

**COURT INTERPRETER COMMITTEE
MEETING MINUTES**

September 21, 2007
Matheson Courthouse
Salt Lake City, Utah

Members Present: Hon. Lynn Davis, Chair; Evangelina Burrows; Luther Gaylord; Peggy Gentles; Daryl Hague; Craig Johnson; Hon. Karlin Myers; Branden Putnam; Carolyn Smitherman.

Members Excused: Dinorah Judd; Deborah Kreeck Mendez; Hon. Frederic M. Oddone; Brikena Ribaj.

Guest: Jennifer Storrer

Staff Present: Rosa Oakes.

Welcome & Minutes

Judge Davis welcomed all present. He extended a special welcome to new committee member, Judge Karlin Myers, a justice court judge in 5th district. Judge Myers introduced himself and committee members each introduced themselves to him.

After some changes, a **motion** by Craig Johnson to approve the minutes from August 24 as amended was seconded and carried unanimously.

Judge Davis asked Judge Myers what languages besides Spanish require the services of an interpreter in his court. Judge Myers responded he rarely has the need for an interpreter in languages other than Spanish, but on occasion, Italian, French, and Romanian interpreters have been needed. There have not been any Asian or Polynesian defendants who have been unable to understand and speak English.

Judge Davis noted that at the last meeting, the committee approved a motion to allow Jennifer Storrer or another ASL representative to be a member of the Standing Committee for Court Interpreters. In connection with that, a letter will be sent to Judge Gary Stott, chair of the Judicial Council's Policy and Planning Committee, for review and approval.

Awhile ago, it was brought to Judge Davis' attention that there had been some delays in payment of interpreters. Luther Gaylord expressed that this was an issue some weeks ago, but it was determined that some of the delay had to do with the fiscal year change, replacement of a finance department employee, and an unattended mailbox in the AOC finance department. He said he has been receiving his checks more promptly since then, as have other interpreters.

Recoupment of Interpreter Fees

Judge Davis distributed a memorandum sent by Brent Johnson in response to the question of whether a court may assess a standard fee to defendants who use an interpreter. Mr. Johnson stated “a court should not impose interpreter costs at all. However, if costs are assessed, a court may not assess a standard, set interpreter fee.” Judge Davis reviewed the memo with the group.

Tim Shea sent to the committee information regarding interpreter fee assessments in some justice courts, as well as some applicable statutes. One statute stated that the court should not assess fees and costs if the defendant is found to be impecunious.

Luther Gaylord stated the fee assessment is still a concern to him. At the last meeting, the issue was raised that if a justice court engages in a particular practice not in accordance with the rule, how is the behavior corrected? Mr. Gaylord indicated that as a subsidiary body of the Council, this committee has some authority over practices in justice courts. However, when improper situations regarding interpreters exist, he is not sure what the process is for correcting it.

Judge Davis asked what discoveries have been made by committee members since the last meeting in connection with this policy. Is it at the district or justice court level?

Ms. Storrer said she has had some situations where, if the defendant is ordered into treatment as part of his probation, a judge will tell the defendant he must pay all related costs of the treatment. The facility says they can charge for the interpreter because the judge ordered the defendant to pay all fees associated with the treatment.

Rosa Oakes asked if, under the disability law, the agency providing the services is required to pay. Ms. Storrer responded that they usually do, but they do not always know about the agencies that pass the fee to the client. The court keeps track of any fines that are assessed by the court, so the probation officer keeps the defendant informed about how much they have paid on their fine. She thinks the treatment facility may be notifying the defendant of what their costs are, and tacking on the costs of a sign language interpreter.

Judge Davis asked if anyone else has heard of a judge ordering payment for court interpretation or sign language in the context of therapy. The provider can be ordered to pay in terms of a disability, but not in terms of language interpretation. Ms. Oakes stated she often receives phone calls from clerks asking who pays for an interpreter in a treatment facility. She tells them that under the disability law, the agency providing services is required to pay for the costs.

Mr. Gaylord reviewed the situation given by Deborah Kreek-Mendez in Brigham City Justice Court where there was a hand-written sign on the door that said: “Interpreter \$20.” In less than an hour the judge saw two cases that used a Spanish speaking interpreter, and each defendant was assessed \$20 for less than five minutes of interpreter work.

Judge Davis stated that based on the opinion from Brent Johnson, the Board of Justice Court Judges needs to be informed. He said he would like to discuss the issue with Tim Shea because he wants to include the statutory provision within the opinion.

Peggy Gentles said some of the practices that relate to interpreters in justice courts are probably due to lack of understanding. It would likely be best to send a letter to the chair of the Justice Court Board and give specific examples of violations, and then ask the Board to disseminate information to the justice courts.

Judge Davis said, as chair of this committee, he will send such a letter to the Chair of the Board of Justice Court Judges. If interpreters encounter doubtful practices, they should bring it to the attention of this committee, where it can be directed to the correct place.

Judge Myers suggested an email could be sent from Brent Johnson to all justice court judges, without pointing fingers, stating that issues related to recoument of interpreter fees have been raised.

The group agreed and Judge Davis will approach Mr. Johnson with this suggestion as well as prepare a letter and send it to the Board of Justice Court Judges.

Presentation to the Judicial Council

Judge Davis indicated that when he made the presentation to the Judicial Council during their budget session on behalf of court interpreter pay, Judge Lyon and Judge Atherton also gave testimonials on behalf of interpreters. However, the Council decided to continue to review court interpreter fees in the spring for the following fiscal year.

Testing Software from BYU

Judge Davis received an email from Tim Shea asking him to follow up at this meeting with Professor Daryl Hague on the interpreter testing software. Mr. Shea has received approval to move forward with the testing software. Professor Hague responded the next thing to do is identify the languages that are wanted, which will help obtain the grant money to move ahead.

Judge Davis indicated he will put the request in written form to Professor Hague, who can then respond with what he needs in order for the process to move forward.

Scheduling Court Interpreters

Rosa Oakes directed the group's attention to the memorandum she emailed to them, stating that it is time to re-assess interpreter scheduling practices that have evolved in different ways statewide. Years ago, the courts designated a clerk in each district to serve as an interpreter coordinator and to be the central scheduling agent for interpreters in the district. Except in 3rd district, where the interpreter coordinator works full time on scheduling court interpreters, the scheduling responsibility did not take hold. Although every district has an interpreter coordinator, interpreter assignments are often made by in-court clerks and probation officers. The uncoordinated scheduling creates inefficiencies and costs the interpreters time and the courts money. As a result, Ms. Oakes is proposing an alternative, which is outlined in the memorandum and which she reviewed with the group.

Judge Davis noted it would be beneficial for all interpreters and interpreter coordinators to be able to see a calendar that shows where interpreters are scheduled statewide. The coordinator in 7th district could see when and where a particular interpreter is scheduled and would not need to waste time making phone calls to interpreters and waiting for phone calls to be returned.

Mr. Gaylord stated that a few months ago he had a hearing in Castle Dale in the morning and in the Matheson Courthouse in the afternoon. Somehow a clerk in Moab became aware that he was in Castle Dale that morning so she asked if he would be willing to travel to Moab that afternoon to interpret. The interpreter coordinator in 3rd district was contacted and was able to free Mr. Gaylord of his responsibility at the Matheson Courthouse so he could go to Moab instead. This was coincidental, and it would be much better if it were more institutionalized.

Evangelina Burrows noted that in the district courts, CORIS works well for scheduling interpreters, but the CARE system in the juvenile court is not working yet. It would be best if CARE users could calendar the hearing and request an interpreter in the screen. Currently, a separate email must be sent to her with an interpreter scheduling request.

Mr. Gaylord noted if coordinator duties were more formalized like they are in the 3rd district, it would be helpful. The proposal makes sense and would eliminate duplications and inefficiencies.

Ms. Oakes indicated the justice courts will eventually be going to the CORIS system and have the capability of scheduling interpreters from there.

Judge Davis asked how the proposal would be implemented.

Ms. Oakes responded that currently, everything is in place to do this, and she will be moving this along in CORIS. Since not all clerks use Groupwise to schedule, there has not been any training done on that, but she conducts interpreter coordinator training every year.

Peggy Gentles suggested in the future this committee consider how to provide a way for interpreters to show their availability. Mr. Gaylord responded that because the interpreters are currently independent contractors, they are both colleagues and competitors. There may be some with whom an interpreter would not want to share their calendar.

Judge Myers asked if there is a Spanish translation of enhanceable offenses. Ms. Oakes responded there is not currently, but will look into it.

The meeting was adjourned