

Language Access Committee
Matheson Courthouse
Council Room
450 South State St.
Salt Lake City, Utah 84111

September 15, 2017

Members Present

Judge Su Chon
Michelle Draper - Chair
Mary Kaye Dixon
Amine El Fajri
Monica Greene
Gabriela Grostic
Judge Mike Leavitt (via phone)
Randall McUne
Miguel Medina
Judge Kelly Schaeffer-Bullock
Lynn Wiseman

Members Excused

Russ Pearson
Jennifer Andrus
Megan Haney

Staff

Kara Mann
Ray Wahl
Keisa L. Williams

Guests

(1) Welcome.

Michelle Draper welcomed the committee to the meeting. Ms. Draper welcomed new member Lynn Wiseman and asked current members to introduce themselves. Ms. Draper then addressed the May 19, 2017 minutes. With no changes, Judge Kelly Schaeffer-Bullock moved to approve the minutes. Mary Kaye Dixon seconded the motion. The motioned carried unanimously.

(2) Introduce Language Access Program Coordinator & Discussion on Leadership Change.

Keisa Williams introduced Kara Mann, the new Language Access Program Coordinator. Ms. Williams then discussed the change in leadership for the program. Ms. Williams clarified there would no longer be a program manager position but that she will stay in a legal advisor capacity to the program. Ms. Williams explained the program will no longer report to the legal department but will report directly to Ray Wahl. Ms. Williams explained she will no longer staff future committee meetings but will attend meetings as requested.

(3) Bench Cards on Interpreters.

Ms. Mann presented a bench card on spoken language interpreters. Ms. Mann explained each section of the bench card and why the information was important to include. Gabriela Grostic asked for clarification on what Assuming Optimal Interpretation on the bench card meant. Ms. Mann explained it is a best practice guideline for judges to ensure high-level interpreting, citing having more than one interpreter for a longer assignment as an example. Ms. Dixon shared she schedules multiple interpreters depending on the type of case and has them switch out every hour. Ms. Williams advised it depends on the complexity of the case, but that it is a judgement call. Miguel Medina agreed it does depend on the terminology or type of case.

Ms. Grostic asked how interpreters are made aware of how long they should interpret. Ms. Williams explained it is in their training and skills building classes. Ms. Williams asked Ms. Mann if she would be requiring interpreters besides those who are going through the certification process to attend the skills building workshops. Ms. Mann advised she's considered it, and reminded the committee of the various requirements for those who want to become a certified interpreter. Ms. Grostic questioned if interpreters should be required to take another orientation after interpreting for a number of years. Ms. Mann shared Ms. Williams discussed having a training every year for certified interpreters and agreed it would be beneficial to open the training up to all interpreters. Ms. Williams clarified certified interpreters are required to complete continuing education

credits every two years, but that none are offered by the program. Ms. Williams explained she had discussed having a two hour ethics training to address ethics specifically but agreed it would be a good idea to add additional training.

Judge Schaeffer-Bullock asked about the purpose of the second language stipend since according to the court rules court employees will be paid their employee wage and not the interpreter fee. Ms. Williams explained the stipend is an incentive and court employees receive the stipend for having the extra skill. Ray Wahl informed the committee most recipients work at the front counter or are probation officers. Monica Greene shared probation officers who receive the stipend usually receive additional work than what's assigned to them since they speak the language and their coworkers do not.

Ms. Grostic questioned if the wording of the first paragraph of the bench card was ambiguous. Ms. Grostic recommended having limited English proficiency as defined in the court rules instead. Ms. Mann explained the exact definition of limited English proficiency was already included on the bench card. Judge Su Chon advised the bench card was created for judges, not the public. Judge Mike Leavitt expressed he found the paragraph helpful as a marker for judges in deciding if an interpreter should be provided.

Ms. Greene moved to approve the spoken language interpreter bench card. Judge Schaeffer-Bullock seconded the motion. The motion carried unanimously.

Ms. Mann then presented the bench card on sign language interpreters and explained each section of the bench card. Ms. Dixon asked what auxiliary aids can be provided in the courtroom if a hard of hearing individual does not know sign language. Ms. Draper explained real time reporting is an option, where the hard of hearing individual sits beside a real time reporter who brings their equipment with them into the courtroom. Ms. Draper shared hard of hearing individuals typically verbalize for themselves, they just read the real time capturing to understand what is being said verbally in the courtroom.

Judge Chon asked how the court can communicate with someone who is illiterate and hard of hearing. Ms. Grostic explained a universal interpreter along with a sign language interpreter had been used before in federal court. Ms. Dixon shared in Weber county they use CDI interpreters. Ms. Draper explained CDI stands for Certified Deaf Interpreter who is deaf and works along a certified hearing interpreter. Ms. Draper then explained a CDI interpreter is a native user of the language where the certified hearing interpreter is only going to know English and American Sign Language.

Ms. Williams advised for rare situation local courts should set the court date far in advance and communicate with the program coordinator to work out a solution. Judge Chon suggested adding who to contact for such situations under the additional resources section of the bench card. Ms. Dixon suggested having contact the local interpreter coordinator, as local courts aren't going to know who the program coordinator is. Amine El Fajri suggested adding who to contact on the spoken language interpreter bench card as well.

Randall McUne questioned if the paragraph on which deaf and hard of hearing court participants have the right to an interpreter is ambiguous since it specifies providing an interpreter for parents or guardians for juveniles involved in criminal proceedings. Ms. Draper explained providing a sign language interpreter is to provide access under the ADA, and in public court, anyone has the right to an interpreter, not just those involved in the proceeding. Mr. McUne suggested changing the end of the paragraph to parents/guardians of juveniles involved in a proceeding listed above and adding juveniles since they aren't specifically listed.

Ms. Grostic asked if multiple interpreters are scheduled for parties who have adverse interests and if so should be included on the bench card. Ms. Mann explained multiple interpreters are assigned if there is an adverse interest and it is included on the bench card.

Ms. Dixon asked Ms. Draper to clarify her earlier statement that anyone who comes into a public court has the right to a sign language interpreter. Ms. Draper explained access to the court is covered under ADA and any reasonable request must be accommodated. Ms. Draper asked what's the court's policy is on the ADA and questioned if it should be included on the bench card. Ms. Williams suggested adding "Court patrons may also qualify for a certified interpreter under the Court's ADA policy" at the end of the first paragraph. Judge Chon suggested bolding the language to grab judges' attention to this possibility.

Ms. Draper suggested adding mentally in addition to physically taxing on the interpreter, as interpreters will become mentally tired before becoming physically tired.

Ms. Draper asked why the second language stipend for court employees isn't included on the sign language interpreter bench card. Ms. Mann explained at the moment only spoken languages are eligible for the stipend but there is a paragraph stating court employees shouldn't act as an interpreter.

Ms. Draper question if stronger language should be used under Capturing the Interpretation on the Record to reflect the interpreting must be recorded. Ms. Williams advised the statute doesn't state that it must be captured but that it can be captured. Ms. Draper asked if the interpreter could motion to have it recorded. Ms. Williams explained under the statute only the judge or the parties can motion to have the interpretation recorded for the record.

Mr. McUne moved to approve sign language interpreter bench card with the discussed changes. Ms. Wiseman seconded the motion. The motioned carried unanimously.

(4) Confidential Request for Exception on Score for English Written Exam.

The committee went off the record. Ms. Mann discussed a request from a conditionally approved interpreter to have the passing rate lowered for the English Written Exam.

(5) Conditionally Approved Interpreter Application Form.

The committee tabled discussion until the next meeting due to time.

(6) CJA Rule Drafts.

The committee tabled discussion until the next meeting due to time.

(7) Other Business.

There being no further business, the meeting adjourned at 1:32 pm.