

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

May 18, 2018

Members Present

Michelle Draper - Chair
Amine El Fajri
Megan Haney
Chris Kunej
Judge Michael Leavitt
Randall McUne
Russ Pearson
Judge Kelly Schaeffer-Bullock
Lynn Wiseman

Members Excused

Judge Su Chon
Mary Kaye Dixon
Monica Greene

Staff

Kara Mann
Jeni Wood - recording secretary

Guests

(1) Welcome.

Randall McUne welcomed the committee to the meeting. Mr. McUne noted Michelle Draper would be late to the meeting.

Mr. McUne then addressed the March 16, 2018 minutes. With no changes, Lynn Wiseman moved to approve the minutes. Judge Michael Leavitt seconded the motion. The motion carried unanimously.

(2) Second Language Stipend Update

Kara Mann reviewed the discussion from the TCE meeting she attended. Ms. Mann noted the TCE's approved amending the current policy on the mandatory waiting period for employees who fail to pass the language assessment. Court employees who do not pass the test the first time must now wait three months instead of six months before being allowed to retest. Employees who receive the stipend but do not pass the required retest must now wait six months instead of a year before being allowed to retest. Ms. Mann reviewed the history of pass/fails for the past two years. The passing score is 9 for the second language stipend test.

Judge Leavitt said he agrees with the change for retaking the tests because some of the testing can be subjective.

(3) CONFIDENTIAL - Committee Member Search

Judge Kelly Schaeffer-Bullock moved to continue this portion of the meeting off the record to discuss membership. Megan Haney seconded the motion. The motion carried unanimously.

The meeting continued on the record.

(4) Rule Drafts: CJA Rules 3-306.01; 3-306.02; 3-306.03; 3-306.04; 3-306.05

Ms. Mann provided a history of rule changes for the above listed rules. Each rule proposal was reviewed.

Ms. Haney said in the past interpreters have expressed concern about proposed rule 3-306.03(8) guaranteeing appointments. Mr. Kunej clarified section (8) as reading the Administrative Office of the Courts has sole discretion over interpreter appointments, which could lead to favoritism. Ms. Mann explained the interpreter coordinators decide which interpreter they will assign appointments. Judge Leavitt said this section ensures the appointments are in compliance with the rules. Ms. Draper stated the interpreters are competitive since they typically are independent contractors. Therefore, she prefers the choice of assignments being kept with the courts. Mr. Kunej noted other states have more levels of interpreters available. Ms. Wiseman said they have five interpreters near her court but they are difficult to appoint assignments for various reasons.

Ms. Mann explained the main change in rule 3-306.04 clarified employee second language stipends.

Ms. Mann discussed the significant changes to rule 3-306.05. One major change deals with interpreter discipline. Ms. Mann explained the concern with limiting the disciplinary actions to one reviewer. The proposal would be to have a discipline subcommittee consisting of at least one interpreter and at least one judge or attorney. The subcommittee would automatically review the complaint, without having an interpreter request this process. Ms. Mann clarified any person can file a complaint against an interpreter but only a judge or commissioner has the authority to remove an interpreter from their courtroom. Judge Schaeffer-Bullock said the judges should have discretion of their definitions of professionalism in their courtroom, rather than to have a rule defining "appropriate." Ms. Mann said she does not receive frivolous formal complaints.

Ms. Mann next addressed discipline against staff interpreters. All court employee complaints and disciplines must be forwarded to Human Resources. Ms. Mann reviewed this proposed rule with Keisa Williams from the General Counsel's office and the Director of Human Resources. Ms. Draper questioned if Human Resources would report discipline results to other agencies. Ms. Mann said she believed Human Resources would not be able to report any discipline actions against a staff interpreter with anyone, including other agencies.

Rule 3-306.01: Ms. Haney moved to approve the proposed changes to rule 3-306.01 as presented. Ms. Draper seconded the motion. The motion carried unanimously.

Rule 3-306.02: Judge Leavitt moved to approve the proposed changes to rule 3-306.02 as presented. Russ Pearson seconded the motion. The motion carried unanimously.

Rule 3-306.03: Mr. Pearson moved to approve the proposed changes to rule 3-306.03 as amended to include the word "guarantee." Ms. Haney seconded the motion. The motion carried unanimously.

Rule 3-306.04: Judge Schaeffer-Bullock moved to approve the proposed changes to rule 3-306.04 as presented. Mr. Pearson seconded the motion. The motion carried unanimously.

Rule 3-306.05: Judge Leavitt moved to approve the proposed changes to rule 3-306.05 as presented with the stipulation that Ms. Mann will review the reporting requirements with Human Resources. Judge Schaeffer-Bullock seconded the motion. The motion carried unanimously.

(5) Next Meeting Date.

The next committee meeting will be held July 20 in the executive dining room.

(6) Other Business.

Judge Leavitt moved to continue this portion of the meeting off the record to discuss an interpreter. Judge Schaeffer-Bullock seconded the motion. The motion carried unanimously.

The meeting continued on the record.

There being no further business, the meeting adjourned at 1:24 p.m.