

Language Access Committee
Videoconference Webex

March 19, 2021

Members Present

Evangelina Burrows
Amine El Fajri
Rory Jones
Judge Michael Leavitt- Chair
Russ Pearson
Chip Royce
Judge Kelly Schaeffer-Bullock
Judge Michael Westfall

Members Excused

Yadira Call

Staff

Kara Mann

(1) Welcome

Judge Michael Leavitt welcomed committee members to the meeting, and introduced new committee member Chip Royce. Judge Leavitt addressed the January 15, 2021 minutes. Judge Kelly Schaeffer-Bullock moved to approve the minutes. Evangelina Burrows seconded the motion. The motion carried unanimously.

(2) Proposed Court Rule on Recorded Evidence

Kara Mann reminded the committee about past discussions regarding having court interpreters translate recorded evidence on the spot during court proceedings, which is against best practices. Ms. Mann reminded the committee that a memo had been drafted and reviewed at a past committee meeting, but that a court rule was recommended instead. Ms. Mann introduced the court rule that was drafted and had been reviewed by legal.

Judge Michael Westfall expressed concern that the proposed court rule would greatly impact other court rules and timelines. Judge Westfall explained that realistically attorneys are still gathering information and getting ready until close to the time the trial starts, and that this proposed rule would delay trials. Judge Westfall also shared this proposed rule would have an effect on preliminary hearings held 14 days after an initial appearance.

After discussion, Judge Leavitt asked Ms. Mann to run the proposed court rule by the Rules of Criminal Procedure Committee and the Rules of Civil Procedure Committee to ask the effect the proposed court rule would have on their court rules and if they would amend their rules to accommodate this issue.

Chip Royce suggested Ms. Mann include a detailed report on why the proposed court rule is necessary.

(3) Translation Memo

Ms. Mann shared she was asked by the Court Forms Committee to provide guidance on developing a process to determine which court forms should be translated and which languages the forms should be translated into.

Ms. Mann reviewed the memo included in the meeting materials. The memo outlines four parameters for the Court Forms Committee to consider as a procedure for translating court forms.

- I. Prioritizing Court Forms Based on Case Type
- II. Prioritizing Languages for Translations
- III. Costs
- IV. Method of Translation

Mr. Royce asked if a deaf party can't view the form in their native language, is that language access. Mr. Royce explained American Sign Language is a deaf party's native language, not written English, and that having forms or information in their native language will help with comprehension of the information. Mr. Royce asked if ASL videos on the court forms would be possible, and asked what other states doing. Judge Leavitt advised those are important considerations but that it would be a separate issue to tackle. Judge Leavitt shared the request by the Court Forms Committee is specifically about translating court forms for spoken languages.

Rory Jones suggested having second language stipend employees complete a first translation of the forms and then having the translators review their translation to make any necessary changes or corrections, especially if there's a backlog of forms. Ms. Mann shared that could be suggested to the Court Forms Committee, although she was hesitant to add to the workload of second language stipend employees. Judge Leavitt advised leaving the suggestion off of the memo to leave it up to the Court Forms Committee.

Rory Jones motioned to approve the memo and for it to be sent to the Court Forms Committee. Russ Pearson seconded the motion. The motion passed unanimously.

(4) Reauthorization Memo

Ms. Mann shared the Language Access Committee is set to end in 2021, and that a memo to reauthorize the committee for another six years must be submitted to the Management Committee and the Judicial Council. Ms. Mann advised the memo outlines the committee's accomplishments over the past six years and outlines that the committee should be reauthorized for another six years since the need will remain for a committee to review and update Utah State Courts' language access policies and procedures.

Judge Schaeffer-Bullock motioned to approve the memo and to send it to the Management Committee and the Judicial Council. Judge Westfall seconded and the motion passed unanimously.

(5) 2020 Committee Report

Ms. Mann reminded the committee that every year a committee report is presented to the Judicial Council. Ms. Mann reviewed the 2021 Committee Report and asked for feedback.

Judge Leavitt suggested adding that the committee reviews reciprocity requests and other special requests by court interpreters.

Judge Leavitt advised he did not believe a motion would be needed for this report and said it would be shared with the Judicial Council at their meeting next month.

(6) Continuing Education

Ms. Mann advised there isn't a mechanism in place to alert certified court interpreters when a course is approved for continuing education credit. Ms. Mann shared that some providers will list on their website if the course is approved by Utah, but that interpreters still contact her to verify that it is an approved course.

Ms. Mann shared a webpage could be set up with a list of approved courses, but that there are last-minute approval requests which may not be added until after the course occurs, as she'll have to send updates to another court employee who will then add it to the webpage.

Judge Leavitt suggested instead to send out an email blast every month directly to certified interpreters instead.

(7) Adjourn

There being no further business, the meeting adjourned.