

Agenda

Court Interpreter Committee

March 22, 2013
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
Introduction of Randall McUne		Judge Vernice Trease
Strategic Plan	Tab 2	Rosa Oakes Tim Shea
Rule 3-306	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.

May 17, 2013 (Court of Appeals Conference Room, Fifth Floor)

July 19, 2013

September 27, 2013

November 15, 2013

Tab 1

Meeting Date	Court Interpreter Committee	
January 25, 2013	Conference Rooms B&C	
Members Present	Member Excused	
Judge Vernice Trease - Chair	Judge Mary Noonan	
Judge Rick Romney	Greg Johnson	
Jennifer Andrus	Maureen Magagna	
Evangelina Burrows	Dinorah Padro	
Robert Engar	Wendell Roberts	
Ghulam Hashain		
Miguel Medina		
Jennifer Storrer		
Staff: Tim Shea, Rosa Oakes		
Guests: Luther Gaylord, Nini Rich, Scott Joyce, Israel Gonzalez		
Topic: Approve minutes of November 16, 2012		
Discussion: Paragraph 4 of the previous meetings minutes was changed.		
Motion: Judge Romney moved to pass the minutes, as changed. Jennifer Storrer seconded the motion.		
Vote: Yes	Motion: Passed	
Topic: Staff Court Interpreters		By Tim Shea
<p>Tim Shea stated he recently completed a survey with other states to obtain information on wages for court interpreters. He found the median wage and the average wage were within approximately \$1.00 of each other.</p> <p>The Judicial Council approved the \$21.90 per hour, plus regular benefits for employees. Mr. Shea discussed the wages may seem lower but taking benefits into account will help that. The pilot program will include an annual budget of \$63,000. Mr. Shea will be evaluating other districts to get an idea of what is needed.</p> <p>A member discussed interpreters being assigned to a specific court. Evangelia Burrows explained that it will most likely not be a staff interpreter being sent to other districts. A gentleman explained that he recently waited for a Spanish interpreter in court for 45 minutes. Mr. Shea explained that sometimes, though not often, all interpreters will be spoken for. Ms. Burrows explained the process of locating an interpreter.</p> <p>A member questioned having a staff interpreter in the Second and Fourth Districts. Mr. Shea stated the Fourth has not requested a staff interpreter. As for the Second, Mr. Shea stated that there is some difficulty in having a staff interpreter available when there are multiple locations throughout the county.</p> <p>Mr. Shea listed the current staff interpreters. He further stated the vacancy for the fourth interpreter has been posted.</p>		

Topic: On-going Strategic Planning Process

By Tim Shea / Nini Rich

Nini Rich stated the plan will cover the next two to three years. Ms. Rich explained the various plans including expanding languages, education, and mentoring. She further discussed issues on when a staff interpreter is needed over an employee who speaks the language.

Ghulam Hasnain discussed the variety of languages in Israel along with the cultural differences.

The committee had a brief discussion on cultural competency. They also discussed training for judges.

Mr. Shea stated the last strategic plan was completed six years ago. He stated the plan was sound but the new plan would need to adjust to today's technology.

The committee discussed changing the pass rate on the interpreter testing from 70% to 80% to match what other states are currently doing.

They further discussed potential issues with e-filing. Mr. Shea stated he will discuss this further to see if one possibility might be to tag the court interpreters when a document is filed electronically. Mr. Shea noted that the juvenile court does not have a start date for implementing e-filing.

The committee discussed training court staff and attorneys on what the interpreters need to make them more efficient. Mr. Shea stated that Tom Langhorne and the education department will be working on implementing some of the necessary training with the clerks program.

Ms. Rich noted that several members of the committee felt the most important goal was cultural sensitivity, followed by recruit, and then mentoring.

Mr. Shea will present the approved plan to the Judicial Council. Ms. Rich was thanked for her time.

Topic: New Committee Member

By Tim Shea

Mr. Shea discussed potential new members to the committee. Mr. Shea explained that he is trying to recruit either a prosecutor and/or a juvenile court judge to the committee. The committee discussed Mr. Engar or Paul Boyden as new members.

Mr. Shea stated the importance of attending each meeting.

Topic: Meeting adjourned

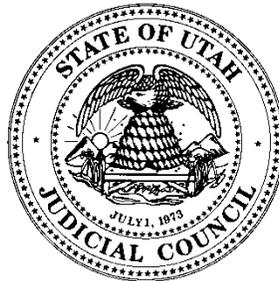
With no further business, the meeting adjourned at 1:30 p.m. The next scheduled meeting is March 22, 2013.

Tab 2



Utah State Courts

Court Interpreter Committee Strategic Plan



Draft: March 22, 2013

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 Committee Strategic Plan

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(1) Cultural Awareness

(a) Goals

- Provide interpreting services in a manner that promotes trust between interpreter and client.

(b) Issue

George Bernard Shaw is credited with the observation that England and America are two countries separated by a common language. It is an observation that is true of many cultures. Economic, ethnic, religious and political divisions in a person's native country continue to affect relationships in this country. Many immigrants are from countries torn by civil war or ethnic repression. Being aware of and trying to accommodate those divisions will help an interpreter build a relationship of trust with his or her client. If a person of limited English proficiency perceives an interpreter as representing a group from the other side of a civil war, there is no opportunity for trust.

In some countries women don't speak the "official" language because of their limited opportunities for education and interaction in government and commerce. In all countries economic and social structure, cultural values and gender roles create differences in dialect and barriers between groups.

Becoming aware of the circumstances that separate groups is difficult. Trying to accommodate those differences with a limited pool of interpreters is even more difficult, but the effort should be made when the opportunity arises.

(c) Tasks

- Expand interpreter coordinators' awareness of historical and current world events, native divisions and how they affect interpreting services.
- Develop resources with which to research a country's history and complexities.
- Develop resources to assist in finding potential interpreters within immigrant communities.

(2) Community Outreach

(a) Goals

- Educate the public of the right to an interpreter in all court proceedings and how to request one.
- Recruit new interpreters, especially in languages other than Spanish.

(b) Issue

Once a person of limited English proficiency begins to participate in court proceedings — by suing or being sued, by being subpoenaed as a witness, by trying to dispute a

traffic ticket, or in any number of other ways — court personnel should know in short order that an interpreter is needed and in what language. But, if the public does not know that an interpreter is available until they first participate in court proceedings, the knowledge comes too late. The individual and the court both pay a price.

In some circumstances the court will have lost an opportunity to resolve the matter in the first instance: the person of limited English proficiency will have to return; perhaps a hearing will have to be rescheduled; whatever might have been concluded with one proceeding will require two. More important, public common knowledge that an interpreter is available for all court proceedings will help build trust in the courts among people of foreign language communities.

In many circumstances interpreters will come from those foreign language communities. The courts' need for Spanish interpretation is being met with certified interpreters by their willingness to travel to remote courthouses and, increasingly, by remote interpretation. The need for interpretation in many languages other than Spanish also is being met through travel by the few interpreters certified in those languages and several approved interpreters.

There remains, however, a modest and consistent need for interpretation in several languages not represented on the court's roster of interpreters. To fill this need the courts must necessarily rely on conditionally approved interpreters for simple proceedings and recruiting a well qualified out-of-state interpreter for complex proceedings. Given the limited economic opportunity of interpretation in some languages, the latter may always be the case, but having approved or registered interpreters available will improve the quality and efficiency of even routine proceedings.

(c) Tasks

- Develop public service announcements designed to inform persons of limited English proficiency of the right to an interpreter in all court proceedings and how to request one.
- Include that message in public speaking engagements.
- Encourage lawyers to notify the court of their clients' language needs at the earliest opportunity.
- Participate in job fairs and other recruitment opportunities.
- Develop a process by which a person of limited English proficiency can file a complaint about the failure to comply with the requirements of the court's language access program.

(3) Quality Interpretation

(a) Goals

- Improve the quality of proceedings through improved interpretation.

(b) Issue

Everyone benefits from improved interpretation. Proceedings are more efficient; the statements from persons of one language are understood more clearly by others of another language; the quality of decisions based on those statements is improved. Justice is served.

(c) Tasks

- Identify language needs at first contact.
- Provide “I speak” or Language Line placards to all front-counter stations, probation officers and courtrooms to help identify language needs.
- Include in interpreter education and mentoring:
 - what to know about a case before the proceeding;
 - how to get case information and documents before a proceeding;
 - how to control the proceeding for complete and accurate interpretation; and
 - how to obtain and use the “tools of the trade.”
- Develop glossaries in languages other than Spanish.
- Expand the Spanish glossary to include words and phrases common in civil proceedings.
- Translate frozen language documents (e.g., webpages, forms, jury instructions).
- Encourage registered and approved interpreters to seek higher credentials.
- Encourage all interpreters to improve their skills.
- Develop guidelines for when using bilingual, stipend-receiving staff is appropriate, when Language Line is appropriate and when to use an interpreter.
- Explore the use of current and developing technology:
 - Equipment for remote interpretation
 - Methods of capturing the interpretation on the record
 - Software for interpreter scheduling and reporting
- Evaluate interpreter performance

(4) Role of the Committee

(a) Goals

- Develop participation by committee members in completing the committee’s tasks and achieving the committee’s goals.

(b) Issue

In 2008 the legal department of the administrative office of the courts, which supports this committee, was cut by 20%. Working more efficiently will not make up for that loss,

so relying on committee members can help the committee be more productive. More important, staff perspectives are limited. Participation of committee members brings a variety of experience to the discussion and solution of issues.

(c) Tasks

- Form small sub-committees to further develop policies, procedures and tasks.
- Engage committee members to complete those tasks.

(5) Education

(a) Goals

- Educate participants in proceedings in how to work effectively with interpreters.

(b) Issue

The skills of a well qualified interpreter benefit not only the client for whom the interpreter is interpreting but also the judge, jury, attorneys and other participants. The client benefits from a better understanding of the proceedings. The others benefit from a more efficient proceeding. To the extent that the interpretation is a rendering of the foreign language into English, the others benefit from a better understanding of testimony and statements by the client, the witnesses and others with limited English proficiency.

Working well with an interpreter is a skill in itself, and educating participants in those techniques will improve the quality of the interpretation and thus the proceeding itself. The skills range from the courteous (engage the client, not the interpreter) to the technical (speak simply and without parentheticals) to the ethical (don't ask the interpreter to explain something).

Education for interpreters is an important opportunity which, other than training for the certification examination, has been limited in Utah. If the skills of a well-qualified interpreter benefit everyone involved in the proceedings, then improving those skills should be a high priority.

(c) Tasks

- Work with the education department of the administrative office of the courts to develop curriculum and materials for:
 - new judge orientation and continuing judicial education;
 - clerk and probation officer education; and
 - attorney MCLE.
- Work with the education department to develop curriculum and materials for interpreter skill-building.

- Work with the education department to develop curriculum and materials for interpreter advanced skill-building that earns education credit.
- Review credentialing processes to improve the alignment of interpreter training and testing requirements.

Tab 3

1 **Rule 3-306.** ~~Court interpreters~~ Language access in the courts.

2 Intent:

3 To state the policy of the Utah courts to secure the rights of people under Title VI of
4 the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. in legal proceedings who are
5 unable to understand or communicate adequately in the English language.

6 To outline the procedure for certification, appointment, and payment of ~~court~~
7 interpreters for legal proceedings.

8 To provide certified interpreters in legal proceedings in those languages for which a
9 certification program has been established.

10 Applicability:

11 This rule shall apply to legal proceedings in the courts of record and not of record.
12 This rule shall apply to interpretation for non-English speaking people and not to
13 interpretation for ~~the persons with a hearing-impaired impairment~~, which is governed by
14 Utah statutes.

15 Statement of the Rule:

16 (1) Definitions.

17 (1)(A) "Appointing authority" means a judge, commissioner, referee or juvenile
18 probation officer, or delegate thereof.

19 (1)(B) "Approved interpreter" means a person who has been rated as "superior" in
20 the Oral Proficiency Interview conducted by Language Testing International and has
21 fulfilled the requirements established in paragraph (3).

22 (1)(C) "Certified interpreter" means a person who has successfully passed the
23 examination of the Consortium for Language Access in the Courts and has fulfilled the
24 requirements established in paragraph (3).

25 (1)(D) "Committee" means the Court Interpreter Language Access Committee
26 established by Rule 1-205.

27 (1)(E) "Conditionally-approved interpreter" means a person who, in the opinion of the
28 appointing authority after evaluating the totality of the circumstances, has language
29 skills, knowledge of interpreting techniques, and familiarity with interpreting sufficient to
30 interpret the legal proceeding. A conditionally approved interpreter shall read and is

31 bound by the Code of Professional Responsibility and shall subscribe the oath or
32 affirmation of a certified interpreter.

33 (1)(F) "Code of Professional Responsibility" means the Code of Professional
34 Responsibility for Court Interpreters set forth in Code of Judicial Administration
35 Appendix H. An interpreter may not be required to act contrary to law or the Code of
36 Professional Responsibility.

37 (1)(G) "Legal proceeding" means a proceeding before the appointing authority, court-
38 annexed mediation, communication with court staff, and participation in mandatory court
39 programs. Legal proceeding does not include communication outside the court unless
40 permitted by the appointing authority.

41 (1)(H) "Limited English proficiency" means the inability to understand or
42 communicate in English at the level of comprehension and expression needed to
43 participate effectively in legal proceedings.

44 (1)(I) "Registered interpreter I" means a person who interprets in a language in
45 which testing by the Consortium for Language Access in the Courts or Language
46 Testing International is not available and who has fulfilled the requirements established
47 in paragraph (3) other than paragraph (3)(A)(v).

48 (1)(J) "Registered interpreter II" means a person who interprets in a language in
49 which testing by the Consortium for Language Access in the Courts or Language
50 Testing International is available and who has fulfilled the requirements established in
51 paragraph (3) other than paragraph (3)(A)(v).

52 (2) [Court Interpreter Language Access](#) Committee. The [Court Interpreter Language](#)
53 [Access](#) Committee shall:

54 (2)(A) research, develop and recommend to the Judicial Council policies and
55 procedures for interpretation in legal proceedings and translation of printed materials;

56 (2)(B) issue informal opinions to questions regarding the Code of Professional
57 Responsibility, which is evidence of good-faith compliance with the Code; and

58 (2)(C) discipline court interpreters.

59 (3) Application, training, testing, roster.

60 (3)(A) Subject to the availability of funding, and in consultation with the committee,
61 the administrative office of the courts shall establish programs to certify and approve
62 ~~court~~ interpreters in English and the non-English languages most frequently needed in
63 the courts. The administrative office shall publish a roster of certified, approved, and
64 registered interpreters ~~and a roster of approved interpreters~~. To be certified, ~~or~~ approved
65 or registered, an applicant shall:

66 (3)(A)(i) file an application form approved by the administrative office;

67 (3)(A)(ii) pay a fee established by the Judicial Council;

68 (3)(A)(iii) pass a background check;

69 (3)(A)(iv) complete training as required by the administrative office;

70 (3)(A)(v) obtain a passing score on the court interpreter's test(s) as required by the
71 administrative office;

72 (3)(A)(vi) complete 10 hours observing a certified interpreter in a legal proceeding;

73 and

74 (3)(A)(vii) take and subscribe the following oath or affirmation: "I will make a true and
75 impartial interpretation using my best skills and judgment in accordance with the Code
76 of Professional Responsibility."

77 (3)(B) A person who is certified in good standing by the federal courts or by a state
78 having a certification program that is equivalent to the program established under this
79 rule may be certified without complying with paragraphs (3)(A)(iv) through (3)(A)(vii) but
80 shall pass an ethics examination and otherwise meet the requirements of this rule.

81 (3)(C) No later than December 31 of each even-numbered calendar year, certified,
82 ~~and~~ approved, and registered interpreters shall pass the background check for
83 applicants, and certified interpreters shall complete at least 16 hours of continuing
84 education approved by the administrative office of the courts.

85 (4) Appointment.

86 (4)(A) Except as provided in paragraphs (4)(B), (4)(C) and (4)(D), if the appointing
87 authority determines that a party, witness, victim or person who will be bound by the
88 legal proceeding has a primary language other than English and limited English
89 proficiency, the appointing authority shall appoint a certified interpreter in all legal

90 proceedings. A person requesting an interpreter is presumed to be a person of limited
91 English proficiency.

92 (4)(B) An approved interpreter may be appointed if no certified interpreter is
93 reasonably available.

94 (4)(C) A registered interpreter may be appointed if no certified or approved
95 interpreter is reasonably available.

96 (4)(D) A conditionally-approved interpreter may be appointed if the appointing
97 authority, after evaluating the totality of the circumstances, finds that:

98 (4)(D)(i) the prospective interpreter has language skills, knowledge of interpreting
99 techniques and familiarity with interpreting sufficient to interpret the legal proceeding;
100 and

101 (4)(D)(ii) appointment of the prospective interpreter does not present a real or
102 perceived conflict of interest or appearance of bias; and

103 (4)(D)(iii) a certified, approved, or registered interpreter is not reasonably available
104 or the gravity of the legal proceeding and the potential consequence to the person are
105 so minor that delays in obtaining a certified or approved interpreter are not justified.

106 (4)(E) No interpreter is needed for a direct verbal exchange between the person and
107 court staff if the court staff can fluently speak the language understood by the person.
108 An approved, registered or conditionally approved interpreter may be appointed if the
109 court staff does not speak the language understood by the person.

110 (4)(F) The appointing authority will appoint one interpreter for all participants with
111 limited English proficiency, unless the judge determines that the participants have
112 adverse interests, or that due process, confidentiality, the length of the legal proceeding
113 or other circumstances require that there be additional interpreters.

114 (4)(G) A person whose request for an interpreter has been denied may apply to
115 review the denial. The application shall be decided by the presiding judge. If there is no
116 presiding judge or if the presiding judge is unavailable, the clerk of the court shall refer
117 the application to any judge of the court or any judge of a court of equal jurisdiction. The
118 application must be filed within 20 days after the denial.

119 (5) Payment.

120 (5)(A) The ~~interpreter~~ fees and expenses for language access shall be paid by the
121 administrative office of the courts in courts of record and by the government that funds
122 the court in courts not of record. The court may assess the ~~interpreter~~ fees and
123 expenses as costs to a party as otherwise provided by law. (Title VI of the Civil Rights
124 Act of 1964, 42 U.S.C. 2000d, et seq., and regulations and guidance adopted under that
125 title, Utah Constitution, Article I, Section 12, Utah Code Sections 77-1-6(2)(b), 77-18-7,
126 77-32a-1, 77-32a-2, 77-32a-3, 78B-1-146(3) and URCP 54(d)(2).)

127 (5)(B) A person who has been ordered to pay ~~for an interpreter fees and expenses~~
128 for language access after filing an affidavit of impecuniosity may apply to the presiding
129 judge to review the order. If there is no presiding judge, the person may apply to any
130 judge of the court or any judge of a court of equal jurisdiction. The application must be
131 filed within 20 days after the denial.

132 (6) Waiver. A person may waive an interpreter if the appointing authority approves
133 the waiver after determining that the waiver has been made knowingly and voluntarily. A
134 person may retract a waiver and request an interpreter at any time. An interpreter is for
135 the benefit of the court as well as for the non-English speaking person, so the
136 appointing authority may reject a waiver.

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

140 (8) Complaints.

141 (8)(A) A party, witness, victim or person who will be bound by a legal proceeding,
142 who is aggrieved by the misapplication of this rule, may file with the program manager a
143 signed writing alleging an act or omission that violates this rule. The complaint may be
144 in the native language of the person, which the AOC shall translate in accordance with
145 this rule. The complaint shall describe the circumstances of the act or omission,
146 including the date, time, location and nature of the incident and the persons involved.
147 The program manager may dismiss the complaint if it is plainly frivolous, insufficiently
148 clear, or alleges an act or omission that does not violate this rule.

149 (8)(B) If the complaint alleges an act or omission by an interpreter for which the
150 interpreter can be disciplined, the program manager shall mail the complaint to the
151 interpreter at the address on file with the administrative office and proceed under
152 Paragraph (9).

153 (8)(C) If the complaint alleges that the court did not provide language access as
154 required by this rule, the program manager shall investigate and recommend corrective
155 actions if warranted.

156 ~~(8)(9)~~ Discipline.

157 ~~(8)(9)~~(A) An interpreter may be disciplined for:

158 ~~(8)(9)~~(A)(i) knowingly making a false interpretation in a legal proceeding;

159 ~~(8)(9)~~(A)(ii) knowingly disclosing confidential or privileged information obtained in a
160 legal proceeding;

161 ~~(8)(9)~~(A)(iii) knowingly failing to follow standards prescribed by law, the Code of
162 Professional Responsibility and this rule;

163 ~~(8)(9)~~(A)(iv) failing to pass a background check;

164 ~~(8)(9)~~(A)(v) failing to meet continuing education requirements;

165 ~~(8)(9)~~(A)(vi) conduct or omissions resulting in discipline by another jurisdiction; and

166 ~~(8)(9)~~(A)(vii) failing to appear as scheduled without good cause.

167 ~~(8)(9)~~(B) Discipline may include:

168 ~~(8)(9)~~(B)(i) permanent loss of certified or approved credentials;

169 ~~(8)(9)~~(B)(ii) temporary loss of certified or approved credentials with conditions for
170 reinstatement;

171 ~~(8)(9)~~(B)(iii) suspension from the roster of certified or approved interpreters with
172 conditions for reinstatement;

173 ~~(8)(9)~~(B)(vi) prohibition from serving as a conditionally approved interpreter;

174 ~~(8)(9)~~(B)(v) suspension from serving as a conditionally approved interpreter with
175 conditions for reinstatement; and

176 ~~(8)(9)~~(B)(vi) reprimand.

177 ~~(8)(9)~~(C) Any person may file a complaint in writing on a form provided by the
178 program manager. The complaint may be in the native language of the complainant,

179 ~~which the AOC shall translate in accordance with this rule. The complaint shall describe~~
180 ~~in detail the incident and the alleged conduct or omission. The program manager may~~
181 ~~dismiss the complaint if it is plainly frivolous, insufficiently clear, or alleges conduct that~~
182 ~~does not violate this rule.~~ If ~~the a~~ complaint is not dismissed, the program manager shall
183 mail the complaint to the interpreter at the address on file with the administrative office.

184 ~~(8)(9)~~(D) The interpreter shall answer the complaint within 30 days after the date the
185 complaint is mailed or the allegations in the complaint are considered true and correct.
186 The answer shall admit, deny or further explain each allegation in the complaint.

187 ~~(8)(9)~~(E) The program manager may review records and interview the complainant,
188 the interpreter and witnesses. After considering all factors, the program manager may
189 propose a resolution, which the interpreter may stipulate to. The program manager may
190 consider aggravating and mitigating circumstances such as the severity of the violation,
191 the repeated nature of violations, the potential of the violation to harm a person's rights,
192 the interpreter's work record, prior discipline, and the effect on court operations.

193 ~~(8)(9)~~(F) If the complaint is not resolved by stipulation, the program manager will
194 notify the committee, which shall hold a hearing. The committee chair and at least one
195 interpreter member must attend. If a committee member is the complainant or the
196 interpreter, the committee member is recused. The program manager shall mail notice
197 of the date, time and place of the hearing to the interpreter. The hearing is closed to the
198 public. Committee members and staff may not disclose or discuss information or
199 materials outside of the meeting except with others who participated in the meeting or
200 with a member of the Committee. The committee may review records and interview the
201 interpreter, the complainant and witnesses. A record of the proceedings shall be
202 maintained but is not public.

203 ~~(8)(9)~~(G) The committee shall decide whether there is sufficient evidence of the
204 alleged conduct or omission, whether the conduct or omission violates this rule, and the
205 discipline, if any. The chair shall issue a written decision on behalf of the committee
206 within 30 days after the hearing. The program manager shall mail a copy of the decision
207 to the interpreter.

208 ~~(8)~~(9)(H) The interpreter may review and, upon payment of the required fee, obtain a
209 copy of any records to be used by the committee. The interpreter may attend all of the
210 hearing except the committee's deliberations. The interpreter may be represented by
211 counsel and shall be permitted to make a statement, call and interview the complainant
212 and witnesses, and comment on the claims and evidence. The interpreter may obtain a
213 copy of the record of the hearing upon payment of the required fee.

214 ~~(8)~~(9)(I) If the interpreter is certified in Utah under Paragraph (3)(B), the committee
215 shall report the findings and sanction to the certification authority in the other
216 jurisdiction.

217 ~~(9)~~(10) Fees.

218 ~~(9)(A)~~(10)(A) In April of each year the Judicial Council shall set the fees and
219 expenses to be paid to interpreters during the following fiscal year by the courts of
220 record. Payment of fees and expenses shall be made in accordance with the Courts
221 Accounting Manual.

222 ~~(9)(B)~~(10)(B) The local government that funds a court not of record shall set the
223 fees and expenses to be paid to interpreters by that court.

224 ~~(10)~~(11) Translation of court forms. Forms must be translated by a team of at least
225 two people who are interpreters certified under this rule or translators accredited by the
226 American Translators Association.

227 ~~(11)~~(12) Court employees as interpreters. A court employee may not interpret legal
228 proceedings except as follows.

229 ~~(11)(A)~~(12)(A) A court may hire an employee to be an interpreter. The employee will
230 be paid the wages and benefits of the employee's grade and not the fee established by
231 this rule. If the language is a language for which certification in Utah is available, the
232 employee must be a certified interpreter. If the language is a language for which
233 certification in Utah is not available, the employee must be an approved interpreter. The
234 employee must meet the continuing education requirements of an employee, but at
235 least half of the minimum requirement must be in improving interpreting skills. The
236 employee is subject to the discipline process for court personnel, but the grounds for
237 discipline include those listed in this rule.

238 ~~(11)(B)~~ (12)(B) A state court employee employed as an interpreter has the rights and
239 responsibilities provided in the Utah state court human resource policies, including the
240 Code of Personal Conduct, and the Court Interpreters' Code of Professional
241 Responsibility also applies. A justice court employee employed as an interpreter has the
242 rights and responsibilities provided in the county or municipal human resource policies,
243 including any code of conduct, and the Court Interpreters' Code of Professional
244 Responsibility also applies.

245 ~~(11)(C)~~ (12)(C) A court may use an employee as a conditionally-approved interpreter
246 under paragraph (4)(C). The employee will be paid the wage and benefits of the
247 employee's grade and not the fee established by this rule.

248