

AGENDA

LANGUAGE ACCESS COMMITTEE

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84114

Judicial Council Room
Friday, March 21, 2014
12:00 p.m. to 1:30 p.m.

- | | |
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| 1. Welcome, Introduction of New Members (Tab 1) and Approval of Minutes | Judge Vernise Trease |
| 2. Update on Subcommittee on Language and Culture (Tab 2) | Jenny Andrus |
| 3. Interpreter Payment Guidelines (Tab 3) | Alison Adams-Perlac |
| 4. Interpreter Credentialing Requirements (Tab 4) | Rosa Oakes |
| 5. Interpreter Scheduling Issues and Standards Discussion | Rosa Oakes |
| 6. Other Business | |
| 7. Adjourn | |

Committee Web Page: <http://www.utcourts.gov/committees/CourtInterpreter/>

Meeting Schedule: Matheson Courthouse, Judicial Council Room, 12:00 to 1:30 unless otherwise stated.

May 16, 2014

June 20, 2014

September 19, 2014

November 21, 2014

Tab 1

Meeting Date	Language Access Committee	
January 24, 2014	Education Room	
Members Present	Member Excused	
Evangelina Burrows	Judge Rick Smith	
Judge Vernice Trease	Randall McUne	
Judge Rick Romney	Wendell Roberts	
Jennifer Andrus		
Jennifer Storrer		
Ghulam Hasnain		
Megan Haney		
Maureen Magagna		
Miguel Medina		
Nidia Pendley		
Staff: Alison Adams-Perlac, Rosa P. Oakes		
Guests:		
Topic: Approve minutes of November 15, 2013		
Discussion: Judge Romney moved to approve the minutes; Jennifer Storrer seconded.		
Motion: Passed		
Topic: Introduction of new member		By Judge Trease
<p>Judge Trease introduced Megan Haney as a new member of the committee who is filling the vacancy left by Greg Johnson (Chief Probation Officer). Megan informed the committee that she works in the 3rd District Juvenile Court. She mentioned that she would like to learn as much as possible about the work of the committee and court interpreters and is interested in attending an interpreter training session.</p>		
Topic: Subcommittee on Language & Culture update		By Jennifer Andrus
<p>Ms. Andrus stated that the subcommittee was charged with creating a curriculum that would inform staff on the relationship between language and culture. The important thing is to give people (staff, judges, attorneys) the tools to help them understand and deal with the social nature of language and how certain issues can be attributed to a person's culture or political friction that stems from their home country. The subcommittee has collected many real-world examples to share in training sessions. The next step is to develop a class for a test group to observe and review. It would be beneficial to invite Tom Langhorne (Judicial Ed. Director) to participate.</p>		
Topic: Language Access Report		By Alison Adams-Perlac
<p>Ms. Adams-Perlac presented the report she prepared for the Judicial Council. It is a review of interpreter activity during fiscal years 2011-2013. The data reflects information relative to the courts of record, which does not include Justice Courts. The report is a summary of how well the courts are responding to language access needs across the state. There was some discussion on the accuracy of the data due to how Juvenile Courts schedule interpreters in CARE; the level of civil matters scheduled for interpreters; and, the suspect data showing for ASL interpreter usage. Judge Romney asked if it would be possible to retrieve data on language access in the Justice Courts. Ms. Adams-Perlac stated that she was unsure if the court services dept. was capable of obtaining such information through CORIS.</p>		

Tab 2

Courtroom Interpretation, Language and Culture Focus Groups and Survey: Data Summary

Potential issues from the court staff's perspective:

- Client trying to talk to the interpreter.
- Learning that a court interpreter is needed too late in the process.
 - *Across districts, there is a difference in how and when the courtroom staff is informed that they need an interpreter.
- Streamlining the process of getting an interpreter when one is needed.
- Ironing out wrinkles associated with language and culture before the hearing, trial, etc. begins.

Things court staff want to know more about:

- A document with instructions for putting on the earpiece and mic translated to use with the remote equipment.
- Instruction on what dialects are, how they function, how they are related to each other, how they developed, and how they might be related to issues of cultural difference. (specifically languages spoken in China and Spanish were noted)
- Explanation of differences in paralinguistic elements, like volume, inflection, speed, etc.
- Training on how language functions.
- Something to help develop better tolerance for people who speak languages other than English.

Issues from the courtroom interpreters' perspective:

- People are in a rush and don't understand that translation takes time.
- Consecutive translation is a better way of getting more complete translation, but there is an expectation of simultaneous translation.
- Members of the court don't understand that translation is hard and time consuming, even if the speaker is fluent in both languages. Here are some of the reasons that they described and had examples of:
 - Other languages don't have a word for every word in English or even every concept. Sometimes, translation means explaining the concept because a single word or even phrase does not exist. This is especially true for legal concepts.
 - Some languages use English words when there isn't a word in the other language. Samoan translator mentioned this specifically.
 - Some languages use English words, but with slightly different meanings, requiring the translator to choose different English words when they translate into English. Vietnamese translator mentioned this specifically.
 - Terms of respectful address are different in different languages/cultures.
 - Differences between the dialect of the client and the interpreter can add another level of complication with regard to the word/explanation issue. This was mentioned specifically regarding Arabic and Spanish.
 - Gender can be a cultural issue that comes up during interpretation.

- Religion can be a cultural issue that comes up during interpretation.
 - Differences in paralinguistic elements like volume, inflection and gesture are misunderstood by members of the court.
- They all also described issues interacting with clients, who misunderstood the role of the interpreter:
 - Clients don't fully understand the role of the interpreter.
 - Clients sometimes ask the interpreter questions, because they are a person with similar language and perhaps culture.
 - Wanted the judge to explain to the client what the role of the interpreter is and that they are neutral and impartial. This would avoid problems when the interpreter couldn't speak with the client outside of the courtroom, etc.

Jennifer Andrus
University of Utah
Writing and Rhetoric Studies
j.andrus@utah.edu

Curriculum on Language and Culture in the Courtroom (Draft)

This is structured to run as a two-hour, interactive seminar. We have examples for each of these topics that will be used to ground these topics in practice.

What is language, and how does it work?

What is culture, and how is it related to language?

Differences between languages: Different Language, Different Culture

How languages differ, and how language brings cultural values with it.

Contributing factors:

- **Word/concept translation** (not every language has the same words or even concepts)
- **Syntax** (for example differences in modes of address/respect)
- **Paralinguistic elements**

Differences within the same language: Same Language, Different Culture

How the same language might be associated with different cultures.

Contributing factors:

- **Vocabulary**
- **Dialect**
- **History**
- **Political conflicts**

Tab 3

Guidelines for payment of interpreters for non-court proceedings

The courts will pay to interpret all civil, criminal and juvenile hearings, all “front counter” conversations and all court annexed programs. However, the court is not responsible for paying for interpreting non-court proceedings—such as interviews by lawyers, investigators, probation officers and case workers—or translating documents associated with those proceedings.

Judges continue to have the discretion to order the court to pay when it otherwise would not, but judges should be aware that others have responsibility for interpreting non-court proceedings, just as the court has responsibility for interpreting court proceedings. Thus, special orders for payment should be rare and limited to interpretation or translation that furthers a court purpose.

If translation of a document is needed, the court should make arrangements for it to be done by one of the staff interpreters, if possible, rather than by a contract interpreter.

The court will pay for interpretation of:

- hearings conducted by a judge or court commissioner;
- lawyer/client consultations conducted in the courthouse as an adjunct to a hearing;
- “front counter” conversations;
- interviews by juvenile court probation officers, regardless of location;
- interviews of clients by the Legal Aid Society of Salt Lake in the Matheson Courthouse;
- child welfare mediation and co-parenting mediation, which are court annexed mediation programs; and
- divorce education and divorce orientation classes, which are court-annexed programs.

The court will pay for translation, including sight translation, of:

- documents associated with a legal proceeding determined by the appointing authority to be vital to the proceeding;
- a transcript or audio recording of a court hearing; and
- a service plan, if not already completed by DCFS.

Unless ordered by the judge, the court will not pay for:

- translation of taped interrogations;
- interpretation of interviews by lawyers, investigators, DCFS case workers, custody or parent time evaluators or AP&P probation officers; or
- interpretation of divorce or other mediation, although the court will pay the interpreter if the parties qualify for pro bono mediation.

Tab 4

Certification (\$39.41)

Application

Background Check

English Written Exam offered 4Xs/year

*Revert to original test with 132 questions;

*Require 80% pass rate;

Maintain \$25 fee

2-day Orientation (non-language specific) offered 1/year;

Maintain \$100 fee

Ethics Exam; 70% to pass

10 hours court observation with a certified interpreter

Oral exams in modes of interpretation by NCSC; 70% to pass

*Consider adding a mentoring piece

Approval (\$33.77)

Application

Background Check

English Written Exam offered 4Xs/year; *same changes as above

2-day Orientation (non-language specific) offered 1/year;

Maintain \$100 fee

Ethics Exam; 70% to pass

10 hours court observation with a certified interpreter

Oral Proficiency Interview (OPI); Superior rating to pass

*Mentoring piece

Registered 1 (\$33.77)

(languages that are not available for certification or OPI)

Application

Background Check

English Written Exam offered 4Xs/year; *same changes as above

2-day Orientation (non-language specific) offered 1/year;

Maintain \$100 fee

Ethics Exam; 70% to pass

10 hours court observation with a certified interpreter

*Mentoring piece

Registered 2 (\$25.32)

*consider eliminating this credential - would be conditionally approved (\$18.39)

Application

Background Check

English Written Exam offered 4Xs/year; *same changes as above

2-day Orientation (non-language specific) offered 1/year;

Maintain \$100 fee

Ethics Exam; 70% to pass

10 hours court observation with a certified interpreter