

# AGENDA

## LANGUAGE ACCESS COMMITTEE

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

Education Room  
Friday, November 15, 2013  
12:00 p.m. to 1:30 p.m.

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|--|----------------------|
| 1. Welcome and Approval of Minutes (Tab 1) | Judge Vernise Trease |
| 2. Interpreter Discipline Update           | Alison Adams-Perlac  |
| 3. Training                                | Rosa Oakes           |
| 4. Reciprocity (Tab 2)                     | Rosa Oakes           |
| 5. Other Business                          |                      |
| 6. 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.

January 24, 2014

March 21, 2014

May 16, 2014

June 20, 2014

September 19, 2014

November 21, 2014

# Tab 1

Meeting Date	Language Access Committee	
September 27, 2013	Judicial Council Room	
<b>Members Present</b>	<b>Member Excused</b>	
Judge Romney	Judge Trease	
Randall McUne	Judge Smith	
Evangelina Burrows	Wendell Roberts	
Miguel Medina	Maureen Magagna	
Nidia Pendley	Jennifer Storrer	
Jennifer Andrus		
Ghulam Hasnain		
<b>Staff:</b> Alison Adams-Perlac, Rosa P. Oakes		
<b>Guests:</b> Luther Gaylord		
<b>Topic:</b> Approve minutes of July 19, 2013		
<b>Discussion:</b>		
Judge Romney moved to approve the minutes; Randall McUne seconded the motion.		
<b>Motion:</b> Passed		
<b>Topic:</b> Outreach Effort – Vietnamese Community	<b>By</b> Rosa P. Oakes	
<p>Ms. Oakes reported that on 9/15/13 (Sunday) she and other court-related representatives participated in a program to inform the Vietnamese community on court processes including how interpreters perform their work. The program was coordinated by certified interpreter Ngoc-Nu Dang and was advertised in various Vietnamese media outlets. The event was held at a local Vietnamese restaurant, which provided refreshments. Approximately 60 members of the Vietnamese community ranging in ages from teens to elderly attended. The audience was animated and actively participated in discussions. It was well received and members requested more events on varying court-related topics. Mr. Hasnain talked about providing similarly coordinated events for other communities.</p>		
<b>Topic:</b> NCSC/SJI Grant	<b>By</b> Alison Adams-Perlac	
<p>Ms. Adams-Perlac informed committee members that she has submitted an application on behalf of the program for technical assistance. She stated that the State Judicial Institute (SJI) had awarded a large monetary grant to the National Center for purposes of providing technical assistance to states for their Language Access Programs. The application submitted for our state solicits technical assistance in the way of an IT programmer who would develop a computer program to assist in scheduling, tracking, and paying court interpreters. Ideally, the program would link to CARE and CORIS and would be invaluable in reporting language access information.</p>		

Topic: Interpreter Discipline	By Alison Adams-Perlac
<p>Ms. Adams-Perlac reported that a formal complaint was received under the revised disciplinary policy. She provided a copy of Rule 3-306 section 8 wherein the process is outlined. A blank copy of the newly created formal complaint form was also provided. Ms. Adams-Perlac reviewed the process stating that a copy of the formal complaint is sent to the interpreter and thereafter he or she must submit an answer within 30 days. The program manager may propose a solution based on the interpreter's answer. If a solution is not proposed by the manager or the interpreter does not agree to the proposed solution, the complaint goes before this committee. In a closed, confidential meeting, the interpreter (with or without counsel) could state their case, be questioned by committee members and ask questions of the members. Members would also be at liberty to interview the complainant and any witnesses. The committee would make a final decision within 30 days of the meeting.</p>	
Topic: Call to Action Report	By Alison Adams-Perlac
<p>Ms. Adams-Perlac brought the committee's attention to a report generated by the NCSC on Language Access in the Courts. The report is the result of a national conference sponsored by SJI and held in October 2012 in Houston, TX. The report outlines action steps for state's language access programs based on feedback from the conference. Some discussion ensued with regard to how the program's strategic plan fits in with the action steps.</p>	
Topic: Subcommittee on Language & Culture	By Jennifer Andrus
<p>Ms. Andrus informed the committee that they have tried to meet with attorneys and clerks without success. Instead, the subcommittee distributed surveys and have only received 3 responses. Ms. Andrus requested time on the next meeting agenda to report more at length on the subcommittee's work.</p>	
Topic: Interpreter Training on Civil Matters	By Rosa P. Oakes
<p>Ms. Oakes reported that the Utah Judicial Institute has developed some training for interpreters for purposes of exposing them to civil processes and terminology. Training is scheduled for October 25, 2013 in Salt Lake and November 22, 2013 in Beaver. These are ongoing sessions that will go through the next few years on various civil topics. The first training sessions are slated to be on landlord/tenant information.</p>	

Meeting adjourned. Next meeting is scheduled for November 15, 2013.

# Tab 2



Alison Adams-Perlac <alisonap@utcourts.gov>

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## Re: Utah Court Certification

1 message

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**Rosa Oakes** <rosao@utcourts.gov>

Thu, Oct 10, 2013 at 9:26 AM

To: Washington Translation Bureau <info@watransbureau.com>

Cc: Alison Adams-Perlac <alisonap@utcourts.gov>

Natalya, though our unwritten policy has been to deny reciprocity requests for interpreters who are not relocating to our state, we are willing to take this issue before our Language Access Committee for review. Our next meeting agenda (November) is pretty full; therefore, the soonest we can address it is on January 24, 2014. I will contact you with a decision soon after that date.

Regards,

On Mon, Sep 30, 2013 at 3:14 PM, Washington Translation Bureau <info@watransbureau.com> wrote:

Dear Rosa,

I am sorry for my delay in getting back to you. Business is blooming, even though it is Fall!

I am getting through the same court certification process in several reciprocal states (Wyoming, Idaho and Nevada) and they have all been helpful in providing me with instructions and requirements.

What I will need to obtain is a Utah Court Certificate showing that I am approved by the State of Utah for interpreting in their courts. In each state this procedure is slightly different. For instance, in some states I must attend their orientation workshop, and/or pay a fee, in addition to providing a copy of my current Washington certification. Upon meeting their specific requirements each state will then issue their Certification.

Therefore, my question is what specifically do you need from me to obtain a Utah Court Interpreter Certificate?

Thank you Rosa for your help and I am looking forward to hearing from you.

Best Regards,

Natalya Goncharova



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

## **STATE RECIPROCITY Court Interpreters**

**UT:** I have a request, which I had not encountered before, from an interpreter regarding reciprocity. The interpreter resides in the state of WA and she desires to receive certification in UT. Previous requests for reciprocity involved the interpreter relocating to our state. However, this person has no such intentions and only wishes to receive a certificate stating that she is certified here. She informed me that various other states have already issued certificates for her.

Generally, we will accept another state's certification if it has been completed within the standards set by the Language Access Services Section of the NCSC. This does not mean that we will issue one of our certificates, nor will we place them on our interpreter rosters.

For relocating certified interpreters we contact the certifying state to inquire about their standing there, conduct a background check, give them an ethics exam and require 10 hours of observation prior to listing them on our rosters.

I would like to hear from other states on how these types of requests are being handled - do we foresee interpreters holding 40+ certificates?

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**AK:** The Alaska Court System would extend reciprocity if the person lived in the State. They would also have to participate in our court-specific orientation program. We would however, consider using a court-certified interpreter from Washington State for telephonic hearings or for trials if no interpreter was available in Alaska. We will not issue a state certificate.

**AL:** AL does not require residency to be a certified (or registered) interpreter in AL.

**AR:** Rosa, I may be wrong, but I believe the state issues the certification based on the candidate having taken the oral exam in that particular state and achieving a passing score. That is why it is a state certification. Reciprocity is within the discretion of each state. The scores may be at the level agreed by member states of the former consortium and completing any additional requirement that the recognizing state may have. If this individual wants to be certified in Utah, I would say, come on down and take the exam here and if you pass I will give you a Utah certification.

**CO:** We have not established this yet in policy, but we will not grant reciprocity unless the interpreter will work for us. Now, sometimes they reside in another state and we need to use them over the phone or in person...we will then look at reciprocity. But just to bolster their resume...I don't feel comfortable with that.

**DE:** Delaware has a similar policy to PA, and I believe MD, in terms of the mileage radius from home base to our courthouse. We also require documentation, orientation and shadowing our certified interpreters prior to inclusion in the Registry.

In one instance however, I received a request from a Mandarin interpreter in CA who, due to the nature of her specialty - corporate law - requested certification in order to work in our Chancery Court. I wrote a letter acknowledging her credentials and that she would be recognized as par with our certified interpreters. This I did because Chancery Court deals with multinational corporations and I know they have many dealings with China at the moment.

I rather use certified interpreters from neighboring jurisdictions on an as needed basis and pay the neighboring state's fee schedule instead of including them in the Registry. We have a good business relationship with them. I have a file containing information (CV and test scores) of interpreters from other jurisdictions who have requested certification. I do not grant it, I just say they are placed in the Additional Resources file and that I may call at some point when the need arises. This seems to satisfy most.

The last request of this type - from a Cantonese interpreter in WA - was a trip! (May be the same one!?) She fought with me over the phone for 30' demanding I granted certification and included her in my Registry because she knew I needed Cantonese interpreters in my area. I denied. She even asked for my supervisor's name and phone number to complain... ( I was tempted to tell her I was the boss of me!) I found a more polite and persuasive way to end the conversation.

**GA:** Georgia only grants reciprocity if the individual has relocated to our state upon completing the certification process in another state. Hope this helps.

**IA:** We just had this issue with Ping Lau from Washington. We just told her today we are going to put her on the roster. She had passed Oregon's 60-question ethics test, passed the 135, attended seminars in Washington and Oregon, and passed both the Mandarin and Cantonese tests. We accepted all these and determined she met the criteria to be on the roster and will get a certificate.

I see where you are coming from, though. We are seeing the same trends with attorneys, although the cost of maintaining all the licenses gets very expensive. It's also very time consuming. If nothing else, maybe we need to hike our application fees substantially for nonresidents.

We decided in this instance we had no certified interpreter in either language, and having her on the roster would be helpful to our district courts. Plus she might be able to do remote interpreting for the shorter hearings.

I also think it is helpful for our courts to have someone skilled to contact without checking all over, especially for remote interpreting. The interpreter in question was kind of indignant that I didn't just say, "ok you're certified" and instead asked for proof on several of the requirements. That's how I roll.

Just as a point of clarification, though, I do not think Minnesota certified interpreters take the 135-question multiple choice written exam, so we do require them to pass that to get on our roster. Otherwise, they would have an easier path than our own interpreters. That being said, I think it is fair to distinguish interpreters who hope to do some interpreting, even if it's just remote, in another jurisdiction from those who say flat out they do not plan to interpret in that state. I don't think the latter interpreters should be

certified or placed on our state's roster. If we ran into that, I think an intent to practice affidavit might be in order.

**ID:** Following is Idaho's reciprocity policy. It's a bit out of date with references to the Consortium—we really do need to complete a review of the entire thing.

## **2.4 Reciprocity Standards for Certification Exams**

In addition to the court interpreter skills test administered by the Idaho Administrative Office of the Courts, interpreter exams (consisting of all three modes of interpreting) for the purposes of court certification from the following entities are accepted as equivalent to passing the interpreting skills portion of the certification testing process:

- Administrative Office of the United States Courts
- Washington State Administrative Office of the Courts
- New Jersey State Administrative Office of the Courts

Any entity administering a Consortium for State Court Interpreter Certification exam (composed of all three modes of interpretation and administered by a Consortium member in good standing or by the National Center for State Courts). See Section 2.5.

- The SC:L certification exam administered by the Registry of Interpreters for the Deaf (RID).

Please note that reciprocity policies vary from state to state within the Consortium. Contact the state's administrative office of the courts to obtain this information. If an interpreter holding a court certification from one of these entities has not been actively interpreting in the previous 12 calendar months, the interpreter may be required to retake the skills portions of the Idaho certification exam or its functional equivalent, submit to another evaluation in order to become an Idaho Certified Court Interpreter, or complete other requirements as determined by the Administrative Office of the Courts.

In 2006, the Consortium for State Court Interpreter Certification adopted the following "Universally Accepted Standards for Oral Exam Scores". If an exam candidate from another Consortium state has met this standard, the Idaho Supreme Court will reciprocate on that individual's certification exam scores.

- a. Completed the entire test within one test cycle;
- b. Scored at least 70% on all four portions of the test;
- c. Completed the test within one state;

- d. Took no version of the oral exam more than twice;
- e. Did not retake an oral exam within a 10-month period of time

Note: Candidates not satisfying the above standard may still be accepted at the discretion of the program manager.

If we receive an application/request for reciprocity, we verify exam scores and we contact the state they originally tested and certified in to learn if they are in good standing. Once a person has obtained Idaho certification, they are subject to the same CE requirements as any other certified interpreter. We find that they typically drop off the roster when they realize it's more work than it's worth (i.e submitting all the paperwork, etc., and they rarely if ever get called to work in Idaho).

**MI:** Michigan would deny this request. While we grant reciprocity to those who have passed the test in other states, it's only granted if they are relocating to Michigan. Michigan courts can use "certified" interpreters from other states to comply with our rule, but we don't "certify" them here. This allows someone the "benefit" of being certified, without being listed on our rosters.

The rosters is my main justification for this rule. We don't want to maintain someone on our rosters who doesn't live in, or regularly intends to work in, Michigan. If there's disciplinary action in Michigan, we'll track it. But if there's some in Utah? Ohio? Indiana? Oregon? How are we going to know that the issuing state revoked the originally issued license? What if they were provisionally licensed (in Michigan, passing two of the three parts of the oral exam) but haven't attained full certification before the provisional certification expires? How are we going to know if they haven't met the continuing education requirements for certification in the other state? If they're registered in Michigan, then we know. If they're not, then we don't. Essentially, if we boil it down, if we grant certification because they tell us they passed a test in another state, how likely are they to tell us when they've lost that certification from the other state?

**MO:** I have had this happen many times. Typically, I request a letter of good standing from the state(s) in which they have been working, an completed reciprocity application be completed, I confirm test scores with NCSC, and they get fingerprinted for a background check. Once all that is received, I do put them on our roster of certified interpreters. I do not provide a certificate or any other documentation as the interpreter is already certified.

**NE:** we have received requests from interpreters requesting to be listed on our website. Basically what you are outlining. We don't re-certify them, but recognize their certification and provide contact info for them, if they speak a language that we don't have locally. The have to prove that they were certified under the consortium tests, and present a letter in good standing from the state where they are currently certified.

**NJ:** NJ does not issue certificates. Also, we only test candidates who plan to work in NJ which they must affirm to in the testing application. When people from other states call wanting to test or appear on our Registry and they admit they don't plan to work in NJ, I reject those request and explain that the Registry exists to serve court staff in finding credentialed interpreters and that since we bear most of the cost for testing we only test candidates who affirm they intend to work in NJ.

**NY:** I think it is important to distinguish between certification and qualification. We are not a licensing agency where we certifying interpreters but, based on their test performance, will deem them as qualified or not. All certified individuals are qualified but not all qualified are certified. Certification involves a broader range of testing that may usually include a combination of education and experience.

**MA:** To be certified in MA you have to complete an introductory training and undergo a fairly extensive mentoring process which really demands that you live in state so it's not an issue for us. We do get lots of requests from people who just seem to want to build their CV's.

**NM:** We have actually invited some out of state interpreters to complete our process for reciprocal certification (application, reference and background checks). We're doing this for languages other than Spanish. Without reciprocal certification in NM , every time we use these folks, which is often, I must provide the court with a special approval memo for the case file.

**NV:** Pursuant to State Court Administrator Guidelines for the NV Certified Court Interpreter Program, *persons possessing out-of-state certifications may apply for consideration, under state reciprocity, to be certified in the State of Nevada under the following conditions. Reciprocity will be considered on a case-by-case basis.*

Reciprocity for all out-of-state certified interpreters applies only to:

1. Persons who have **successfully passed all three parts of the oral skills exam developed by the Consortium for Language Access in the Courts (CLAC) with at least a 70% score on the same day** (and neither score on the sight translation below 65%), **and started and ended the certification process in the same state.**
2. Persons with **Federal Court Interpreter Certification.**
3. Persons with **State Court Interpreter Certification from all states that are members of the CLAC** (when test scores are verifiable through the CLAC).
  - Applicant holds a certification that is current in the issuing state at the time of Certification Request for a certification in Nevada.
  - The certificate held in the issuing state is NOT a temporary permit, emergency, alternative, conditional license, multiple subject credential, or partial completion of a NCSC examination.

Furthermore, applicant must meet the following requirements to be certified in the State of Nevada:

1. **Complete the Orientation Workshop for Prospective Interpreters in the Nevada Courts and pass the Nevada Certified Court Interpreter Written Test with a minimum score of 80%** offered by the Administrative Office of the Courts (AOC), and
2. **Provide verification of 40 hours of Nevada courtroom observation or work;** and

3. **Submit a Nevada Certified Court Interpreter Certification Request to the AOC**, which includes a criminal history check and payment of a \$50 administrative fee; and
4. **Sworn Oath to Uphold the Code of Professional Responsibility for Interpreters in the Nevada Courts.**

As you can see there is no 'relocation' requirement imposed on a prospective candidate requesting reciprocity. We do, however, require verification of 40 hours of Nevada courtroom observation which only a candidate who seriously contemplates a relocation to NV, will fulfill.

**PA:** Pennsylvania only grants reciprocity to those interpreters that are moving to the state or live within a reasonable distance from our courts so they can provide services on a regular basis.

**SC:** We've had requests like that, which we've denied. It's almost like the interpreter wants to say, "I'm certified in all of these states", which in my opinion, is not the case. We have interpreters in our Directory that were certified in another state, and that is how we list them. We do it for interpreters that plan to serve in our courts and live in our state.

**TX:** If you satisfy the requirements for licensure in Texas you will obtain a license regardless if you do not reside in this state. Our law does not say you have to be a resident to obtain a license.