

# Agenda

## Court Interpreter Committee

January 27, 2012  
12:00 to 1:30 p.m.

Administrative Office of the Courts  
Scott M. Matheson Courthouse  
450 South State Street  
Conference Room B, Suite W19

Welcome and approval of minutes	Tab 1	Judge Vernice Trease
Recognition of Daryl Hague, Deborah Kreeck Mendez and Luther Gaylord		Judge Vernice Trease
Approved interpreter qualifications	Tab 2	Luther Gaylord
New interpreter web pages		Rosa Oakes
Report on pilot programs	Tab 3	Tim Shea

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

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

April 27, 2012 (Education Room)

July 27, 2012

October 26, 2012

# Tab 1

<b>Meeting Date</b>	<b>Court Interpreter Committee</b>	
October 28, 2011	Judicial Council Room	
<b>Members Present</b>	<b>Member Excused</b>	
Judge Romney	Wendell Roberts	
Jennifer Storrer	Maureen Magagna	
Evangelina Burrows	Craig Johnson	
Ghulam Hashain	Deborah Kreek-Mendez	
Greg Johnson	Dinorah Padro	
Luther Gaylord		
Daryl Hague		
Judge Noonan		
Judge Trease		
<b>Staff:</b> Tim Shea, Rosa Oakes		
<b>Guests:</b> Juana Gutierrez		
Topic: Approve minutes of July 29, 2011		
Discussion: Correction made on page 4 of July minutes correcting names of members as well as spelling.		
Motion: Judge Romney moved to approve the minutes as amended.		
Vote: Yes		Motion: Passed
Topic: Interpreter Usage		By Tim Shea
<p>Tim presented a power-point demonstration to show the cost of the interpreter program, interpreter credentialed usage, and how it breaks down across the state. US Census Bureau reports the Hispanic population in Utah is approximately 13% statewide. Ranges from 1 in 6 to 1 in 7 people in Salt Lake and Weber Counties to 1 in 50 people in Morgan County. This is not Spanish speaking only, it is people with Spanish heritage. These numbers account for 85% of the total interpretation needs. The total costs for the interpreter program has gone down about \$20,000 in the past year. We are testing cost-saving measures. There is a reduced demand, and fewer cases being filed. The cost of the program has declined in all districts except district 3 and district 8. Tim compared the 2<sup>nd</sup> and 4<sup>th</sup> district case loads. They are fairly similar. The cost of the 4<sup>th</sup> district is half-again of the 2<sup>nd</sup>. This might be due to travel costs. Case load data is from Finet and CORIS. We now have the ability to separate the cost of the travel reimbursements from the cost of the professional services. We have five months of data calculated at this point. Approximately 10% of the cost is travel. The use of certified Spanish interpreters is at or near 100% in all but one district. The 8<sup>th</sup> and 1<sup>st</sup> district are at 100% and have been for some time now. The 7<sup>th</sup> district dropped noticeably. The 6<sup>th</sup> district is our most rural district, all but one is operated as a secondary location. The percentage of approved interpreters is quite high now. The total numbers are low because the case-load is low. Juvenile court data is not available due to issues with CARE. We will make efforts to add justice court data.</p>		

We have been very successful with using the best person available. Luther voiced some concern regarding justice courts and compliance with Rule 3-306. Tim stated that we have never interfered with the local courts decision to appoint interpreters. Although justice courts are required to follow Rule 3-306, we need to have information before we can make decisions regarding the local courts and their practice. The report Tim provided to the committee was also given to the Judicial Council and the Trial Court Executives. It will also be provided to the Justice Court Board.

In other languages, we have one Navajo and one Vietnamese interpreter. The Vietnamese interpreter use is consistent at 75% to 80%. The Navajo interpreter use has gone from 52% in 2008 to 85%. Both are a matter of availability. One of the Russian interpreters has since been certified. We anticipate her numbers will be much like these next year. In other languages, the overall percentage is about 75/25 between approved and conditionally approved. The approved interpreters are used in 85% to 90% of hearings. If approved is not available, conditionally approved interpreters are used. We are breaking through into civil cases.

CORIS automatically records the date and time of the hearings when an interpreter is used. Three years of data has shown a spike from 8:00 a.m. to about 10:00 a.m. then a smaller spike in the early afternoon, tapering off from there. We have explained to judges that off-peak times will make it easier to use interpreter services.

Tim described two pilot programs: remote interpreting and staff interpreting increased costs, initially such as benefits and cost of equipment. We have been testing two models. One is an independent "plug and play cart" which is wheeled into the courtroom that is currently in Vernal. Richfield has a system that is wired into the public address system. In both systems the clerk will turn the system on and call the interpreter. The interpreter can then interpret for persons in the courtroom. The purpose of this is to cut down on the need for travel to a remote court site. The preliminary numbers are showing minimal savings, however, this is in the early stages.

The second pilot program involves two staff interpreters at the Matheson courthouse. In comparing the contract interpreter versus the staff interpreter, we foresee advantages to the staff interpreter including assisting with walk-ins and translations. The savings does go down a bit when we calculate in the staff interpreters employee benefits. Both programs show promise. Committee members questioned the staff interpreters benefits including retirement benefits, etc. Would this affect the expenses? Are the staff interpreters paying their own cell phones which are being used to contact them when interpreting is needed? These features will need to be discussed if the pilot program was put into a permanent basis. Tim's recommendation would be to include benefits. Judge Trease stated her phone is not covered by the court either but she does use hers for business use.

Topic: Approved Interpreter Qualifications

By Luther Gaylord

In the past we had certified court interpreters, approved court interpreters, and conditionally approved court interpreters. This committee changed Rule 3-306 in 2010 so that now we have certified, approved, registered two, registered one, and finally conditionally approved. Luther wasn't aware we created a "loophole" with the new category. It was his understanding if there was no certification available the interpreters would be paid \$33.10 per hour. He has now realized that this opens the door for a

person to take the OPI (Oral Proficiency Interview) and pass with a superior rating and earn the \$33.10 per hour. Luther does not agree with this. He feels the courts should use the most qualified interpreters whenever possible. Luther believes the current rule allows people to pass the OPI instead of taking the longer route. He believes the AOC implemented this incorrectly. Previously approved interpreters who are now registered two interpreters received a raise from \$24.82 an hour to \$33.10 an hour. This has been corrected. Interpreters have expressed their lack of desire to get certified. Luther explained the differences between the Consortium Certification exam and the OPI exam. He noted that the gold standard is the Federal Certification exam, which is exhaustive and difficult to pass. In Utah we have 5-6 federally certified Spanish interpreters, whereas we have approximately 45 state certified. The federal and state consortium tests include testing for courtroom experiences. However, the OPI simply tests for language fluency.

Luther proposed that Rule 3-306 be amended to accept OPI results for approved status only in those languages where no consortium test is available. Luther has found consortium tests are now available in many languages used in Utah courts. Members agreed the OPI is simply a "conversation." A superior rating in an OPI is acceptable but not necessarily indicative of a person's ability to be an interpreter. A superior rating would require some cultural elements as well. Members discuss the effects on the currently approved interpreters who have passed the OPI. A committee member suggested they should have a salary reduction until they pass higher qualifications. Evangelina explained why the system is set up the way it is. Luther readdressed his concerns and his understanding of the original plan.

Tim explained that in order to have a chance for any significant amount of the work-load an interpreter must have the certification. Tim feels it's important to have a midway step, regardless of the language. Tim's goal is to have an examination where we could say with some confidence that the person is at least fluent in the target language. We have explored other options but they did not pan out. Luther expressed his concerns that the value of his certification is diluted by paying only \$5 less an hour for someone who is not certified. Luther stated he is not federally certified due to personalities at the federal court, and financial and time investment on his part but he feels comfortable where he is at financially. We have three people who have passed the OPI. Tim stated he is concerned about going "backwards" and that reducing a person's salary will be unfair. There needs to be a progression, which this system provides. Rosa stated the majority of state courts are using Spanish certified interpreters. The approved and/or registered two Spanish interpreters are likely working in the justice courts. We don't have the statistics available. Luther explains they are working regularly in the state and justice courts. He believes the justice courts do not apply Rule 3-306. Rosa stated that if we change the policy registered two interpreters for languages, other than Spanish, will not be eligible to become approved (if certification exists in their language) and foreign language skills will not be tested. This is a concern when a trial comes up and they are called to team interpret.

Rosa suggested they pass the OPI to become an approved interpreter. Members clarified Rosa's concerns agreeing with the lapse in the middle. Judge Trease doesn't think this issue can be voted on today. It's not an open and shut case. Members agreed they need more background information. Tim stated the drafts of the rule change will show the difference between registered one and registered two. Registered

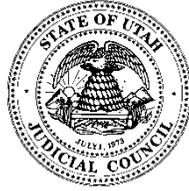
two interpreters have the opportunity to take certification tests. Whereas registered one interpreters do not have the tests available. Member recognized that Luther is looking for a greater fiscal difference between certified interpreters and the others. Luther stated that we should be encouraging people down the certification path. There may be cost issues with the justice courts and that's why they use the interpreters they do. Jennifer stated that she agrees with Rosa that many people will find it challenging to go through a process for certification when this is not their primary source of income. Evangelina stated she has proctored some of the OPI's and believes they are of value for languages other than Spanish. Rosa stated that a lot of return missionaries pass the English test easily but their foreign language skills are fairly unknown. Professor Hague stated that he liked the OPI test, that it is important. This issue will be discussed at the next meeting after looking at the earlier drafts and minutes where this was discussed. Tim stated that there is little data to look at but each member would need to come to their own decision. Luther stated that even if he misunderstood, he still requests that this be looked at again regardless of his misunderstanding.

Topic: Upcoming committee meetings

By Tim Shea

The committee agreed that the dates are fine. They discussed where the education room and conference room B and C are so new members will be able to locate the meeting room. If not indicated, the meeting is in the council room.

# Tab 2



# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

## MEMORANDUM

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

**To:** Court Interpreter Committee  
**From:** Tim Shea *T. Shea*  
**Date:** January 19, 2012  
**Re:** Approved qualifications and fee

The committee asked that I assemble the records of the development of the current interpreter qualifications and fees:

Credentials	Qualifications	Fee	Difference to Next Level
Certified	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day orientation workshop a background check and 10 hours of observation. Has completed a seven-day training course and passed a three-part examination offered through the National Center for State Courts.	\$38.63	
Approved	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day orientation workshop a background check and 10 hours of observation. Has passed an Oral Proficiency Interview offered by Language Testing International.	\$33.10	16.7%
Registered 1	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day orientation workshop a background check and 10 hours of observation. There is no examination available in the language for certified or approved credentials.	\$33.10	-
Registered 2	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day	\$24.82	14.9%

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.

	orientation workshop a background check and 10 hours of observation. Has not taken or has not passed the examination available for certified or approved credentials.		
Conditionally Approved	Vetted by the appointing authority for suitability in the particular hearing.	\$18.03	59.8%

The qualifications for interpreters of different credentials and the fee they will be paid involves Rule 3-306 and the court's accounting manual.

Rule 3-306 was developed largely through the Policy and Planning Committee, which is an executive committee of the Judicial Council. The Council assigned them that task in an effort to more fully comply with the current administration's interpretation of Title VI. Their work is reflected in their final report, which was presented to the Court Interpreter Committee on January 28, 2011. The rule itself was published for comment on November 5, 2010 and approved effective April 2, 2011.

The Court Interpreter Committee discussed the accounting manual on January 22, 2010 and October 15, 2010.

Rather than assembling all of the documents, I have provided links to them.

## (1) Rule 3-306 Development

Date	Document	Link
11/1/2009	Rule 3-306 Repealed and Reenacted	<a href="http://www.utcourts.gov/resources/rules/approved/2009/11/CJA03-306.pdf">http://www.utcourts.gov/resources/rules/approved/2009/11/CJA03-306.pdf</a>
11/5/2010	Rule 3-306 Published for Comment	<a href="http://www.utcourts.gov/resources/rules/comments/2011-01/CJA03-0306.pdf">http://www.utcourts.gov/resources/rules/comments/2011-01/CJA03-0306.pdf</a>
1/28/2011	Final Report of the Policy and Planning Committee	<a href="http://www.utcourts.gov/committees/CourtInterpreter/materials/2011-01-28-Webpage.pdf#page=19">http://www.utcourts.gov/committees/CourtInterpreter/materials/2011-01-28-Webpage.pdf#page=19</a> <a href="http://www.utcourts.gov/committees/CourtInterpreter/materials/2011-01-28-Webpage.pdf#page=29">http://www.utcourts.gov/committees/CourtInterpreter/materials/2011-01-28-Webpage.pdf#page=29</a>
4/1/2011	Rule 3-306 Approved	<a href="http://www.utcourts.gov/resources/rules/approved/2011-04/CJA03-0306.pdf">http://www.utcourts.gov/resources/rules/approved/2011-04/CJA03-0306.pdf</a>

## (2) Accounting Manual Development

Date	Document	Link
1/22/2010	Committee Meeting Materials: Proposed Integration of OPI testing and Credentials	<a href="http://www.utcourts.gov/committees/CourtInterpreter/materials/2010-01-22.pdf#page=5">http://www.utcourts.gov/committees/CourtInterpreter/materials/2010-01-22.pdf#page=5</a>
1/22/2010	Committee Meeting Materials: Accounting Manual Draft	<a href="http://www.utcourts.gov/committees/CourtInterpreter/materials/2010-01-22.pdf#page=9">http://www.utcourts.gov/committees/CourtInterpreter/materials/2010-01-22.pdf#page=9</a>
1/22/2010	Committee Meeting Minutes	<a href="http://www.utcourts.gov/committees/CourtInterpreter/minutes/2010-01-22.pdf">http://www.utcourts.gov/committees/CourtInterpreter/minutes/2010-01-22.pdf</a>
10/15/2010	Committee Meeting Materials: Accounting Manual Draft	<a href="http://www.utcourts.gov/committees/CourtInterpreter/materials/2010-10-15.pdf#page=6">http://www.utcourts.gov/committees/CourtInterpreter/materials/2010-10-15.pdf#page=6</a>
10/15/2010	Committee Meeting Minutes	<a href="http://www.utcourts.gov/committees/CourtInterpreter/minutes/2010-10-15.pdf">http://www.utcourts.gov/committees/CourtInterpreter/minutes/2010-10-15.pdf</a>

# Tab 3

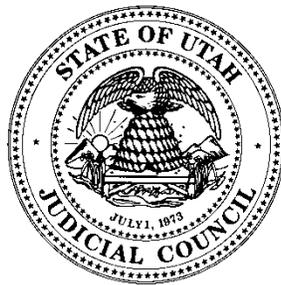


# Utah State Courts

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## Court Interpreter Pilot Programs

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Report to the Judicial Council  
December 12, 2011

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**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.**

## Court Interpreter Pilot Programs

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(1)	Summary .....	3
(2)	Anticipated effect of pilot programs .....	3
(3)	Staff interpreters .....	4
(a)	Program description .....	4
(b)	Cost of the program compared to cost of traditional interpretation.....	5
(c)	Other features, advantages and disadvantages.....	7
(d)	Recommendations .....	7
(4)	Remote interpretation .....	10
(a)	Program description .....	10
(b)	Cost of the program compared to cost of traditional interpretation.....	10
(i)	Richfield.....	10
(ii)	Vernal .....	11
(c)	Other features, advantages and disadvantages.....	13
(d)	Recommendations .....	14
(5)	Appendix A. Survey comments about remote interpretation.....	16

**(1) Summary**

For approximately one year the court interpreter program has been experimenting with two pilot programs. In April 2011 two staff interpreters were hired for the Matheson Courthouse. Since October 2010 remote interpretation systems have been operating in Richfield and Vernal.

The staff interpreters at the Matheson Courthouse saved the courts approximately \$30,250 per interpreter per year compared to what would have been paid to contract interpreters<sup>1</sup> doing the same work.

A staff interpreter should be considered for Provo and Ogden, and additional staff interpreters should be considered for the Matheson and West Jordan Courthouses. Before hiring we should conduct a salary survey to determine an appropriate compensation package, and we should determine whether there is a career path for this position. We should also decide who will supervise staff interpreters.

Savings from remote interpretation in Vernal recovered the cost of the equipment in one year. Due to limited use, savings from remote interpretation in Richfield recovered only about 12% of the equipment cost in the same amount of time, even though the equipment is only half as expensive.

Remote interpretation equipment should be considered for Silver Summit, Duchesne, Tooele, Brigham City, Fillmore, Nephi and Price. Before purchasing more systems we should resolve any outstanding sound quality issues. We should also require a better commitment to training from the vendor.

**(2) Anticipated effect of pilot programs**

Both pilot programs were motivated by the hope that they would save money. Before analyzing savings, one must understand our fee policies for traditional interpretation and how the pilot programs might affect payments under those policies.

**Travel reimbursement.** Contract interpreters are reimbursed \$0.505 per mile for the distance traveled to and from a courthouse (minus 25 miles).

**Minimum fee; waiting time; rounding up to next half hour.** Contract interpreters are paid a minimum fee based on the distance traveled to the courthouse:

<u>Distance traveled:</u>	<u>Paid for at least:</u>	
0 miles	1 hour	Thus, a contract interpreter traveling 15 miles will be paid for one hour, even if the hearing is only 10 minutes long. An interpreter traveling 30 miles will be paid for two hours for that same 10-minute hearing. If the hearing is longer than the minimum, contract interpreters are paid for the
25 miles	2 hours	
50 miles	3 hours	
75 miles	4 hours	

<sup>1</sup> Unless otherwise stated, all references to “contract interpreters” in this report mean interpreters certified in Spanish.

actual time interpreting. Contract interpreters are also paid for time waiting between hearings for up to one hour. The total of all time is rounded up to the next half-hour. Fee calculations for the morning are independent of calculations for the afternoon.

**Anticipated effect of pilot programs.** Staff interpreters should save money in minimum fees, waiting time, and rounding up to the next half-hour because these categories do not apply to staff interpreters. Staff interpreters should save money in travel reimbursement because employees are not reimbursed for commuting, and, if there is travel to another courthouse as part of their work, staff interpreters can use a state vehicle.

Remote interpretation eliminates the need to travel to the courthouse, thereby eliminating travel reimbursement<sup>2</sup> and reducing the minimum fee to one hour.

### (3) Staff interpreters

#### (a) Program description

In April 2011 the Third Judicial District hired two full-time staff interpreters on a one-year contract for the Matheson Courthouse. The agreed wage is \$30 per hour based on a standard work year of 2080 hours and \$45 per hour for overtime. The contract provides for paid holidays and 80 hours of paid personal time, which can be used as vacation or sick leave. There are no insurance or other benefits. The staff interpreters are assigned work by the district's interpreter coordinator, and they have been keeping detailed records of the time they spend on tasks in the following areas:

Category	Description
Regular:	Hearings that normally are interpreted by contract interpreters.
Fill-in:	Interpreting at a hearing scheduled without knowledge of the need for an interpreter. Substituting for a contract interpreter who fails to appear.
Walk-in:	Interpreting at the front counter, law library or Legal Aid Society of Salt Lake City. The work did not merely replace a clerk receiving a second-language stipend for Spanish-speaking skills. The work involved completing court forms and interpreting complex answers to questions about court procedures.
Translation:	Translating court webpages and forms published by the AOC. Translating case related documents.
Administrative:	Meetings, recordkeeping and other overhead associated with an employee.

We originally distinguished interpretation in civil hearings from other hearings. The purpose was to try to control for overall increased interpretation costs due to increased interpretation of civil cases. There were so few civil assignments that we have included them as a regular assignment.

<sup>2</sup> An interpreter interpreting remotely might travel instead to an office that the court provides at a courthouse closer to the interpreter's home base, which will reduce but not eliminate travel reimbursement.

We originally anticipated using the staff interpreters for remote interpretation of hearings in Vernal and Richfield. See [Section \(2\)](#) for a description of the remote interpretation program. The use of staff interpreters for remote interpretation, while feasible, has proven rare. There were so few remote assignments that we have included them as a regular assignment. In order to use staff interpreters for remote interpretation on a regular basis, there will have to be a management decision to do so because, historically, which interpreter to schedule has been left to local discretion.

**(b) Cost of the program compared to cost of traditional interpretation**

The savings estimates are for the Matheson Courthouse only. Savings due to hiring staff interpreters for other courthouses will depend on the dynamics of that courthouse. To estimate the savings at the Matheson Courthouse, we compared payments to staff interpreters to what would have been paid to contract interpreters in three categories: time at tasks, travel reimbursement and unproductive time.

**Time at tasks.** This comparison is based on time records kept by the staff interpreters for the period April 1 through October 31.

Time Category	Hours During Pilot	Hours Annual Estimate	Cost of Staff Interpreter	Cost of Contract Interpreter	Annual Savings Per Interpreter
Regular (Assignments that would normally be filled by contract interpreters.)	828	1419	\$42,568	\$54,813	\$12,245
Fill In (Contract interpreter fails to appear; last minute need.)	24	42	\$1,256	\$1,617	\$361
Services that would not have been performed but for the availability of a staff interpreter.					
Walk In (Front counter; Law Library; Legal Aid Society)	11	20	\$585	\$753	\$168
Translations (Webpages, forms, case related documents)	117	200	\$5,991	\$7,715	\$1,724
Costs not associated with a contract interpreter.					
Administrative	9	16	\$476	\$0	\$(476)
Holiday	32	88	\$2,640	\$0	\$(2,640)
Leave	24	80	\$2400	\$0	\$(2,400)
Education	0	20	\$600	\$0	\$(600)
Total					\$8,383

**Travel reimbursement not paid.** Although travel reimbursement to contract interpreters can be substantial, the daily average for the Matheson Courthouse is quite low. From April through October, seventeen contract interpreters submitted invoices totaling \$5,760 for travel reimbursement to and from the Matheson Courthouse. During that time, there were twenty-four contract interpreters in total, making the average daily travel reimbursement only \$1.66 per interpreter. A staff interpreter would eliminate one

of those daily payments for approximately 240 court days, yielding an annual savings of about \$400.

**Unproductive time.** Staff interpreters save money on time during which there is no productive work. Adding the time at tasks for staff interpreters leaves 196 hours—almost 10% of a standard work-year—unaccounted for. No machine works at 100% efficiency, least of all the human machine. This time is an estimate of the several 5, 10 and 15 minute increments throughout the year in which there is no productive work. The cost of this time to the courts is about \$5,884 annually.<sup>3</sup>

To estimate the amount of time we pay contract interpreters for which there is no productive work, we reviewed invoices processed during April 2011 for contract interpreters serving in the Matheson Courthouse and then calculated:

- the difference between the actual time of the hearings and the minimum time for which the interpreter was paid;
- the waiting time between hearings; and
- the amount of time due to rounding up to the next half-hour.

Contract interpreters at the Matheson Courthouse spend very little time waiting between hearings; at least almost none is reported in the invoices. This does not include time spent on the “miscellaneous assignment”<sup>4</sup> by an interpreter who ultimately is not needed or who is needed for less than her scheduled time.

Out of 132 invoices reviewed, there were 27.5 hours paid due to a minimum payment greater than the actual time of the hearings; there were 31.5 hours paid due to rounding up to the next half-hour. Assuming April 2011 to be a typical month,<sup>5</sup> an annualized estimate would be 12 times greater or 708 hours. The cost to the court is about \$27,350 annually.

The savings to the court from using staff interpreters is about \$21,466 annually.

**Total savings.** Combining the three categories, time at tasks, travel reimbursement and unproductive time, each full-time staff interpreter in the Matheson Courthouse saved approximately \$30,250 per year compared to what would have been paid to contract interpreters doing the same work.

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<sup>3</sup> This is no criticism of the pilot program’s staff interpreters. They worked diligently and efficiently. But there is a risk that, without proper supervision and management, staff interpreters will be under-utilized.

<sup>4</sup> The coordinator for the Matheson Courthouse schedules a contract interpreter to be on site during peak times even though there may be no hearings with a known need for one. The occurrence of an unknown need is so frequent that this approach is used to keep hearings on schedule. The assignment is known as the “miscellaneous assignment.”

<sup>5</sup> April may not be a typical month. There are no holidays, and in 2011 there were no judicial conferences, so the number of hearings is probably a little greater than average. This will tend to overstate slightly the typical need for contract interpreters and overstate their unproductive time.

### **(c) Other features, advantages and disadvantages**

In the recommendations below, only full time positions are considered. Paying a staff interpreter a part-time salary and otherwise as a contract interpreter would be difficult to manage. The arrangement may be prohibited by the courts' code of conduct, which prohibits employees from doing contract work for the courts.

In addition to any savings, it is convenient to have a staff interpreter on site. A staff interpreter can take the "miscellaneous assignment," which necessarily involves a lot of waiting. A staff interpreter can use waiting time for other productive tasks more easily than a contract interpreter. A staff interpreter is available for interpreter needs beyond scheduled hearings and beyond the ability of someone receiving a second language stipend.

The Administrative Office of the Courts continues to translate webpages and forms. Staff interpreters can do this work during times they are not interpreting in hearings. During the pilot program the staff interpreters have been located in the Matheson Courthouse, and supervising translation assignments has been relatively simple. If staff interpreters are employed in other courthouses, there should be express agreements about their translation obligations.

### **(d) Recommendations**

Because it was employment for only one year, our arrangement with the staff interpreters during the pilot program did not include medical or dental insurance or other benefits. However, if the Judicial Council approves regular employment of staff interpreters, they should receive the normal benefit package of other full-time court employees. Otherwise, interpreters would be the only full-time position in the court system not to receive benefits.<sup>6</sup> Rule 3-306(11), while not requiring benefits, anticipates that they will be part of the compensation package.<sup>7</sup>

The staff interpreters hired for the pilot program are paid \$30/hour, which is about 28% per hour less than is paid to a contract interpreter. We did not conduct a salary survey to establish that wage. Although significantly less than the contract interpreters' rate, it seemed fair because a staff interpreter is assured of full-time work. We hired two interpreters at that rate and had eight apply, so in hindsight our rate was reasonable for this market.

If the Judicial Council approves regular employment of staff interpreters, we should conduct a salary survey to determine an appropriate compensation package. Based on the formula used by our human resources department, a wages-and-benefits package costing the same as the pilot program salary would set the salary at \$17.86 per hour. At

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<sup>6</sup> There are some probation officer and clerical positions without benefits, but these are contingent or temporary positions hired for a specific project.

<sup>7</sup> Rule 3-306(11)(A): "A court may hire an employee to be an interpreter. The employee will be paid the wages and benefits of the employee's grade and not the fee established by this rule."

that rate the annual salary for the interpreter would be \$37,291, and the annual cost to the state would be \$62,410.

Although less than half of the hourly rate paid to contract interpreters, this rate is comparable to the starting wage of other professional/technical positions in the courts that have no supervisory role:

<b>Position</b>	<b>Starting Wage</b>	<b>Minimum Requirements</b>
Probation Officer	\$16.50	BA in related field and related work experience.
Auditor	\$16.95	BA in related field and 2 years related work experience.
Program Coordinator	\$18.28	BA in related field and related work experience.
Reference Librarian	\$19.42	MA in library sciences and related work experience, or JD with one year law library experience.
Mediator	\$20.50	BA in related field and related work experience.
Law Clerk	\$21.64	JD.

Before hiring staff interpreters, we should determine whether there is a career path for this position.

Staff interpreters make economic sense only if they are able to use their language skills full-time. Everyone’s job description includes “other duties as assigned,” but filing papers is not the highest and best use of an interpreter’s skills. The table below shows the hours paid for contract interpreters for the duration of the staff interpreter pilot program, April through October 2011. In Salt Lake City, the figure represents the need for interpreters not met by staff interpreters.

<b>Court</b>	<b>Interpreter Hours April - October 2011</b>	<b>Annualized</b>	
Salt Lake City	4109	7044	A location that needs a contract interpreter for less than half of a standard work-year (2080 hours) probably does not merit a staff interpreter. As we gain experience, employing staff interpreters in smaller courthouses may have benefits, but initially we should limit employment to the four courthouses with the greatest need.
Provo	1393	2388	
Ogden	912	1563	
West Jordan	874	1498	
Logan	647	1109	
Farmington	423	725	
St. George	290	497	
Layton	67	115	
Bountiful	64	110	

Hiring a third or even a fourth staff interpreter for Salt Lake County (including the Matheson Courthouse and the West Jordan Courthouse) should be safe, particularly when one considers the additional needs of Tooele and Summit Counties, although some of those needs might be met by remote interpretation.

Hiring one staff interpreter in Provo is safe. A second staff interpreter might be warranted when one considers the additional needs of Orem, Spanish Fork and American Fork, but that decision can be left for later.

Hiring a staff interpreter in the Ogden courthouses is probably safe, but the argument is more marginal. The total annual need is about 75% of a standard work-year. The interpreters are not likely to be sent to other courthouses from Ogden. On the other hand, there are two courthouses in Ogden, which reduces efficiency. If a staff interpreter is hired for Ogden, a higher percentage of that person's time might be spent on duties other than interpreting at hearings.

Even by adding all of the Davis County locations together, there is probably not enough need to merit a staff interpreter. Logan is borderline.

The objective in employing staff interpreters is to use their language skills full time. This does not necessarily mean interpreting hearings full time. Data from CORIS for the last three years shows that the need for an interpreter spikes from 8:30 to 9:30 in the morning, with a smaller spike from 1:30 to 2:30 in the afternoon. The need tapers off after the spikes. Staff interpreters will be interpreting hearings—and doing nothing else—during those spikes and will be available to do other work the rest of the day. Some of that other work will be interpreting hearings scheduled outside of peak times, but they will also be available for translation, remote interpretation, and assignments in other courthouses.<sup>8</sup>

Supervising staff interpreters and integrating their schedules with those of contract interpreters are probably the most important aspects of employing staff interpreters, yet these aspects remain the least certain. I do not have a recommendation on who should supervise staff interpreters. It does not have to be uniform, but whoever is assigned the duty must remain involved or the staff interpreter's time will be under-utilized. The interpreters' language skills are significantly different from the skills used by most other court personnel, although one does not need language skills to supervise someone who has them. In the Second and Fourth Districts, no one has district-wide authority for both trial courts. The districts have two trial court executives each, at least two interpreter coordinators each and multiple clerks of court. A team manager is another possibility.

The scheduling of interpreters in the Second and Fourth Judicial Districts is not as centralized as in the Third, and centralization will make the staff interpreter more effective. In the Third District, one coordinator schedules interpreters for both district and juvenile courts in all courthouses in all counties. In the Fourth District, scheduling for district court is separate from scheduling for juvenile court. In the Second District, scheduling for district court is separate from scheduling for juvenile court, and scheduling in Weber County is separate from scheduling in Davis County.

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<sup>8</sup> Assignments in other courthouses, whether by remote or on site, are subject to the same scheduling spikes. The need for interpreters will be highest when their availability is lowest.

#### **(4) Remote interpretation**

##### **(a) Program description**

Remote interpretation uses a computer software application and telephone technology to allow an interpreter in one location to interpret a court hearing in another. Bi-directional communication is simultaneous. The judicial assistant turns on the computer application and places the call to the interpreter. Then, by pressing 1, 2, or 3 on any land line,<sup>9</sup> the interpreter toggles between interpreting for:

- the non-English speaking client;
- the courtroom; and
- a conversation between the non-English speaking client and his or her lawyer.

A remote interpreter hearing English interprets into the target language for the non-English speaking person, usually a party or a witness. Hearing the target language, the interpreter interprets into English, usually for the courtroom. The interpreter has to be advised that a conversation is a private communication between lawyer and client.

The RFP for remote interpretation systems brought to light two solutions. The first is a system that is integrated into the courtroom sound system. The cost is approximately \$7,500. The second solution is a stand-alone system with its own microphones and speakers. The cost is approximately \$15,000. We purchased one of each system to try to compare features. The integrated system is installed in Richfield; the stand-alone system is installed in Vernal. Both were first available for use in October 2010.

With one-time money available at the end on FY 2011, we purchased an integrated system for Roosevelt and one for Moab. Both experienced installation and training difficulties and came on-line too late for this analysis.

We set up an office in the Matheson Courthouse with a telephone, fax and computer from which a staff interpreter or a contract interpreter could interpret remotely. The use of staff interpreters for remote interpretation has proven rare, although it remains feasible. Contract interpreters are either unaware of the office and equipment or have chosen not to use them.

##### **(b) Cost of the program compared to cost of traditional interpretation**

###### **(i) Richfield**

From October 2010 through October 2011 invoices or other records show only 16 hearings in Richfield requiring an interpreter. Of these, only three were remotely interpreted. The savings can be calculated by comparing the travel reimbursement and professional service fees that were actually paid with what would have been paid had the interpreter appeared in person:

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<sup>9</sup> Cell phones have been used, but a land line significantly improves the quality of the sound.

Hearing Duration	Interpreter would have driven	Did drive	Travel would have been	Travel was	Minimum fee would have been	Fee was	Savings
0:07	320 miles	0	\$161.60	\$0	\$154.52	\$38.63	\$277.49
0:11	320 miles	0	\$161.60	\$0	\$154.52	\$38.63	\$277.49
0:45	320 miles	0	\$161.60	\$0	\$154.52	\$38.63	\$277.49
Total							\$832.47

It is unclear why the remote interpretation system was not used more frequently. One of the remaining 13 hearings involved a conditionally approved Mandarin interpreter, who likely was not trained in remote interpretation. One of the hearings was 3.5 hours, and remote interpretation is not recommended for long and complex hearings. But the other interpreters were all certified Spanish interpreters with many years experience, and the other hearings were all 90 minutes or less.

Normally, the cost to maintain the telephone lines would be subtracted from the savings, but the lines being used for remote interpretation would have been maintained even if this program did not exist.

The cost of the Richfield system was \$7,500, so, unless remote interpretation is used more frequently, it will take 9 years to recoup the capital investment.

It is surprising that there were so few interpreter assignments during the pilot program period. In FY 2009, there were 31 assignments, and in FY 2010 there were 61.

**(ii) Vernal**

From October 2010 through October 2011 there are invoices for 63 hearings in Vernal requiring an interpreter (about the same as in FY 2009 and more than in FY 2010), 45 of which were remotely interpreted.

Hearing Duration	Interpreter would have driven	Did drive	Travel would have been	Travel was	Minimum fee would have been	Fee was	Savings
0:05	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:05	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:10	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:10	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:10	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:11	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97

Hearing Duration	Interpreter would have driven	Did drive	Travel would have been	Travel was	Minimum fee would have been	Fee was	Savings
0:15	436	0	\$220.18	\$0	\$154.52	\$38.63	\$336.07
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:15	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:20	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:20	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:25	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:25	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:25	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:25	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:25	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:27	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:30	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:30	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:30	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:30	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:30	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:35	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:35	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:35	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:40	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:40	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:43	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:45	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:50	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
0:50	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
1:00	436	0	\$220.18	\$0	\$154.52	\$38.63	\$336.07
1:00	416	0	\$210.08	\$0	\$154.52	\$38.63	\$325.97
1:18	416	0	\$210.08	\$0	\$154.52	\$57.95	\$306.66
1:55	320	0	\$161.60	\$0	\$154.52	\$77.26	\$238.86
3:00	416	0	\$210.08	\$0	\$154.52	\$115.89	\$248.71
Total							\$14,505.17

Normally, the cost to maintain the telephone lines would be subtracted from the savings, but the lines being used for remote interpretation would have been maintained even if this program did not exist.

The cost of the Vernal system was a little less than \$15,000, so savings from use has recovered the capital investment in one year.

### **(c) Other features, advantages and disadvantages**

Because the interpreters are not driving as much, they have more time available to interpret other hearings.

The stand-alone system can be moved among courtrooms and the judge's chambers. The integrated system can be moved as well, but each room must first be wired to accept the system. Typically that will include only the courtrooms.

Remote interpretation is not recommended for complex or long hearings.

The systems are much better than a speaker phone, but not as good as in-person interpretation. Simultaneous interpretation is possible because the computer applications allow the interpreter to listen to the proceedings and interpret at the same time. With a speaker phone, interpretation has to be consecutive because the telephone cannot transmit simultaneously both directions. The interpreter does not have the visual and other cues commonly relied upon. The stress on the interpreter is greater than an in-person interpretation.

The interpreters report the same problems experienced with an audio record of the proceedings for transcript preparation: the system is not turned on; microphones are covered or people are not speaking into microphones; microphones pick up rustled papers or other ambient noise. At least once, the system "beeped" when the interpreter toggled between 1, 2 and 3, interrupting the transmission from the courthouse. Sound quality of the equipment needs further investigation. What are the technical problems that can be fixed? Is there a problem with one system rather than the other? Does a problem occur only if the interpreter uses a cell phone? Etc. Since the systems rely exclusively on the strength of the audio signal, we should take steps to keep it as clear as possible.

The stand-alone system and the system integrated into the courtroom sound system are functionally equivalent. The stand-alone system is built and sold by a Florida firm specializing in interpretation equipment, training and services. The integrated system is built for interpretation, but it is sold through a local audio-video specialist. The integrated system is substantially cheaper, but training by the vendor for the integrated system is insufficient. Training by the vendor must be improved before more systems are purchased. To save money, the system must be used, and it cannot be used if interpreters and court personnel do not know how.

The integrated system experienced installation difficulties in Moab and Roosevelt. There were also problems integrating a similar system in Tooele (which has since been removed). Before purchasing an integrated system, our information technology department should thoroughly evaluate the connectivity of the remote interpretation system and the courthouse sound system. If problems are anticipated, the stand-alone system may be a better solution.

If a document needs to be translated, the court should try to anticipate the need and send the document to the interpreter before the hearing. Otherwise the interpreter will

need a fax machine, computer or hand-held device to which the document can be sent during the hearing.

Most courthouses have digital telephone lines or voice over IP, neither of which will support the remote interpretation systems. Both systems require analogue telephone lines in the courtroom.<sup>10</sup>

The remote interpretation system has been used at least once for a standard (English) telephone conference, producing better sound quality.

The speakers on the stand-alone system appear to be adequate for public and participants to hear even though they are not part of the courtroom sound system. The audio from the speakers is picked up on the courtroom's recording system so there is a record of the public (English) interpretation. Neither system records the non-public (Spanish) interpretation.

Language Line Services provides telephone interpreters in several languages. The state courts use the service rarely—only if there is no certified, approved, or registered interpreter available in the language—but, if needed, the remote interpretation systems will improve the quality of the interpretation.

If a hearing is canceled and the interpreter qualifies for a cancelation fee, the fee for a remotely interpreted hearing will be less because the cancelation fee is based on the minimum fee that would have been paid.

#### **(d) Recommendations**

Remote interpretation will save money at every installation. The question is: "How long will it take to recover the capital investment?" With some assumptions, that time can be estimated:

- Only hearings of one hour or less are remotely interpreted. (During the pilot program, three hearings of more than one hour were remotely interpreted in Vernal; none in Richfield.)
- Sixty-five percent of all hearings are one hour or less. (This estimate is more than in Richfield, but less than in Vernal.)
- Only hearings in which the round-trip distance to the courthouse is greater than 25 miles are remotely interpreted. (This is the distance at which travel reimbursement starts.)
- Only hearings with certified Spanish interpreters are remotely interpreted. (Interpreters certified in languages other than Spanish—currently Russian and Vietnamese—should be expected to use the systems, but the hearings are too few in number to use as part of the estimate. Less qualified interpreters probably do not have the skills to interpret over the phone.)

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<sup>10</sup> The interpreter can use a digital telephone line.

- Courthouses in cities in which certified Spanish interpreters reside are not considered (Bountiful, Cedar City, Farmington, Layton, Logan, Ogden, Orem, Provo, Salt Lake City, St. George, and West Jordan).

The estimates below include only the capital cost of the system, not system maintenance or the cost of telephone lines. The calculations are based on the interpreters used and the distances they traveled to these courthouses during the pilot program period, October 2010 through October 2011. To estimate the time to recover the cost of the stand-alone system, double the time in the last column.

<b>Courthouse</b>	<b>Estimated Annual Hearings of 1 Hour or Less</b>	<b>Average Travel per Hearing</b>	<b>Average Minimum Fee</b>	<b>Average Travel Reimbursement</b>	<b>Estimated Annual Total for 1-Hour Hearings</b>	<b>Est Annual Total for 1-Hour Hearings w/ Remote</b>	<b>Est Annual Savings</b>	<b>Years to Pay for Remote @ \$7.5K</b>
S. Summit	105	76	\$77	\$25	\$10,739	\$4,042	\$6,697	1.1
Duchesne	22	274	\$154	\$125	\$6,185	\$853	\$5,332	1.4
Tooele	69	98	\$77	\$37	\$7,888	\$2,661	\$5,226	1.4
Brigham City	75	64	\$77	\$19	\$7,292	\$2,912	\$4,379	1.7
Fillmore	19	202	\$154	\$89	\$4,604	\$728	\$3,876	1.9
Nephi	46	86	\$77	\$30	\$4,995	\$1,782	\$3,212	2.3
Price	14	170	\$154	\$73	\$3,112	\$527	\$2,585	2.9
Beaver	18	120	\$115	\$47	\$2,975	\$703	\$2,272	3.3
Heber	40	60	\$77	\$17	\$3,767	\$1,531	\$2,235	3.4
Kanab	9	160	\$154	\$68	\$2,027	\$351	\$1,675	4.5
Monticello	5	494	\$154	\$236	\$1,779	\$175	\$1,603	4.7
Manti	7	172	\$154	\$74	\$1,638	\$276	\$1,362	5.5
Castle Dale	5	210	\$154	\$93	\$1,128	\$175	\$952	7.9
Am. Fork	71	44	\$38	\$9	\$3,385	\$2,736	\$648	11.6
Panguitch	3	188	\$154	\$82	\$769	\$125	\$644	11.6
Sp. Fork	46	40	\$38	\$7	\$2,113	\$1,757	\$355	21.1
Randolph	1	146	\$115	\$61	\$115	\$25	\$89	83.4

If staff interpreters do remote interpretation, there will be even greater savings. However, if we want staff interpreters to do remote interpretation, there will have to be a management decision to do so because, historically, which interpreter to schedule has been left to local discretion. Procedurally, either there would have to be a significant increase in communication among coordinators, or the staff interpreter would have to be scheduled by the coordinator in whose district the staff interpreter works. Since interpretation needs justify a staff interpreter in only a few locations, this may mean moving toward a system of regional coordinators rather than district-wide coordinators.

**(5) Appendix A. Survey comments about remote interpretation.**

- (1) I want to add that I am very pleased with the system from Florida. The stand alone system. Great customer service. I answered the survey for that system. We also have the second system like Richfield in Roosevelt. I am not as thrilled about their customer service. We have been told different things by the vendor, but we have it up and running now. There has been very limited training. The other firm was here for a day and did a training with the Judges. The other in Roosevelt, at first ran in and out as fast as they could. The system seems to work well, but the Clerks are frustrated with the training.
- (2) The equipment has been beneficial especially since we are in a rural area with no certified interpreters. Occasionally we get a case needing an interpreter with no advance notice, this equipment has been very helpful in those circumstances. I think our biggest problem is sound quality when the interpreter is interpreting in courtroom mode. We had a problem with the volume, and discovered it was from the interpreters not speaking directly into their mouthpieces. Sound clarity, however, still seems to be an issue. The interpreters are well trained and shift audio perfectly. I was very impressed with how easy it was for the attorney and defendant to communicate through the interpreter. Overall, I think the equipment is beneficial.
- (3) I have had good results with the machine.
- (4) When you compare it to not having anyone available at the last minute it is a huge success and in any language as well.
- (5) For a rural Court it is a great advantage. Hopefully some of the technical or training issues with the interpreters can be worked out over time. The system is far better than speaker phone or nothing.
- (6) When I did remote interpreting on October 25, 2011 for Richfield, there were static noises in the line all through the short hearing. Also, there was a lot of background noise. I could hear the judge very well, but I could not make up what the prosecutor was saying, until the judge restated it back to the defendant. For a short hearing the system is okay, but I would not deem it a reliable system for longer proceedings.
- (7) The audio is the critical component. We need to be able to hear everything clearly and they need to hear us when we go to mode 1.
- (8) This is my experience: 1) the quality of the sound is far from good 2) too much noise in the room, especially when several people are speaking at the same time 3) there's no way for the interpreter to identify who is speaking at a given time (Judge, Def Attorney, Prosecutor, Defendant, Bailiff, other people) so we find ourselves like shooting in the dark, not knowing who we're interpreting for nor who we're addressing. 4) there is a lot of information, facts, feelings, that are also part of our job as interpreters, that we miss by not being physically in the room

(reactions, comments, gestures, tone of the voice, etc.) 5) lack of privacy, specially between defendants and def attorneys 6) there's always the risk of hitting the wrong button and by doing so, making available to the Court some private information 7) sometimes defendants say something to their attorneys or want to ask something from them (or attorneys from their clients) and they do it directly. There's no way for us to hear what they're saying so that part of the conversation is not interpreted nor made part of the record.

- (9) When switching between channels 1 and 2, which is necessary and frequent during any question-and-answer between the judge and the defendant, there is a loud BEEP and the audio cuts out momentarily. The judge will often keep talking during that switchover, but the BEEP and the audio dropout prevent me from hearing what he is saying for that second. (2) With the exception of (1) above, I can almost always hear what the judge is saying clearly. Not so for the other participants. The bailiffs or clerks need to be better trained on the equipment to ensure that the small portable microphones are switched on before the hearing begins and positioned properly so that the interpreter can hear. Defendants should also be instructed to speak up. (3) Prosecutors need to be trained not to engage in side conversations at counsel table while the equipment is in use. Those conversations are sometimes picked up by the portable microphones, and they interfere with the interpreter's ability to hear the legal proceeding. (4) With the equipment in Vernal, I have experienced problems switching between channels. I will press 1 or 2 on my telephone, but the channel "sticks" and does not always switch over immediately. I suspect it's a problem with the Remote Interpreting equipment not "hearing" the tone from my telephone. I have experienced this frustration while using a traditional "land line" phone to interpret and also while using my cell phone. (5) While I am on channel 2, interpreting simultaneously for the defendant who is hearing me through headphones, the audio I hear from the judge will sometimes fade in and out. It seems that the louder I speak into my telephone, the quieter the audio I'm hearing from the judge will become. This has mainly been a problem when my connection has been via cell phone, and I suspect it has to do with cell technology.
- (10) The non-English speaking court user is frequently ill at ease speaking to someone he doesn't know and cannot see, the interpreter is ill equipped to identify/distinguish all the parties involved merely by the sound of their voices (especially if two have similar sounding voices) and courtroom personnel MUST remain STATIONARY (i.e., NEVER leave the microphones) in order for an interpreter to hear/translate for the court user. Interpretation for the non-English speaking court user was never meant to be blind as well. Not only does the interpreter have to concentrate on which voice sound belongs to which party, but in addition to customarily keeping notes on a pad must now ALSO press buttons 1 for Open Court communication; then 2 for JUST the court user to hear; and then switch back to 3 quickly when the non- English speaker makes a comment

to counsel or when counsel "quietly" says something to the non-English speaking court user. On its surface the "easy as 1, 2, 3..." argument appears very convincing, but for the interpreter in the actual trenches the tale is one that is more complex. Blind Remote Interpretation versus Distance Video Interpretation is unnecessarily difficult and the party most harmed is the very one we are trying to help with this Blind Remote Interpreting technology.