

Agenda
Language Access Committee Meeting
 January 15, 2021
 12:00 – 2:00 p.m.

Administrative Office of the Courts
 Scott M. Matheson Courthouse
 450 South State Street
Via Videoconference

12:00	Welcome, Discussion, and Approval of Minutes	Discussion/ Action	Tab 1	Lynn Wiseman
12:05	Introduction- The Director of the Office of Fairness and Accountability	Discussion		Kara Mann Jonathan Puente
12:10	Updates and News • Credentialing Subcommittee	Information		Kara Mann
12:15	ASL Committee Vacancy	Discussion/ Action	Tab 2	Kara Mann
12:20	Chair Nominations	Discussion/ Action	Tab 3	Kara Mann
12:50	Proposed Reciprocity Rule • History of the Reciprocity Policy	Discussion/ Action	Tab 4 Tab 5	Kara Mann Judge Leavitt
1:20	Continuing Education Cycle • Next Cycle End Date • Discussion on the number of CE hours allowed from one provider	Discussion/ Action	Tab 6	Kara Mann
2:00	Adjourn			Lynn Wiseman

2021 Meeting Schedule:

- March 19, 2021
- May 21, 2021
- July 9, 2021
- September 17, 2021
- November 19, 2021

Tab 1

Language Access Committee
Videoconference Webex

September 18, 2020

Draft

Members Present

Evangelina Burrows
Yadira Call
Amine El Fajri
Rory Jones
Judge Michael Leavitt
Russ Pearson
Judge Michael Westfall
Lynn Wiseman- Chair

Members Excused

Judge Kelly Schaeffer-Bullock

Staff

Kara Mann

(1) Welcome

Lynn Wiseman welcomed committee members to the meeting. Ms. Wiseman addressed the July 17, 2020 minutes. Russ Pearson moved to approve the minutes. Rory Jones seconded the motion. The motion carried unanimously.

(2) Updates and News

Kara Mann provided information to the committee on:

- Simultaneous Interpreting.
 - Ms. Mann advised Brent Johnson, General Counsel will be issuing a legal opinion on if simultaneous interpreting should be captured on the record.
- Invoice Subcommittee.
 - Ms. Mann advised the invoice subcommittee met and is working on re-drafting the interpreter invoice.
- Interpreter Equipment.
 - Ms. Mann advised the Language Access Program purchased ten new sets of the interpreter equipment. Ms. Mann shared she recently was awarded a grant through the Utah Bar Foundation that will allow her to purchase a set of interpreter equipment for each district and juvenile court judge and commissioner in Salt Lake County. Ms. Mann clarified the grant was specific to Salt Lake County, which is why it can only be applied to the judges and commissioners in that county. Ms. Mann advised this will allow all ten of the recently purchased interpreter equipment sets to go to the other districts.
- Restructuring of the Program.
 - Ms. Mann advised the Language Access Program was being restructured into the newly developed Office of Fairness and Accountability. Ms. Mann shared she would report to the new director of that office, and that the new director might become involved with the committee.

(3) Proposed Reciprocity Rule

Ms. Mann informed the committee that as she was preparing the reciprocity rule for the Policy and Planning Committee, it occurred to her that the rule included language approving reciprocity for approved court interpreters. Ms. Mann shared she believed reciprocity was only recognized for certified court interpreters.

Amine El Fajri agreed that he had never heard of a state allowing reciprocity for approved interpreters. Judge Michael Leavitt asked Ms. Mann to research the origin of the informal reciprocity policy, which did allow reciprocity for approved court interpreters. Mr. Pearson asked Ms. Mann to research if other states offer reciprocity for court interpreters of below the certified credentialing level.

Ms. Mann shared she would report back to the committee at the next meeting.

4) Second Language Stipends for Court Employees

Ms. Mann reminded the committee that at the last meeting the committee approved an assessment to be sent out to all court employees who receive the second language stipend. Ms. Mann advised she had compiled the results of the assessment into a report that was included in the meeting materials. Ms. Mann asked if the report should be shared with the TCEs, and how the employees who receive the stipend could help by telephone in other districts.

Judge Leavitt agreed the report should be shared with the TCEs, and suggested asking the TCEs how sharing employees who receive the stipend could work. Judge Leavitt suggested perhaps a master calendar to show availability. Mr. Jones suggested a master list that could be shared on the intranet so that the court employees could be contacted by telephone to see if they're available to help interpret over the phone. Mr. Pearson suggested working with HR to rebrand the stipends not as a burden, but rather as a skill that helps the community and furthers the courts' work.

(5) Interpreter Training and Testing Requirements during the Pandemic

Ms. Mann shared the COVID-19 pandemic has caused the courts to pause all in-person interpreter training and testing requirements. Ms. Mann advised this is creating a backlog for interpreter candidates going through the process. Ms. Mann advised two testing requirements, the English Written Exam and the Oral Proficiency Exam, will have to continue being paused as the National Center for State Courts advised after the pandemic began that courts could not hold these exams online due to test security concerns. Ms. Mann shared there might not be a solution for the 10 hours of in-court observation. Judge Leavitt suggested perhaps we allow some in-court observation in WebEx.

Ms. Wiseman suggested asking the COVID Pandemic Response Team on if the interpreter requirements could be offered in person when a district is moved down to yellow.

Mr. Pearson motioned forming a subcommittee to address the issue. Judge Leavitt seconded, and the motion passed unanimously.

Mr. Pearson, Mr. Jones, and Ms. Wiseman volunteered to serve on the subcommittee.

(6) 2021 Committee Meeting Dates

The committee discussed the following 2021 meeting dates.

- January 15, 2021
- March 19, 2021
- May 21, 2021
- July 9, 2021
- September 17, 2021
- November 19, 2021

Ms. Wiseman motioned to approve the meeting dates. Mr. Jones seconded the motion and the motion carried unanimously.

(6) Adjourn

There being no further business, the meeting adjourned at 1:15 p.m.

Tab 2

Confidential

Tab 3

Committee Member	Current Term End Date	Option of a Second Term
Evangelina Burrows	June 22, 2023	Yes
Yadira Call	June 25, 2021	Yes
Amine El Fajri	April 30, 2021	No
Rory Jones	February 25, 2023	Yes
Judge Michael Leavitt	April 25, 2022	No
Russ Pearson	April 1, 2022	No
Judge Kelly Schaeffer-Bullock	April 24, 2023	No
Judge Michael Westfall	June 22, 2023	Yes

Tab 4

The reciprocity policy has remained unchanged going back to January 14, 2012.

Interpreters from Other States

Utah recognizes comparable credentials from other states. Subject to compliance with the requirements in the next paragraph, an interpreter who has been rated as Superior on the Oral Proficiency Interview administered in another state will be recognized as an Approved Court Interpreter in Utah. And an interpreter who has passed the Certification Examination administered in another state with a score of at least 70% on all three parts will be recognized as a Certified Court Interpreter in Utah.

The candidate must complete the Utah [Application to Become a Court Interpreter](#) (utahcip.wufoo.com), pass the background check, and pass the examination on the [Code of Professional Responsibility for Court Interpreters](#). The other [Basic Steps](#) are waived. Nevertheless, only interpreters residing in Utah will be listed on the official roster. To remain credentialed in Utah, Court Interpreters must meet the [Continuing Requirements for Court Interpreters](#).

Tab 5

PROPOSED RECIPROCITY RULE

Utah Rules of Judicial Administration 3-306.06 Interpreter Reciprocity

Intent:

To outline the standards for allowing individuals from other states to interpret in Utah courts.

Applicability:

This rule shall apply to the Language Access Program Coordinator, the Language Access Committee, interpreter coordinators, and court interpreters.

Statement of the Rule:

(1) Definitions

(1)(A) "Oral Proficiency Interview" means a language assessment test administered by an ACTFL tester through a provider as determined by the Language Access Program and the Language Access Committee.

(1)(B) "Certification Examination" means the three-part Oral Proficiency Exam developed by the National Center for State Courts.

(2) Utah courts will grant reciprocity to an individual certified through the state in which they reside-upon the following conditions:

(2)(A) complete a Utah application to become a court interpreter;

(2)(B) pass a criminal background check;

(2)(C) complete the examination for the Code of Professional Responsibility for Court Interpreters and receiving a passing score; and

(2)(D) complete the following requirements:

(2)(D)(i) **Approved Interpreter. An individual who has completed (2)(A) through (2)(C) and has received a Superior rating after completing the Oral Proficiency Interview administered by another state will be authorized to interpret in Utah courts as an Approved Interpreter.**

(2)(D)(ii) **Certified Interpreter. An individual who has completed (2)(A) through (2)(D)(i), has taken all three parts of the Certification Examination administered by another state and received a passing score of 70% or better on each part and subpart will be authorized to interpret in Utah courts as a Certified Interpreter.**

(3) After being granted reciprocity, to remain credentialed, interpreters must meet all continuing requirements for Utah court interpreters.

Tab 6

Continuing Education Requirements

Utah Administrative Office of the Courts Continuing Education Requirements for State Certified Court Interpreters and Federally Certified Interpreters Who Serve in the State Courts

1. **PURPOSE** Continuing education is required by the Utah Judicial Council and the Administrative Office of the Courts to ensure that state certified interpreters (and federally certified interpreters who serve in the state courts) maintain and improve their interpreting skills, and expand their vocabulary in forensic, scientific, drug, slang, and legal terminology. Additionally, continuing education is required to ensure that certified interpreters are in compliance with Rule 3-306.01-.05 and the Code of Professional Responsibility for Court Interpreters.
2. **APPLICATION** These requirements apply to interpreters who are certified interpreters in the state of Utah, or who are federally certified interpreters who wish to interpret as certified interpreters in the Utah State Courts. Meeting these requirements is a condition for continued certification of court interpreters.
3. **CONTINUING EDUCATION REQUIREMENT**
 - A. Continuing education" refers to approved educational completed by the interpreter after successfully passing the certification examination.
 - B. All certified interpreters must complete sixteen (16) hours of approved continuing education during each two-year compliance period.
 - C. There are four means by which an interpreter may obtain continuing education credits:
 1. Language-specific interpreting and translating education;
 2. Nonlanguage-specific interpreting and translating education, and education related to law;
 3. Education related to professionalism, cultural competency, and ethics (interpreters must have a MINIMUM of four hours of education in ethics); and/or,
 4. Independent learning such as teaching an interpreter-related course, mentoring a new interpreter, self-study, or writing articles relevant to court interpreting for professional journals. An interpreter can receive a maximum of 4 hours credit in independent learning in any given compliance period.

Self study programs may be used to obtain continuing education credits. In order for a certified interpreter to obtain credits for self-study programs, the interpreter must submit a plan for the self-study program to the Administrative Office of the Courts that includes:

- a. The names, addresses and certification status of two or more interpreters studying together;
- b. Description of the materials to be studied; and
- c. A schedule of the times the interpreters will meet for self study (a minimum of two hours per month for a minimum of two consecutive months); and the address of where the interpreters will meet for self study.

The plan for the self-study program must be submitted at least 30 days prior to the beginning of the program. A self-study program will not be accepted for evaluation for continuing education credit after the program has been completed.

Once a plan is submitted, the AOC will evaluate whether a self-study program qualifies for continuing education credits. The interpreters submitting the plan will be notified in writing whether the self-study program is accepted or rejected, and the explanations or suggestions for change will be provided, if rejected.

At the completion of the self-study program, participating interpreters must sign an affirmation of the hours studied and submit a summary or evaluation of the self-study program. Staff from the AOC or a designee may observe an interpreter's self-study program at anytime without prior notice.

- D. Each AOC approved class hour shall be counted as one hour of continuing education. Credit will not be given in quarter-hour segments. However, credit will be given in half-hour segments after the completion of one full hour of an approved continuing education course. No credit will be given for attending only a portion of a participatory activity. Arriving late or leaving early will result in the interpreter not receiving any continuing education credit for the course.
- E. Examples of "Participatory Activities" include courses, workshops, lectures, or other activities at which attendance is monitored and verified. Participatory continuing education activities may include courses offered at accredited institutions of higher learning or conferences or workshops sponsored by professional organizations.
- F. To receive continuing education credit for an educational activity, the interpreter must submit information regarding the activity (e.g., description of curriculum, agenda of conference, etc.) to the Administrative Office of the Courts, and must receive approval prior to attendance at the activity.

- G. Any interpreter who wishes to receive continuing education credit must be able to show proof of having taken the course or attended the conference or workshop (e.g., an official transcript from the university or college, or a receipt and/or certificate of completion from the conference or workshop).

4. **COMPLIANCE**

- A. Each certified interpreter is required to submit a completed Continuing Education Compliance Form to the Administrative Office of the Courts (AOC), every two years. The 24-month time period begins on January 1st following the date an interpreter becomes certified and is awarded the Utah State Certified Court Interpreter Certificate. The Administrative Office of the Courts will provide each certified interpreter with the approved compliance form to be submitted.
- B. Non-compliance with the continuing education requirement shall result in the interpreter's name being removed from the Utah State Courts' list of certified interpreters. Interpreters whose names have been deleted from the list for non-compliance with the continuing education requirement shall not be given interpreting assignments with the courts. Interpreters will not be added back onto the list until the continuing education requirement is met.