

Language Access Committee
Videoconference Webex

January 14, 2022

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.