

# Agenda

## Court Interpreter Committee

November 16, 2012  
12:00 to 1:30 p.m.

Administrative Office of the Courts  
Scott M. Matheson Courthouse  
450 South State Street  
Judicial Council Room, Suite N31

Welcome and approval of minutes	Tab 1	Judge Vernice Trease
Education	Tab 2	Tom Langhorne Kris Prince Polly Schnaper
Report on National Language Access Summit		Rosa Oakes Tim Shea
Strategic Plan	Tab 3	Nini Rich

**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 25, 2013

March 22, 2013

May 17, 2013

July 19, 2013

September 27, 2013

November 15, 2013

# Tab 1

<b>Meeting Date</b>		<b>Court Interpreter Committee</b>	
September 28, 2012		Education Room	
<b>Members Present</b>		<b>Member Excused</b>	
Judge Rick Romney		Judge Mary Noonan	
Judge Vernice Trease		Ghulam Hashain	
Jennifer Andrus			
Evangelina Burrows			
Robert Engar			
Craig Johnson			
Greg Johnson			
Maureen Magagna			
Miguel Medina			
Dinorah Padro			
Wendell Roberts			
Jennifer Storrer			
<b>Staff:</b> Tim Shea, Rosa Oakes			
<b>Guests:</b> Luther Gaylord, Kristine Prince, Tom Langhorne, Polly Schnaper			
Topic: Approve minutes of July 27, 2012			
Discussion: One change was made to the July minutes under Administrative Report ("There is" to "There are".)			
Motion: Judge Rick Romney moved to approve the minutes. Robert Engar seconded the motion.			
Vote: Yes		Motion: Passed	
Topic: Appeal			
		By Judge Trease	
<p>Judge Trease explained the appeal process to the committee. Judge Trease excused the spectators from the room to allow the applicant to present her appeal. Tim Shea explained the back ground check process showed a DUI. Judge Trease welcomed the applicant to the meeting. She explained the process of an appeal. The applicant explained to the committee the incident involving her DUI. The applicant currently is employed by the State of Utah - Spanish claims section of the unemployment division. The committee questioned the applicant. The applicant stated that she did not pass the English section of the Spanish proficiency exam given by the court. Judge Trease excused the applicant. None of the committee members motioned to grant the appeal and reverse the denial. After brief discussion, the committee voted to deny, although not permanently, the applicant. Mr. Shea will contact the applicant with the results.</p>			
Topic: Minimum Notice			
		By Judge Trease / Tim Shea	
<p>The spectators were welcomed back into the room. Mr. Shea summarized the memorandum attached regarding cancellation notices. The question was presented regarding 48 hours notice versus two business days notice. The committee discussed the possibility of changing the notice to "48 hours excluding weekends." A suggestion was made that it should be a given that "two business days" does not include weekends. The committee discussed court interpreters payment schedule when a hearing is cancelled within 48 hours. Craig Johnson made a motion to accept Mr. Engar's suggestion of "needs to be cancelled 48 hours before the time of the appointment excluding weekends and holidays." Maureen Magagna seconded the motion. The motion carried unanimously.</p>			

Topic: Interpreter Training

By Tom Langhorne

Mr. Langhorne discussed future training efforts of staff as well as judges. He provided a handout. He began discussing the anticipated curriculums for judges. Mr. Langhorne sought the advice and expectations of the committee members. The members discussed cultural sensitivity. They further discussed sign languages. A member added that he felt something should be added for parents attending court in need of interpreter services.

The committee discussed ensuring that judges are trained to the extent where they can explain the role of an interpreter. Judge Trease stated she would like to see judges being aware of the importance of cancelling as soon as possible to save costs. A member stated he would like to see the interpreter-needed hearings scheduled together. This would save time and money on the interpreters. Tim reminded the committee that the Third District Court has interpreters on stand-by.

A committee member discussed her difficulties when legal counsel does not speak the language needed to communicate with their client and therefore relies on the court interpreter for attorney-client conversations outside the courtroom.

Mr. Shea stated that in general a person not certified as an interpreter would not be qualified to use the remote interpretation equipment. Tim stated that unfortunately there are times when a certified interpreter is not available and a person who simply speaks the language is needed.

Mr. Langhorne asked the committee to decide on a series for his training direction. Judge Trease explained that there is also a need for patience when it comes to simultaneous interpretation of languages other than Spanish. Mr. Langhorne expressed that not all of the information presented to the committee will end up in the curriculum. He further explained that he could develop a series of training sessions. Mr. Shea discussed his preferences.

Mr. Langhorne moved on to discuss training for the TCE's and Clerks of Court. The committee discussed the need for interpreters not only for defendants but for victims, witnesses, and parents. Mr. Shea explained that the extensive information and resources provided on the interpreter website might be beneficial to the clerks.

Mr. Langhorne stated that he is available for any further conversations the members would like to have.

Topic: Meeting adjourned

The committee presented Craig Johnson with a certificate and stated their appreciation for his terms and input on the committee. Mr. Johnson was thankful. Mr. Shea suggested the discussion of training will be continued to the next meeting. The meeting adjourned.

# Tab 2

# Memorandum



**To:** Tom Langhorne  
**From:** Kristine Prince  
**Date:** October 4, 2012  
**Subject:** Interpreter Training Curriculum

I have rewritten the interpreter training curriculum with the updates and suggestions made by the Interpreter Committee at their meeting on September 29, 2012.

I have organized the curriculum into three parts:

- Sections of the curriculum that I think contain information that all court judges and staff should be trained on.
- Sections containing information that only one or two groups need to be trained on. Those groups have been identified.
- Remaining are curriculum sections for specific court groups (i.e., TCE's, Clerks of Court, Justice Court Judges and staff, Probation Officers). In order to develop this part of the curriculum, I think we should meet individually with representatives from each of those groups to develop the specific curricula.

Attachments

cc: Polly Schnaper

**ADMINISTRATIVE OFFICE OF THE COURTS  
UTAH JUDICIAL INSTITUTE**

**CURRICULUM OUTLINE**

**“WORKING WITH **SPOKEN** FOREIGN LANGUAGE COURT INTERPRETERS”**

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**ADMINISTRATIVE OFFICE OF THE COURTS  
UTAH JUDICIAL INSTITUTE**

**CURRICULUM OUTLINE  
"WORKING WITH **SPOKEN** FOREIGN LANGUAGE COURT INTERPRETERS"**

**\*\*\*WORKING DOCUMENT\*\*\***

- I. WHEN SHOULD A **SPOKEN FOREIGN LANGUAGE** INTERPRETER BE APPOINTED?** (This section can be taught to all court groups, i.e., TCE's Clerks of Court, Justice Courts, District Court Clerks, Juvenile Court Clerks, Justice Court, and Probation Officers, and possible other "managers" and administrative assistants.)
- A. Many individuals have enough proficiency in a second language to communicate at a very basic level. But participation in court proceedings requires far more than a very basic level of communicative capability. For non-English speaking criminal defendants to testify in their own defense, they must be able to:
1. Accurately and completely describe persons, places, situations, events;
  2. Tell "what happened" over time;
  3. Request clarifications when questions are vague or misleading; and
  4. During cross-examination:
    - a. Recognize attempts to discredit their testimony
    - b. Refuse to confirm contradictory interpretations of facts, and
    - c. Defend their position.
  5. Non-English speaking defendants must comprehend the details and the subtle nuances of both questions and answers spoken in English during testimony.
  6. In non-evidentiary proceedings that involve determination of custodial status, advisement of rights, consideration of sentences and articulation of

obligations and responsibilities established in court orders, non-English speaking persons must receive the same consideration as native speakers of English.

- B. When a party does not request an interpreter, but appears to have a limited ability to communicate in English, the court should conduct a brief voir dire to determine the extent of the disability. Avoid questions that can be answered with "yes" and "no." Include questions that ask for what, where, who, when, that call for describing people, places, events, or a narration (tell what happened).
- C. Great caution should be exercised before permitting waiver of a right to an interpreter. The judge should not allow a person who has a limited proficiency in English to waive the use of an interpreter unless the person requests a waiver in writing and in the person's native language.
- D. At any stage of the case or proceeding, a person who has waived an interpreter should be allowed to retract a waiver and receive the services of an interpreter for the remainder of the case or proceeding.
- E. When should a judge appoint an interpreter in a Juvenile Court proceeding for a child and/or for a parent or a witness?**
  - 1. Are there any occasions when a court interpreter can be appointed to interpret outside the courtroom for individuals involved in a Juvenile Court matter?**

**II. BEST PRACTICES FOR JUDGES USING COURT INTERPRETERS (this section has been moved up in the document and renumbered).**  
(This section for judges only)

- A. The judge should keep the room as quiet as possible and allow only one person to speak at a time.
- B. Interpreters should never use the pronoun "I" to refer to themselves when speaking in order to avoid confusion. The interpreter should always speak in the third person and identify her or himself as "the interpreter."
- C. Judges should speak and assure that others speak at a volume and rate that can be accommodated by the interpreter.

- D. Judges should ensure that the interpreter has conversed briefly with the non-English speaking person to be certain that the interpreter and the party or witness are able to communicate adequately.
- E. Before a trial begins
1. Any time an interpreter is required for a jury trial, the judge should advise the jurors of:
    - a. The role and responsibilities of interpreters; and
    - b. The nature of evidence taken through an interpreter.
  2. When a case involves a non-English speaking party, the judge should instruct the panel of jurors before voir dire begins that an interpreter is sitting at counsel table to enable the party to understand the proceedings.
  3. It is also important to determine whether prospective jurors are affected by the presence of an interpreter: do they hold prejudices against people who don't speak English? Do they speak a foreign language that will be used during the proceeding? If so, will they be able to pay attention only to the interpretation?
  4. After a jury is impaneled and before a trial begins, the judge should instruct jurors as part of the pre-trial instructions that they may not give any weight to the fact that a principal party in interest has limited or no proficiency in English and is receiving the assistance of an interpreter.
- F. When a trial involves witness interpreting, the judge should give instructions to jurors before the witness interpreting begins that include the following points:
1. Jurors must treat the interpretation of witness's testimony as if the witness had spoken English and no interpreter were present;
  2. Jurors must not evaluate a witness's credibility positively or negatively due to the fact that his or her testimony is being given through an interpreter;

3. Jurors who speak a witness's language must ignore what is said in that language and treat as evidence only what the interpreter renders in English. Such jurors must ignore all interpreting errors they think an interpreter may have made.
- G. As in any proceeding, the judge should keep the room as quiet as possible and allow only one person to speak at a time.
1. Interpreter should never use the pronoun "I" to refer to themselves while speaking, in order to avoid confusion on the record. The interpreter should speak in the third person and identify her or himself as "the interpreter."
  2. Judge should permit witness interpreters to use appropriate signals to regulate speakers when the length of an utterance approaches the outer limit of the interpreters' capacity for recall.
  3. Make sure that the interpreter can easily hear and see the proceedings.
  4. The judge should ensure that the interpreter has conversed briefly with the non-English speaking person to be certain that the interpreter and the party or witness are able to communicate adequately.
- H. Judges should ensure that the interpreter and the defendant are not involved in any personal conversations. The only time the interpreter should be conversing with the defendant is when the interpreter is interpreting what is being said in court.**
- I. Judges should ensure that the defendant understands the role of the court interpreter and that the interpreter is not an advocate for the defendant.**

### **III. USE OF QUALIFIED INTERPRETERS**

(This section is for judges only)

- A. It is inefficient for trial judges to be responsible for the ad hoc determination of interpreter qualifications in the courtroom. Determination

of the qualifications of court interpreters is the responsibility of the AOC Interpreter Court Program Coordinator who has tested for an interpreter's language proficiency.

- B. Circumstances may arise, especially in the rural areas of the state, when a judge is asked to accept the services of an individual whose language skills have not been previously evaluated. When the court is obliged to accept the services of an individual whose skills are untested, it is recommended that the judge establish the following on the record:
  - 1. The interpreter communicates effectively with the officers of the court and the person(s) who receive(s) the interpreting services.
  - 2. The interpreter knows and understands the Code of Professional Responsibility for Interpreters and promises to comply with it.
  - 3. The interpreter takes the same oath that all interpreters must take in a court proceeding.

#### **IV. UTAH'S CREDENTIALING OF COURT INTERPRETERS**

(This section can be taught to any group within the court system.)

- A. Overview of interpreter qualifications, including
  - 1. Categories of interpreters; (e.g., certified, approved, registered, and conditionally approved)
  - 2. Training program for foreign language interpreters.
  - 3. Testing and the Council on Language Access in the Courts.
- B. Utah's policy on the use of interpreters
  - 1. Rule 3-306 including
    - a. Practical issues in rural areas;
    - b. Use of CourtCom;

- c. Remote interpreting - guidelines and tips;
  - d. Interpreters' Code of Professional Responsibility.
- C. Role of the Court Interpreter Standing Committee
- D. Interpreters as independent contractors, including
  - 1. Fees;
  - 2. Payments (reimbursement and billing process);
  - 3. Responsibility of costs for interpreting services;
  - 3. Travel (mileage); and
  - 4. How to schedule a court interpreter
  - 5. Circumstances for which the court bears the responsibility to pay for the interpreter and instances where the court is not responsible to pay for an interpreter.**
- E. Interpreter resources in Utah
  - 1. How can a judge ascertain a person's ability to interpret in a rare foreign language when there are no interpreters in that language available? In those instances, can family members or friends provide interpreting?**
- F. Judges' checklist or bench guide  
(Rosa has this. It may need to be reviewed and updated.)

## **V. INTERPRETER'S OATH**

(This section can be taught to all court groups.)

- A. Every interpreter used in the court should be required to swear an "oath of true interpretation."
- B. Interpreters who are used regularly but who are not court employees can keep their oath on file at the AOC.

- C. In the case of trials, it is recommended that the oath always be administered orally to interpreters in the presence of the jury to reinforce the jury's awareness of the role of the interpreters.
- D. For interpreters who are used only intermittently, the interpreter should be sworn in at the beginning of the proceeding or at the beginning of the day's work in a given courtroom.

## **VI. THE ROLE AND RESPONSIBILITY OF THE INTERPRETER**

(This section can be taught to all court groups.)

- A. The judge should explain (before the proceeding begins) the role and responsibilities of interpreters to all courtroom participants in court proceedings.
  - 1. The interpreter's only function is to help the court, the principal parties in interest and the attorneys to communicate effectively with one another.
  - 2. The interpreter may not give legal advice, answer questions about the case, or help anyone in any other way except to facilitate communication.
  - 3. If a person who is using the services of the interpreter has questions, those questions should be directed to the court or an attorney through the interpreter; the interpreter is not permitted to answer questions, only to interpret them.
  - 4. If someone cannot communicate effectively with or understand the interpreter, that person should tell the court or presiding officer of the court.
- B. The judge should advise every witness of the role of the interpreter. As the judge gives the advisement, the interpreter simultaneously interprets it for the witness. The clarification should cover the following points:
  - 1. Everything the witness says will be interpreted faithfully;
  - 2. The witness must speak to the person who asks the question, not to the interpreter;

3. The witness should respond only after having heard the entire question interpreted into his or her own language;
4. The witness should speak clearly and loudly so that everyone in the court can hear; and
5. If the witness cannot communicate effectively with the interpreter, she or he should tell the court or the presiding officer of the court.

## **VII. THE ROLE OF THE INTERPRETER COORDINATOR IN THE STATE COURTS**

(This section can be taught to all court groups.)

- A. Explain how the Interpreter Coordinator in each District and/or court location functions in scheduling court interpreters.**
- B. Explain how the Justice Courts schedule their interpreters. Is it possible for the Justice Courts to get assistance from the State Courts Interpreter Coordinators in their districts? (This is for Justice Court groups only.)**
- C. Interpreter Coordinators should follow the guidelines regarding the timeliness of appointing and/or cancelling court interpreter assignments.**
- D. Calendar management when interpreters will be used.**

## **VIII. ERRORS DURING WITNESS INTERPRETING**

(This section is for judges only.)

- A. When an interpreter discovers his or her own error, the interpreter should correct the error at once. If an interpreter becomes aware of an error after the testimony, he or she should request a bench or side bar conference with the court to explain the problem.

- B. When an error is suspected by the judge, an attorney, or another officer of the court besides the interpreter, that person should bring the matter to the attention of the judge at the earliest convenient opportunity.
- C. The following steps are recommended:
  - 1. The judge should first determine whether the issue surrounding the allegedly inaccurate interpretation is substantial or potentially prejudicial and requires determination.
  - 2. If the judge agrees that the error is substantial or could be prejudicial, then the judge should refer the matter first to the interpreter for reconsideration. If this does not resolve the problem, evidence from other expert interpreters or any other linguistic expert the judge may select should be sought.
  - 3. The judge should make the final determination as to the correct interpretation, and amend the record accordingly and advise the jury.

## **IX. MODES OF INTERPRETING**

(This section can be taught to all court groups.)

- A. The mode of interpreting to be used on any given time (consecutive or simultaneous) depends on the types of communication to be interpreted within a proceeding.
  - 1. The simultaneous mode of interpreting should be used for a person who is listening only. This is the normal mode for interpreting proceedings. An interpreter should interpret in the simultaneous mode in the following situations:
    - a. For a defendant when testimony is being given by another witness;
    - b. For a defendant or witness when the judge is in dialogue with an officer of the court or any other person other than the defendant or the witness;

- c. For a defendant when the court is addressing the jury or any other person present in the courtroom, or
  - d. For any non-English speaking party when the judge is speaking directly to the person without interruption or regular call for responses.
- B. The consecutive mode of interpreting should be used when a non-English speaking person is giving testimony or when the judge or officer of the court is communicating directly with such a person and is expecting responses.
- C. The summary mode of interpretation should not be used. It is most often resorted to only by unqualified interpreters who are unable to keep up the consecutive or simultaneous modes.
- D. When using qualified or conditionally approved interpreters (because there are no certified interpreters available in that language), a judge cannot expect the interpreter to be skilled enough to provide simultaneous interpreting. Persons who are able to provide simultaneous interpreting usually are “certified” interpreters.**

**X. MULTIPLE NON-ENGLISH SPEAKING DEFENDANTS IN THE SAME TRIAL**  
(This section can be taught to all court groups.)

- A. When two or more defendants who need an interpreter speak the same language, interpreting equipment should be used to provide simultaneous interpretation of the proceeding.

**B. What interpreting equipment is available in Utah’s courts.**

**XI. PREVENTING INTERPRETER FATIGUE**  
(This section can be taught to all court groups.)

- A. The United Nations standard for replacing interpreters with a co-interpreter is every 45 minutes.
- B. For any proceeding lasting longer than thirty minutes of continuous simultaneous interpretation, two interpreters should be assigned so they can relieve each other at periodic intervals to prevent fatigue.

## **XII. USE OF LANGUAGES OTHER THAN ENGLISH BY JUDGES, ATTORNEYS OR OTHER PARTICIPANTS**

(This section should be taught to all groups.)

- A. Some judges and attorneys are bilingual; however, they should not function as interpreters during proceedings.
- B. Judges and other court participants should speak in English at all times during proceedings.
- C. Attorneys should use English during all proceedings at all times, except in confidential communication with a client.
- D. Attorneys should not be permitted to function as interpreters for parties they represent.
- E. Court personnel or bailiffs who are bilingual should not be permitted to function as interpreters.
- F. What is the appropriate use of court employees who receive a second-language stipend?**

## **XIII. CULTURAL SENSITIVITIES**

(To be developed by the Committee)

(This section is for all court groups.)

- A. Judges should be aware of cultural sensitivities of both the person needing interpretation and the person providing the interpretation.**

1. **Provide examples of cultural differences which could affect the interpreting process.**
  2. **In some cases two people speaking the same language but coming from different ethnic groups may not be able to work together because of ethnic violence between the two groups.**
- B. **There may be differences in the vocabulary of particular languages, such as Spanish, where that language serves multiple cultures (i.e., Mexican Spanish, Chilean Spanish, etc.).**
  - C. **The comportment and demeanor of a person from a different culture than our own may be different and judges should be sensitive to these issues.**

#### **XIV. SPOKEN LANGUAGE INTERPRETER INFORMATION ON THE COURTS WEBSITE**

(This section is for all court groups.)

- A. **What information is available on the courts website for the non-English speaking public and should it be updated and include more information?**

#### **XV. TRAINING ON THE USE OF FOREIGN LANGUAGE SPOKEN INTERPRETING FOR SPECIFIC COURT PERSONNEL**

- A. **Trial Court Executives**  
(Use material selected above for "all court groups" and add material specific to Court Executives. Meet with the Court Executive on the Committee to develop material.)
- B. **Clerks of Court**  
(Use material selected above for "all court groups" and add material specific to Clerks of Court. Meet with the Clerk of Court representative on the Committee to develop material.)

**C. Juvenile Court**

(Use material selected above for “all court groups” and add material specific to Juvenile Court Clerks and Probation Officers. Meet with the Probation Officer representative on the Committee to develop material for Probation Officers. Meet with a Juvenile Court Clerk to develop materials for Juvenile Court Clerks.)

**1. Probation Officers**

**a. Because of the unique responsibilities and nature of a probation officer, how can interpreters be used in an effective manner when:**

- i. Motivational interviewing?**
- ii. Assessing juveniles (including nuances)**
- iii. ART classes**
- iv. School visits**
- v. Home visits**
- vi. With treatment providers**
- vii. In Detention facilities**
- viii. Vocabulary differences between the “legal language of the court” and the “social work language” when working with juveniles.**

**2. Judicial Services Representatives and Judicial Assistants**

- a. How to identify the need for a court interpreter in the CARE system.**
- b. How to know if another party to a court case may need an interpreter (i.e., parent, witness, victim, etc.)**
- c. Where does the interpreter sit in the Juvenile Courtroom setting when providing interpreting services?**
- d. Understanding the difference between providing assistance and providing legal advice to a non-English speaking person in court.**

**D. Judicial Services Representatives and Judicial Assistants in District and Justice Courts (Court Clerks)**

(Use material selected above for “all court groups” and add material specific to District Court Clerks. Meet with the

Interpreter Coordinator on the Committee to develop material for District Court Clerks.

- 1. How to identify the need for a court interpreter in the CORIS system.**
- 2. How to know if another party to a court case may need an interpreter (i.e., parent, witness, victim, etc.)**
- 3. Understanding the difference between providing assistance and providing legal advice to a non-English speaking person in court.**

- E. Other Management and/or Administrative Staff**  
(Use material selected above for "all court groups" and add material specific to other management personnel and administrative staff. Meet with representatives of each group to decide if interpreter training is needed for them.)

**XVI. TRAINING ON THE USE OF SPOKEN FOREIGN LANGUAGE INTERPRETING FOR THE JUSTICE COURTS**  
(To be developed specifically for Justice Court judges and clerks)

**XVII. INTERPRETATION FOR THE HARD OF HEARING COURT CONSTITUENT**

- A. What aids are available in the courtroom to assist those who have difficulty hearing what is being said in the courtroom.**
- B. The Americans With Disabilities Act - what requirements do the courts have to fulfill to be in compliance with the ADA for those who have hearing impediments?**

Material taken from:

Administrative Office of the Utah Courts, Utah Judicial Institute, Justice Court Judges Curriculum Development Subcommittee Curriculum Outline on "Working With Foreign Language Court Interpreters," Kristine Prince, 2007

Judges' Guide to Standards for Interpreted Proceedings, National Center for State Courts

Training on Limited English Proficiency Survey Results, State of Connecticut Judicial Branch, 2012

# Tab 3

# FUTURE TRENDS IN STATE COURTS 2012

*Delaware's Successful Strides  
Toward Language Access in  
the Courts*

*by Maria Perez-Chambers and  
Ashley Tucker*



A nonprofit organization improving justice through leadership and service to courts



## DELAWARE'S SUCCESSFUL STRIDES TOWARD LANGUAGE ACCESS IN THE COURTS

### Maria Perez-Chambers

Coordinator, Court Interpreter Program, Delaware

### Ashley Tucker

Staff Attorney, Delaware Administrative Office of the Courts

*Delaware's Court Interpreter Program is a state-funded, centralized program that coordinates all the Delaware courts' language service needs. Detailed records of all interpreter services used permit Delaware to focus on adequate funding for this program and to anticipate current and future needs of Delaware's limited-English-proficient population.*

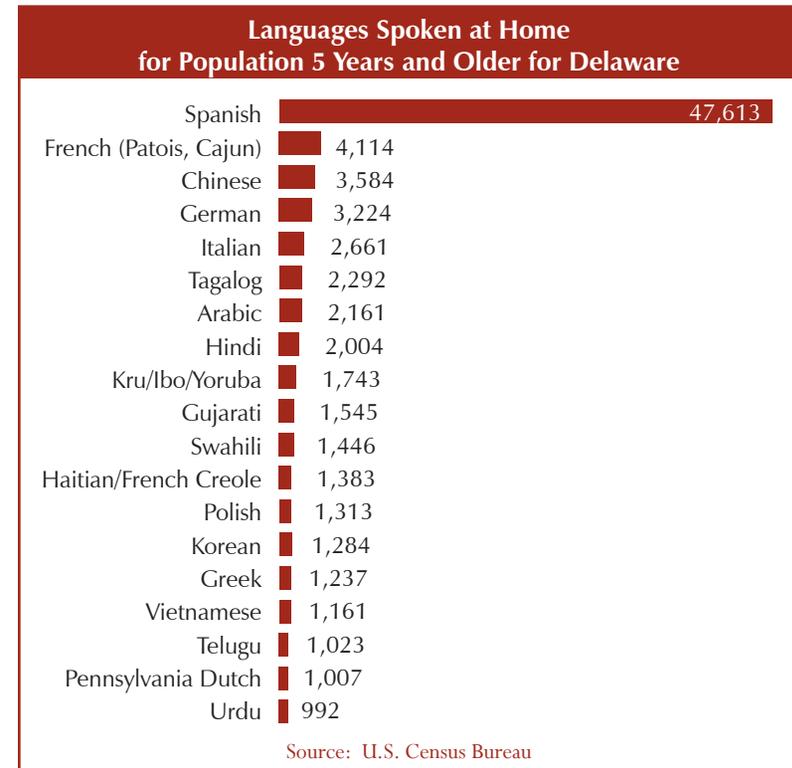
### Court Interpreter Program and Language Access

In the 1990s, Delaware, the “Small Wonder,” faced a big problem with improving the interpreter services provided to those with special language needs in the Delaware courts. In its 1996 report, the Delaware Supreme Court’s Task Force on Racial and Ethnic Fairness found that “court interpreters have not always been available to limited-English-proficient (LEP) individuals when needed and interpreters who have been used sometimes have not provided effective interpretation or have acted in an unprofessional manner.” Although the supreme court issued Administrative Directive 107 earlier in 1996, which promulgated policies and procedures related to the use of court interpreters in the Delaware courts, the combination of the directive and the task force’s work represented important first steps in the long process of developing a strong court interpreter program. Administrative Directive 107 also created the Court Interpreter Program (CIP) in the Administrative Office of the Courts (AOC) to administer the standardized policies and practices related to providing interpreter services in the courts, as well as to overseeing credentialing, scheduling, and payment of court interpreters in languages other than English, including American Sign Language (ASL) for court users who are deaf or hard of hearing.

In response to the sustained growth of Delaware’s LEP population, and consistent with U.S. Department of Justice guidelines, 67 Fed. Reg. 41445 (June 18, 2002), the Delaware judiciary, through the AOC, remained true to its commitment to language access by developing a formal language access plan to govern efforts in support of ensuring meaningful access to all who enter the Delaware courts.

### Identifying and Meeting Language Needs

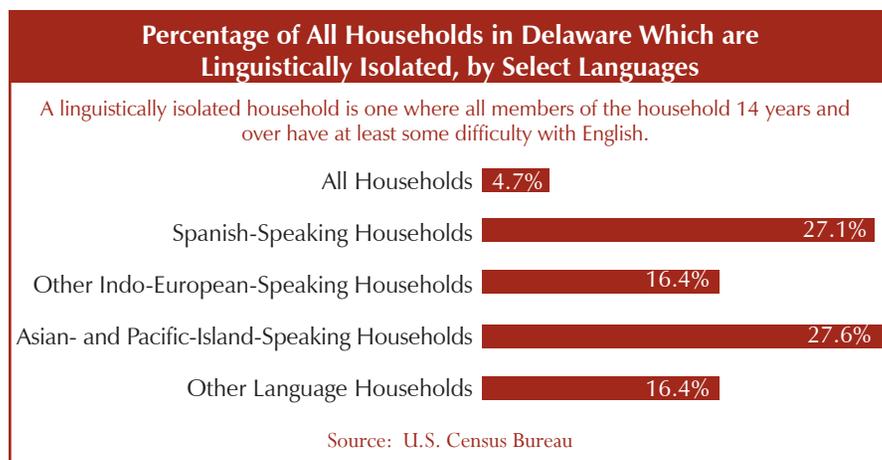
Delaware uses census data and AOC records to identify the most prevalent language needs and build its language access program accordingly. The 2010 United States Census revealed that Delaware’s Hispanic or Latino population makes up 8.2 percent of Delaware’s total population. AOC records, which track court requests for court interpreter services, confirmed that Spanish services were the most



frequently requested language services. In fiscal year 2011, a total of 2,374 court events required 6,189 foreign-language-interpreter hours and provided language assistance to an estimated 8,939 LEP litigants.<sup>1</sup> Of these 8,939 LEP litigants, 89 percent were Spanish speakers. Haitian Creole, the second most frequently requested language, is a distant second with 211 litigants. Spanish is, by far, the predominant language of LEP individuals accessing the Delaware courts.

Based upon this statistical information, Delaware has tailored its language services program to address geographic exigencies, the number of certified/qualified interpreters available, and court demands. Delaware has three counties—New Castle, Kent, and Sussex—of which New Castle is the most populous. Not surprisingly, New Castle County has the largest LEP population and saw 60 percent (1,427 of the 2,374) of the interpreting events in fiscal year 2011. Furthermore, courts of first instance, consisting of the justice-of-the-peace court, family court, and the court of common pleas (a misdemeanor limited-jurisdiction court), requested language services most frequently. For example, in fiscal year 2011, justice-of-the-peace courts used 22 percent, family courts used 34 percent, and courts of common pleas used 41 percent of the total interpreter hours. CIP has focused on responding to each court’s needs and specific requirements. One successful tool developed to this end is the coordinated Spanish interpreter calendars prearranged by the CIP.

Interpreters for coordinated Spanish interpreter calendars for New Castle County’s court of common pleas and family and justice-of-the-peace courts are scheduled in advance for three-month increments. The calendars are posted electronically (public folders in the state’s Outlook e-mail application), allowing access by all courts. Along with New Castle County’s coordinated Spanish interpreter calendars, individual interpreter calendars, including interpreter services secured for languages other than Spanish, are posted electronically for all courts statewide. This system has proven valuable by standardizing access to Spanish interpreters for all courts; enabling any court staff to easily determine if there is an interpreter already scheduled to provide services in that court on a given day and which interpreter is available; and serving as confirmation to the court that requested interpreter services have been scheduled.



A second successful tool used to meet the needs of the courts and LEP individuals is evening calendars. The justice-of-the-peace courts historically see the largest numbers of litigants, English speaking and LEP. To address these numbers, the justice-of-the-peace courts schedule “Hispanic Arraignments,” where calendars are scheduled specifically for Spanish-speaking defendants charged with motor vehicle violations and other misdemeanors. These calendars are scheduled on set days per week, depending on the demand. Two interpreters and two judges are assigned to these calendars, and up to 30 Spanish-speaking LEPs may be scheduled.

In addition to these two specific tools, the CIP administers standard general procedures to secure interpreter services. Every court in each county has two staff members responsible for receiving requests for interpreter services from within their court, state agencies, the Delaware Bar, or other sources. These staff members schedule and post the secured language services. Court staff have been trained by the CIP coordinator on these general procedures. Preference is given to securing in-person, certified, or duly qualified interpreters from the Delaware Interpreter Registry for all hearings. The coordinator provides support to court staff to address requests for rare languages or those for which there are no certified/qualified interpreters in the registry, or if an unusual circumstance arises.

Additional procedures are in place for unanticipated needs for language services. The initial step is to secure an in-person interpreter through the electronic calendars. Absent the timely availability of an in-person interpreter, CIP offers two types of telephonic interpreter services. One service is manned by Delaware registry interpreters and permits judges to access the more frequently used languages at reasonable rates; the other service is offered through an outside-language-services vendor. Telephonic services are usually reserved for nonevidentiary hearings, such as arraignments and *capias* returns.

### Data Collection and Analysis

A third important tool helps track and quantify the demand for language services to forecast future needs and projected costs. The request-for-payment form was designed by the CIP coordinator and the AOC’s fiscal department for use with all foreign language and ASL interpreter assignments. Interpreters complete the form immediately, which includes all pertinent information about the services rendered, such as in-person or telephonic service; county and court; interpreter arrival and departure time; number of litigants receiving service; whether LEP was a defendant, litigant, parent of juvenile, witness, or victim; and type of hearing. Data collected from each RFP form is compiled electronically (using an Excel format) and tallied, along with expenditures, for all events. A summary captures the total number of events for each language, the total number of litigants served in each court and for each county, and expenditures per language.

At year’s end, the CIP coordinator issues a report including the total number of interpreting hours provided broken down by court and county; the number of LEP litigants receiving services by court and county; number of LEP litigants who were defendants/litigants, parents of juveniles, witnesses, or victims; types of hearings; number of interpreting events by language; and total expenditures for the fiscal year. These data are used for fiscal projections, to calibrate the number of interpreters needed, and to confirm that appropriate language services are being provided.

### Program and Funding

Delaware’s Court Interpreter Program is centrally managed by the AOC under the direction of the Court Interpreter Program Advisory Board. The board is

composed of five judges, a certified interpreter, and the AOC’s CIP coordinator. The coordinator’s position is full-time and currently held by a certified interpreter. The coordinator is responsible for overseeing the entire program, ranging from performing daily administrative tasks; developing appropriate policies and guidelines; conducting recruiting, education, and training; and maintaining a registry of court-approved interpreters. The registry is updated once a year and distributed to the courts and relevant agencies, such as the Delaware Department of Justice and the Public Defender’s Office.

The Court Interpreter Program was initially started with grant funds but is now state funded through a separate budget appropriation within the judicial branch budget. Budgeted monies pay for interpreter services received, as well as for other program needs such as candidate orientation, training, and certification exams.

All of Delaware’s court interpreters provide services on a contractual basis, and those on the registry have, as independent contractors, entered into service agreements with the AOC. To date, there are no full-time or part-time staff interpreter positions.

### Training and Educational Outreach

To communicate the Delaware judiciary’s language access plan to all the Delaware judges and court staff and to standardize practices in all courts, the CIP coordinator has made presentations on the plan and general and court-specific procedures to judges and court staff in all courts and counties. All relevant materials, such as procedures, the language access plan, the registry, and required forms, are available through the Delaware judiciary’s “intranet” page.

Delaware Courts: Estimated Number of LEP Persons Served, by Foreign Spoken Languages - FY 2011	
Spanish	7,943
Haitian Creole	211
Mandarin	49
Arabic	32
Vietnamese	30
Turkish	25
Russian	25
Hindi	17
Korean	21
Portuguese	11
Thai	6
Cantonese	4
French	3
Malayalam	2
Mende	2
Swahili	2
Bengali	1
Ewe	1
German	1
Greek	1
Punjabi	1
Twi	1
Ukrainian	1

The judges are also provided with bench cards on “Best Practices for Working with Court Interpreters in the Courtroom.” The bench cards explain how judges can evaluate the language proficiency of those who appear in their courtroom and determine whether interpreter services should be provided. Judges are also provided with guidelines to evaluate an interpreter’s credentials and qualifications, and an overview of the interpreter’s role, duties, and responsibilities to the court and the parties.

Educational outreach extends to other agencies, such as the Public Defender’s Office and the Office of Conflict Counsel, as well as members of the Delaware Bar. Materials, such as the “Best Practices for Attorneys Working with Foreign Language and ASL Interpreters,” are disseminated through the state bar association. Presentations on best practices by the CIP coordinator have been sponsored by courts and agencies.

### **Pilot Programs and Future Initiatives**

In line with language-access-plan goals, and in conjunction with court-sponsored initiatives, such as the Delaware Courts: Fairness for All Task Force, efforts are underway to expand the range of services that will ensure fair access to the courts for all individuals. As a result of a 2009 pilot project, non-bilingual court staff can access telephonic interpreter services to assist LEP individuals at the point of first contact with the court. First contact often occurs when an LEP individual makes an unscheduled appearance at court and has questions or wants to pay a fine. Court staff have been provided with materials to help determine the LEP individual’s native language before they access telephonic interpreter services.

The CIP translation initiative has asked each court to identify their most frequently used critical documents and has translated those documents into Spanish. Spanish information brochures and complaint forms are available online, and additional efforts are being made to promote the availability of the court educational materials to the public through their distribution to community centers and other means. A Spanish video illustrating the civil processes in the justice-of-the-peace and the family courts is currently in production.

Finally, efforts are underway to identify current bilingual (English/Spanish) employees and affirmatively hire bilingual employees. The courts are stepping up their efforts to reach out to diverse communities through outreach programs so that the different communities’ needs can be better understood and served in the future.

### **Conclusion**

Delaware’s Court Interpreter Program is now in its 15th year, and great strides have been made in turning what once represented a big problem in providing qualified court interpreters to LEP individuals in court, into a more manageable, if still demanding, one. The CIP’s framework and goals are guided by the Delaware judiciary’s language access plan, and it is a state-funded, centralized program with a dedicated staff that coordinates all the courts’ language requirements. By focusing on gathering statistical data, the Court Interpreter Program can help quantify which language services are needed, which courts require the most services, the types of services used by each court, the number of interpreters required, and the overall cost of the program. This information helps the program better judge the individual language-access needs of each court and anticipate the projected costs and future needs for language services in Delaware courts.

## ENDNOTES

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<sup>1</sup> An event is defined as a court proceeding involving one or more LEP litigants requiring interpreter services. An event may also encompass one or several types of hearings: arraignments, pleas, and violations of probation or mediation, for example.

## RESOURCES

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American Translators Association. [www.atanet.org/docs/Getting\\_it\\_right\\_int.pdf](http://www.atanet.org/docs/Getting_it_right_int.pdf)

Empire Justice Center, Model LEP Plans.

[http://onlineresources.wnyc.net/pb/orcdocs/LARC\\_Resources/LEPResources/ModelLEP/ModelLEP.htm](http://onlineresources.wnyc.net/pb/orcdocs/LARC_Resources/LEPResources/ModelLEP/ModelLEP.htm)

Limited English Proficiency: A Federal Interagency Website. [www.lep.gov](http://www.lep.gov)

National Association of Judiciary Interpreters and Translators (NAJIT). [www.najit.org/index.php](http://www.najit.org/index.php)

NAJIT Position Papers. [www.najit.org/publications/positions.php](http://www.najit.org/publications/positions.php)

National Center for State Courts. State Court Interpreter Programs.

[www.ncsc.org/Education-and-Careers/State-Interpreter-Certification.aspx](http://www.ncsc.org/Education-and-Careers/State-Interpreter-Certification.aspx)



300 Newport Ave.  
Williamsburg, VA 23185-4147  
Phone (800) 616-6164

**DENVER, CO**

707 17th St., Ste. 2900  
Denver, CO 80202-3429

**ARLINGTON, VA**

2425 Wilson Blvd., Ste. 350  
Arlington, VA 22201-3320

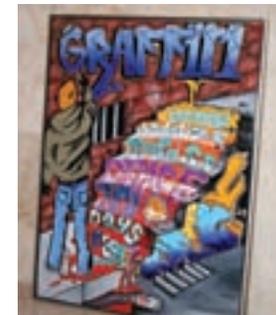
**WASHINGTON, DC**

111 Second St., NE  
Washington, DC 20002-7303

Knowledge and Information Services (800) 616-6164  
Association Services (800) 616-6165  
Court Consulting Services (800) 466-3063  
External Affairs and Communications (888) 450-0391  
Government Relations (800) 532-0204  
Institute for Court Management (800) 616-6160  
International (800) 797-2545  
Publications (888) 228-6272  
Research (800) 616-6109  
Technology (888) 846-6746

The National Center for State Courts is an independent, nonprofit, tax-exempt organization in accordance with Section 501(c)(3) of the Internal Revenue code.

Justice Eileen C. Moore was charged with finding artwork for the new 4th District Court of Appeal building in Santa Ana, California with no budget. She contacted the school superintendent and then the probation department got involved. Students read court cases and depicted them in murals. This year's Trends cover was created by a 17 year old at Juvenile Hall. The case involved gang violations and disfiguring a public place and the young artist had also been charged with graffiti crimes. The resulting mural hangs in the courthouse, along with more than a dozen other paintings depicting Orange County, California cases.





**EXECUTIVE ORDER**  
**(Language Services in the Courts)**

Pursuant to the authority granted to the Chief Justice of the Rhode Island Supreme Court by § 8-15-2 of the Rhode Island General Laws (1997 Reenactment), it is hereby ordered as follows:

In an effort to promote the accuracy and integrity of judicial proceedings and to preserve fundamental principles of fairness and access to justice, the Rhode Island unified judicial system is committed to continuing to provide language access services to limited English proficient (LEP) persons who come in contact with the Rhode Island state court system. LEP persons should have meaningful access to the courts in a language that they are able to understand, and in which they are able to be understood by the Court. This Executive Order governs the appointment and use of oral interpreters and bilingual staff in court proceedings and operations conducted by the Rhode Island Judiciary and shall be applicable as described herein.

**A. Definitions**

1. *Authorized interpreter.* A certified interpreter, and a qualified interpreter, person or entity authorized by the Administrative Office of State Courts (AOSC) to interpret in specified court operations.
2. *Bilingual staff.* An employee of the Court other than an interpreter who has demonstrated proficiency in English and a second language in accordance with standards set by the AOSC and is authorized by the AOSC to engage in court operations in a language other than English.
3. *Certified interpreter.* An interpreter who appears on the roster maintained by the Office of Court Interpreters (OCI) as certified in accordance with the standards set forth in Executive Order No. 2009-05, and in compliance with the requirements of the AOSC.
4. *Court operation.* Offices, services and functions of the court, other than court proceedings, that may have contact with the public or any party, including:
  - a. The Clerk's Offices and Judicial Records Center;
  - b. Programs or services operated, managed or contracted by the court for mandatory use by parties or the court;
  - c. Court appointed professionals, and other individuals, employed, contracted or supervised by the court to assist the court or mandated by the court for a party in connection with a court proceeding;
5. *Court proceeding.* Any hearing, trial or other appearance before any court in this state in an action, appeal or other proceeding, including any matter conducted by a judicial officer.
6. *Filing party.*
  - a. The plaintiff or petitioner in a civil action.
  - b. The Attorney General or police department submitting an arrest warrant, information or indictment in a criminal case.

7. *Interpret.* The oral rendering of spoken communication from one language to another without change in meaning.
8. *Judicial officer.*
  - a. A justice, judge or magistrate of the court who presides over a court proceeding; or
  - b. Any other person presiding over a court proceeding, including an arbitrator, master, hearing officer, review officer or other like officer of the court.
9. *Language services.* Court services provided by an interpreter, bilingual staff, or by means of translation.
10. *Limited English proficient.* With respect to persons whose primary language is not English, and who are not Deaf or hard of hearing, the inability to adequately understand or communicate effectively in English in a court proceeding or contact with a court operation.
11. *Party.*
  - a. In a civil action, a plaintiff, defendant (or petitioner and respondent), including a person who brings or defends an action on behalf of a minor or incompetent, the parent or legal guardian of a minor party, and a legal guardian of a plaintiff or defendant;
  - b. In a criminal case, the defendant, the alleged victim, and the parent or guardian of a minor alleged victim or of a juvenile in a juvenile proceeding.
12. *Qualified interpreter.* An interpreter other than a certified interpreter who appears on the roster of qualified interpreters maintained by the AOSC and administered by the Office of Court Interpreters; or is found by the judicial officer on the record to have met the requirements of § 8-19-3(b)(2) and (c) of the Rhode Island General Laws (1997 Reenactment) and the requirements set by the AOSC in the Judiciary's Language Access Plan.
13. *Remote interpreting.* A process utilizing remote technology by which an interpreter assists in a court proceeding or operation without being physically present.
14. *Remote technology.* A system comprised of various equipment, software, and audio and visual communication linkage components to facilitate remote interpreting.
15. *Translation.* The rendering of a writing from one language to another without change in meaning.
16. *Witness.* A person who testifies in a proceeding.

## **B. General Rules**

1. The judicial officer in any court proceeding shall appoint an interpreter for a limited English proficient person upon request of a party or whenever a party or testifying witness in the proceeding is limited English proficient, subject to the provisions of Section C(4) below.
2. Court staff members shall upon request or in any oral communication between a court staff member and a limited English proficient person provide service through bilingual staff or contact the Office of Court Interpreters to obtain the assistance of an authorized interpreter.
3. The judicial officer in any court proceeding may appoint an interpreter for a non-party individual with a "significant interest" based on an evaluation of the following four factors:
  - a. The relationship of the individual to the matter;

- b. the seriousness of the matter;
  - c. the impact of the outcome on the individual;
  - d. and whether interpretation is already being provided to another party in the proceeding and could be easily transmitted with the use of available technology.
4. The Court should provide the most competent interpreter services in a manner that is best suited to the nature of the proceeding.

**C. Procedure – Proceedings**

1. Notice to court.
  - a. As shall be set forth in the Judiciary’s Language Access Plan, the Office of Court Interpreters shall establish procedures to gather available information from all filing parties as to the identity of any limited English proficient party or witness and the primary language of such persons at the time of the initial filing.
  - b. Any party to a pending proceeding may at any time provide or amend available information to the Office of Court Interpreters (OCI) as to the identity of any limited English proficient party or witness and the primary language of such persons.
  - c. Any court employee who becomes aware that a party or witness in a pending proceeding is limited English proficient shall inform the Office of Court Interpreters.
2. Notice to parties.
  - a. As shall be established in the Judiciary’s Language Access Plan, the OCI shall create a written notice in English, Spanish, Portuguese, and such other languages for which a significant demand exists as determined by the AOSC, stating that the court will provide a competent interpreter for any limited English proficient party or witness at no charge, explaining the procedure to request an interpreter and to request a translation of the notice into other languages. The AOSC shall provide or require the filing party to provide such notice to each defendant in a proceeding.
    - (1) In civil matters, the notice shall be incorporated in or attached to the initial pleading to be served upon the defendant.
    - (2) In criminal matters, the notice shall be incorporated in or attached to the initial charging documents provided to the defendant, or provided by the court to the defendant at his or her initial court appearance.
  - b. At any proceeding for which an interpreter has not been assigned or appointed, the judicial officer or court staff shall inform the parties to a case that may involve a limited English proficient party or witness of the availability of a court interpreter.
3. The Office of Court Interpreters shall assign a certified interpreter to each court proceeding for which an interpreter appointment may be required under Section B(1) provided that if a certified interpreter is not available, the Office of Court Interpreters shall:
  - a. Assign a qualified interpreter; and
  - b. Report to the judicial officer the efforts made to obtain a certified interpreter in the event a qualified staff interpreter is not available.
4. Appointment of interpreter.
  - a. A judicial officer shall appoint a certified interpreter for a person who is limited English proficient when required by Section B(1); provided, however, that:
  - b. A judicial officer may appoint a qualified interpreter if the officer finds:

- (1) In any civil or criminal proceeding that a certified interpreter is unavailable and the abilities of an available qualified interpreter meet the requirements set forth in § 8-19-3(b)(1) and (2) of the Rhode Island General Laws (1997 Reenactment); and
  - (2) In a civil proceeding after consideration of the nature and duration of the proceeding, the potential cost and delay to appoint a certified interpreter, and the abilities of the available qualified interpreter, that use of a qualified interpreter is in the interests of justice; or
  - (3) In a criminal proceeding, that the nature and duration of the proceeding permit the use of a qualified interpreter pursuant to § 8-19-3(b)(3) of the Rhode Island General Laws (1997 Reenactment).
- c. A judicial officer may appoint more than one interpreter after consideration of the nature and duration of the proceeding; the number of parties in interest and witnesses requiring an interpreter; the primary languages of those persons; and the quality of the remote technology that may be utilized.
5. Oath. The judicial officer or court clerk shall administer an oath or affirmation to a non-staff court interpreter in the proceeding as set forth in the Judiciary's Language Access Plan.
  6. Remote Technology.
    - a. A judicial officer may allow an interpreter appointed pursuant to this section to interpret remotely only if remote technology is available and:
    - b. The proceeding is conducted such that:
      - (1) The officer, a party in interest or attorney is also appearing remotely in addition to the interpreter;
      - (2) The interpreter, if practicable, is in the same location as the limited English proficient party in interest or witness; or
      - (3) The proceeding is non-evidentiary, less than thirty minutes in duration, and does not utilize more than one interpreter; and
    - c. The remote technology meets the standards set by the AOSC and allows the officer, parties, attorneys and witnesses to hear each other and the interpreter clearly.
  7. The judicial officer shall dismiss an interpreter and appoint a replacement if the interpreter:
    - a. Is unable effectively to communicate with the judicial officer, the parties, or a limited English proficient person, including cases in which the interpreter self-reports such inability;
    - b. Has a conflict of interest due to a relationship with a person involved in the proceeding or an interest in the outcome; or
    - c. Is acting in violation of the Code of Ethics and Professional Responsibility for Court Interpreters in the Rhode Island Judiciary, the Rhode Island Code of Ethics, or the Judiciary's Code of Ethics.

The judicial officer shall notify the Office of Court Interpreters of the dismissal of any interpreter and the grounds therefor.
  8. Audio Recording.
    - a. The court shall create an audio recording of any interpreted proceeding in a courtroom with audio recording equipment that shall include anything said by a limited English proficient witness or party while testifying or responding to a

colloquy, together with the rendition of the interpreter during those portions of the proceeding. The court shall maintain such recordings in accordance with the requirements applicable to other records of proceedings.

- b. Transcriptions of such proceedings shall be made available at a rate established by the Office of Court Interpreters.
9. Absent a finding of good cause, nothing herein shall be construed to prevent a party from procuring the assistance of an interpreter in addition to one appointed by the judicial officer to assist that party or to monitor the performance of the appointed interpreter.

#### **D. Language Services in Court Operations.**

1. A court entity, employee or judicial officer that appoints, contracts, or authorizes non-court entities and persons not employed by the court to engage in court operations as set forth in Section A(4), shall ensure that language services are provided to limited English proficient persons at no charge utilizing standards equivalent to those defined in the Judiciary's Language Access Plan for other court operations.
2. As set forth in the Judiciary's Language Access Plan, the AOSC may establish and utilize tiered standards for bilingual staff or authorized interpreters that take into account the nature and purpose of communications engaged in by different operations or job positions.
3. Nothing in this Order is intended to require language services for:
  - a. Supreme Court Appellate Mediation Program cases in which all parties are represented by counsel; and
  - b. Supervised child custody visitations not occurring on court premises;
  - c. Any function operated, managed, contracted or supervised by another state department, agency or division.

#### **E. Interpreter costs**

1. The AOSC shall be responsible for paying the reasonable fees of court interpreters, other than court employees, for an interpreter assigned to or appointed in a proceeding or for interpreting work ordered or directed by the Court in a court operation.
2. The court shall not charge, assess, or obtain reimbursement for interpreter costs or fees from any party to a proceeding in which an interpreter is utilized or from any person utilizing the assistance of an interpreter in a court operation.

#### **F. Privilege**

It is the intent of this Executive Order that:

1. No communication deemed privileged under applicable law shall be rendered unprivileged on account of an interpreter's presence provided that the interpreter is engaged in interpreting authorized by this Order; and
2. No interpreter shall be permitted or compelled to testify in any proceeding as to statements made or interpreted during a communication privileged under applicable law.

## **G. Implementation**

### **1. Language Access Plan**

The AOSC shall establish and implement a Language Access Plan (LAP) by December 31, 2012 which shall set forth the management actions needed to implement this Executive Order, including the tasks to be undertaken, assignment of responsibility, deadlines and processes, and shall include provisions which require the AOSC to make good faith efforts to expand the Courts' capacity to generate audio recordings of interpreted proceedings, and when proceedings are recorded, to make the audio recordings of interpreted proceedings available to interested persons.

### **2. Language Access Stakeholders**

The Office of Court Interpreters (OCI) shall work in conjunction with any newly established language access stakeholder committees, or any such other committees as determined by the Chief Justice to implement this Executive Order by providing input to the LAP, considering the need for conforming changes to court rules, suggesting ongoing improvements to language access, assisting in outreach and training efforts, evaluating the implementation of this Executive Order and the Language Access Plan, and assisting in other activities to improve language access in the courts. Such committee(s) shall include relevant stakeholders including court staff and non-court staff persons with expertise in court language access issues, lawyers or advocates for limited English proficient clients, and at least one representative from the Attorney General's office, the Public Defender, and Rhode Island Legal Services.

## **H. Monitoring**

Within six (6) months after the effective date of this Order and annually thereafter, the Office of Court Interpreters shall submit detailed reports to the Chief Justice and the State Court Administrator, a copy of which shall be available on the Judiciary's website, documenting the efforts made to comply with this Executive Order and shall include the following categories of information:

- a. The actions the OCI has taken or intends to take to implement this Executive Order, and execute the completed LAP including any further policies or procedures drafted or issued for these purposes; and any language-related notices, forms, and signs drafted, translated, or issued;
- b. Data on services provided pursuant to this Executive Order and the LAP, by court or court program, location, language, and form and mode of language assistance, including any data indicating:
  - i. Any delays resulting from unavailable language assistance; and
  - ii. Instances in which language assistance is not provided and the reasons therefor.
- c. Data on the utilization of interpreters and bilingual staff broken down by:
  - i. Language;
  - ii. Qualification level (certified or qualified) of interpreters;
  - iii. Interpreter employment status as staff interpreter or contractor;
  - iv. Interpreters' state of residence/business;
  - v. Court or court program, including location; and
  - vi. Type of proceeding and case type.

- d. Information regarding any problems encountered in implementing this Executive Order and the LAP, including feedback gathered from the stakeholders committee, bench, bar, staff, and public; and
  - i. The process established to receive and respond to language access complaints; and
  - ii. The number, nature, and disposition of any language access complaints;
- e. The steps taken to notify the bench, bar, litigants, and public, including LEP communities, of any policies or procedures to implement this Executive Order and the LAP, and any response thereto;
- f. The trainings provided to judges, staff, and others regarding this Executive Order and any related language access matters, including the content of the trainings, training materials, dates held, trainers, and names and positions of attendees;
- g. Steps taken to recruit, train, set standards for, qualify, and certify interpreters, translators, and bilingual staff;
- h. Lists of authorized interpreters, translators, and bilingual staff specifying language, test results, and type of authorization;
- i. Lists of documents, signage, forms, web content, and audio or video content that have been or will be translated, the languages completed or intended for each, and the means by which the items will be distributed internally and made available to litigants;
- j. Figures on budget requests and spending for language services.

**I. Administrative complaints**

- 1. Any person aggrieved by an alleged violation of this Order in a court proceeding or operation may file an administrative complaint with the Office of Court Interpreters.
- 2. The State Court Administrator or his or her designee shall review and respond to an administrative complaint within thirty (30) days of its receipt.
- 3. The AOSC shall make complaint forms readily available in court houses, court offices and on the website of the Rhode Island Judiciary, and shall also provide complaint forms translated into Spanish, Portuguese, and such other languages for which a significant demand exists as determined by the AOSC. Such complaint shall include a notice that no court personnel may retaliate against any person filing a complaint or assisting in the investigation or resolution of a complaint.
- 4. Nothing herein shall be construed to:
  - a. restrict an aggrieved person from seeking to enforce this Order in a proceeding, including an appeal; or
  - b. provide any authority to alter, satisfy or vacate any judgment or order.

**J. Effective Date**

This Executive Order shall be effective on July 1, 2012 and shall be implemented in accordance with the Language Access Plan.

Entered as an Order of this Court this **13<sup>th</sup>** day of **June, 2012**.

ENTER:

By Order,

\_\_\_\_\_  
/s/  
Paul A. Suttell  
Chief Justice

\_\_\_\_\_  
/s/  
Clerk