

Agenda
Language Access Committee Meeting
 May 21, 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	Judge Leavitt
12:05	Reopening Strain on Court Interpreters <ul style="list-style-type: none"> • Suggested Protocols 	Discussion/ Action	Tab 2	Kara Mann
12:35	Proposed Mentoring Program	Discussion/ Action	Tab 3	Kara Mann
1:00	Revised Conditionally-Approved Interpreter Form	Discussion/ Action	Tab 4	Kara Mann
1:20	Continuing Education Policy	Discussion/ Action	Tab 5	Kara Mann
1:40	Adjourn			Judge Leavitt

2021 Meeting Schedule

- July 9, 2021
- September 17, 2021
- November 19, 2021

Tab 1

Language Access Committee
Videoconference Webex

March 19, 2021

Draft

Members Present

Evangelina Burrows
Amine El Fajri
Rory Jones
Judge Michael Leavitt - Chair
Russ Pearson
Chip Royce
Judge Kelly Schaeffer-Bullock
Judge Michael Westfall

Members Excused

Yadira Call

Staff

Kara Mann

(1) Welcome

Judge Michael Leavitt welcomed committee members to the meeting, and introduced new committee member Chip Royce. Judge Leavitt addressed the January 15, 2021 minutes. Judge Kelly Schaeffer-Bullock moved to approve the minutes. Evangelina Burrows seconded the motion. The motion carried unanimously.

(2) Proposed Court Rule on Recorded Evidence

Kara Mann reminded the committee about past discussions regarding having court interpreters translate recorded evidence on the spot during court proceedings, which is against best practices. Ms. Mann reminded the committee that a memo had been drafted and reviewed at a past committee meeting, but that a court rule was recommended instead. Ms. Mann introduced the court rule that was drafted and had been reviewed by legal.

Judge Michael Westfall expressed concern that the proposed court rule would greatly impact other court rules and timelines. Judge Westfall explained that realistically attorneys are still gathering information and getting ready until close to the time the trial starts, and that this proposed rule would delay trials. Judge Westfall also shared this proposed rule would have an effect on preliminary hearings held 14 days after an initial appearance.

After discussion, Judge Leavitt asked Ms. Mann to run the proposed court rule by the Rules of Criminal Procedure Committee and the Rules of Civil Procedure Committee to ask the effect the proposed court rule would have on their court rules and if they would amend their rules to accommodate this issue.

Chip Royce suggested Ms. Mann include a detailed report on why the proposed court rule is necessary.

(3) Translation Memo

Ms. Mann shared she was asked by the Court Forms Committee to provide guidance on developing a process to determine which court forms should be translated and which languages the forms should be translated into.

Ms. Mann reviewed the memo included in the meeting materials. The memo outlines four parameters for the Court Forms Committee to consider as a procedure for translating court forms.

- I. Prioritizing Court Forms Based on Case Type
- II. Prioritizing Languages for Translations
- III. Costs
- IV. Method of Translation

Mr. Royce asked if a deaf party can't view the form in their native language, is that language access. Mr. Royce explained American Sign Language is a deaf party's native language, not written English, and that having forms or information in their native language will help with comprehension of the information. Mr. Royce asked if ASL videos on the court forms would be possible, and asked what other states doing. Judge Leavitt advised those are important considerations but that it would be a separate issue to tackle. Judge Leavitt shared the request by the Court Forms Committee is specifically about translating court forms for spoken languages.

Rory Jones suggested having second language stipend employees complete a first translation of the forms and then having the translators review their translation to make any necessary changes or corrections, especially if there's a backlog of forms. Ms. Mann shared that could be suggested to the Court Forms Committee, although she was hesitant to add to the workload of second language stipend employees. Judge Leavitt advised leaving the suggestion off of the memo to leave it up to the Court Forms Committee.

Rory Jones motioned to approve the memo and for it to be sent to the Court Forms Committee. Russ Pearson seconded the motion. The motion passed unanimously.

(4) Reauthorization Memo

Ms. Mann shared the Language Access Committee is set to end in 2021, and that a memo to reauthorize the committee for another six years must be submitted to the Management Committee and the Judicial Council. Ms. Mann advised the memo outlines the committee's accomplishments over the past six years and outlines that the committee should be reauthorized for another six years since the need will remain for a committee to review and update Utah State Courts' language access policies and procedures.

Judge Schaeffer-Bullock motioned to approve the memo and to send it to the Management Committee and the Judicial Council. Judge Westfall seconded and the motion passed unanimously.

(5) 2020 Committee Report

Ms. Mann reminded the committee that every year a committee report is presented to the Judicial Council. Ms. Mann reviewed the 2021 Committee Report and asked for feedback.

Judge Leavitt suggested adding that the committee reviews reciprocity requests and other special requests by court interpreters.

Judge Leavitt advised he did not believe a motion would be needed for this report and said it would be shared with the Judicial Council at their meeting next month.

(6) Continuing Education

Ms. Mann advised there isn't a mechanism in place to alert certified court interpreters when a course is approved for continuing education credit. Ms. Mann shared that some providers will list on their website if the course is approved by Utah, but that interpreters still contact her to verify that it is an approved course.

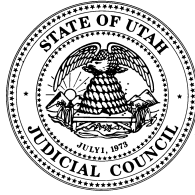
Ms. Mann shared a webpage could be set up with a list of approved courses, but that there are last-minute approval requests which may not be added until after the course occurs, as she'll have to send updates to another court employee who will then add it to the webpage.

Judge Leavitt suggested instead to send out an email blast every month directly to certified interpreters instead.

(7) Adjourn

There being no further business, the meeting adjourned.

Tab 2



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

May 14, 2021

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Pandemic Response Team

FROM: Language Access Committee

RE: Reopening Considerations for Court Interpreters

As Utah State Courts reopen and begin to schedule the growing backlog of jury trials, it is important to recognize the role that court interpreters will play during this period. Interpreters are a finite resource that all courts rely on. Scheduling jury trials that require court interpreters without thoughtful considerations may lead to more jury trials being scheduled than we have available interpreters, especially since proceedings over one hour require two interpreters.

Although there have been discussions on bringing on temporary judges and court personnel to help with the backlog, that most likely will not be a feasible option with court interpreters. As courts throughout the country start scheduling the backlog of hearings and trials, there will be an increased demand nationwide on court interpreters.

As the Risk Phase Response Plan is revised with new guidelines, The Language Access Committee recommends considering the following suggestions to alleviate the strain that will be placed on interpreter resources.

- Coordination between the districts and the Interpreter Coordinators will be the key to ensuring cases requiring interpreters are appropriately spaced out. Districts should watch the scheduling of jury trials that will require interpreter assistance to ensure there aren't numerous jury trials scheduled for the same days. Spanish is the most requested language, and it's very likely that without thoughtful scheduling, some weeks the demand will outstrip supply.
- Counsel should alert the court as soon as possible when defendants, victims, or witnesses will need interpreter assistance. Judges should inform counsel that last minute interpreter requests are likely to go unfilled.

**The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.**

- If a limited English proficient party speaks more than one language, the Interpreter Coordinator should be provided with that information. For example, many individuals from African nations speak more than one language. If an interpreter cannot be found in their preferred language, interpreter assistance may be available in their alternative language.
- Details on the length of time an interpreter will actually be needed will be important. For example, if a jury trial is set for three days, but a witness requiring a court interpreter will only be testifying one afternoon, then that information can help the Interpreter Coordinators with scheduling.
- Some deaf parties will require a Certified Deaf Interpreter (“CDI”, interpreters who are deaf themselves) in addition to the American Sign Language interpreter. CDIs and ALS interpreters work together to relay interpret. Depending on the length of the proceeding, it might be possible that two ASL interpreters and two CDIs will be necessary. CDIs are in high demand, and early requests are more likely to be filled.
- The number of CART providers in Utah is quite limited, but during the pandemic the need for their services increased. CART (captioning) providers are considered an ADA accommodation for deaf or hard-of-hearing parties who do not know American Sign Language. CART providers must have certain accreditation from the National Reporters Association, and just like court interpreters are in high demand nationally. Trials and longer proceedings that require a CART provider should be scheduled at least six weeks in advance, especially if locating an out-of-state CART services provider will be necessary.

Courts should not have to inform parties that their jury trial has been further delayed due to the unavailability of court interpreters, especially since parties have been forced to wait throughout the pandemic. If these suggestions can be implemented, it will go a long way in easing the strain that will be placed on court interpreters during Utah State Courts’ reopening phase.

Tab 3

Court Interpreting Mentoring Program

The mentoring program has a two pronged goal for approved Spanish interpreters: (1) providing feedback on their interpreting skills for the three modes of court interpreting, and (2) preparing for the Oral Proficiency Exam.

Recognizing that interpreters may know each other personally, mentors and mentees will have the ability to request who they are partnered with.

Certified Spanish Interpreters Participation Outline

Certified interpreters who volunteer to participate as mentors will be eligible for four (should that be increased to six?) continuing education hours each reporting period.

Lessons on the following page are provided as a template, although the mentor can create their own schedule or lessons as long as two hours are spent on feedback and discussion regarding their mentee's court interpreting skills and two hours are spent on preparing their mentee for the Oral Proficiency Exam.

Certified Spanish interpreters willing to mentor must agree to:

- Meet with their mentee at least four hours over a minimum of two months and a maximum of four months
 - Meetings can occur in-person or by video
- Provide constructive feedback on the mentee's court interpreting skills
 - Mentors must monitor their mentee actively interpreting twice on separate days.
- Discuss the Oral Proficiency Exam and provide insight and tips without divulging the actual exam's contents
- Practice and provide constructive feedback on their mentee's skill and proficiency with each mode of court interpreting.
- Share any relevant interpreting resources with their mentee
- Sign an agreement form
- Complete a tracking form in order to receive continuing education hours

Approved Spanish interpreters Participation Outline

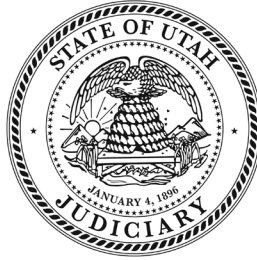
The mentoring program is geared towards supporting approved Spanish court interpreters specifically.

Approved Spanish interpreters must be agree to:

- Meet with the mentor at least four hours over a minimum of two months and a maximum of four months
 - Meetings can occur in-person or by video
- Have their mentor monitor them actively interpreting in a court setting
- Receive constructive feedback regarding their court interpreting skills
- Study with their mentor to prepare for the Oral Proficiency Exam.
- Sign an agreement form
- Sign a tracking form for their mentor to receive continuing education hours

Suggested Lessons

- Meeting 1: Discuss the three modes of court interpreting
Practice each mode of interpreting (exercises for each mode of interpreting provided by the AOC)
Discuss suggested improvements based on the exercises
- Meeting 2: Discuss the mentee's court interpreting assignments monitored by the mentor
Discuss suggested improvements
Discuss interpreting resources
Discuss the Code of Professional Responsibility for Court Interpreters
- Meeting 3: Discuss an overview of the Oral Proficiency Exam
Discuss tips for the Oral Proficiency Exam
Discuss lessons learned by the Mentor
- Meeting 4: Complete a practice Oral Proficiency Exam (provided by the AOC)
Score exam
Discuss suggested improvements



Utah State Courts Court Interpreter Mentoring Program Agreement

Please read carefully and sign below.

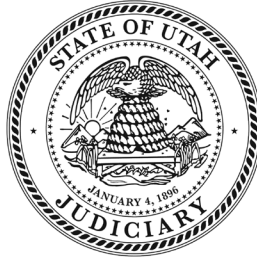
I, _____, am interested in acting as a mentor to an Approved Spanish interpreter. I agree to:

- meet with the mentee for four hours over a period of two to four months, either in-person or by video.
- observe the mentee interpreting in two separate court proceedings.
- provide the mentee with constructive feedback regarding their interpreting skills in each mode of court interpreting.
- discuss the Oral Proficiency Exam and provide insight and tips with the mentee.
- share interpreting resources with the mentee.

Dated this _____ day of _____, _____.

Signature of Interpreter

Printed Name of Interpreter



Utah State Courts Court Interpreter Mentoring Program Agreement

Please read carefully and sign below.

I, _____, am interested in having a Certified Spanish interpreter act as a mentor to me. I agree to:

- meet with the mentor for four hours over a period of two to four months, either in-person or by video.
- have the mentor observe me actively interpreting in two separate court proceedings.
- have the mentor provide me with constructive feedback regarding my interpreting skills in each mode of court interpreting.
- discuss the Oral Proficiency Exam with the mentor.

Dated this _____ day of _____, _____.

Signature of Interpreter

Printed Name of Interpreter



UTAH STATE COURTS COURT INTERPRETER MENTORING PROGRAM

Section I. INFORMATION		
MENTOR'S NAME:		
MENTEE'S NAME		
Section II. MEETINGS		
Mentors must provide two hours on court interpreting skills and two hours on preparing for the Oral Proficiency Exam		
Date of Meeting	Topics	# of Hours
Section III. DECLARATION		
<i>I declare under penalty of perjury under the laws of the State of Utah that the information provided above is true and correct.</i>		
SIGNED: (Mentor)		DATE:
SIGNED: (Mentee)		DATE:

This form must be completed and turned in to the Language Access Program by the mentor in order to receive continuing education credit.

Tab 4

CONDITIONALLY-APPROVED COURT INTERPRETER APPOINTMENT FORM

Please type or print legibly. Answer all questions fully. Please enter "None" for any blank responses.

Native Language:

Acquired Language:

Last Name:

First Name:

Middle Name:

Social Security Number:

Date of Birth:

Gender:

Mailing Address:

City:

State:

Zip Code:

E-mail Address:

Home Phone:

Cell Phone:

Work Phone:

Driver's License Number and Issuing State

Do you agree to undergo a criminal background check?

Yes

No

Have you ever been convicted of a criminal offense?

Yes

No

If you have been convicted of a criminal offense, please explain:

If asked, can Utah State Courts share your name, email, and phone number with attorneys or other government agencies looking for an interpreter in this language?

YES

NO

EDUCATION IN ENGLISH: What is your highest level of schooling/degree in ENGLISH?
Enter the name of the degree or the total number of years of formal schooling completed.

EDUCATION IN THE NON-ENGLISH LANGUAGE: What is your highest level of schooling/degree in the Non-English Language? Enter the name of the degree or the total number of years of formal schooling completed. If your studies were completed abroad, enter the closes United States Equivalent.

Can you **READ** the acquired language?

Yes

No

Can you **WRITE** the acquired language?

Yes

No

Do you know legal terminology? If yes, how did you learn it?

Do you know the person requiring an interpreter?

Yes

No

If yes, please explain how you know them.

Have you already established communication with the court patron requiring an interpreter?

Yes

No

If yes, do you believe the person understands you and that you will be able to accurately interpret for that person during the court proceeding? Please explain.

Do you understand that the law requires you to interpret everything said by all parties in court?

- Yes
- No

Have you read and do you understand the Interpreter's Code of Professional Responsibility?

- Yes
- No

INTERPRETER'S OATH

"DO YOU SOLEMNLY SWEAR OR AFFIRM THAT YOU WILL INTERPRET ACCURATELY, COMPLETELY AND IMPARTIALLY, USING YOUR BEST SKILL AND JUDGMENT IN ACCORDANCE WITH THE STANDARDS PRESCRIBED BY LAW AND THE CODE OF PROFESSIONAL RESPONSIBILITY FOR COURT INTERPRETERS."

I understand that if approved, I am approved to provide interpreter services on this date and matter only. The information I have provided on this form is true and correct to the best of my knowledge. I hereby authorize the courts to conduct a thorough background investigation including but not limited to references, employment record, and criminal record. I understand that all information will be kept confidential and released only to authorized individuals. I also understand that any falsification of data on my part will result in disqualification to interpret in the Utah Courts. I hereby release the courts from any civil or criminal liability arising from or relating to my background investigation.

Signature:

Date:

BELOW THIS LINE TO BE FILLED OUT BY COURT PERSONNEL ONLY

Date:

Court:

Case Number:

Case Name:

Local Appointing Authority Title:

Approved?

- Yes
- No

Approving Authority Signature:

Tab 5

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.

1. An exception shall be granted for half-hour courses that are offered by an AOC approved interpreting conference. A half-hour segment shall be counted as half-hour of continuing education when offered by an AOC approved interpreting conference.
2. An exception shall be granted for forty-five minute courses that are offered by an AOC approved interpreting conference. A forty-five minute segment shall be counted as forty-five minutes of continuing education when offered by an AOC approved interpreting conference.

- 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.