

# AGENDA

## LANGUAGE ACCESS COMMITTEE

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

Judicial Council Room  
Friday, September 27, 2013  
12:00 p.m. to 1:30 p.m.

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|--|---------------------|
| 1. Welcome and Approval of Minutes (Tab 1)             | Alison Adams-Perlac |
| 2. Report on Strategic Plan – Community Outreach       | Rosa Oakes          |
| 3. NCSC SJI Grant                                      | Alison Adams-Perlac |
| 4. Interpreter Discipline and Formal Complaint (Tab 2) | Alison Adams-Perlac |
| 5. National Call to Action Plan (Tab 3)                | Alison Adams-Perlac |
| 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.

November 15, 2013

# Tab 1

<b>Meeting Date</b>	<b>Language Access Committee</b>	
July 19, 2013	Judicial Council Room	
<b>Members Present</b>	<b>Member Excused</b>	
Judge Trease	Wendell Roberts	
Ghulam Hasnain	Judge Romney	
Jennifer Andrus	Miguel Medina	
Evangelina Burrows	Jennifer Storrer	
Greg Johnson	Nidia Pendley	
Randall McUne		
Maureen Magagna		
Judge Smith		
<b>Staff:</b> Alison Adams-Perlac, Rosa Oakes		
<b>Guests:</b> Luther Gaylord, Juan Marquez		
Topic: Approve minutes of May 17, 2013		
Judge Trease welcomed everyone and called for the approval of the last meeting's minutes.		
Ghulam moved to approve and Evangelina seconded. Members voted.		
Motion passed.		
Topic: Introductions		Judge Trease
Judge Trease introduced new members of the committee. Judge Rick Smith is a Juvenile Court Judge in 4 <sup>th</sup> District. Alison Adams-Perlac from the AOC is the new committee staff member.		
Evangelina introduced Juan Marquez as a new staff interpreter in the 3 <sup>rd</sup> District.		
Topic: Language & Culture Subcommittee Report		Jennifer Andrus
Jennifer A. reported that she met with 4 <sup>th</sup> District Court judges to discuss training on culture. They agreed that it is an issue and also suggested that cultural issues should be identified and sorted out well in advance of court hearings. Ghulam stated that it would be wise to introduce a sort of "process acculturation" for people who become involved in the American legal system to help them understand that things operate very differently than in their native countries. Jennifer A. suggested that informing the public on the American legal system can be done in collaboration with the Court Outreach Committee. The subcommittee will continue its work by arranging focus groups of varied participants and they hope to complete their tasks by August 15. A likely timeline is that a draft curriculum will be presented at the next committee meeting for feedback from members in anticipation of a test run sometime in January 2014.		
Topic: Next item on the strategic plan – Community Outreach		Rosa Oakes
Rosa reported that Nu Dang, certified Vietnamese interpreter, is coordinating a community gathering. The plan is to present limited legal information by attorneys and court staff to help educate Vietnamese citizens in hopes that it will reduce trepidation when they must go to court. Judge Trease is continuing her efforts with the Outreach Committee.		
Meeting adjourned. Next meeting is scheduled for September 27, 2013.		

# Tab 2

for the non-English speaking person, so the appointing authority may reject a waiver.

(7) Removal from legal proceeding. The appointing authority may remove an interpreter from the legal proceeding for failing to appear as scheduled, for inability to interpret adequately, including a self-reported inability, and for other just cause.

(8) Discipline.

(8)(A) An interpreter may be disciplined for:

(8)(A)(i) knowingly making a false interpretation in a legal proceeding;

(8)(A)(ii) knowingly disclosing confidential or privileged information obtained in a legal proceeding;

(8)(A)(iii) knowingly failing to follow standards prescribed by law, the Code of Professional Responsibility and this rule;

(8)(A)(iv) failing to pass a background check;

(8)(A)(v) failing to meet continuing education requirements;

(8)(A)(vi) conduct or omissions resulting in discipline by another jurisdiction; and

(8)(A)(vii) failing to appear as scheduled without good cause.

(8)(B) Discipline may include:

(8)(B)(i) permanent loss of certified or approved credentials;

(8)(B)(ii) temporary loss of certified or approved credentials with conditions for reinstatement;

(8)(B)(iii) suspension from the roster of certified or approved interpreters with conditions for reinstatement;

(8)(B)(iv) prohibition from serving as a conditionally approved interpreter;

(8)(B)(v) suspension from serving as a conditionally approved interpreter with conditions for reinstatement; and

(8)(B)(vi) reprimand.

(8)(C) Any person may file a complaint in writing on a form provided by the program manager. The complaint may be in the native language of the complainant, which the AOC shall translate in accordance with this rule. The complaint shall describe in detail the incident and the alleged conduct or omission. The program manager may dismiss the complaint if it is plainly frivolous, insufficiently clear, or alleges conduct that does not violate this rule.

If the complaint is not dismissed, the program manager shall mail the complaint to the interpreter at the address on file with the administrative office.

(8)(D) The interpreter shall answer the complaint within 30 days after the date the complaint is mailed or the allegations in the complaint are considered true and correct. The answer shall admit, deny or further explain each allegation in the complaint.

(8)(E) The program manager may review records and interview the complainant, the interpreter and witnesses. After considering all factors, the program manager may propose a resolution, which the interpreter may stipulate to. The program manager may consider aggravating and mitigating circumstances such as the severity of the violation, the repeated nature of violations, the potential of the violation to harm a person's rights, the interpreter's work record, prior discipline, and the effect on court operations.

(8)(F) If the complaint is not resolved by stipulation, the program manager will notify the committee, which shall hold a hearing. The committee chair and at least one interpreter member must attend. If a committee member is the complainant or the interpreter, the committee member is recused. The program manager shall mail notice of the date, time and place of the hearing to the interpreter. The hearing is closed to the public. Committee members and staff may not disclose or discuss information or materials outside of the meeting except with others who participated in the meeting or with a member of the Committee. The committee may review records and interview the interpreter, the complainant and witnesses. A record of the proceedings shall be maintained but is not public.

(8)(G) The committee shall decide whether there is sufficient evidence of the alleged conduct or omission, whether the conduct or omission violates this rule, and the discipline, if any. The chair shall issue a written decision on behalf of the committee within 30 days after the hearing. The program manager shall mail a copy of the decision to the interpreter.

(8)(H) The interpreter may review and, upon payment of the required fee, obtain a copy of any records to be used by the committee. The interpreter may attend all of the hearing except the committee's deliberations. The interpreter may be represented by counsel and shall be permitted to make a statement, call and interview the complainant and witnesses, and comment on the claims and evidence. The interpreter may obtain a copy of the record of the hearing upon payment of the required fee.

(8)(I) If the interpreter is certified in Utah under Paragraph (3)(B), the committee shall report the findings and sanction to the certification authority in the other jurisdiction.



# Administrative Office of the Courts

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

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

## Court Interpreter Program

### FORMAL COMPLAINT FORM

The complaint procedure applies only to interpreters who are listed on active status on the Utah Court Interpreter Roster maintained by the State Court Interpreter Program.

Complainant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Complaint Against: \_\_\_\_\_

Interpreter's Name (please print)

### STATEMENT OF FACTS

Please provide the information requested below. Attach additional pages if necessary.

**1. Date and location of the alleged violation.**

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**2. If the incident took place while the interpreter was engaged in a court proceeding, please provide the following information (if not, skip 2a):**

a. Case name and number: \_\_\_\_\_

b. Your connection to the case or incident in question (e.g. party, victim, attorney, other interpreter, clerk, judge, etc.):

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(Continue on the following page)

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



I understand that the information provided in this document may be shared with any of the parties involved during the course of an investigation and that the matter will be handled in accordance with section (8)(C)-(8)(I) of Rule 3-306 UCJA.

Under penalty of perjury, I swear and affirm that the statements and information provided in this and any attached document are true and correct to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please submit this form with attachments to:

Rosa P. Oakes  
Administrative Office of the Courts  
P.O. Box 140241  
Salt Lake City, UT 84114-0241

FAX: 801-578-3843  
Email: [rosao@utcourts.gov](mailto:rosao@utcourts.gov)

# Tab 3

## **A National Call to Action – Creating Solutions to Language Barriers in State Courts**

### **Step 1: Identifying the Need for Language Assistance**

Establish data collection and analysis procedures to assist with the identification of need for language assistance at all points of contact.

### **Step 2: Establishing and Maintaining Oversight**

Establish oversight over language access programs through the development of a state or district language access plan, creation of an oversight body, and/or creation of a language access coordinator position.

### **Step 3: Implementing Monitoring Procedures**

Implement procedures for monitoring and evaluating language assistance services.

### **Step 4: Training and Educating Court Staff and Stakeholders**

Establish programs to train courts, justice partners, and stakeholders on language access services, requirements, and mandates.

### **Step 5: Training and Certifying Interpreters**

Develop procedures to enhance the availability of qualified interpreters and bilingual specialists through recruitment, training, credentialing, and utilization efforts.

### **Step 6: Enhancing Collaboration and Information Sharing**

Establish procedures to enhance the sharing of information and resources on national and regional levels.

### **Step 7: Utilizing Remote Interpreting Technology**

Utilize Remote Interpreting Technology to fulfill LEP needs and ensure quality services.

### **Step 8: Ensuring Compliance with Legal Requirements**

Amend procedural rules to ensure compliance with legal requirements.

### **Step 9: Exploring Strategies to Obtain Funding**

Develop and implement strategies to secure short-term and long-term funding for language access services.

Full report available at [http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/~/\\_media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Call-to-Action.ashx](http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/~/_media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Call-to-Action.ashx).