

**Agenda**  
**Language Access Committee Meeting**  
 March 18, 2022  
 12:00 – 1:00 p.m.

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

12:00	Welcome and Approval of Minutes	Discussion/ Action	Tab 1	Cade Stubbs
12:10	Yearly Report to Judicial Council	Discussion	Tab 2	Cade Stubbs
12:20	Proposed Mentoring Program <ul style="list-style-type: none"> <li>• Confidentiality (changes highlighted in yellow)</li> </ul>	Discussion/ Action	Tab 3	Kara Mann
12:40	Conditionally-Approved Interpreter Form <ul style="list-style-type: none"> <li>• Proposed New Form</li> <li>• Current Form</li> </ul>	Discussion/ Action	Tab 4 Tab 5	Kara Mann
1:00	Adjourn			Cade Stubbs

**2022 Meeting Schedule**

- May 20, 2022
- July 15, 2022
- September 16, 2022
- November 18, 2022

# Tab 1

**Language Access Committee**  
Videoconference Webex

January 14, 2022

**Draft**

**Members Present**

Yadira Call  
Rory Jones  
Judge Michael Leavitt- Chair  
Ingrid Oseguera  
Russ Pearson  
Chip Royce  
Judge Kelly Schaeffer-Bullock  
Cade Stubbs  
Judge Michael Westfall

**Members Excused**

Evangelina Burrows

**Staff**

Kara Mann

**(1) Welcome**

Judge Michael Leavitt welcomed committee members to the meeting, and addressed the September 17, 2021 minutes. Cade Stubbs moved to approve the minutes. Chip Royce seconded the motion. The motion carried unanimously.

**(2) Proposed Mentoring Program**

Ms. Mann reminded the committee that at the last meeting a question came up on confidentiality and how a mentee can ask for guidance from their mentor. The committee decided to mirror Utah Supreme Court Rule 14-808(h), which allows new lawyers to speak in hypotheticals unless hypothetical terms are not practical under the circumstances as determined by the lawyers. Ms. Mann shared after the meeting she had concerns about allowing interpreters to determine if it's practical or not to use real details about a situation. Ms. Mann also questioned the impact this would have on the Code of Professional Responsibility for Court interpreters. Ingrid Oseguera agreed that interpreters should only use hypotheticals and should never share any identifying information or real details when seeking guidance.

After further discussion, Rory Jones motioned to have mentors and mentees participating in the mentoring program only use hypotheticals when seeking or giving guidance. Ms. Oseguera seconded the motion and the motion passed unanimously.

Ms. Mann also informed the committee that she had emailed Keisa Williams, General Counsel of the AOC, asking if a court rule would be necessary for the proposed mentoring program for approved Spanish interpreters. Ms. Mann reminded the committee that this question had been asked at the last committee meeting. Ms. Mann shared Ms. Williams had not yet replied but that she would email the committee once she heard back.

### **(3) Oral Proficiency Interview Score Requirement Review**

Ms. Mann advised the committee that with the backlog of proceedings due to the COVID-19 pandemic, she was still reviewing all possible options to increase the interpreter resources available for the courts. Ms. Mann shared that she discovered the Oral Proficiency Interview score required by the courts is set at a higher level than what the National Center for State Courts recommends. Ms. Mann asked if the committee should consider lowering the OPI score requirement to “Advance Mid” or “Advance High”, rather than the current score requirement of “Superior”. Ms. Mann advised it could allow more interpreters to become approved, which could help with the backlog.

Judge Michael Westfall expressed concern that lowering the score requirement would lower the standards set for court interpreters. Judge Kelly Schaeffer-Bullock and Judge Leavitt asked how often courts are encountering not having an interpreter because of the backlog. After further discussion, Judge Westfall motioned to not change or lower the score requirement for the Oral Proficiency Interview. Russ Pearson seconded and the motion carried unanimously.

### **(4) Review of Conditionally-Approved Form**

Ms. Mann informed the committee that she received a request from a court asking if the current conditionally-approved form could be changed to remove the personal information on the form. Ms. Mann shared that information is requested so that a background check can be completed on the interpreter. Currently, courts receive this information and then are to redact the personal identifying information before adding it to the case file marked as private. Ms. Mann suggested that perhaps a coversheet could catch that information instead and then the form without that information could be sent to the courts.

Mr. Stubbs motioned to revise the Conditionally-Approve Form so that the personal information of the interpreter is not being sent to the courts. Judge Westfall seconded the motion and the motion carried unanimously.

### **(5) Translation of Approved Court Forms**

Ms. Mann advised the committee that under CJA Rule 4-202.02(4)(M), the Court Forms Committee is responsible for determining a process to decide which approved court forms are to be translated. Ms. Mann shared the Court Forms Committee is working on establishing that process now, but that she believed the final decision on which approved court forms should be translated should be made by the Language Access Committee. Ms. Mann shared that she provided suggested guidelines for the translation process to the Stylistics Subcommittee of the Court Forms Committee. Under her proposed guidelines, the full Court Forms Committee would recommend forms to the Language Access Committee. The Language Access Committee would then use Department of Justice guidelines to determine if the recommended court forms should be translated or not. Ms. Mann advised she thought this committee would be the more appropriate forum to make the final determination on court form translations.

Ms. Oseguera advised court forms should be translated into a bilingual format. Judge Westfall shared he would like to see which forms are currently translated.

Ms. Mann advised she would keep the committee updated as the discussions continue with the Court Forms Committee.

**(6) Chair Nominations**

Ms. Mann informed the committee the Judge Leavitt's term as chair of the committee was up and that a new chair would need to be nominated.

Judge Westfall nominated Mr. Stubbs and Yadira Call seconded. Mr. Stubbs accepted the nomination. Judge Schaeffer-Bullock motioned to approve Mr. Stubbs as the chair of the committee for a one year term. Judge Westfall seconded the motion and it carried unanimously.

**(7) Adjourn**

There being no further business, the meeting adjourned at 1:10 pm.

# **Tab 2**

# Language Access Committee Report to the Judicial Council

February 28, 2022

## I. Interpreter Usage in Fiscal Year 2021

Court	Number of Proceedings
District Court	6,520
Juvenile Court	3,380
Justice Court	7,462
<b>Total</b>	<b>17,362</b>

District Usage of Interpreters	District Court	Juvenile Court	Justice Court
1 <sup>st</sup>	420	106	421
2 <sup>nd</sup>	785	461	919
3 <sup>rd</sup>	2,693	1,114	3,928
4 <sup>th</sup>	1,884	1,225	1,644
5 <sup>th</sup>	522	90	423
6 <sup>th</sup>	91	91	50
7 <sup>th</sup>	63	4	61
8 <sup>th</sup>	62	14	16
<b>Youth Parole Authority</b>		<b>275</b>	

## II. Providing Interpreters: FY20 vs FY21

Court	FY 2020	FY2021	Growth Percentage
District Court	5,039	6,520	29%
Juvenile Court	3,711	3,380	-9%
Justice Court	6,173	7,462	21%
<b>Total</b>	<b>14,923</b>	<b>17,362</b>	<b>16%</b>

## III. Most Requested Languages in Fiscal Year 2021

Top Requested Languages	
Spanish	14,195
Arabic	473
American Sign Language	322
Somali	230
Marshallese	202
Portuguese	169

#### **IV. Committee Members**

- Cade Stubbs, Clerk of Court, Fifth District Courts – Chair
- Yadira Call, Certified Court Interpreter
- Evangelina Burrows, Third District Interpreter Coordinator
- Rory Jones, Chief Probation Officer, Seventh District
- Judge Michael Leavitt, Fifth District Juvenile Court
- Ingrid Oseguera, Certified Court Interpreter
- Russell Pearson, Trial Court Executive, Eighth District
- Chip Royce, Court Approved American Sign Language Interpreter
- Judge Kelly Schaeffer-Bullock, Highland Justice Court
- Judge Michael Westfall, Fifth District Court
  - Staffed By: Kara Mann, Language Access Program Coordinator, AOC

The Committee meets every other month on the third Friday for two hours.

#### **V. Completed Projects**

- Reviewed and recommended a contract rate increase for freelance court interpreters
- Reviewed and revised the continuing education policy for certified court interpreters
- Drafted a proposed rule on reciprocity
- Revised the Conditionally Approved Interpreter Appointment Form
- Reviewed the Oral Interview Score Requirement
- Drafted proposed protocols for courts to consider regarding the COVID-19 backlog impact on court interpreter resources
- Regularly reviewed requests by interpreters for reciprocity or special requests

#### **VI. On-Going Projects**

- Creating a mentoring program for approved interpreters
- Drafting a policy on translations
- Drafting a new court rule to address interpreting recorded evidence
- Revising the court interpreter invoice

#### **VII. Future Projects**

- Creating a training module for court interpreters on using Cisco's WebEx SI feature
- Updating the Language Access Plan
- Improving language access services outside of courtrooms



### **VIII. Looking Forward- Challenges**

- The growth rate of cases requiring court interpreters
- The low number of approved Spanish interpreters who are passing NCSC's Oral Proficiency Exam to become certified court interpreters
- The shortage of CART service providers within Utah. CART services are an ADA accommodation for deaf or hard-of-hearing parties who do not know American Sign Language.

# Tab 3

## **Court Interpreting Mentoring Program**

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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 a minimum of four continuing education hours each reporting period and can apply for two additional continuing education hours depending on the time spent meeting with their mentee. Six hours is the maximum amount of time granted for CEUs, even if you meet with your mentee for additional hours.

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 for a minimum of four hours over two months.
  - Meetings can occur in-person or by video
  - Meetings can exceed the two month minimum.
  - Mentors can apply for two additional CEU hours if they meet with their mentees for six or more hours.
- 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

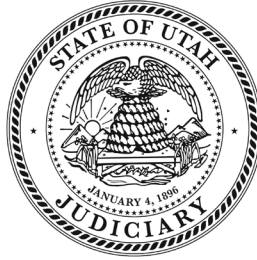
### Confidentiality

The mentor and the mentee must discuss issues in hypothetical terms. When the mentee is seeking short-term guidance within the mentoring relationship, the mentor and mentee will discuss the issue in hypothetical terms. The Code of Professional Responsibility for Court Interpreters remains in effect within the mentoring relationship. Mentors and mentees must continue to follow Canon 5: Confidentiality when seeking guidance or giving advice on handling situations within the mentoring relationship.

### Suggested Lessons

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



## Utah State Courts Court Interpreter Mentoring Program Agreement

Please read carefully and sign below.

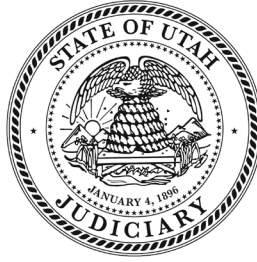
I, \_\_\_\_\_, am interested in having a Certified Spanish interpreter act as a mentor to me. I agree to:

- 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.
- conduct all meetings with the mentor in a professional manner.
- follow the Code of Professional Responsibility for court interpreters. If I ask my mentor for guidance on a situation, I will only speak in hypotheticals and will not disclose any real names or details on a court case or court party. I will follow Canon 5 of the Code of Professional Responsibility for Court Interpreters.

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 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.
- conduct all meetings with the mentee in a professional manner.
- follow the Code of Professional Responsibility for court interpreters. If my mentee asks for guidance on a situation, I will only speak in hypotheticals and will not disclose any real names or details on a court case or court party. I will remind my mentee not to provide any real details and to use hypotheticals to keep confidentiality. I will follow Canon 5 of the Code of Professional Responsibility for Court Interpreters.

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>		
<b>SIGNED:</b> (Mentor)	<b>DATE:</b>	
<b>SIGNED:</b> (Mentee)	<b>DATE:</b>	

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 COVERSHEET

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

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

# CONDITIONALLY-APPROVED COURT INTERPRETER APPOINTMENT FORM

Last Name:

First Name:

Native Language:

Acquired Language:

**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 closest 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

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### 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."

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**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:**

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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

# 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:**

**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 ACQUIRED LANGUAGE (if English is your acquired language, enter the information regarding your native language): What is your highest level of schooling/degree? 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?**

**If yes, please explain how you know them.**

**Yes**

**No**

**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**

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**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."**

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**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:**

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BELOW THIS LINE TO BE FILLED OUT BY COURT PERSONNEL ONLY

**Date:**

**Court:**

**Case Number:**

**Case Name:**

**Local Appointing Authority Title:**

**Approved?**

**Approving Authority Signature:**

**Yes**  
**No**