

Language Access Committee
Videoconference Webex

July 9, 2021

Members Present

Evangelina Burrows
Rory Jones
Judge Michael Leavitt- Chair
Chip Royce
Judge Kelly Schaeffer-Bullock
Judge Michael Westfall

Members Excused

Russ Pearson
Yadira Call

Staff

Kara Mann

(1) Welcome

Judge Michael Leavitt welcomed committee members to the meeting, and addressed the May 21, 2021 minutes. Rory Jones moved to approve the minutes with one minor correction. Evangelina Burrows seconded the motion. The motion carried unanimously.

(2) Reopening Strain on Court Interpreters

Kara Mann reminded the committee that at the last meeting she was tasked with finding out estimates on the need for court interpreters for the backlog created by COVID-19. Ms. Mann shared the backlog data for district courts, juvenile courts, and justice courts. Ms. Mann asked if in light of this new information if the committee had other any other recommendations or changes to the proposed memo.

Judge Leavitt suggested reminding judges of possible delays and to possibly approve interpreters on a temporary basis as provisional interpreters.

After discussion, Judge Michael Westfall motioned to have Ms. Mann present the information to the Clerks of Court, the Board of District Court Judges, the Board of Juvenile Court Judges, the Board of Justice Court Judges, and the TCEs. Mr. Jones seconded the motion and the motion carried unanimously.

(3) Proposed Contract Interpreter Pay Increase

Ms. Mann presented a proposed memo to the Judicial Council outlining a rate increase for the contract court interpreters. Ms. Mann advocated that the increase was necessary because the courts need to retain interpreters as the courts address the backlog and because the interpreters are paid less than the court interpreters in surrounding states.

Ms. Mann reviewed the proposal of suggesting a permanent pay increase of 20% plus an additional temporary 5% increase as the courts address the backlog. Ms. Mann advised the interpreters are paid from the JWI fund, and that the proposed increases could be absorbed by

the JWI fund without any additional funding being necessary. The 20% increase would cost an additional \$156,152, while the temporary 5% increase would cost an extra \$39,038, for a total expected cost of \$195,190 based on FY2019 spending. Ms. Mann shared that while the 20% can be absorbed permanently by the JWI fund, it is not known if the 5% is sustainable beyond FY2022.

Mr. Jones expressed concern on how such a significant pay raise would look for underpaid court staff such as JAs. Mr. Jones proposed a 10% permanent increase and a temporary 5% increase for the contract interpreter hourly rates.

Chip Royce advised that other states are contacting interpreters to interpret in their courts. Mr. Royce shared that interpreters are informing each other on where they can be paid higher rates. Mr. Royce shared he is in favor of the 20% permanent increase plus the temporary 5% increase.

Judge Leavitt agreed with Mr. Jones that the pay of court staff is an ongoing discussion and advised he is hesitant to cause friction or to ask for a 25% increase when it's unknown if it's sustainable.

Mr. Jones asked how the courts compare against other Utah state agencies in terms of payment. Mr. Royce shared for sign language other state or city agencies pay a range of \$30 to \$100 an hour.

Ms. Mann reminded the committee that the issue with pay for court employees is how to fund it and pointed out that with the court interpreters the funding is already available to implement the hourly increase immediately. Ms. Mann shared that the 20% can be covered on a permanent basis without any other additional funding from the State Legislature or another source being necessary.

Mr. Royce motioned to approve a permanent 20% increase recommendation to the Judicial Council since the budget can sustain the additional costs. Judge Kelly Schaeffer-Bullock seconded the motion. Mr. Jones opposed due to the pay of court employees. The motion passed.

(4) Proposed Mentoring Program

Ms. Mann reminded the committee at the last meeting they discussed how to structure a mentoring program for approved Spanish interpreters, but that there were concerns on how confidentiality and ethics should be handled by mentors.

Ms. Mann shared she contacted the AOC's Education Department to ask how confidentiality is handled for the mentoring of new judges. Ms. Mann advised she spoke with Lauren Andersen, Judicial Institute Director, who shared that the new judges mentoring program does not have guidelines in place for confidentiality. Ms. Mann further shared that she contacted the State Bar to ask how confidentiality was handled for their mentoring program of new attorneys. The State Bar reported that they have a confidentiality clause form for their mentoring program. Ms. Mann asked the committee how confidentiality for the approved interpreter mentoring program should be handled in light of this information.

Mr. Royce suggested reframing it from a duty to report for the mentor to a teaching moment for the mentee.

Judge Leavitt asked if there's not a responsibility though to guide a mentor if they encounter this issue.

Judge Westfall asked if he could see the confidentiality clause from the State Bar's mentoring program.

Mr. Jones suggested adding a professional conduct requirement just to cover the possibility of a case where a mentor or mentee doesn't act appropriately when meeting with their mentee or mentor.

Mr. Royce motioned to table the discussion so that Ms. Mann can ask for the confidentiality clause from the State Bar for the committee to review at their next meeting. Mr. Jones seconded the motion and the motion passed unanimously.

(5) Committee Members

Ms. Mann informed the committee of two open vacancies on the committee that must be filled by a certified court interpreter and a Clerk of Court. The committee went off the record to discuss the candidates who expressed an interest in serving on the committee.

(6) 2022 Proposed Meeting Dates

Ms. Mann proposed the following 2022 meeting dates for the committee; keep with the current schedule of meeting on the third Friday of every other month.

- January 14, 2022
- March 18, 2022
- May 20, 2022
- July 15, 2022
- September 16, 2022
- November 18, 2022

Ms. Burrows motioned to approve the proposed 2022 meeting dates. Judge Kelly Schaeffer-Bullock seconded the motion and the motion passed unanimously.

(7) Adjourn

There being no further business, the meeting adjourned at 1:10 pm.