- Promoting the availability of timely and high quality court interpreting and other language access services for all state courts
- Strengthening professional standards and practices for court interpretation and language access in the state courts
- Exchanging and collaborating on strategies, best practices and information among courts to enhance court interpreting and other language access services
- Working closely with the appropriate NCSC staff related to court interpreter testing issues, including test development, maintenance, administration and policies
- Supporting the development of training programs, best practices and protocols for court interpretation

**B. Council of Language Access Coordinators**

CLAC is created by COSCA to facilitate the professional development of CLAC members through educational and networking activities, and, upon request by LAAC, to provide technical expertise, volunteer services and assistance to LAAC. It consists of members with subject matter expertise whose purpose and membership are set forth in sections III and IV. As part of the assistance that it may provide to LAAC, CLAC may be requested by LAAC to identify topics of policy and technical interest for research, further consideration and development.

**C. National Center for State Courts**

The National Center for State Courts (NCSC) is responsible for development, management and maintenance of valid and reliable testing instruments for court interpretation and other language access services as specified below. Specifically the NCSC will:

- Develop valid testing instruments for court interpreters in multiple languages
- Provide support in the training and testing of state court interpreters
- Develop certification testing standards and requirements
- Identify best practices related to recruitment, training and managing services for languages other than English
- Serve as a clearinghouse for information on court interpreting and other language access services

- Provide technical assistance to the courts on court interpreting and other language access issues
- Provide guidance to courts on managing language access services
- Provide staff support to LAAC
- Provide secretariat services to CLAC as set forth herein
- Serve as liaison to other organizations
- Develop a long range plan for the provision of interpreters and other language access services, including the use of technology

#### **VI. Meetings**

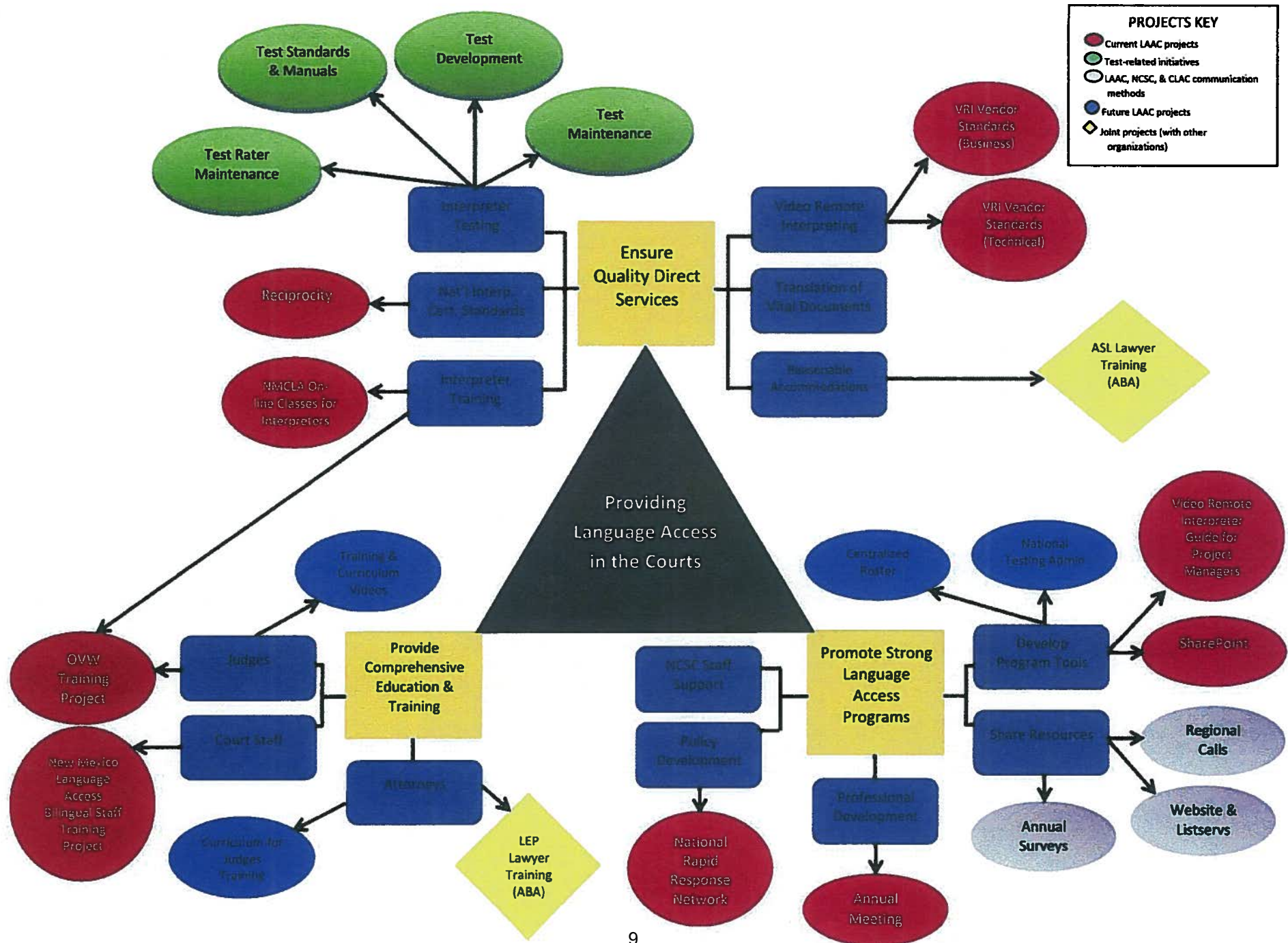
CLAC is encouraged to conduct an annual conference to further the professional development of its members and exchange information and best practices on the provision of court interpreting and other language access services. Members of CLAC or their states will fund participation in such meetings, including associated administrative or secretariat services, through conference registration fees. CLAC is encouraged to develop and implement communication networking strategies to support the professional development of its members and to provide technical expertise, volunteer services and support to LAAC, upon request by LAAC.

#### **VII. Funding**

The cost of secretariat or administrative services needed to support organization of CLAC conferences and other networking activities will be paid from conference registration fees.



## 2013 Language Access Relational Chart with LAAC - CLAC Projects



# Tab 3

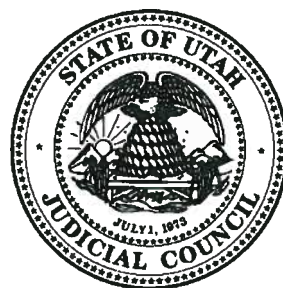


# Utah State Courts

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## Court Interpreter Committee Strategic Plan

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April 1, 2013

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**The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.**

## **Court Interpreter Committee Strategic Plan**

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## **(1) Cultural Awareness**

### **(a) Goals**

- Provide interpreting services in a manner that promotes trust between interpreter and client.

### **(b) Issue**

George Bernard Shaw is credited with the observation that England and America are two countries separated by a common language. It is an observation that is true of many cultures. Economic, ethnic, religious and political divisions in a person's native country continue to affect relationships in this country. Many immigrants are from countries torn by civil war or ethnic repression. Being aware of and trying to accommodate those divisions will help an interpreter build a relationship of trust with his or her client. If a person of limited English proficiency perceives an interpreter as representing a group from the other side of a civil war, there is no opportunity for trust.

In some countries women don't speak the "official" language because of their limited opportunities for education and interaction in government and commerce. In all countries economic and social structure, cultural values and gender roles create differences in dialect and barriers between groups.

Becoming aware of the circumstances that separate groups is difficult. Trying to accommodate those differences with a limited pool of interpreters is even more difficult, but the effort should be made when the opportunity arises.

### **(c) Tasks**

- Expand interpreter coordinators' awareness of historical and current world events, native divisions and how they affect interpreting services.
- Develop resources with which to research a country's history and complexities.
- Find potential interpreters within immigrant communities.
- Develop methods for identifying language distinctions at first contact.
- Include in the introduction of the interpreter to the client the message that the client should inform the court of any problems with the interpreter (for example, the interpreter speaks a different language than the client, or there is a cultural barrier that should be addressed privately).

## **(2) Community Outreach**

### **(a) Goals**

- Educate the public of the right to an interpreter in all court proceedings and how to request one.

- Recruit new interpreters, especially in languages other than Spanish.

### **(b) Issue**

Once a person of limited English proficiency begins to participate in court proceedings — by suing or being sued, by being subpoenaed as a witness, by trying to dispute a traffic ticket, or in any number of other ways — court personnel should know in short order that an interpreter is needed and in what language. But, if the public does not know that an interpreter is available until they first participate in court proceedings, the knowledge comes too late. The individual and the court both pay a price.

In some circumstances the court will have lost an opportunity to resolve the matter in the first instance: the person of limited English proficiency will have to return; perhaps a hearing will have to be rescheduled; whatever might have been concluded with one proceeding will require two. More important, public common knowledge that an interpreter is available for all court proceedings will help build trust in the courts among people of foreign language communities.

In many circumstances interpreters will come from those foreign language communities. The courts' need for Spanish interpretation is being met with certified interpreters by their willingness to travel to remote courthouses and, increasingly, by remote interpretation. The need for interpretation in many languages other than Spanish also is being met through travel by the few interpreters certified in those languages and several approved interpreters.

There remains, however, a modest and consistent need for interpretation in several languages not represented on the court's roster of interpreters. To fill this need the courts must necessarily rely on conditionally approved interpreters for simple proceedings and recruiting a well qualified out-of-state interpreter for complex proceedings. Given the limited economic opportunity of interpretation in some languages, the latter may always be the case, but having approved or registered interpreters available will improve the quality and efficiency of even routine proceedings.

### **(c) Tasks**

- Develop public service announcements designed to inform persons of limited English proficiency of the right to an interpreter in all court proceedings and how to request one.
- Include that message in public speaking engagements.
- Encourage lawyers to notify the court of their clients' language needs at the earliest opportunity.
- Participate in job fairs and other recruitment opportunities.
- Develop a process by which a person of limited English proficiency can file a complaint about the failure to comply with the requirements of the court's language access program.

- Work with Judicial Outreach Committee to include policies and procedures for language access in their message to minority and immigrant communities.
- Request that the electronic filing transmission include the opportunity to request an interpreter and identify the needed language, including any cultural preferences.

### **(3) Quality Interpretation**

#### **(a) Goals**

- Improve the quality of proceedings through improved interpretation.

#### **(b) Issue**

Everyone benefits from improved interpretation. Proceedings are more efficient; the statements from persons of one language are more accurate and understood more clearly by others of another language; the quality of decisions based on those statements is improved. Justice is served.

#### **(c) Tasks**

- Identify language needs at first contact.
- Provide “I speak” or Language Line placards to all front-counter stations, probation officers and courtrooms to help identify language needs.
- Include in interpreter education and mentoring:
  - what to know about a case before the proceeding;
  - how to get case information and documents before a proceeding;
  - how to control the proceeding for complete and accurate interpretation; and
  - how to obtain and use the “tools of the trade.”
- Develop glossaries in languages other than Spanish.
- Expand the Spanish glossary to include words and phrases common in civil proceedings.
- Translate frozen language documents (e.g., webpages, forms, jury instructions).
- Encourage registered and approved interpreters to seek higher credentials.
- Encourage all interpreters to improve their skills.
- Develop guidelines for when using bilingual or stipend-receiving staff is appropriate, when Language Line is appropriate and when to use an interpreter.
- Explore the use of current and developing technology:
  - Equipment for remote interpretation
  - Methods of capturing the interpretation on the record
  - Software for interpreter scheduling and reporting

- Evaluate interpreter performance
- Improve training in professional responsibility and professional practices for registered and conditionally approved interpreters.

#### **(4) Role of the Committee**

##### **(a) Goals**

- Develop participation by committee members in completing the committee's tasks and achieving the committee's goals.

##### **(b) Issue**

In 2008 the legal department of the administrative office of the courts, which supports this committee, was cut by 20%. Working more efficiently will not make up for that loss, so relying on committee members can help the committee be more productive. More important, staff perspectives are limited. Participation of committee members brings a variety of experience to the discussion and solution of issues.

##### **(c) Tasks**

- Form small sub-committees to further develop policies, procedures and tasks.
- Engage committee members to complete those tasks.

#### **(5) Education**

##### **(a) Goals**

- Educate participants in proceedings in how to work effectively with interpreters.

##### **(b) Issue**

The skills of a well qualified interpreter benefit not only the client for whom the interpreter is interpreting but also the judge, jury, attorneys and other participants. The client benefits from a better understanding of the proceedings. The others benefit from a more efficient proceeding. To the extent that the interpretation is a rendering of the foreign language into English, the others benefit from a better understanding of testimony and statements by the client, the witnesses and others with limited English proficiency.

Working well with an interpreter is a skill in itself, and educating participants in those techniques will improve the quality of the interpretation and thus the proceeding itself. The skills range from the courteous (engage the client, not the interpreter) to the technical (speak simply and without parentheticals) to the ethical (don't ask the interpreter to explain something).



Education for interpreters is an important opportunity which, other than training for the certification examination, has been limited in Utah. If the skills of a well-qualified interpreter benefit everyone involved in the proceedings, then improving those skills should be a high priority.

**(c) Tasks**

- Work with the education department of the administrative office of the courts to develop curriculum and materials for:
  - new judge orientation and continuing judicial education;
  - clerk and probation officer education; and
  - attorney MCLE.
- Work with the education department to develop curriculum and materials for interpreter skill-building.
- Work with the education department to develop curriculum and materials for interpreter advanced skill-building that earns education credit.
- Review credentialing processes to improve the alignment of interpreter training and testing requirements.

# Tab 4

1       **Rule 3-306. ~~Court interpreters~~Language access in the courts.**

2       Intent:

3       To state the policy of the Utah courts to secure the rights of people under Title VI of  
4       the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. in legal proceedings who are  
5       unable to understand or communicate adequately in the English language.

6       To outline the procedure for certification, appointment, and payment of ~~court~~  
7       interpreters for legal proceedings.

8       To provide certified interpreters in legal proceedings in those languages for which a  
9       certification program has been established.

10      Applicability:

11      This rule shall apply to legal proceedings in the courts of record and not of record.  
12      This rule shall apply to interpretation for non-English speaking people and not to  
13      interpretation for the persons with a hearing-impaired impairment, which is governed by  
14      Utah and federal statutes.

15      Statement of the Rule:

16      (1) Definitions.

17      (1)(A) "Appointing authority" means a judge, commissioner, referee or juvenile  
18      probation officer, or delegate thereof.

19      (1)(B) "Approved interpreter" means a person who has been rated as "superior" in  
20      the Oral Proficiency Interview conducted by Language Testing International and has  
21      fulfilled the requirements established in paragraph (3).

22      (1)(C) "Certified interpreter" means a person who has successfully passed the  
23      examination of the Consortium for Language Access in the Courts and has fulfilled the  
24      requirements established in paragraph (3).

25      (1)(D) "Committee" means the Court Interpreter Language Access Committee  
26      established by Rule 1-205.

27      (1)(E) "Conditionally-approved interpreter" means a person who, in the opinion of the  
28      appointing authority after evaluating the totality of the circumstances, has language  
29      skills, knowledge of interpreting techniques, and familiarity with interpreting sufficient to  
30      interpret the legal proceeding. A conditionally approved interpreter shall read and is

bound by the Code of Professional Responsibility and shall subscribe the oath or affirmation of a certified interpreter.

(1)(F) "Code of Professional Responsibility" means the Code of Professional Responsibility for Court Interpreters set forth in Code of Judicial Administration Appendix H. An interpreter may not be required to act contrary to law or the Code of Professional Responsibility.

(1)(G) "Legal proceeding" means a proceeding before the appointing authority, court-annexed mediation, communication with court staff, and participation in mandatory court programs. Legal proceeding does not include communication outside the court unless permitted by the appointing authority.

(1)(H) "Limited English proficiency" means the inability to understand or communicate in English at the level of comprehension and expression needed to participate effectively in legal proceedings.

(1)(I) "Registered interpreter I" means a person who interprets in a language in which testing ~~by the Consortium for Language Access in the Courts or Language Testing International~~ is not available and who has fulfilled the requirements established in paragraph (3) other than paragraph (3)(A)(v).

(1)(J) "Registered interpreter II" means a person who interprets in a language in which testing ~~by the Consortium for Language Access in the Courts or Language Testing International~~ is available and who has fulfilled the requirements established in paragraph (3) other than paragraph (3)(A)(v).

(1) (K) "Testing" means using a reputable organization that uses the ACTFL scale. The organization must be selected by the interpreter and approved by the program coordinator.

(2) ~~Court Interpreter Language Access~~ Committee. The ~~Court Interpreter Language Access~~ Committee shall:

(2)(A) research, develop and recommend to the Judicial Council policies and procedures for interpretation in legal proceedings and translation of printed materials;

(2)(B) issue informal opinions to questions regarding the Code of Professional Responsibility, which is evidence of good-faith compliance with the Code; and

61 (2)(C) discipline court interpreters.

62 (3) Application, training, testing, roster.

63 (3)(A) Subject to the availability of funding, and in consultation with the committee,  
64 the administrative office of the courts shall establish programs to certify and approve  
65 ~~court~~ interpreters in English and the non-English languages most frequently needed in  
66 the courts. The administrative office shall publish a roster of certified, approved, and  
67 registered interpreters ~~and a roster of approved interpreters~~. To be certified, ~~or~~ approved  
68 or registered, an applicant shall:

69 (3)(A)(i) file an application form approved by the administrative office;

70 (3)(A)(ii) pay a fee established by the Judicial Council;

71 (3)(A)(iii) pass a background check;

72 (3)(A)(iv) complete training as required by the administrative office;

73 (3)(A)(v) obtain a passing score on the court interpreter's test(s) as required by the  
74 administrative office;

75 (3)(A)(vi) complete 10 hours observing a certified interpreter in a legal proceeding;  
76 and

77 (3)(A)(vii) take and subscribe the following oath or affirmation: "I will make a true and  
78 impartial interpretation using my best skills and judgment in accordance with the Code  
79 of Professional Responsibility."

80 (3)(B) A person who is certified in good standing by the federal courts or by a state  
81 having a certification program that is equivalent to the program established under this  
82 rule may be certified without complying with paragraphs (3)(A)(iv) through (3)(A)(vii) but  
83 shall pass an ethics examination and otherwise meet the requirements of this rule.

84 (3)(C) No later than December 31 of each even-numbered calendar year, certified,  
85 ~~and approved, and registered~~ interpreters shall pass the background check for  
86 applicants, and certified interpreters shall complete at least 16 hours of continuing  
87 education approved by the administrative office of the courts.

88 (4) Appointment.

89 (4)(A) Except as provided in paragraphs (4)(B), (4)(C) and (4)(D), if the appointing  
90 authority determines that a party, witness, victim or person who will be bound by the

91 legal proceeding has a primary language other than English and limited English  
92 proficiency, the appointing authority shall appoint a certified interpreter in all legal  
93 proceedings. A person requesting an interpreter is presumed to be a person of limited  
94 English proficiency.

95 (4)(B) An approved interpreter may be appointed if no certified interpreter is  
96 reasonably available.

97 (4)(C) A registered interpreter may be appointed if no certified or approved  
98 interpreter is reasonably available.

99 (4)(D) A conditionally-approved interpreter may be appointed if the appointing  
100 authority, after evaluating the totality of the circumstances, finds that:

101 (4)(D)(i) the prospective interpreter has language skills, knowledge of interpreting  
102 techniques and familiarity with interpreting sufficient to interpret the legal proceeding;  
103 and

104 (4)(D)(ii) appointment of the prospective interpreter does not present a real or  
105 perceived conflict of interest or appearance of bias; and

106 (4)(D)(iii) a certified, approved, or registered interpreter is not reasonably available  
107 or the gravity of the legal proceeding and the potential consequence to the person are  
108 so minor that delays in obtaining a certified or approved interpreter are not justified.

109 (4)(E) The appointing authority may appoint an interpreter with certified or approved  
110 or equivalent credentials from another jurisdiction if the appointing authority finds that  
111 the approved, registered or conditionally approved interpreters who are reasonably  
112 available do not have the language skills, knowledge of interpreting techniques, or  
113 familiarity with interpreting sufficient to interpret the legal proceeding. The appointing  
114 authority may consider the totality of the circumstances, including the complexity or  
115 gravity of the legal proceeding, the potential consequences to the person of limited  
116 English proficiency, and any other relevant factor.

117 ~~(4)(E)~~ (4)(F) No interpreter is needed for a direct verbal exchange between the  
118 person and court staff if the court staff can fluently speak the language understood by  
119 the person and the employee is acting within guidelines established in the Human  
120 Resources Policies and Procedures. An approved, registered or conditionally approved

121 interpreter may be appointed if the court staff does not speak the language understood  
122 by the person.

123 ~~(4)(F)~~ (4)(G) The appointing authority will appoint one interpreter for all participants  
124 with limited English proficiency, unless the judge determines that the participants have  
125 adverse interests, or that due process, confidentiality, the length of the legal proceeding  
126 or other circumstances require that there be additional interpreters.

127 ~~(4)(G)~~ (4)(H) A person whose request for an interpreter has been denied may apply  
128 to review the denial. The application shall be decided by the presiding judge. If there is  
129 no presiding judge or if the presiding judge is unavailable, the clerk of the court shall  
130 refer the application to any judge of the court or any judge of a court of equal  
131 jurisdiction. The application must be filed within 20 days after the denial.

132 (5) Payment.

133 (5)(A) The ~~interpreter~~ fees and expenses for language access shall be paid by the  
134 administrative office of the courts in courts of record and by the government that funds  
135 the court in courts not of record. The court may assess the ~~interpreter~~ fees and  
136 expenses as costs to a party as otherwise provided by law. (Title VI of the Civil Rights  
137 Act of 1964, 42 U.S.C. 2000d, et seq., and regulations and guidance adopted under that  
138 title, Utah Constitution, Article I, Section 12, Utah Code Sections 77-1-6(2)(b), 77-18-7,  
139 77-32a-1, 77-32a-2, 77-32a-3, 78B-1-146(3) and URCP 54(d)(2).)

140 (5)(B) A person who has been ordered to pay ~~for an interpreter fees and expenses~~  
141 for language access ~~after filing an affidavit of impecuniosity~~ may apply to the presiding  
142 judge to review the order. If there is no presiding judge, the person may apply to any  
143 judge of the court or any judge of a court of equal jurisdiction. The application must be  
144 filed within 20 days after the ~~denial~~ order.

145 (6) Waiver. A person may waive an interpreter if the appointing authority approves  
146 the waiver after determining that the waiver has been made knowingly and voluntarily. A  
147 person may retract a waiver and request an interpreter at any time. An interpreter is for  
148 the benefit of the court as well as for the non-English speaking person, so the  
149 appointing authority may reject a waiver.



(7) Removal from legal proceeding. The appointing authority may remove an interpreter from the legal proceeding for failing to appear as scheduled, for inability to interpret adequately, including a self-reported inability, and for other just cause.

(8) Discipline.

(8)(A) An interpreter may be disciplined for:

(8)(A)(i) knowingly making a false interpretation in a legal proceeding;

(8)(A)(ii) knowingly disclosing confidential or privileged information obtained in a legal proceeding;

(8)(A)(iii) knowingly failing to follow standards prescribed by law, the Code of Professional Responsibility and this rule;

(8)(A)(iv) failing to pass a background check;

(8)(A)(v) failing to meet continuing education requirements;

(8)(A)(vi) conduct or omissions resulting in discipline by another jurisdiction; and

(8)(A)(vii) failing to appear as scheduled without good cause.

(8)(B) Discipline may include:

(8)(B)(i) permanent loss of certified or approved credentials;

(8)(B)(ii) temporary loss of certified or approved credentials with conditions for reinstatement;

(8)(B)(iii) suspension from the roster of certified or approved interpreters with conditions for reinstatement;

(8)(B)(vi) prohibition from serving as a conditionally approved interpreter;

(8)(B)(v) suspension from serving as a conditionally approved interpreter with conditions for reinstatement; and

(8)(B)(vi) reprimand.

~~(8)(C) Any person may file a complaint in writing on a form provided by the program manager. The complaint may be in the native language of the complainant, which the AOC shall translate in accordance with this rule. The complaint shall describe in detail the incident and the alleged conduct or omission. The program manager may dismiss the complaint if it is plainly frivolous, insufficiently clear, or alleges conduct that does not~~



179 ~~violate this rule. If the complaint is not dismissed, the program manager shall mail the~~  
180 ~~complaint to the interpreter at the address on file with the administrative office.~~

181 (9) Complaints.

182 (9)(A) Any person may file a complaint about a matter for which an interpreter can be  
183 disciplined. A party, witness, victim or person who will be bound by a legal proceeding,  
184 may file a complaint about the misapplication of this rule.

185 (9)(B) The complaint shall allege an act or omission for which an interpreter can be  
186 disciplined or that violates this rule. The complaint shall be in writing and signed and  
187 filed with the program coordinator. The complaint may be in the native language of the  
188 complainant, which the AOC shall translate in accordance with this rule. The complaint  
189 shall describe the circumstances of the act or omission, including the date, time,  
190 location and nature of the incident and the persons involved.

191 (9)(C) The program coordinator may dismiss the complaint if it is plainly frivolous,  
192 insufficiently clear, or does not allege an act or omission act or omission for which an  
193 interpreter can be disciplined or that does not violate this rule.

194 (9)(D) If the complaint alleges that the court did not provide language access as  
195 required by this rule, the program coordinator shall investigate and recommend  
196 corrective actions that are warranted.

197 (9)(E) If the complaint alleges an act or omission for which the interpreter can be  
198 disciplined, the program coordinator shall mail the complaint to the interpreter at the  
199 address on file with the administrative office of the courts and proceed as follows:

200 ~~(8)(D)~~ (9)(E)(i) The interpreter shall answer the complaint within 30 days after the  
201 date the complaint is mailed or the allegations in the complaint are ~~considered~~ deemed  
202 true and correct. The answer shall admit, deny or further explain each allegation in the  
203 complaint.

204 ~~(8)(E)~~ (9)(E)(ii) The program ~~manager~~ coordinator may review records and interview  
205 the complainant, the interpreter and witnesses. After considering all factors, the program  
206 ~~manager~~ coordinator may propose a resolution, which the interpreter may stipulate to.  
207 The program ~~manager~~ coordinator may consider aggravating and mitigating  
208 circumstances such as the severity of the violation, the repeated nature of violations,

the potential of the violation to harm a person's rights, the interpreter's work record, prior discipline, and the effect on court operations.

~~(8)(F)~~ (9)(E)(iii) If the complaint is not resolved by stipulation, the program ~~manager~~ coordinator will notify the committee, which shall hold a hearing. The committee chair and at least one interpreter member must attend. If a committee member is the complainant or the interpreter, the committee member is recused. The program ~~manager~~ coordinator shall mail notice of the date, time and place of the hearing to the interpreter. The hearing is closed to the public. Committee members and staff may not disclose or discuss information or materials outside of the meeting except with others who participated in the meeting or with a member of the Committee. The committee may review records and interview the interpreter, the complainant and witnesses. A record of the proceedings shall be maintained but is not public.

~~(8)(G)~~ (9)(E)(iv) The committee shall decide whether there is sufficient evidence of the alleged conduct or omission, whether the conduct or omission violates this rule, and the discipline, if any. The chair shall issue a written decision on behalf of the committee within 30 days after the hearing. The program ~~manager~~ coordinator shall mail a copy of the decision to the interpreter.

~~(8)(H)~~ (9)(E)(v) The interpreter may review and, upon payment of the required fee, obtain a copy of any records to be used by the committee. The interpreter may attend all of the hearing except the committee's deliberations. The interpreter may be represented by counsel and shall be permitted to make a statement, call and interview the complainant and witnesses, and comment on the claims and evidence. The interpreter may obtain a copy of the record of the hearing upon payment of the required fee.

~~(8)(I)~~ (9)(E)(vi) If the interpreter is certified in Utah under Paragraph (3)(B), the committee shall report the findings and sanction to the certification authority in the other jurisdiction.

~~(9)~~ (10) Fees.

~~(9)(A)~~ (10)(A) In April of each year the Judicial Council shall set the fees and expenses to be paid to interpreters during the following fiscal year by the courts of

record. Payment of fees and expenses shall be made in accordance with the Courts Accounting Manual.

~~(9)(B)~~ (10)(B) The local government that funds a court not of record shall set the fees and expenses to be paid to interpreters by that court.

~~(10)~~ (11) Translation of court forms. Forms must be translated by a team of at least two people who are interpreters certified under this rule or translators accredited by the American Translators Association.

~~(11)~~ (12) Court employees as interpreters. A court employee may not interpret legal proceedings except as follows.

~~(11)(A)~~ (12)(A) A court may hire an employee ~~to be an~~ interpreter. The employee will be paid the wages and benefits of the employee's grade and not the fee established by this rule. If the language is a language for which certification in Utah is available, the employee must be a certified interpreter. If the language is a language for which certification in Utah is not available, the employee must be an approved interpreter. The employee must meet the continuing education requirements of an employee, but at least half of the minimum requirement must be in improving interpreting skills. The employee is subject to the discipline process for court personnel, but the grounds for discipline include those listed in this rule.

~~(11)(B)~~ (12)(B) A state court employee employed as an interpreter has the rights and responsibilities provided in the Utah state court human resource policies, including the Code of Personal Conduct, and the Court Interpreters' Code of Professional Responsibility also applies. A justice court employee employed as an interpreter has the rights and responsibilities provided in the county or municipal human resource policies, including any code of conduct, and the Court Interpreters' Code of Professional Responsibility also applies.

~~(11)(G)~~ (12)(C) A court may use an employee as a conditionally-approved interpreter under paragraph (4)(C). The employee will be paid the wage and benefits of the employee's grade and not the fee established by this rule.