



Utah State Courts

Language Access in the Trial Courts FY 2012 - FY 2014



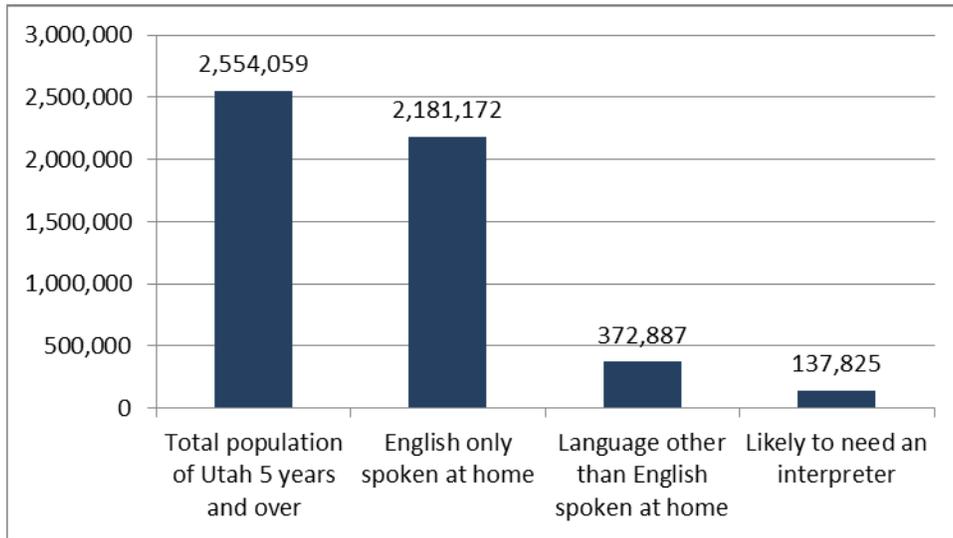
December 2014

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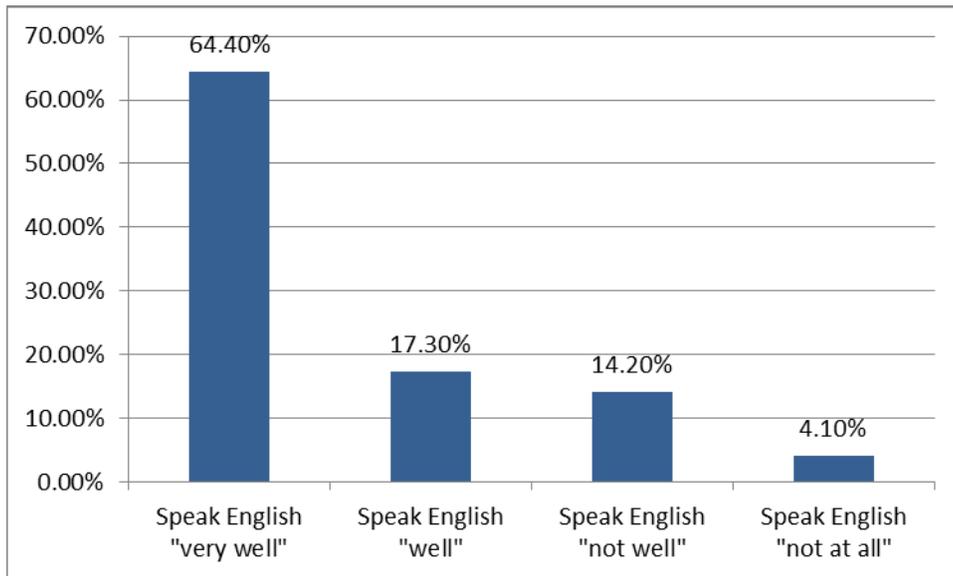
1. Language in Utah

a. English-Speaking Ability by Utah Population¹



Source: U.S. Census Bureau, 2010-2012 American Community Survey

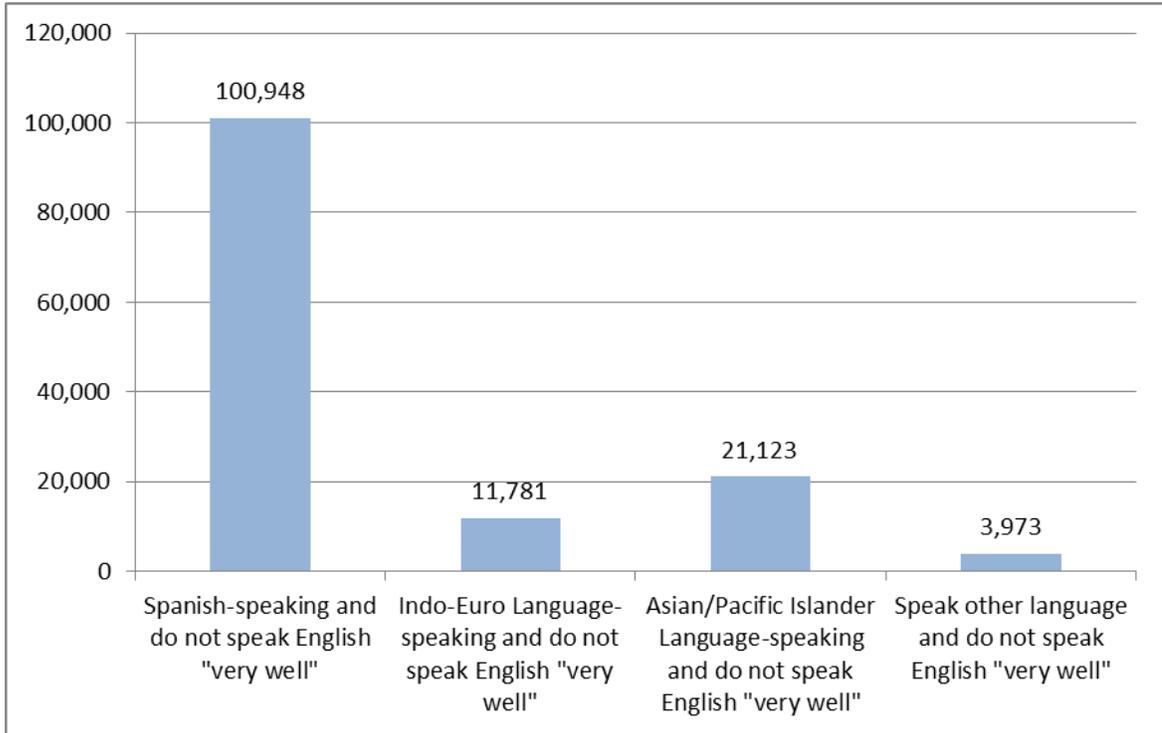
b. English-Speaking Ability by Percent of Utah Population



Source: U.S. Census Bureau, Language Use in the U.S.: 2011 (Aug. 2013)

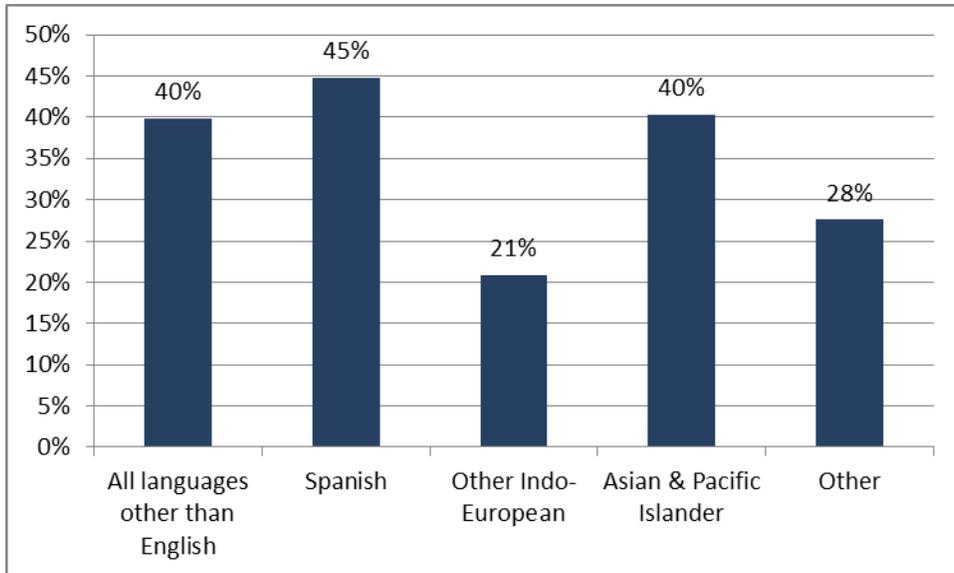
¹ Individuals who do not speak English at home and speak English "less than very well" are considered likely to need an interpreter.

c. Language Spoken at Home and Limited English Proficiency by Utah Population



Source: Migration Policy Institute, 2010

d. "Speaks English less than very well" as Percent of Language Spoken at Home



Source: Migration Policy Institute, 2010

2. Interpreters

a. Credentialing

Utah has three levels of certification for interpreters: certified, approved, and registered. When an interpreter is needed for a hearing or other court business the court must use a certified interpreter unless one is not reasonably available, in which case an approved interpreter must be sought, followed by a registered interpreter. UTAH CODE JUD. ADMIN. 3-306. If a certified, approved or registered interpreter is not available, another qualified interpreter may be conditionally approved to interpret.

i. Certified

Certified interpreters are the most highly qualified interpreters. To become certified an interpreter must meet the following requirements: pass an English written test and a test on the Interpreter Code of Professional Responsibility; complete a two-day orientation workshop, a five-day training course, a background check and 10 hours of observation; and pass a three-part exam offered by the National Center for State Courts (NCSC).

ii. Approved

To become approved an interpreter must pass an English written test and a test on the Interpreter Code of Professional Responsibility; complete a two-day orientation workshop, a background check and 10 hours of observation; and pass an Oral Proficiency Interview (OPI).

iii. Registered

To become registered an interpreter must pass an English written test and a test on the Interpreter Code of Professional Responsibility; and complete a two-day orientation workshop, a background check and 10 hours of observation. During the fiscal years reported here, there were two registered designations: Registered 1, if there was no examination available in the interpreter's language; and Registered 2, if an exam was available in the interpreter's language, but the interpreter had not taken or had not passed the exam.

Effective November 1, 2014, the Registered 2 designation was removed. Now an interpreter may become Registered if he or she has met all of the requirements but for the OPI exam, if the OPI is not available in the interpreter's language. Interpreters who have met all the requirements but have failed to take or to pass an exam that is available in their language may be conditionally approved for specific assignments.

iv. Conditionally Approved

An interpreter who has not met the above requirements may nevertheless be approved to interpret a hearing or other court proceeding on a conditional basis. Languages listed that do not have interpreters will have been interpreted by a conditionally approved interpreter.

b. Interpreter Availability

Hours Interpreted for Each Language			Interpreters				
Language	Hours	% of Total Hours	Certified	Approved	Registered	Total	% of Total Number
Spanish	14558	75.00%	46	9	14	69	46.30%
American Sign Language	1340	6.90%				0	0.00%
Arabic	617	3.20%		1	3	4	2.70%
Burmese	389	2.00%		2		2	1.30%
Vietnamese	275	1.40%	1		1	2	1.30%
Karen	224	1.10%				0	0.00%
Mandarin	223	1.10%		3	3	6	0.40%
Somali	189	0.96%		1	1	2	1.30%
Cantonese	174	0.89%		2	1	3	2.00%
Farsi	142	0.73%		1	3	4	2.70%
Russian	135	0.69%	1	1	3	5	3.40%
Swahili	134	0.69%			1	1	0.60%
Tongan	114	0.58%			3	3	2.00%
Samoan	114	0.58%			3	3	2.00%
French	91	0.46%			7	7	4.70%
Bosnian, Croation, Serbian	75	0.38%	1	1	1	3	2.00%
Laotian	68	0.35%		2	1	3	2.00%
Kirundi	64	0.33%				0	0.00%
Tigrigna	62	0.32%			1	1	0.60%

Hours Interpreted for Each Language			Interpreters				
Language	Hours	% of Total Hours	Certified	Approved	Registered	Total	% of Total Number
Thai	50	0.26%			3	3	2.00%
Creole	49	0.25%				0	0.00%
Marshallese	48	0.25%			1	1	0.60%
Korean	44	0.22%			4	4	2.70%
Dinka	42	0.22%				0	0.00%
Uduk	30	0.15%				0	0.00%
Nepalese	25	0.13%				0	0.00%
Tagalog	25	0.13%				0	0.00%
Navajo	24	0.12%	1			1	0.60%
Hmong	23	0.11%				0	0.00%
Chuukese	19	<0.1%				0	0.00%
Portuguese	17	<0.1%			4	4	2.70%
Nuer	15	<0.1%				0	0.00%
Cambodian	14	<0.1%	1	2		3	2.00%
Amharic	13	<0.1%		1		1	0.60%
Urdu	12	<0.1%		1	1	2	1.30%
Panjabi	12	<0.1%			2	2	1.30%
Armenian	10	<0.1%				0	0.00%
Indonesian	10	<0.1%				0	0.00%
German	8	<0.1%			3	3	2.00%
Mongolian	7	<0.1%				0	0.00%
Hindi	6	<0.1%		1	1	2	1.30%
Liberian	5	<0.1%				0	0.00%
Haitian Creole	4	<0.1%				0	0.00%
Maay	4	<0.1%			1	1	0.60%
Rohingya	3	<0.1%				0	0.00%
Ewe	2	<0.1%				0	0.00%
Romanian	2	<0.1%				0	0.00%
Krahn	2	<0.1%				0	0.00%
Japanese	1	<0.1%		1	3	4	2.70%
Total	19514	100.00%	51	29	69	149	100.00%

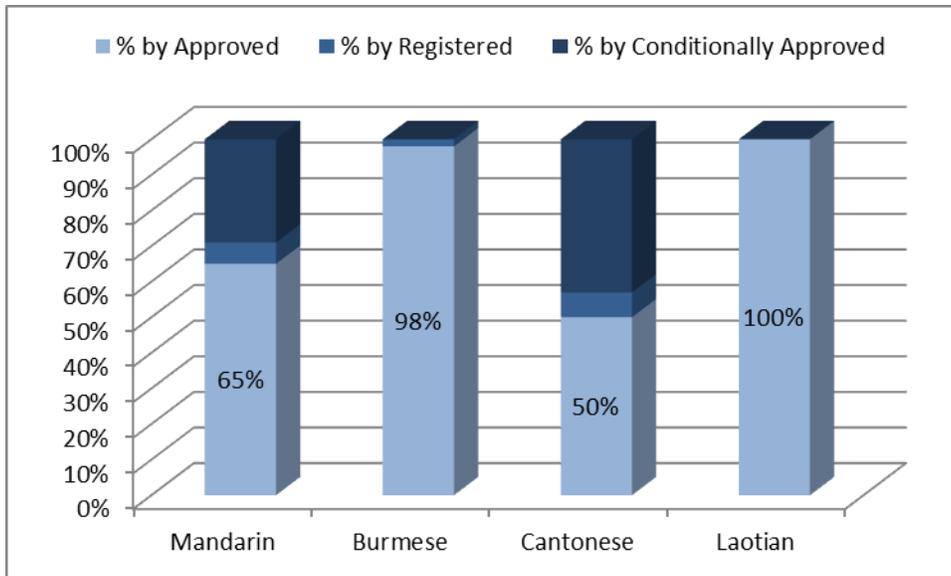
Source: FINET

c. Percent of Hours Interpreted by Highest Credentials Available - Certified



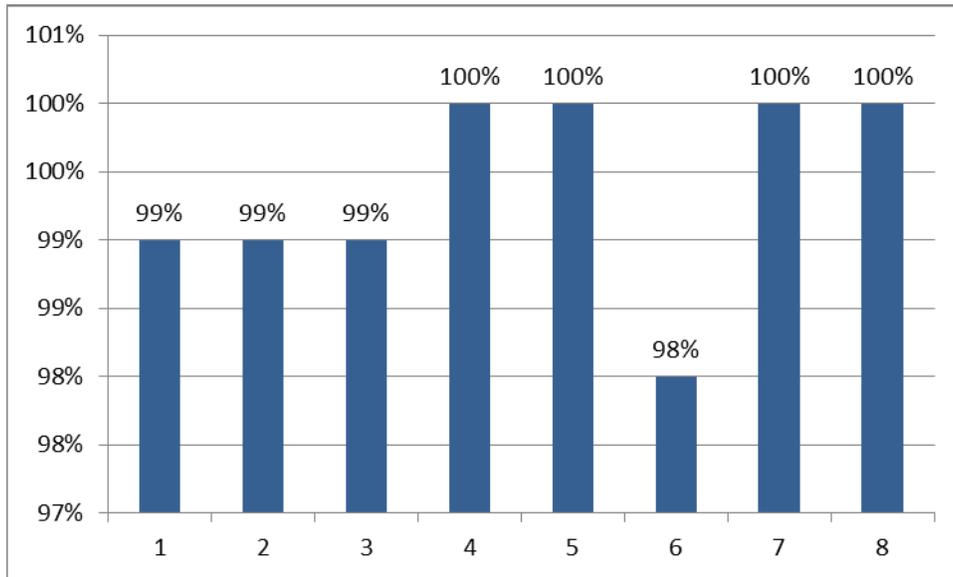
Source: FINET

d. Percent of Hours Interpreted by Highest Credentials Available - Approved



Source: FINET

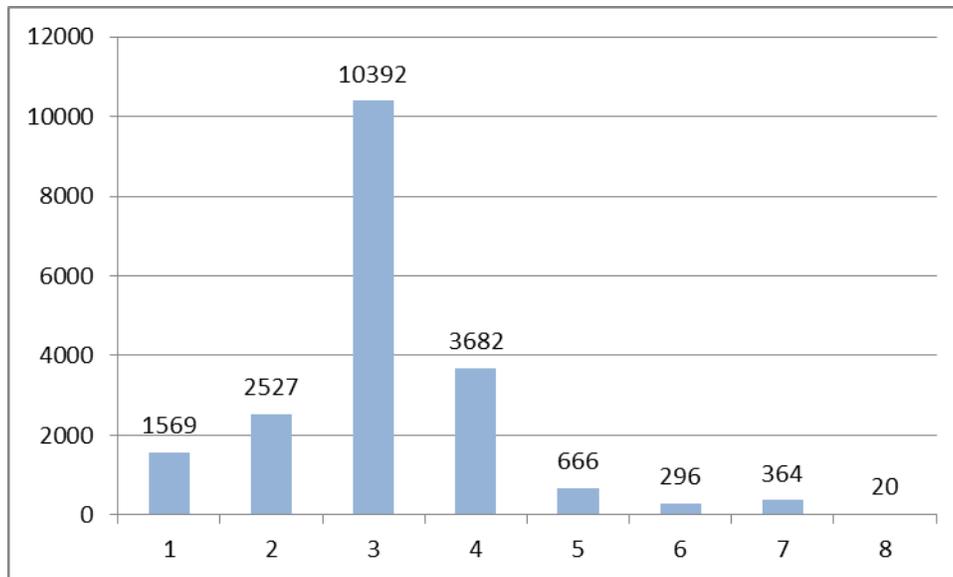
e. Percent of Spanish Language Hours Interpreted by a Certified Interpreter



Source: FINET

3. Interpreting

a. Hours Interpreted² by District, 2014

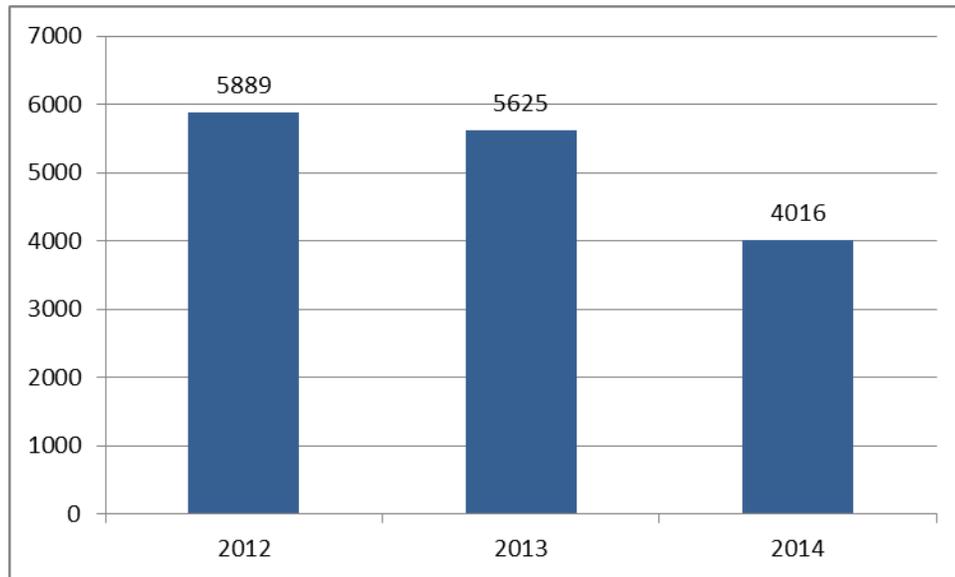


Source: FINET

² The reported time includes the actual or minimum time for which the interpreter was paid. It does not include time spent by staff interpreters.

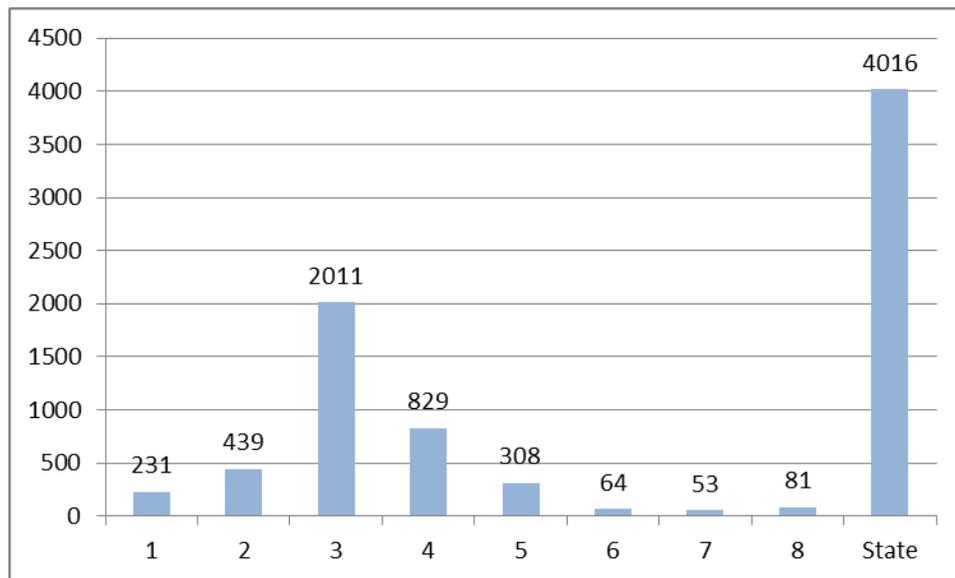
b. District Court

i. Total Interpreted Hearings



Source: CORIS

ii. Interpreted Hearings by District



Source: CORIS

iii. Interpreted Hearings by Case Type

Case Type	2012	2013	2014
Administrative Agency	1	1	
Adoption	2	7	11
Common Law Marriage		2	4
Conservatorship	3	1	2
Contracts	5		11
Custody and Support	5	23	51
Debt Collection	30	24	41
Divorce	57	100	201
DUI	108	167	80
Estate	2		5
Eviction	14	15	46
Felony	4386	4000	2572
Foreign Judgment		1	3
Guardianship	12	17	54
Infraction	10	1	
Involuntary Commitment			1
Minor's Settlement	3	4	16
Miscellaneous		2	12
Misdemeanor	810	813	596
Name Change	7	5	11
Not Applicable	10	17	27
Paternity	9	16	36
Personal Injury	4	2	22
Post-Conviction Relief	1		4
Probate	1		2
Property Damage			2
Property Rights		2	1
Protective Order	81	103	247
Separate Maintenance			1
Small Claims Appeal	6	2	1
Stalking	7	6	10
SC de novo District Court			2
SC de novo Justice Court		5	12
Traffic	241	288	148

Case Type	2012	2013	2014
UCCJEA			1
UIFSA	3	1	5
Total	5818	5625	4238

Source: CORIS

iv. Interpreted Hearings by Hearing Type

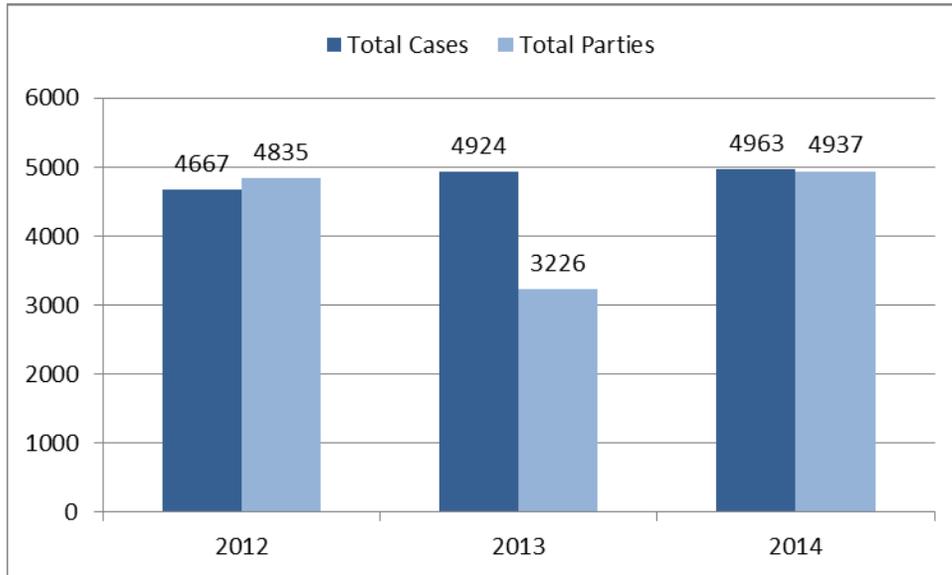
Hearing Type	2012	2013	2014
Adoption			7
Appoint Counsel	514	372	
Arraignment	448	498	402
Bail Forfeiture	8	5	
Bail Hearing	52	23	10
Bench Warrant	36	50	50
Bond Hearing		1	
Change of Plea	386	358	346
Competency Hearing	6	5	20
Continuance			273
Decision to Prelim			35
Disposition Hearing	4	1	27
Drug Court	3		
ECR Status Conference	31	32	74
Eviction Hearing			4
Evidentiary Hearing	6		30
Garnishment			7
Guardianship			43
Hearing	24		
Hearing Default	8		
Immediate Occupancy	5	4	18
Initial Appearance	599	413	534
Law and Motion	911	855	116
Minor's Settlement			8
Motion Hearing	8	5	
Name Change			10
Oral Argument			21
Order of Dismissal			5
Order to Show Cause	70	75	102
Other			268

Hearing Type	2012	2013	2014
Plea Bargain	8	5	
Preliminary Hearing	301	331	257
Pretrial Conference	281	277	242
Probable Cause			
Probation Report	69	57	
Probation Revocation	69	57	
Protective Order	71	94	185
Remand Hearing	3	4	
Resolution Hearing	1		23
Restitution Hearing	2	3	4
Review Hearing	155	161	149
Roll Call	158	80	37
Sanctions	1	2	
Scheduling Conference	268	809	207
Sentencing	978	838	211
Status Conference	2	4	38
Sufficiency Bond		1	
Summary Judgment	1		
Supplemental Order		1	16
Support Order	6		
Suppression Hearing			5
Temporary Restraining Order	1	1	
Trial	87	37	94
Trial de Novo	2		
Waiver of Preliminary Hearing	261	128	136
UCCJEA			2
Unknown		22	222
Total	5844	5609	4238

Source: CORIS

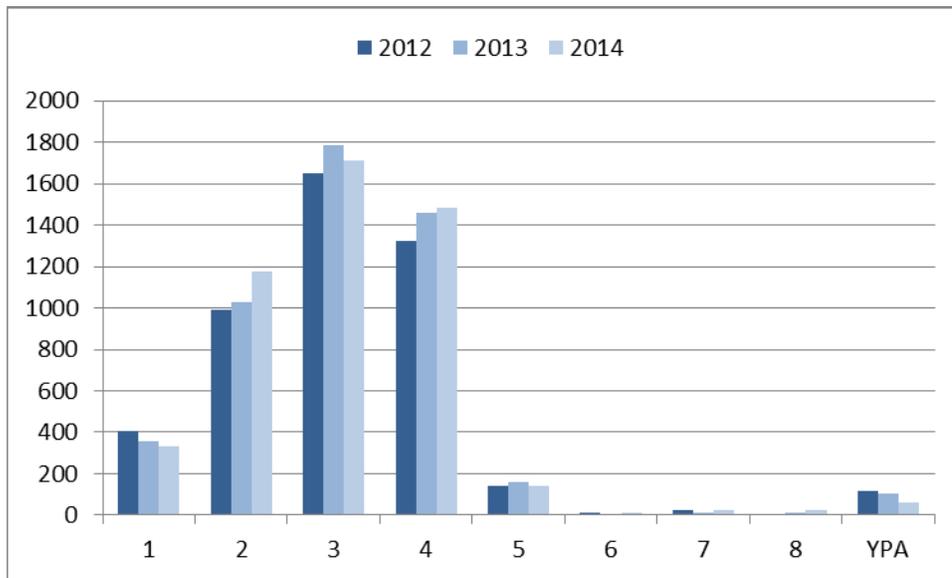
c. Juvenile Court

i. Total Cases and Parties Using Interpreter(s)



Source: CARE

ii. Interpreted Cases by District³



Source: CARE

³ There are several cases associated with the Youth Parole Authority (YPA) each year. These are interpreted hearings held at the YPA, but recorded in CARE. In these cases, the court does not pay the interpreter.

d. Justice Court

i. Interpreted Hearings by Language

Language	# of Hearings Interpreted
Spanish	6241
Arabic	113
Vietnamese	59
American Sign Language	54
Farsi	48
Other	44
Burmese	39
Mandarin	28
Korean	25
Tongan	23
Russian	22
Samoan	22
Kirundi	18
Portuguese	18
Bosnian, Croation, Serbian	17
Laotian	12
Nepalese	12
Somali	12
Chuukese	11
Amharic	9
French	9
Thai	6
Swahili	4
Cantonese	3
Japanese	3
Karen	3
Cambodian	2
Hindi	2
Navajo	2
Tibetan	2
Albanian	1
Italian	1
Mongolian	1
Nuer	1

Language	# of Hearings Interpreted
Urdu	1
Total	6868

ii. Interpreted Hearings by Case Type

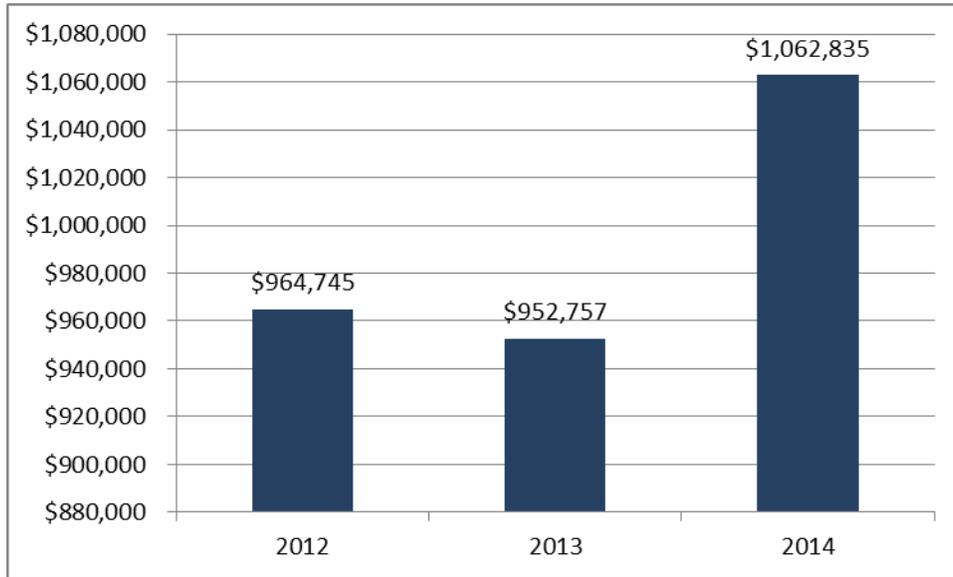
Case Type	Number of Interpreted Hearings
Traffic Court	4008
Other Misdemeanor	2057
Misdemeanor DUI	739
Small Claims	35
Infraction	20
Traffic Citation	5
Parking Citation	4
Total	6868

4. Language Access Program Costs

Language Access Program costs including interpreting and travel are paid out of the Juror Witness Interpreter (JWI) Fund. The Legislature approves ongoing funding for JWI on an annual basis. Any JWI expenses in excess of the base ongoing budget are funded the next year with one-time funding.

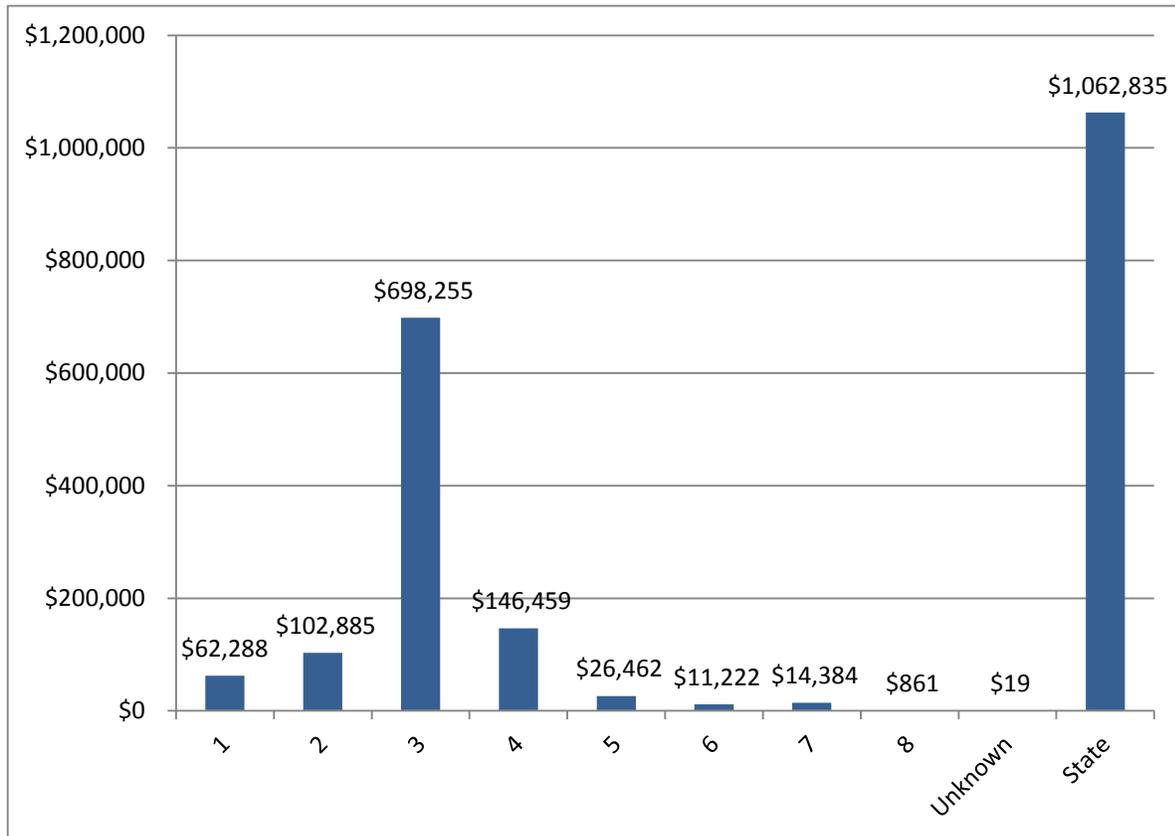
a. Language Interpreting

i. Interpreting Costs, 2012-2014

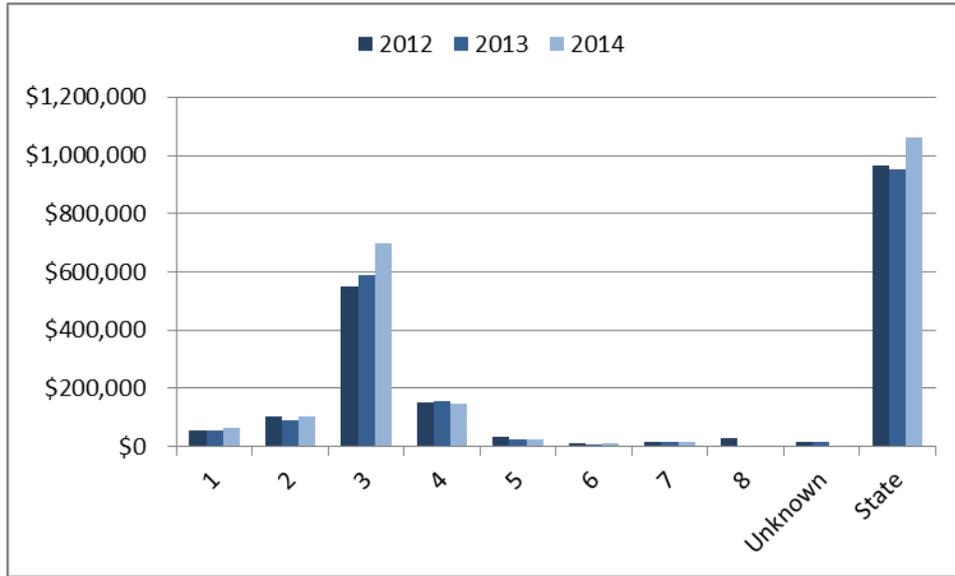


Source: FINET

ii. Interpreting Costs by District, 2014

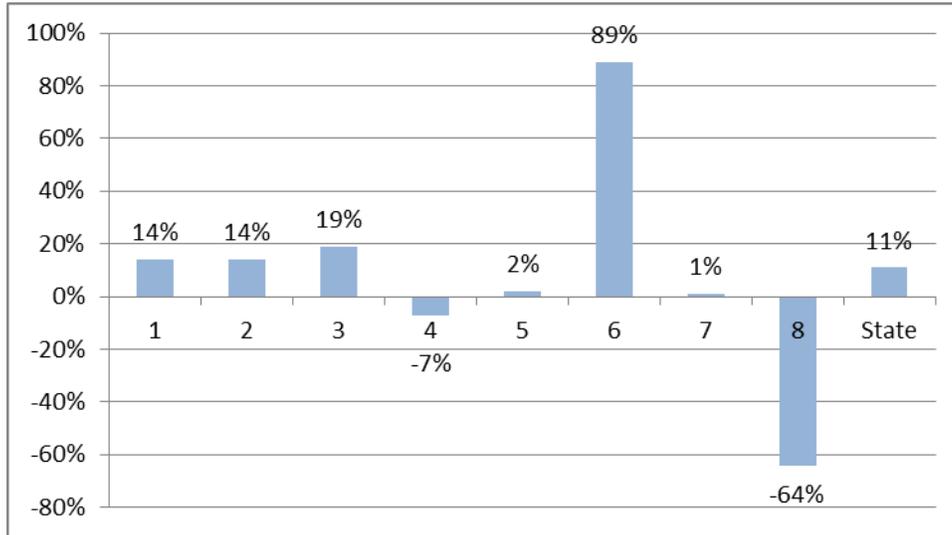


iii. Interpreting Costs by District, 2012-2014



Source: FINET

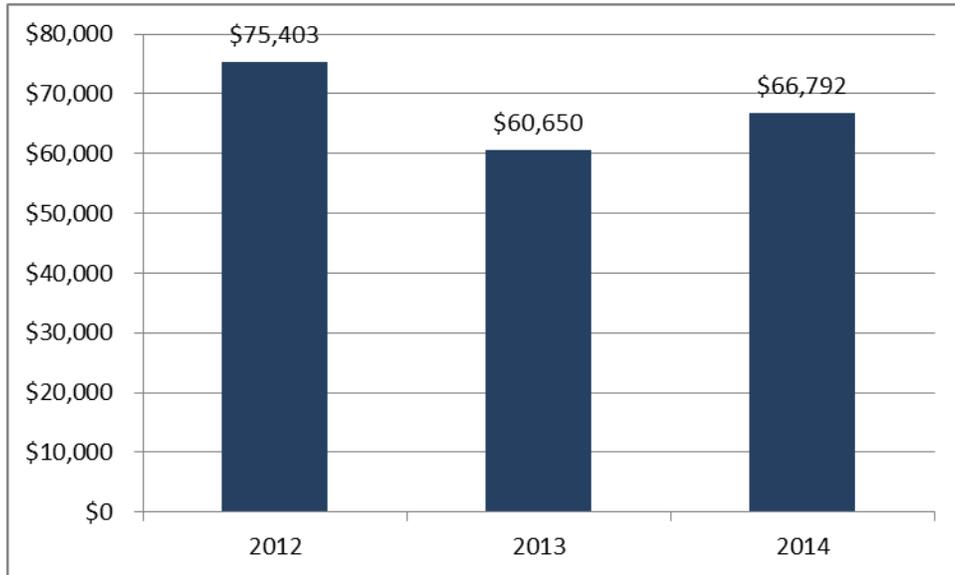
iv. Change in Language Interpreting Costs, 2013-2014



Source: FINET

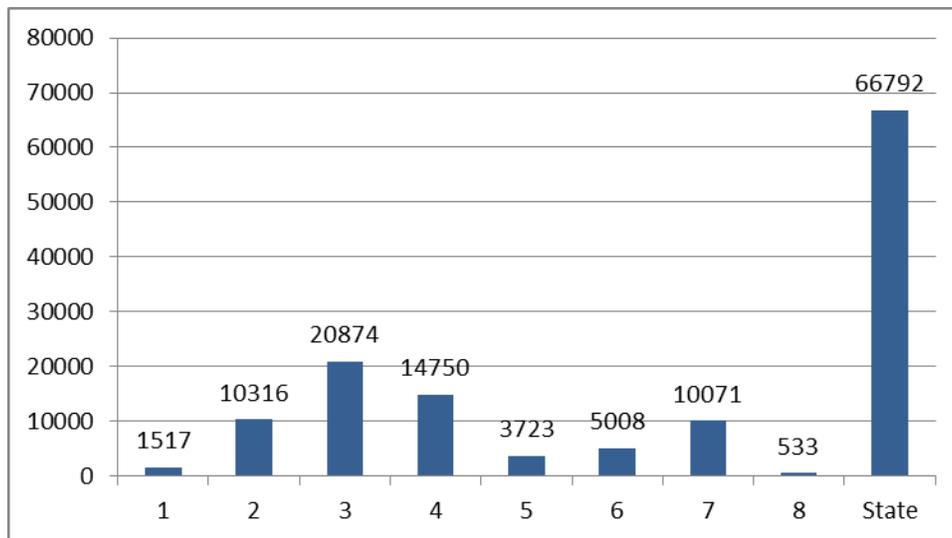
b. Travel

i. Travel Costs, 2012-2014



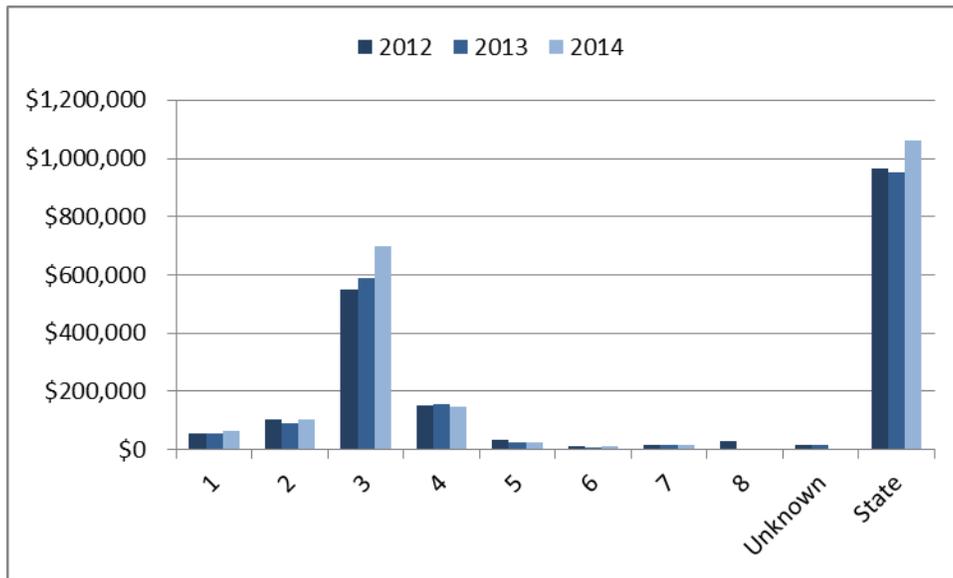
Source: FINET

ii. Travel Costs by District, 2014



Source: FINET

iii. Travel Costs by District, 2012-2014



Source: FINET

5. Analysis

a. Data Sources

The data for this report came from FINET, CORIS and CARE.

FINET is the most reliable source for data because both the court and the interpreter have an interest in paying and being paid an accurate amount. Further, interpreters submit invoices for all travel and for all interpretation, both inside and outside the courtroom. To help ensure the accuracy of each invoice, interpreter coordinators sign off on them and the Language Access Program Coordinator reviews them for payment.

CORIS data is likely underreported. However, judicial assistants typically record the presence of an interpreter, so the data from CORIS provides good information on interpretation trends in the district court. However, there is currently no audit system in place to ensure that an interpreter is recorded whenever one is used. Additionally, when an interpreter interprets outside of the courtroom, those interpretations are not

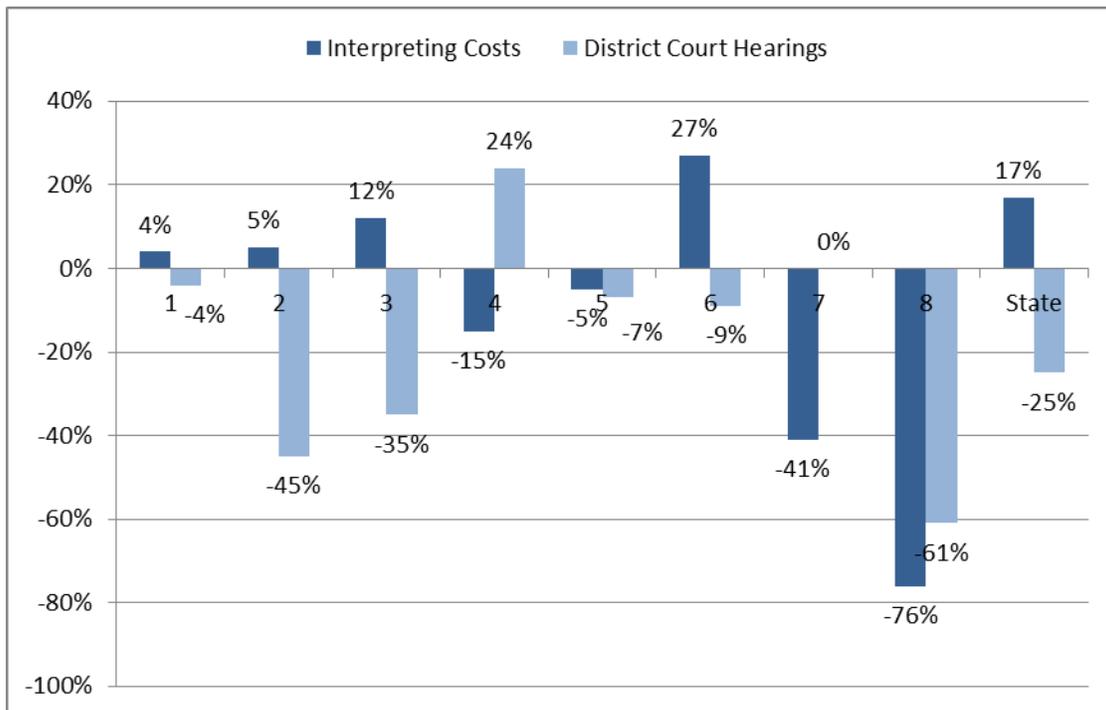
recorded in CORIS. Like last year, CORIS shows that the number of interpreted hearings has declined.

For the first time ever, justice court data was included in this report. However, the data provided is very limited, since justice courts are responsible for paying their interpreters and their interpreters are paid out of county and municipality budgets.

Due to the nature of juvenile court cases, CARE does not provide comparable hearing data. However, the CARE data provides not only the number of cases that have used an interpreter, but also the number of parties requiring an interpreter. This information is helpful, since more than one party to a case may require an interpreter.

b. Program Costs vs. Number of Hearings

As in years past, there does not appear to be a correlation between costs and number of hearings in each district. Only in the Fifth and Eighth Districts did both costs and hearings decrease. In the Fourth District, costs decreased while the number of interpreted hearings increased. In the Seventh District, costs decreased while the number of interpreted hearings stayed steady. In all other districts, costs increased despite a decline in the number of interpreted hearings.



The increase in costs in Third District can be partially explained by the Esar Met Aggravated Murder trial which cost the court almost \$12,000 in interpreting costs alone.⁴ It is possible that the addition of two judges in the 8th District has contributed to the increase as well, since staff and contract interpreters in the Third District frequently cover those hearings remotely.

The increase in costs in the Sixth District may be explained by the remote interpreting equipment in Richfield being out of commission for several months. Where staff interpreters can generally cover those hearings remotely, contract interpreters have been required to travel to Richfield to cover them.

Statewide, costs have increased by 17%. Travel costs have increased by over \$16,000. As with interpreting costs, this increase can be partially explained by the Esar Met Trial, as interpreters had to be flown in from out-of-state and provided with accommodations during the trial.

6. Staff Interpreter Program

a. Costs

The Third District currently employs four full-time staff interpreters. Each of the staff interpreters are paid \$22.34 per hour including benefits compared to \$39.41 per hour with no benefits for contract interpreters. The total cost to the Courts is \$310,000.

b. Workload

The Interpreter Coordinator for the Third District assigns tasks to the staff interpreters. Staff interpreters track their time and tasks on calendars. Although the staff interpreters keep track of most of their time, they do not all keep track of all of their hours, all of the time.

However, the staff interpreters stay fairly busy. It is estimated that they each spend about 50% of their time interpreting in hearings, 25% of their time interpreting at the front counter and in the library, and 25% of their time doing document translation

⁴ The total cost of the Esar Met trial was \$23,254.

for the court website.⁵ Because staff interpreters are so busy, non-English speaking court patrons often must schedule an appointment if they require interpretation at the front counter or in the library.

At the direction of the Language Access Program Manager, the Third District recently stopped using “miscellaneous interpreters.” Miscellaneous interpreters were contract interpreters that were essentially on call in the Matheson Courthouse so that they could be available when a hearing needed to be covered at the last minute. Following a study of this use of contract interpreters, it was determined that the number of hearings did not support having these on call individuals, particularly when there are four staff attorneys available. The Third District has been directed to use the staff attorneys as efficiently as possible, and to call upon contract interpreters as often as necessary.

c. Recommendations

In order to determine whether the staff interpreter program is meeting the demands of the Third and Eighth Districts and other districts using remote interpretation, accurate record-keeping is essential. It is important that staff interpreters be trained to better understand the importance of keeping accurate and complete time records to ensure better data for future reference. It is also important that the Interpreter Coordinator maintain accurate and up to date records of all hearings assigned.

7. Remote Interpreting Program

The remote interpreting project allows interpreters in the Third District to interpret hearings in Manti, Moab, Richfield, Roosevelt, and Vernal. The program has resulted in measurable benefits to the courts, including cost-savings. As an example, travel costs associated with the Eighth District decreased from \$2,410 in 2013, to \$861 in 2014.

⁵ These estimates were provided by Evangelina Burrows, the Third District Interpreter Coordinator.

Last year it was recommended that the remote interpreting program be further studied to determine whether expansion to other areas is feasible and whether it would result in additional benefits and savings. This study has been put on hold until it can be determined whether remote interpreting will be addressed by the remote hearings project that is currently underway.

8. Recommendations

It is recommended that the Language Access Program focus this year on improving record-keeping and interpreter scheduling practices. This will ensure not only that interpreters are being assigned as efficiently as possible, resulting in cost-savings, but also that non-English speaking court patrons will have access to justice that is equal to English speaking patrons. It will also allow the needs of each district to be evaluated with the most accurate and complete data. It is further recommended that we begin analyzing whether there are needs in other districts that warrant hiring staff interpreters.

It is also recommended that the Language Access Program study and propose solutions for creating video recordings of hearings that require an ASL interpreter. Without a video recording, there is virtually no record to capture a deaf party's or witness's communication. For purposes of appeal and ensuring access to justice, it is essential that this communication and interpretation be captured on video.

9. Interpreter Information on the Court's Website

Information about the following topics is available on the court's website:

- [American Sign Language Interpreters](#)
- [Find a Court Interpreter](#) (list of interpreters by language and credentials)
- [How to Become a Court Interpreter](#)
- [Request a Court Interpreter](#) (includes forms and instructions in English, Spanish, and Vietnamese)
- [English-Spanish Legal Terminology](#)
- [Language Access Committee](#)