

AGENDA

LANGUAGE ACCESS COMMITTEE

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

Executive Dining Room
Friday, January 29, 2016
12:00 p.m. to 1:30 p.m.

12:00 p.m. Welcome Judge Rick Romney

A portion of the minutes are redacted because an item on the last meeting's agenda was closed under rule 3-306 of the Utah Code of Judicial Administration.

12:05 p.m. Approval of Minutes (Tab 1) Judge Rick Romney

12:10 p.m. Language Access Report FY 2015 (Tab 2) Judge Rick Romney

12:40 p.m. Interpreter Issues Rosa Oakes

- Arabic Interpreter Testing Concern
- Information on Nepalese Interpreters
- Russian Certified Interpreter

1:00 p.m. Policy on Interpreters for Deaf Jurors Alison Adams-Perlac

1:10 p.m. Interpreter Microphone Issues Rosa Oakes

1:25 p.m. Other Business

Upcoming Meetings:

March 18, 2016

April 20, 2016

Tab 1

Meeting Date	Language Access Committee	
November 13, 2015	Judicial Council Room	
Members Present	Member Excused	
Judge Rick Romney	Judge Rick Smith	
Judge Su Chon	Wendell Roberts	
Randall McUne	Jennifer Andrus	
Miguel Medina		
Maureen Magagna		
Gabriela Grostic		
Megan Haney		
Mary Kaye Dixon		
Amine El Fajri		
Staff: Alison Adams-Perlac, Rosa P. Oakes		
Guests:		
Topic: Approve minutes of September 18, 2015 and Farewell to Wendell Roberts		
Judge Romney noted that Wendell Roberts' term on the committee has ended and that a certificate of appreciation would be sent to him. Megan Haney moved to approve the minutes; Judge Chon seconded the motion.		
Motion: Passed unanimously		
Topic: Reconsider Denial of Interpreter Application		By Judge Romney
This topic was closed to the public:		
Topic: Interpreter for Probation Colors Class		By Megan Haney
Ms. Haney reported that the 3 rd District Juvenile Court provides a class for probationers called "Real Colors," which is helpful in bringing awareness to communication styles. Probation Officers are trained to facilitate the classes. They would like to expand the classes to include the parent or guardian and have requested permission to use interpreters for those who are limited English proficient, primarily in Spanish. The expectation is that juveniles and their parents/guardians will learn to improve communication. The class is offered on an ongoing basis once per month for 2 hours. Committee members discussed various other potential resources including the possibility of training bilingual Probation Officers to facilitate the classes and eliminate the need for interpreters. Ms. Haney agreed to explore other options. The topic will be set aside for a follow-up at the next committee meeting.		
Topic: Proposed Amendments to Rule 3-306.03		By Alison Adams-Perlac
Ms. Adams-Perlac reviewed the language amendments to the rule based on comments from the committee's previous meeting. Specifically, 1) requiring credentialed interpreters to report personal criminal charges or convictions to the program coordinator; 2) interpreters who speak rare languages where there are no existing court credentialed interpreters may appeal to the committee for exemptions of fees and passing test scores.		
Ms. Magagna moved to approve the amendments to Rule 3-306 as a whole; Ms. Haney		

seconded the motion. The motion passed.

Ms. Adams-Perlac stated that the revised rule will be presented to the Judicial Council and thereafter opened for a public comment period.

Topic: Update on ASL Efforts

By Michelle Draper

Ms. Draper reported that in an effort to address the issue of capturing the signing of ASL interpreters in court hearings, a subcommittee met to discuss options. The subcommittee talked about potential configurations, equipment and costs. Ms. Adams-Perlac added that the subcommittee seeks to develop recommendations to present to the Judicial Council and for courts not of record.

Future meetings:

March 18, 2016

April 20, 2016

Tab 2



Utah State Courts

Language Access in the Trial Courts FY 2013 - FY 2015

November 18, 2015

Report compiled by Alison Adams-Perlac, Language Access Program Manager, with assistance from Rosa Oakes, Language Access Program Coordinator.

Data analyzed by Ethan Taft, student, Masters of Statistics - Econometrics, University of Utah.

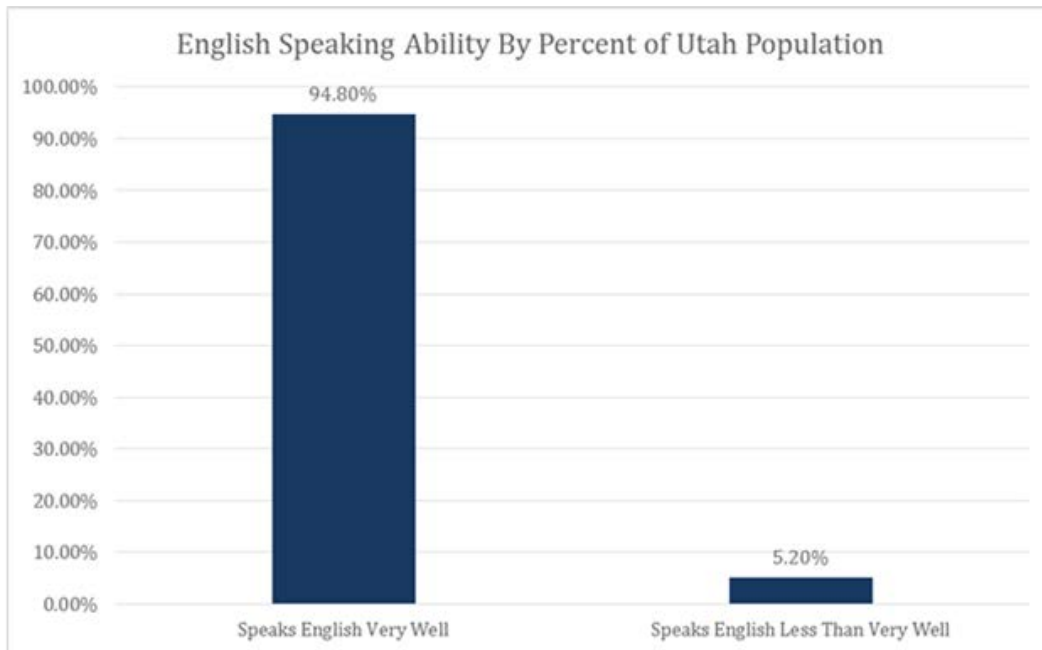
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English Language Proficiency in Utah

English language proficiency continues to be an issue in Utah. Although 94.8% of Utah’s population speaks English very well, 5.2% of the population speaks English less than very well. *See Table 1.* That 5.2%, or about 132,825 people, are considered likely to need an interpreter. *See Table 2.*

The Spanish-speaking population continues to lead out as the language population with the least English proficiency in Utah. About 72%, roughly 97,000, of those who speak English less than very well speak Spanish. *See Table 3.* In addition, 16% of those who speak English less than very well speak an Asian or Pacific Island language, while 8% speak an Indo-European language. *Id.* The remaining 4% of those who speak English less than very well speak another native language. *Id.*

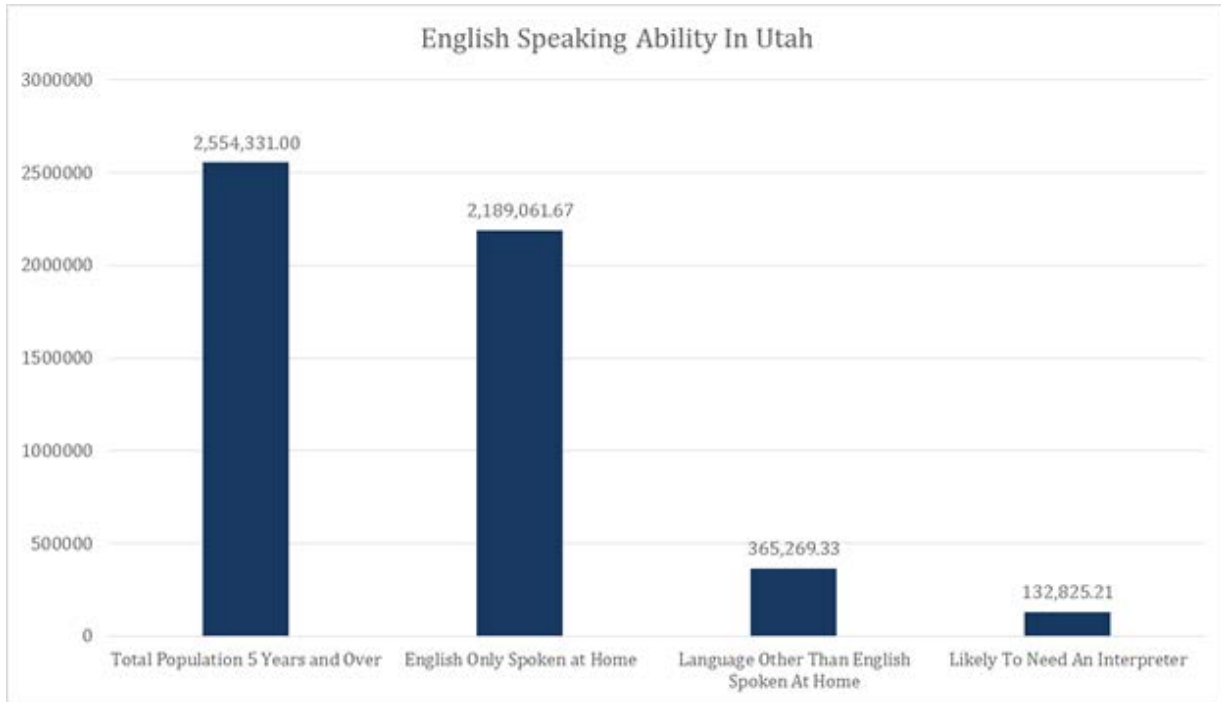
Table 1.¹



Source: U.S. Census Bureau, American Community Survey (5-year estimates 2009 – 2013)

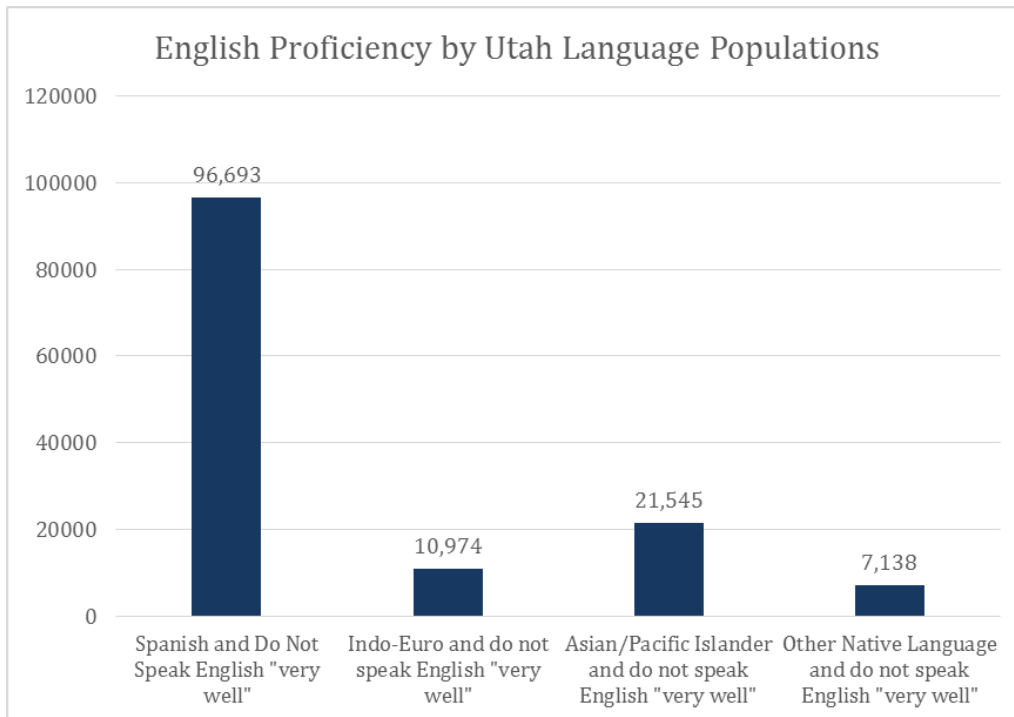
¹ Except as otherwise indicated, all data is from FY 2015.

Table 2.



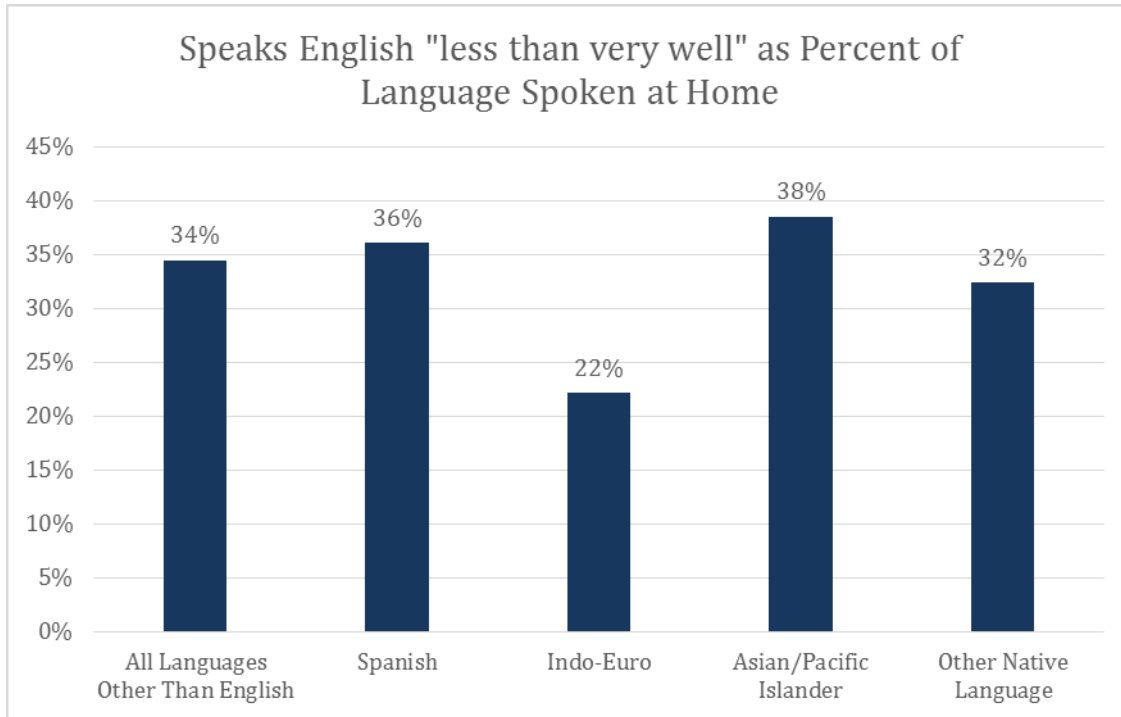
Source: U.S. Census Bureau, American Community Survey (5-year estimates 2009 - 2013)

Table 3.



Source: U.S. Census Bureau, American Community Survey (1-year estimates 2014)

Table 4.



Source: U.S. Census Bureau, American Community Survey (1-year estimates 2014)

Interpreters

Licensing

Utah has three levels of licensing for interpreters: certified, approved, and registered. Each level of licensing has different requirements, with certified having the most stringent requirements. Court rule and national best practices require a certified interpreter to be used by the court unless one is not reasonably available, in which case an approved interpreter must be sought, followed by a registered interpreter. UTAH CODE JUD. ADMIN. 3-306. For this reason, it is the Language Access Program's ("Program") goal to seek and recruit and certify interpreters whenever possible. However, with some of the rarer languages, it can be difficult (or even impossible) to certify interpreters. In that case, the Program seeks to credential interpreters at the highest level possible.

1. Certified

Certified interpreters are the most highly qualified interpreters. To become certified an interpreter do the following: pass an English written test and a test on the Interpreter Code of Professional Responsibility; complete a two-day orientation workshop, a five-day training course, a background check and 10 hours of observation; and pass a three-part exam offered by the National Center for State Courts (NCSC).

2. Approved

To become approved the interpreter must pass an English written test and a test on the Interpreter Code of Professional Responsibility. The interpreter must also complete a two-day orientation workshop, a background check and 10 hours of observation. Finally, the interpreter must pass an Oral Proficiency Interview (OPI).

3. Registered

To become a registered interpreter the interpreter must pass an English written test and a test on the Interpreter Code of Professional Responsibility. The interpreter must also complete a two-day orientation workshop, a background check and 10 hours of observation.

During a portion of FY 2015, there were two registered designations: Registered 1, if there was no examination available in the interpreter's language; and Registered 2, if an exam was available in the interpreter's language, but the interpreter had not taken or had not passed the exam.

The Council removed the Registered 2 designation effective November 1, 2014. Now an interpreter may become Registered if he or she has met all of the requirements but for the OPI exam, only if the OPI is not available in the interpreter's language. Interpreters who have met all the requirements but have failed to take or to pass an exam that is available in their language may be conditionally approved for specific assignments.

4. Conditionally Approved

An interpreter who has not met the above requirements may nevertheless be approved to interpret a hearing or other court proceeding on a conditional basis. Languages listed in this report that do not have interpreters will have been interpreted by a conditionally approved interpreter.

Interpreter Availability

Nearly 77% of interpreted hours in the Utah State Courts (“State Courts”) involve a Spanish interpreter. *See* Table 5. And importantly, certified interpreters interpret more than 99% of those hours. *See* Table 6. In the 6th, 7th, and 8th districts, courts use certified interpreters in hearings requiring a Spanish-speaking interpreter 100% of the time. *Id.* These impressive numbers are likely due to the fact that the State Courts employ four Spanish-speaking staff interpreters in the 3rd district, and have 42 Spanish-speaking certified contract interpreters.

The State Courts fair less well in hearings involving other languages where a certified interpreter is on the Courts’ roster. *See* Table 7. The court has certified interpreters in only four languages other than Spanish – Vietnamese, Russian, Bosnian/Croatian/Serbian, and Cambodian. *Id.* The Courts were able to secure certified interpreters for 88% of the hours interpreted in Vietnamese, and for 71% of the hours interpreted in Bosnian/Croatian/Serbian. *Id.* The Courts used a certified interpreter for 71% of the hours interpreted in Russian and did not use a certified interpreter for any of the hours interpreted in Cambodian. *Id.* The lower percentages of hours interpreted by certified interpreters in these languages are likely due to the Courts’ shortfall of certified interpreters in these languages. There is only one certified interpreter for each of these four languages on the Courts’ roster. *See* Table 5.

Table 5.

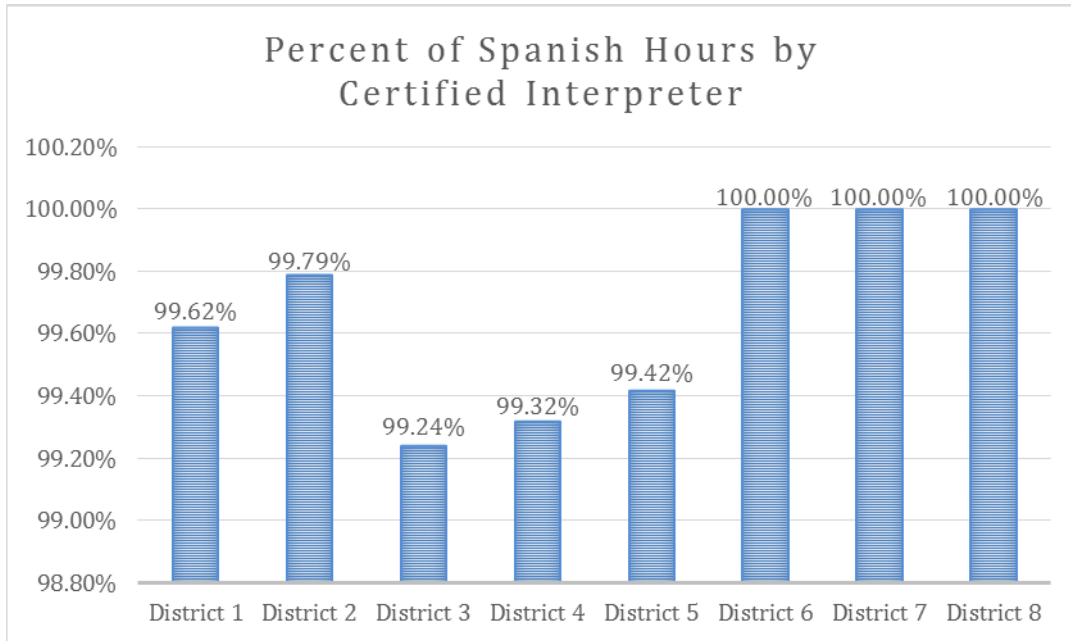
Hours Interpreted per Language			Number of Interpreters by Credentials					
Language	Hours	% of Total Hours	Certified	Approved	R1	R2	Total	% of Total
Spanish	14968	76.89%	46	9	0	3	55	59.14%
ASL ²	723	3.71%	0	0	0	0	0	0.00%
Arabic	533	2.74%	0	1	0	0	1	1.08%
Vietnamese	401	2.06%	1	1	0	0	2	2.15%
Somali	390	2.00%	0	1	0	0	1	1.08%
Russian	146	0.75%	1	1	0	0	2	2.15%
Tigrigna	144	0.74%	0	0	1	0	1	1.08%
Burmese	144	0.74%	0	2	0	0	2	2.15%
Farsi	141	0.72%	0	1	0	1	2	2.15%
Mandarin	139	0.72%	0	3	0	0	3	3.23%
Tongan	137	0.70%	0	0	3	0	3	3.23%
Samoan	117	0.60%	0	0	2	0	2	2.15%
Armenian	112	0.58%	0	1	0	0	1	1.08%
Swahili	111	0.57%	0	0	0	0	0	0.00%
BCS	108	0.55%	1	2	0	0	3	3.23%
French	95	0.49%	0	0	0	0	0	0.00%
Marshallese	93	0.48%	0	0	0	0	0	0.00%
Kirundi	92	0.47%	0	0	0	0	0	0.00%
Korean	90	0.46%	0	2	0	0	2	2.15%
Portuguese	81	0.42%	0	0	0	0	0	0.00%
Nepalese	66	0.34%	0	0	0	0	0	0.00%
Laotian	65	0.33%	0	2	0	0	2	2.15%
Dinka	54	0.28%	0	0	0	0	0	0.00%
Cantonese	43	0.22%	0	3	0	0	3	3.23%
Urdu	42	0.22%	0	1	0	0	1	1.08%
Panjabi	40	0.21%	0	0	0	0	0	0.00%
Uduk	38	0.19%	0	0	0	0	0	0.00%
Tagalog	36	0.18%	0	0	0	0	0	0.00%
Thai	32	0.16%	0	1	0	0	1	1.08%
Chuukese	31	0.16%	0	0	0	0	0	0.00%
Hmong	31	0.16%	0	0	0	0	0	0.00%
Japanese	30	0.15%	0	2	0	0	2	2.15%

² All American Sign Language and deaf interpreters are required by Utah law to be certified in order to interpret in court. UTAH CODE Title 78B, Chapter 1. However, since they are not certified by the Language Access Program, the number of certified ASL interpreters is not listed.

Hours Interpreted per Language			Number of Interpreters by Credentials					
Language	Hours	% of Total Hours	Certified	Approved	R1	R2	Total	% of Total
Nuer	25	0.13%	0	0	0	0	0	0.00%
Tamil	24	0.12%	0	0	0	0	0	0.00%
Pohnpeian	19	0.10%	0	0	0	0	0	0.00%
Mongolian	16	0.08%	0	0	0	0	0	0.00%
Rohingya	16	0.08%	0	0	0	0	0	0.00%
Romanian	14	0.07%	0	0	0	0	0	0.00%
Navajo	13	0.07%	0	0	0	0	0	0.00%
Tedim	11	0.05%	0	0	0	0	0	0.00%
Karen	10	0.05%	0	0	0	0	0	0.00%
Sango	10	0.05%	0	0	0	0	0	0.00%
Hindi	8	0.04%	0	1	0	0	1	1.08%
Amharic	7	0.04%	0	1	0	0	1	1.08%
Kinyarwanda	4	0.02%	0	0	0	0	0	0.00%
Cambodian	4	0.02%	1	1	0	0	2	2.15%
German	3	0.02%	0	0	0	0	0	0.00%
Creole	2	0.01%	0	0	0	0	0	0.00%
Ewe	2	0.01%	0	0	0	0	0	0.00%
French Creole	2	0.01%	0	0	0	0	0	0.00%
Italian	1	0.01%	0	0	0	0	0	0.00%
Krahn	1	0.01%	0	0	0	0	0	0.00%
Czech	1	0.01%	0	0	0	0	0	0.00%
Putu	1	0.01%	0	0	0	0	0	0.00%
Grand Total	19466	100%	50	36	6	4	93	100%

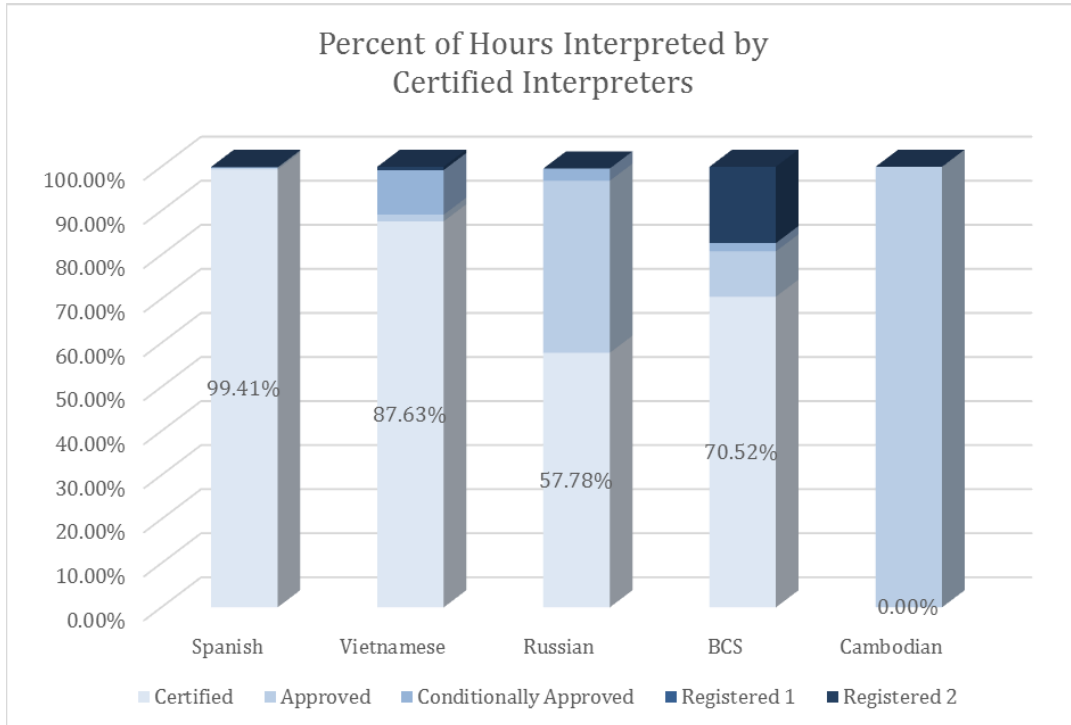
Source: FINET (FY 2015)

Table 6.



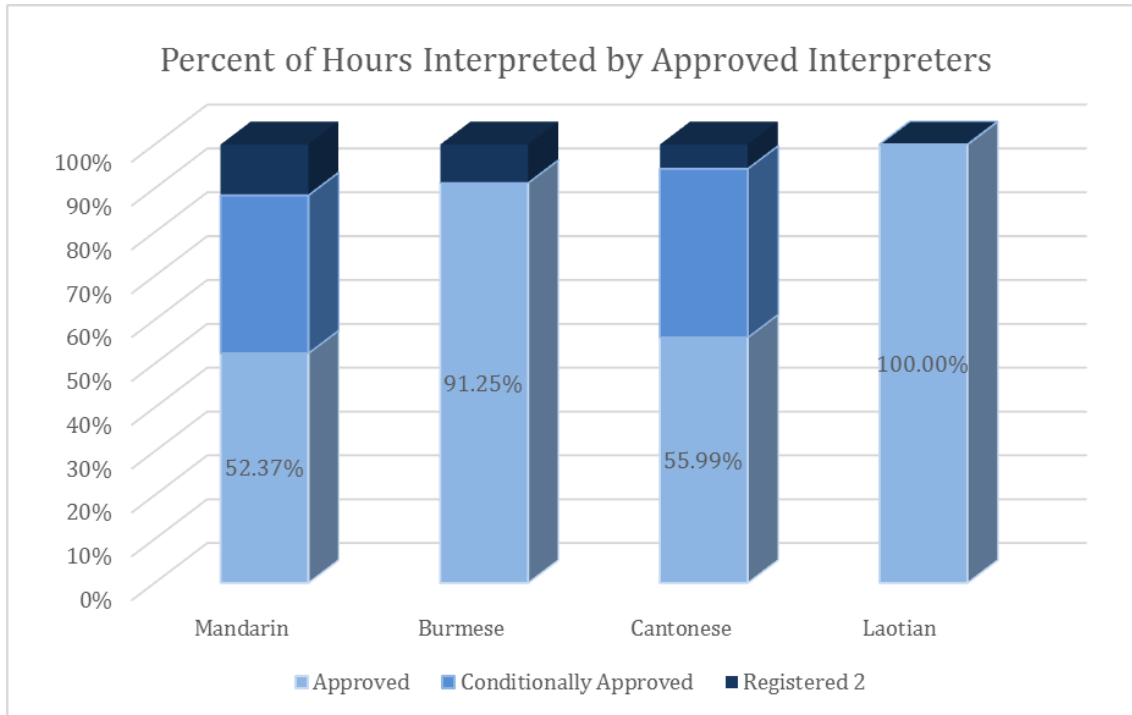
Source: FINET (FY 2015)

Table 7.



Source: FINET (FY 2015)

Table 8.



Source: FINET (FY 2015)

Interpreting

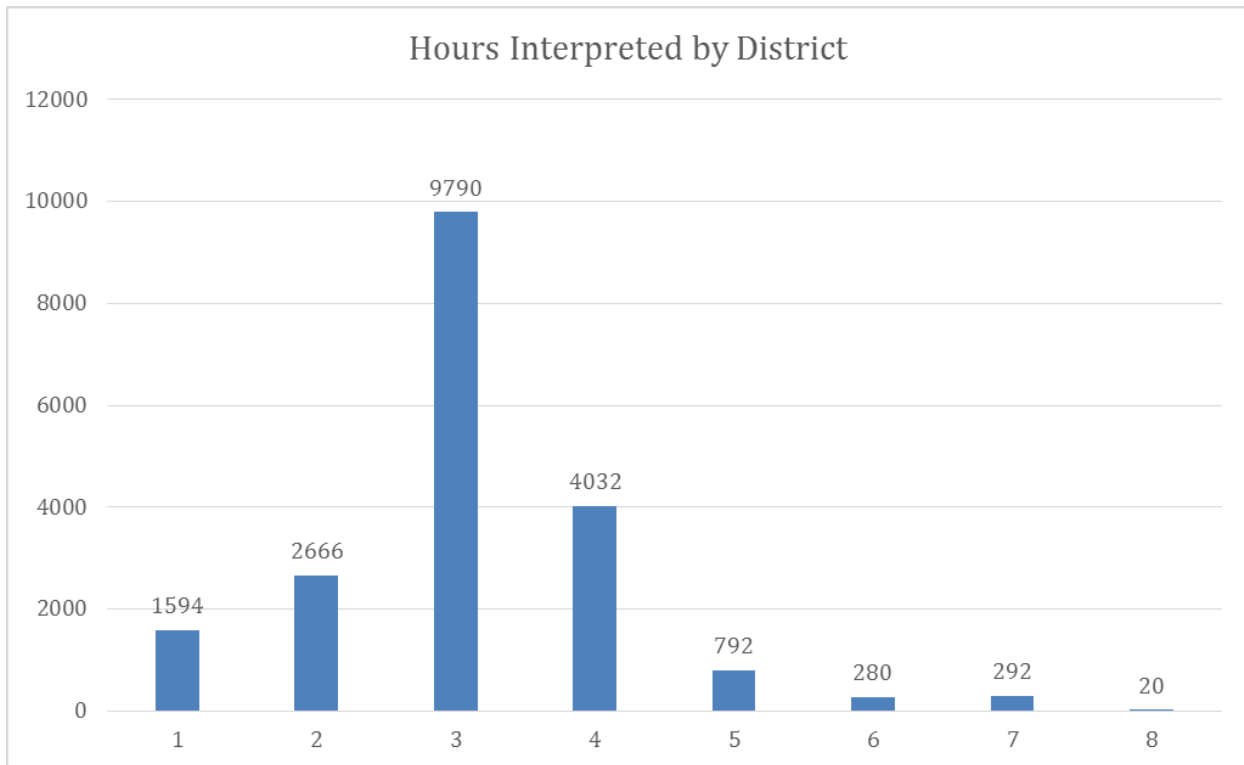
Hours Interpreted by District

With the exception of two districts, the number of hours interpreted by district stayed fairly steady. *See* Tables 9 and 10. However, in 4th district, the number of hours interpreted increased from 3,682 in 2014, to 4032 in 2015. *Id.* There was also a large decrease in 3rd district, where the number of interpreted hours decreased from 10,392 in 2014, to 9,790 in 2015.

The decrease in hours in 3rd district is likely due, at least in part, to a change in policy regarding Miscellaneous Interpreters. For a number of years, the 3rd district (including district and juvenile courts) used Miscellaneous Interpreters as back-ups for the Staff Interpreters. The Miscellaneous Interpreters were scheduled for four-hour blocks, one in the morning, and one in the afternoon, Monday through Friday.

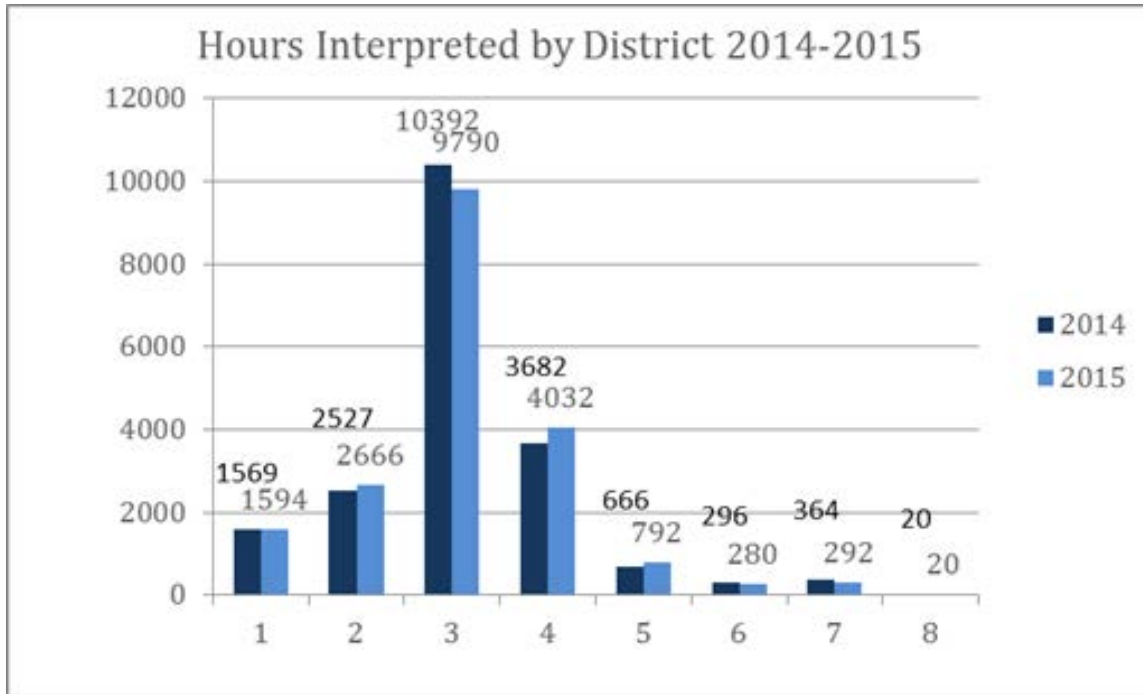
It became apparent that the Miscellaneous Interpreters were being scheduled on a daily basis, even though the Staff Interpreters were not, at times, being used to their capacity. Following an audit of this practice, the Language Access Program Manager (“Program Manager”) determined that there were numerous problems with the practice, including that Miscellaneous Interpreters were sometimes being given credit not only for the four hours they were scheduled, but also for hearings covered by them during that time. The Program Manager immediately halted this program, and the 3rd district has not been using Miscellaneous Interpreters since August 11, 2014.

Table 9.



Source: FINET (FY 2015)

Table 10.

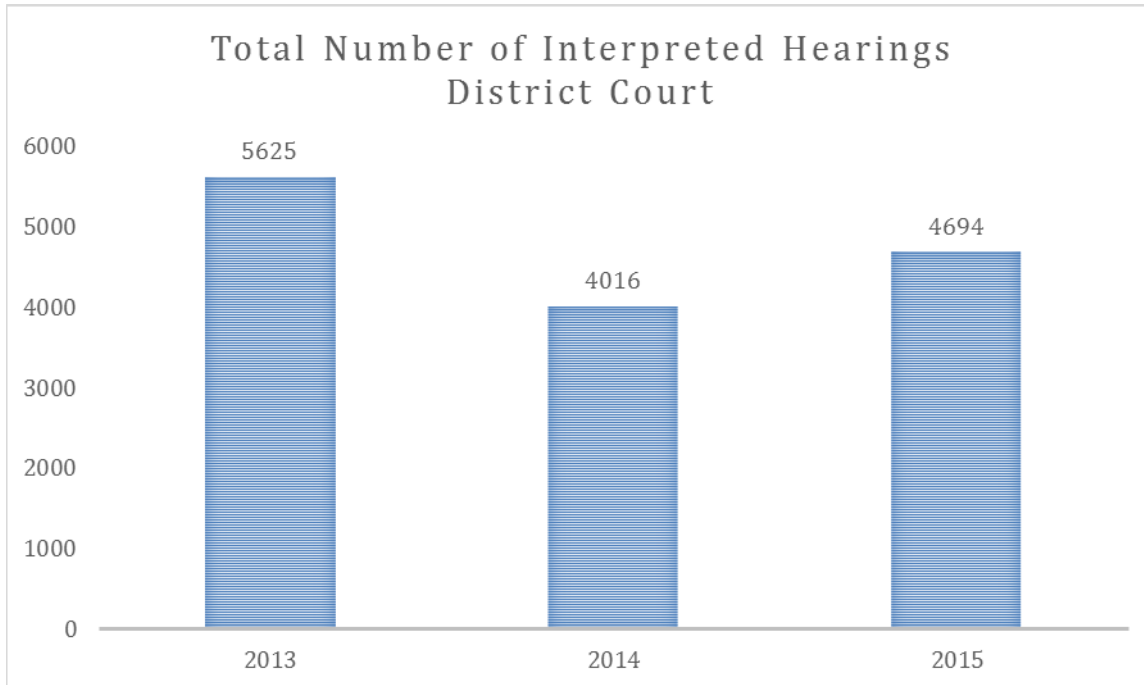


Source: FINET (FY 2014 & 2015)

District Court

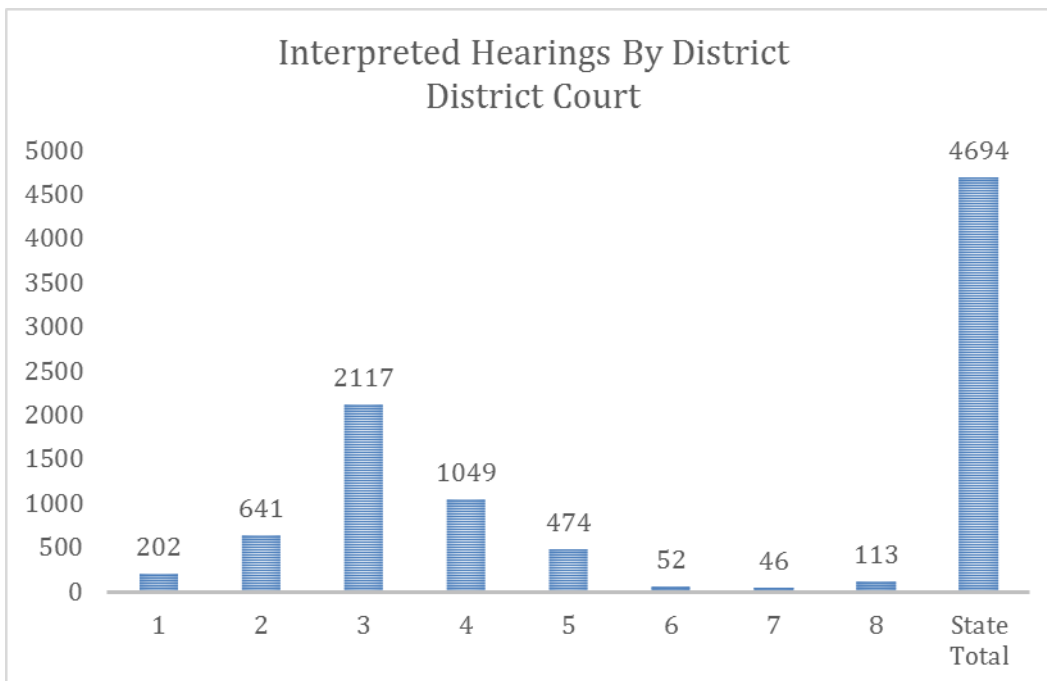
The number of hearings interpreted in district court has increased since the last FY. *See* Table 11. As in years past, the 3rd district had the most interpreted hearings, with the 2nd and 4th districts next in line. *See* Table 12.

Table 11.



Source: CORIS (FY 2013-2015)

Table 12.



Source: CORIS (FY 2015)

Table 13.

Case type	2013	2014	2015
Administrative	1	0	2
Adoption	7	11	10
Attorney Discipline	0	0	3
Civil Stalking	6	10	11
Common Law Marriage	2	4	2
Conservatorship	1	2	4
Contracts	11	0	11
Custody and Support	23	51	34
Debt Collection	24	41	44
Divorce/Annulment	100	201	183
Estate Personal Rep	0	5	5
Eviction	15	46	32
Foreign Judgment	1	3	3
Forfeiture of Property	0	0	1
Guardianship	17	54	77
Infraction	1	0	0
Involuntary Commitment	0	1	5
Lien/Mortgage Foreclosure	0	0	1
Malpractice	0	0	1
Minor's Settlement	4	16	14
Miscellaneous	2	12	8
Misdemeanor DUI	167	80	117
Name Change	5	11	19
Other Misdemeanor	813	596	625
Other Probate	0	2	2
Paternity	16	36	26
Personal Injury	2	22	3
Post-conviction Relief (Non Capital)	0	4	1
Property Damage	0	2	2
Property Rights	2	1	1
Protective Orders	103	247	226
SC Denovo District	0	2	0
SC Denovo Justice	2	12	11
Separate Maintenance	0	1	0
Small Claim	2	1	1
State Felony	4000	2572	3010
Tax Lien	0	0	1
Traffic Court Case	288	148	164
UCCJEA Child Custody Jurisdiction	0	1	1
UIFSA	1	5	3
Wrongful Death	0	0	1
Unknown	17	27	29
Grand Total	5465	4144	4694

Source: CORIS (FY 2013-2015)

Table 14.

Hearing Type	2013	2014	2015
Adoption	0	7	0
Appointment of Counsel	372	0	0
Arrestment	498	402	436
Arrestment City	0	0	30
Arrestment State	0	0	11
Bail Forfeiture	5	0	0
Bail Hearing	23	10	19
Bench Trial	0	0	43
Bench Warrant Hearing	50	50	35
Bond Hearing	1	0	3
Change of Plea	358	346	14
Competency Hearing	5	20	9
Continuance	0	273	0
Custody Hearing	0	0	2
Decision to Prelim	0	35	0
Default Judgment	0	0	3
Disposition Hearing	1	27	3
Drug Court	0	0	3
Drug Court Review	0	0	2
ECR Status 1	0	0	68
ECR Status 2	0	0	31
ECR Status 3	0	0	7
ECR Status 4	0	0	2
ECR Status Conference	32	74	8
Eviction Hearing	0	4	0
Evidentiary Hearing	0	30	1
Forfeiture Hearing	0	0	1
Garnishment	0	7	0
Guardianship	0	43	0
Immediate Occupancy	4	18	15
Initial Appearance	413	534	821
Jury Trial	0	0	124
Law and Motion	855	116	544
Minor's Settlement	0	8	0
Motion Hearing	5	0	0
Name Change	0	10	0
Oral Argument	0	21	10
Order of Examination	0	0	3
Order of Dismissal	0	5	0
Order to Show Cause	75	102	122
Other	0	268	0
Plea Bargain	5	0	0
Preliminary Hearing	331	257	500
Preliminary Injunction	0	0	1
Pretrial Conference	277	242	330

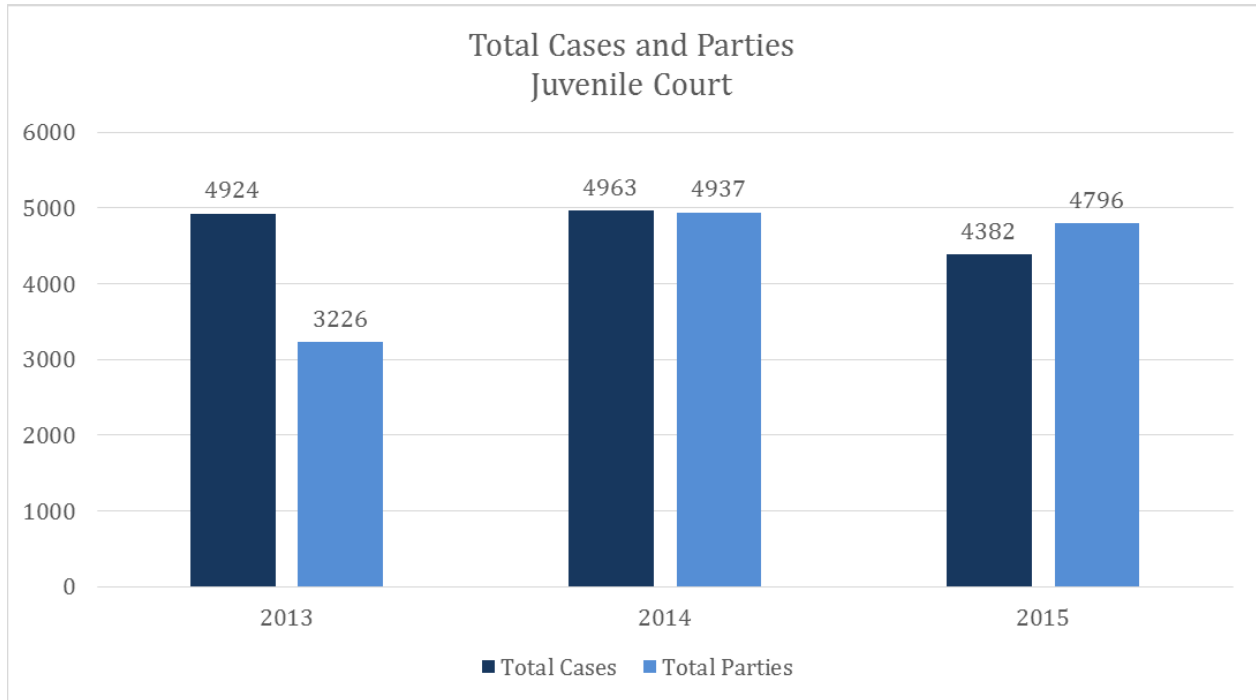
Hearing Type	2013	2014	2015
Probation Report	57	0	0
Probation Revocation	57	0	0
Protective Order	94	185	212
Remand Hearing	4	0	1
Resolution Hearing	23	0	0
Restitution Hearing	3	4	43
Review Hearing	161	149	239
Roll Call	80	47	144
Sanctions	2	0	3
Scheduling Conference	809	207	360
Sentencing	838	211	247
Status Conference	4	38	2
Status Hearing	0	0	3
Sufficiency Bond	1	0	0
Supplemental Order	1	16	5
Suppression Hearing	0	5	0
TRO	1	0	3
Trial	37	94	
Trial by Declaration	0	0	1
Trial de Novo	0	0	7
Waiver of Prelim	128	136	223
UCCJEA	0	2	0
Unknown	22	222	0
Grand Total	5632	4225	4694

Source: CORIS

Juvenile Court

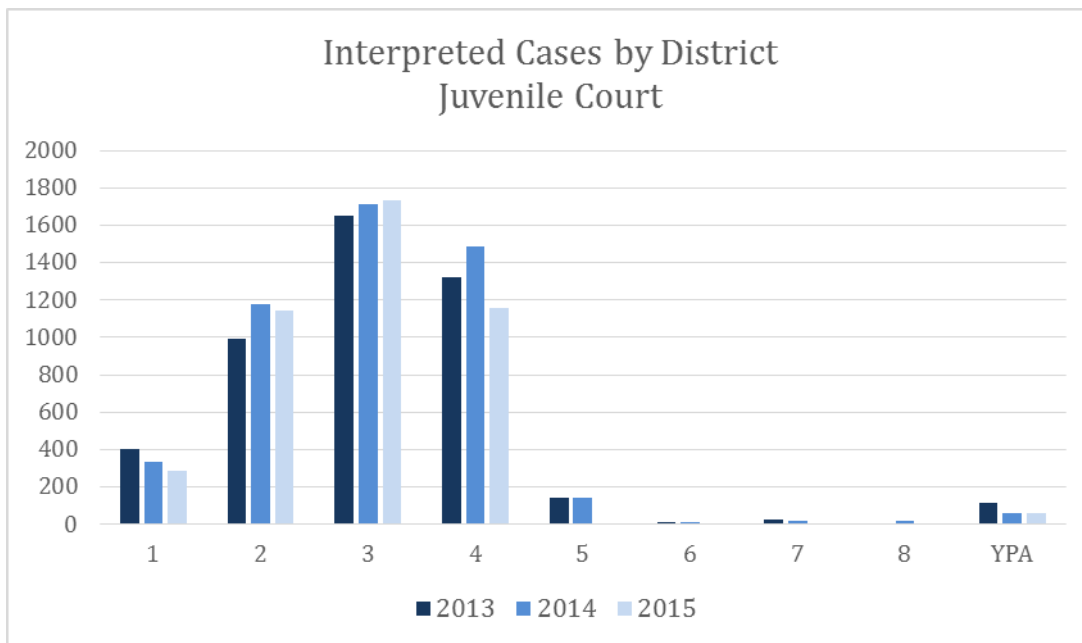
In juvenile court, the total number of cases and parties requiring interpreters decreased in FY 2015. *See* Table 15. Nevertheless, the 3rd district saw an increase in the number of interpreted cases. *See* Table 16. However, all other districts saw a decrease in the number of cases utilizing interpreters. *Id.*

Table 15.



Source: CARE (FY 2013-2015)

Table 16.



Source: CARE (FY 2013-2015)

Justice Court

As in district court and juvenile court, the number of hearings interpreted declined in justice court. *See* Table 17. In FY 2014, the number of justice court hearings that were interpreted was 6,868, while the number of interpreted hearings in FY 2015 was 6680. *See* Language Access Report (Dec. 2014); Table 17. Interpretation data from justice courts is imprecise, as justice court clerks do not consistently enter this information. Further, because interpreters are paid individually by each justice court (and at different rates) rather than the State, there is no data on how many hours are interpreted in justice court. But for the first time ever, this report includes data on the justice court locations of interpreted hearings. *See* Table 19.

Table 17.

Language	Number of Hearings Interpreted
Spanish	6019
Arabic	120
Farsi	69
Vietnamese	62
ASL	44
Other	43
Tongan	37
Somali	36
Burmese	29
Mandarin	26
Russian	21
Samoan	19
Cantonese	16
Kirundi	14
Portuguese	14
Bosnian	13
Nepali	13
Chuukese	11
Swahili	9
Korean	9
French	8
Cambodian	7
Japanese	5
Urdu	5
Hindi	4
Karen	4

Language	Number of Hearings Interpreted
Laotian	4
Mongolian	3
Thai	3
Linguistica	2
Maimai	2
Amharic/Tigrinya	2
American Sign	2
Navajo	2
Italian	1
Albanian	1
Tibetan	1
Grand Total	6680

Source: CORIS (FY 2015)

Table 18.

Case Type	2015
Unknown	6
Infraction	31
Misdemeanor DUI	722
Other Misdemeanor	1822
Parking Citation	5
Small Claim	58
Traffic Citation	7
Traffic Court Case	4029
Grand Total	6680

Source: CORIS (FY 2015)

Table 19.

Location	Number of Hearings
West Valley City	988
Ogden	468
Midvale	418
South Salt Lake	399
Salt Lake County	333
Taylorsville	327
West Jordan	327
Provo City	311
Salt Lake City	294
Murray	293
Washington Co	232
Utah County	221
Orem City	217

Location	Number of Hearings
Wasatch County	179
Logan City	136
Sandy	126
Draper	111
Springville	103
Summit County	93
Lehi	82
Iron County	73
Clearfield	67
North Salt Lake	55
Payson	54
Holladay	52
Woods Cross	48
Sunset City	38
Centerville	37
Clinton City	33
Saratoga Springs	26
Santaquin	25
Wellsville	23
Sanpete County	22
North Logan	21
Box Elder County	21
South Jordan	19
Roy/Weber Co	17
Mapleton	14
Uintah County	13
Grand County	13
Nibley	12
Harrisville	12
Goshen	10
Highland	8
Delta City	8
Vernal City	8
South Ogden	8
Sevier County	7
Riverdale	6
Riverton	6
Mantua	6
Herriman	5
Moroni City	5
Duchesne County	5
Fillmore City	5
Millard County	4
Hyde Park	4
Genola	4
South Weber	3

Location	Number of Hearings
Willard	3
Tremonton City	3
Santa Clara	3
Manti City	2
Heber City	2
Mt. Pleasant	2
Orderville	1
Manila	1
Gunnison	1
Emery Co. Castle Dale	1
Grand Total	6680

Source: CORIS (FY 2015)

Language Access Program Costs³

Language Interpreting Costs

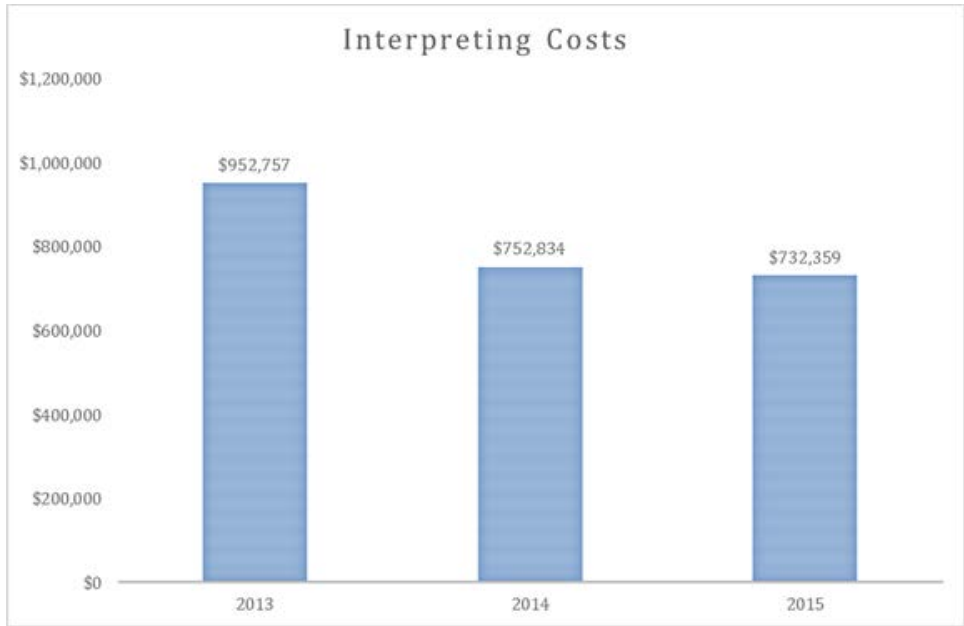
Statewide interpreting costs decreased by around \$20,000 from FY 2014 to FY 2015. *See* Table 20. Costs in the 2nd district increased slightly, while 4th district costs increased by almost \$15,000, and 5th district costs increased by around \$4,600. *See* Tables 21 and 22. The 3rd district saw a significant decrease in costs, falling \$36,927 from \$698,255 in FY 2014 to \$661,328 in FY 2015. *Id.*

The increased number of interpreted hours in FY 2015 likely accounts for the increased costs in the 2nd, 4th and 5th districts, although it is not clear from the data why the percent increase in costs in the 4th district (10%) is so significant, compared to the other two districts (0.62% and 17% respectively), when compared to the percent increase in the number of hearings.

The decrease in interpreting costs in the 3rd district is likely attributable to the decreased number of interpreted hours. This decrease in hours and connected decrease in costs is likely due, at least in part, to discontinuing the use of Miscellaneous Interpreters as noted above.

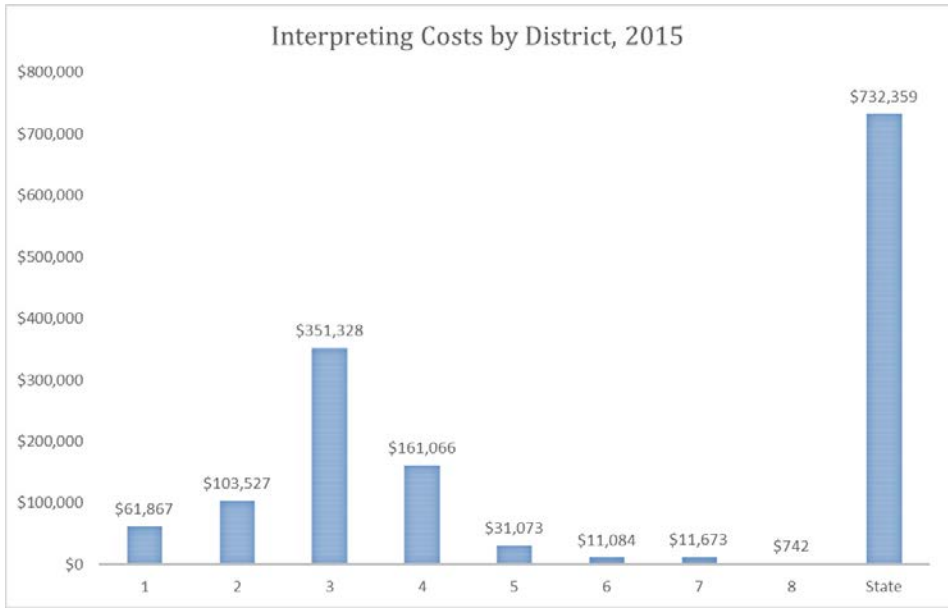
³ Language Access Program costs including interpreting and travel are paid out of the Juror Witness Interpreter (“JWI”) Fund. The Legislature approves ongoing funding for the JWI on an annual basis. Any JWI expenses in excess of the base ongoing budget are funded the next year with one-time funding in order to balance the fund.

Table 20.



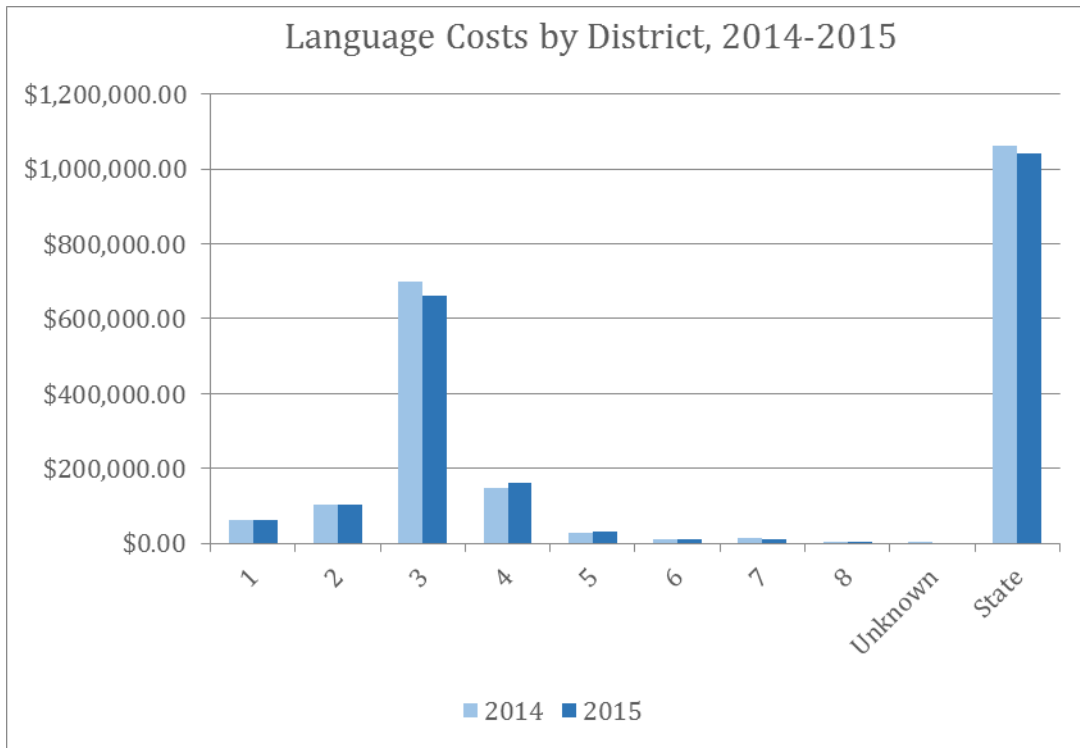
Source: FINET (FY 2015)

Table 21.



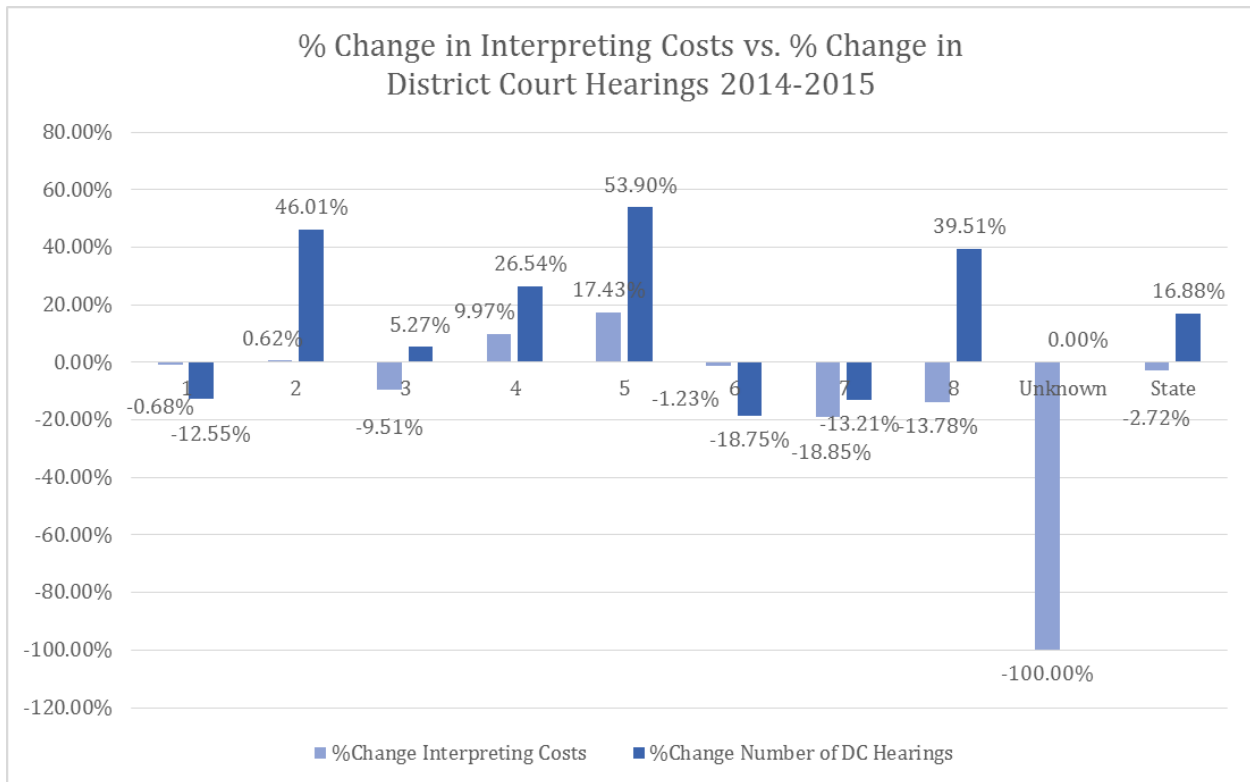
Source: FINET (FY 2015)

Table 22.



Source: FINET (FY 2014-2015)

Table 23.4



Source: FINET (FY 2014 & 2015)

Travel Costs

In FY 2015, travel costs increased by around \$7,000 statewide. *See* Table 24. Travel costs went up by around \$3,500 in the 1st district, and nearly \$7,000 in the 3rd district. *See* Tables 26 and 26. Travels costs decreased in the 7th district by roughly \$3,500, and by \$300 in the 8th district (50%). *Id.*

It is unclear from the data why travel costs increased so much in the 1st district, particularly with the decrease in hearings. However, very few interpreters live in the 1st district and, at times, it can be difficult to schedule a local interpreter. It is likely that the increased cost was due to interpreters traveling from outside areas. The data are not

⁴ This chart does not take into account the cost of the four staff interpreters, since that cost is fairly static. That cost is discussed below.

clear on what caused the increase in travel costs in 7th district. But the 7th district faces similar challenges to the 1st district in terms of scheduling local interpreters.

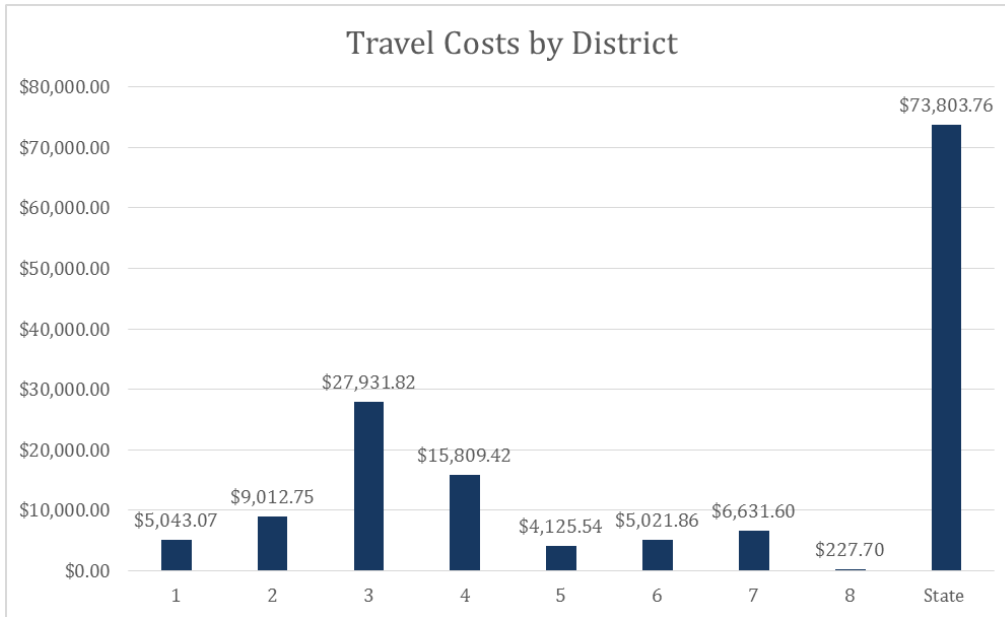
The increased travel costs in 3rd district can be attributed to cases requiring interpreters of rare languages, including Arabic, being flown in from out-of-state to cover the hearing. Although the Program utilizes remote interpreting, it is a best practice to have an in-person interpreter for trials and evidentiary hearings.

Table 24.



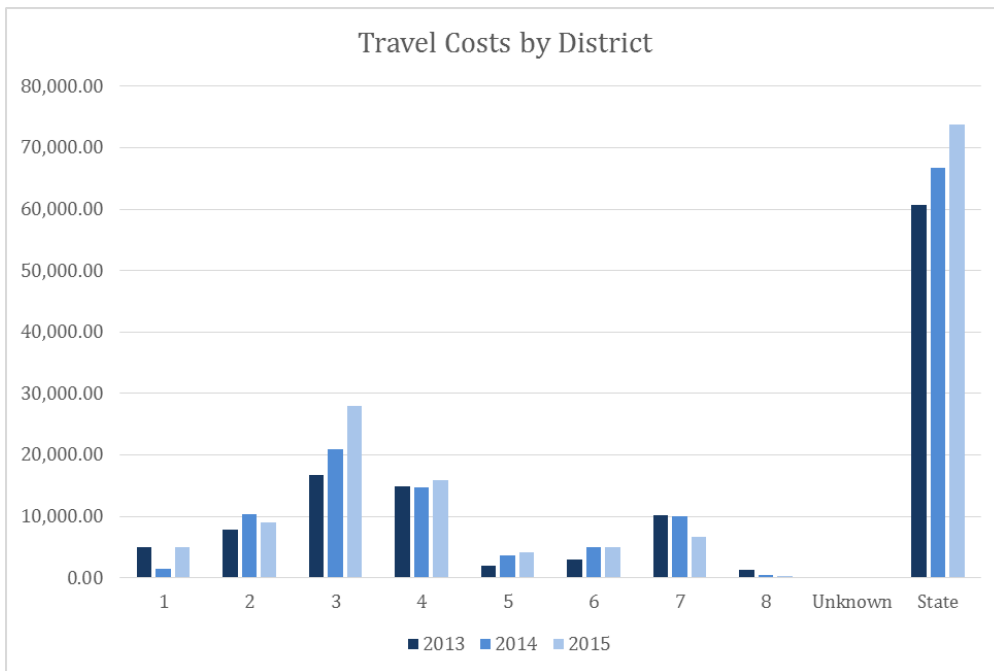
Source: FINET (FY 2013-2015)

Table 25.



Source: FINET

Table 26.



Source: FINET (FY 2013-2015)

Statewide, costs have increased by roughly \$27,000. Although this number does not quite correlate with all districts, it is in line with the 17% increase in number of interpreted hearings statewide.

Staff Interpreter Program

The 3rd district currently employs four full-time staff interpreters. Each of the staff interpreters is paid \$22.34 per hour including benefits, compared to \$39.41 per hour with no benefits for contract interpreters. The total cost to the State Courts is \$310,000.

Data Sources

FINET

FINET is the most reliable source for data because both the court and the interpreter have an interest in paying and being paid an accurate amount. Further, interpreters submit invoices for all travel and for all interpretation, both inside and outside the courtroom. To help ensure the accuracy of each invoice, interpreter coordinators sign off on them and the Language Access Program Coordinator reviews them for payment.

CORIS

CORIS provides data from district court and justice court. CORIS data is likely underreported. However, judicial assistants typically record the presence of an interpreter, so the data from CORIS provides good information on interpretation trends in the district court. However, there is currently no audit system in place to ensure that an interpreter is recorded whenever one is used. Additionally, when an interpreter interprets outside of the courtroom, those interpretations are not recorded in CORIS.

Justice court data continues to be limited, since justice courts pay their own their interpreters out of county and municipality budgets. Therefore, there is no way to know

exactly how many hearings in justice court are interpreted and, more importantly, how often the justice courts follow rule 3-306 of the Utah Code of Judicial Administration and seek to appoint a certified interpreter before moving on to a less-qualified interpreter.

CARE

CARE provides interpretation data from juvenile court. Due to the nature of juvenile court cases, CARE does not provide hearing data to CORIS. However, the CARE data provides not only the number of cases that have used an interpreter, but also the number of parties requiring an interpreter. This information is helpful, since more than one party to a case may require an interpreter.

Remote Interpreting

The remote interpreting project allows interpreters in the Third District to interpret hearings in Duchesne, Manti, Moab, Richfield, Roosevelt, and Vernal. The program has resulted in measurable benefits to the courts, including cost-savings. As an example, travel costs associated with the Eighth District decreased from \$1,234 in 2013, to \$533 in 2014, and to \$227 in 2015.

Expanding the remote interpreting project has been put on hold until it can be determined whether remote interpreting will be addressed by the remote hearings project that is currently underway.

Interpreter Information on the Courts' Website

Information about the following topics is available on the State Courts' website:

- [American Sign Language Interpreters](#)

- [Find a Court Interpreter](#) (roster of licensed 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](#) (information about the Language Access Committee's efforts)

Recommendations

1. Implement a System to Capture the Video Record in Hearings Involving ASL and Deaf Interpreters

It is extremely important that the interpretation that takes place in hearings involving ASL or Deaf parties and witnesses be captured for the record. Right now, all hearings are recorded by audio. However, unless the communication between the interpreter and the deaf person is captured on video, there is essentially no record of what was actually communicated.

As a carryover from last year's Language Access Report, a subcommittee of the Language Access Committee has been studying this issue. The subcommittee will be presenting its findings to the TCE's in the next few months, and the issue may come back to the Council as well.

2. Study the Process and Cost for Extending Remote Interpreting from Telephonic Appearances to Video Appearances

The Language Access Committee should study the cost and logistics of extending the remote interpreting program to video and should report to the Council next year. Although the remote interpreting program has been working fairly well, telephonic appearances by interpreters are not ideal. Interpreters have reported delays and problems with the remote interpreting equipment. Even when the equipment is

working well, interpreters have expressed concerns that without seeing the lips and facial expressions of those they interpret for, there are words and nuances to the communication that may be missed. The Language Access Committee's plan should consider existing equipment that may be used for this purpose.

3. Study Ways to Fund the Development of a Computer Program to Collect Interpreter Data and to Better Track the Use of Interpreters and the Associated Costs

The Language Access Program Manager should work with IT and the Finance Department to study how to fund the development of a computer program to track interpreters and interpreter costs. The Courts' systems for tracking interpreters and the associated costs are not ideal for those purposes. Data must be analyzed by hand using three different systems including, at times, pulling hundreds of individual invoices to review payments.

An interpreter program would allow for more efficient and accurate data collection. Additionally, such a program would allow the State Courts' to better track interpreter data in the justice courts. The Language Access Program Manager has worked with IT to develop a plan for a database that would track interpreters, and the recommendation is that the two continue to work together to assess alternative avenues for funding the development of the program, as well as a timeline for when it could be finished.