

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

March 16, 2018

Members Present

Michelle Draper - Chair
Mary Kaye Dixon
Amine El Fajri
Monica Greene
Megan Haney
Chris Kunej
Randall McUne
Miguel Medina
Judge Kelly Schaeffer-Bullock
Lynn Wiseman

Members Excused

Jennifer Andrus
Judge Su Chon
Judge Michael Leavitt
Russ Pearson

Staff

Kara Mann

Guests

Ray Wahl

(1) Welcome.

Michelle Draper welcomed the committee to the meeting and welcomed new committee member Chris Kunej. Ms. Draper asked the current committee members to introduce themselves.

Ms. Draper then addressed the January 19, 2018 minutes. With no changes, Mary Kaye Dixon moved to approve the minutes. Megan Haney seconded the motion. The motion carried unanimously.

(2) Committee Presentation to Judicial Council

Ms. Draper informed the committee that on February 26, 2018, she and Kara Mann presented the yearly update on the Language Access Committee to the Judicial Council. Ms. Draper shared the Council did ask about Justice Courts and if they were in compliance with providing court interpreters. Randall McUne asked why Justice Courts see the highest number of spoken language interpreters but the lowest number of sign language interpreters. Ms. Draper shared the majority of her work as an ASL interpreter is in Justice Courts, and theorized that perhaps Justice Courts aren't properly tracking their ASL interpreter usage. Ms. Mann shared she did not know how Justice Courts tracked their ASL interpreter usage, but that she could ask Court Services for more information. Ms. Draper suggested perhaps it is because numerous courts go through interpreter agencies for ASL and that contributes to courts not properly tracking the interpreter usage.

Ray Wahl asked if the committee would like information on the budget for court interpreters. Ms. Draper asked him to please share any information that he could with the committee. Mr. Wahl explained there is a Juror/Witness/Interpreter account that has special guidelines on what can be spent from the account. Mr. Wahl shared it is a special account because it can be overspent due to courts not

knowing how many juries, witnesses, or court interpreters will be needed in a year. Mr. Wahl shared that once a year he meets with the Board of Examiners, which includes the Governor, Attorney General, and the State Auditor. Mr. Wahl shared when courts overspend that account he has to explain how much was spent, the Board of Examiners have to authorize payment for the overspent amount, and then the legislature has to fund that money to the courts. Mr. Wahl shared that for the last eighteen years the legislature has never approved any ongoing money, but rather just one-time approval money to repay the courts for what has already been spent. Mr. Wahl explained that this year the legislature approved ongoing money for the account so that the courts wouldn't have a deficit like this past year. Ms. Dixon asked what the budget was for interpreters specifically. Ms. Mann shared that the account budget is not just for court interpreters, but also for jurors and witnesses.

Judge Schaeffer-Bullock asked how interpreters are provided for jurors since jurors show up in the morning and then the trial begins that day. Ms. Draper explained the potential deaf juror would be responsible for notifying the court in advance an interpreter is needed. Ms. Draper suggested adding to the Summons instructions on if a court interpreter is needed. Mr. Wahl shared the Summons does have information about what to do if an interpreter is needed. Ms. Mann agreed with Mr. Wahl and explained the Court Forms Committee just reviewed the Summons and also made the form bilingual in English and Spanish as well.

(3) Guide on Conditionally-Approved Interpreters

Ms. Mann reminded the committee that at the last meeting the committee voted to develop a guideline on best practices for conditionally-approved interpreters. Ms. Mann explained the layout of the document and that she included the necessary steps to be completed before, during, and after a proceeding with conditionally-approved interpreters. Ms. Mann also explained she decided to include a frequently asked questions section to the document to address common questions on conditionally-approved interpreters from judges and court employees. Ms. Mann shared she plans to include this document in the manual she is developing for Interpreter Coordinators and for the court interpreters section of the handbooks for Presiding Judges, TCEs, and Clerks of Court.

Mr. Kunej asked how often conditionally-approved interpreters are used for court proceedings. Ms. Mann shared it really depends on the language, as for Spanish it never happens but for Burmese, the only interpreters within the state are all conditionally-approved. Mr. Kunej asked if conditionally-approved interpreters are used rarely overall. Ms. Mann explained she believes conditionally-approved interpreters are used more frequently than the committee knows about. Mr. McUne shared conditionally-approved interpreters are probably used more than expected outside of the Wasatch Front. Ms. Mann agreed that providing certified interpreters in the more rural areas of the state is a struggle for the courts.

Judge Schaeffer-Bullock asked about the possibility of video interpreting for the rural areas of the state, even for common languages since most interpreters are located in the Wasatch Front. Ms. Mann explained it is called video remote interpreting, or VRI for short, and that Matheson has two rooms dedicated to video remote interpreting. Ms. Mann also informed the committee that VRI is a national conversation all states are having at the moment and that the National Center for State Courts has an on-going VRI project. Judge Schaeffer-Bullock advised that Justice Courts need to know about the possibility of using interpreters by VRI at Matheson as she believes more courts would be using this technology if they knew it existed. Ms. Mann cautioned that arrangements have would still have to be made so that an interpreter is present to interpret remotely, so VRI wouldn't solve the problem of

courts not knowing a party needs an interpreter until the party is in court. Judge Schaeffer-Bullock questioned if an interpreter couldn't be available "on-call" to interpret by VRI for last minute requests from judges, as this is an issue happening throughout the state. Mr. Wahl asked if everyone is aware that special equipment is needed for VRI. Judge Schaeffer-Bullock shared she thought every court has to have the necessary equipment already in order to remote access the jails and asked if video remote interpreters would use the same system. Ms. Mann advised that she believes the access that is required for remote access to jails is more secure than the program used for VRI, and she believes a different program is used for VRI in Matheson. Mr. Wahl said it could be explored but just wants everyone to be aware special equipment is needed. Judge Schaeffer-Bullock suggested researching the statistics to see if VRI would be a viable option for courts. Monica Greene advised she used VRI when she was with a client in jail and that the technology worked but it wasn't as easy to communicate with her client or with the interpreter through the technology. Ms. Greene advised VRI would be great for a new court date but not for access to the courts. Judge Schaeffer-Bullock clarified she sees VRI as being useful for the initial hearing, not for longer hearings or trials. Ms. Mann advised Language Line could always be used to inform the defendant that the hearing is being rescheduled so that an interpreter can be present. Ms. Mann shared she understood Judge Schaeffer-Bullock's position, but that there are multiple components that need to be considered. Ms. Draper shared hospitals frequently use iPads for video remote interpreting, but that it's not the preferred method by patients. Mr. Kunej shared one national vendor for VRI leads to a lot of issues, and that VRI has been a national topic for a while. Mr. McUne asked what our court system could do with the technology we already have, rather than waiting for the national conversation to come up with the solution. Judge Schaeffer-Bullock shared Vidyo is being used now and allows for multiple parties to be connected at once. Ms. Mann advised she would look into the systems currently in place to see what options are available to address some of the needs for an interpreter.

Ms. Draper asked if there are any questions on the guidelines. Mr. McUne questioned if the word "elder" should be used under frequently asked questions since that term has a different meaning in different cultures, including in Utah. Ms. Mann shared she was trying to use "elder" as an example of someone from the community who speaks the language, but that she would change the word to clear up any confusion. Ms. Greene asked if the use of family members as interpreters should be addressed in the frequently asked questions section. Ms. Mann agreed family members should not be used and she would include that information in the last section.

(4) Standing Order of Appointment for Conditionally-Approved Interpreters.

Ms. Mann reminded the committee that at the last meeting the idea to develop a standing order for conditionally-approved interpreters was introduced. The judge would fill out the form instead of making the requisite findings verbally on the record and it would be filed in the case file. Ms. Mann advised that she had Keisa Williams, Associate General Counsel review the form, and shared that Ms. Williams thought the form was a good idea and that she approved the form. Ms. Mann shared she included the requisite findings under the court rules in the form, along with the background check requirement. Ms. Mann explained there was a section for the interpreter's name and the name of the court patron who the interpreter will be appointed to assist. Judge Schaeffer-Bullock suggested reformatting the form because the judge's signature block is alone on a separate page. Mr. McUne suggested naming the interpreter once, and then in the second paragraph referencing "the above-named interpreter". Ms. Mann advised the information should stay the same but that the look of the form could change because of the court forms process. Lynn Wiseman suggested simplifying "name of

requester” to “requester”. Megan Haney moved to approve the form with the suggested changes. Ms. Wiseman seconded the motion. The motion carried unanimously.

(5) Rule Drafts.

Ms. Mann asked the committee to table the discussion until the next meeting so that the committee could review all proposed changes at once, rather than separately. Ms. Haney asked if there was a record of all previously approved changes that the committee could review, rather than the committee debating a proposed change again. Ms. Mann shared she would create a document based on past committee minutes on the committee approved changes to the court rules. The committee agreed to table the discussion until the next meeting.

(6) Other Business.

There being no further business, the meeting adjourned at 1:14 pm.