

**COURT INTERPRETER COMMITTEE
MEETING MINUTES**

November 21, 2008
Matheson Courthouse
Salt Lake City, Utah

Members Present: Evangelina Burrows; Luther Gaylord; Craig Johnson; Deborah Kreeck Mendez; Hon. Karlin Myers; Dinorah Padro; Branden Putnam; Carolyn Smitherman; Jennifer Storrer.

Members Excused: Hon. Vernice Trease; Hon. Frederic M. Oddone; Peggy Gentles; Daryl Hague; Haloti Moala.

Staff Present: Tim Shea; Rosa Oakes; Marianne O'Brien; Carolyn Carpenter.

Approval of minutes:

Tim Shea presided in Judge Trease's absence. Mr. Shea welcomed all present. A motion by Luther Gaylord to approve the meeting minutes of September 26, 2008 as prepared was seconded, and carried unanimously.

Mr. Shea noted that Judge Trease's law and motion calendar interferes with the meeting time of the Interpreter Committee and has prevented her from attending the meeting several times. Mr. Shea will speak with Judge Trease about the meeting time and see what can be done to accommodate her schedule.

Report on Annual Consortium Conference

Rosa Oakes reported on the Annual Consortium Conference held in Philadelphia in October. Ms. Oakes reported there currently about 40 states that are members of the Consortium. About 30 states were represented at the conference. The Consortium voted on and passed a name change from Consortium for State Court Interpreter Certification to Consortium for Language Access in the Courts. A new mission statement and core values were proposed, which still need work. Good information was received on Arabic languages, and on oral interviews, which are too expensive for Utah to conduct. The committee will continue to work on the program Professor Hague introduced. Ohio generated a new training video – The Role of Interpreters in the Legal System. On it is specific training for judges, for clerks, and for interpreters and is a good resource. Next year's meeting will be in Las Vegas, Nevada.

Mr. Shea asked if there was one point Ms. Oakes took away from the conference that the Interpreter Committee may be able to work on. Ms. Oakes responded that the Consortium asked that the state members formulate a plan for Title 6, and compliance with Limited English Proficiency plans.

Ms. Oakes read the definition of Title 6: "prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on grounds of race, color and national origin." Any agency that receives federal funding must have an LEP plan, even if the funding is received in an indirect way. Mr. Shea noted that the work this committee has done over several years meets all that DOJ requires, but it has never been reduced to a single document.

Luther Gaylord asked whether Title 6 is in conflict with Utah's English-only statutes. Mr. Shea said that the courts have not scaled back their efforts. He mentioned the second language stipend to encourage courts to have a Spanish speaking clerk at the front counter and efforts to have interpreters at hearings.

Trainer Education Credit

Mr. Shea indicated the Utah State Bar has a program where a lawyer can meet part of their MCLE requirements by teaching classes. Lawyers receive 3 hours of credit for every 1 hour of class. He asked the group if they saw a benefit to that approach for interpreters in achieving some of the 16 hours of education credit every 2 years.

Mr. Gaylord responded affirmatively. He noted that certified interpreters Rachel Webb and Travis Hyer recently presented an ethics workshop for interpreters. Ms. Webb's perception was she could only receive education credit for being a student in a class rather than a class instructor. Being an instructor entails a lot of preparation and the instructor is learning something in the process.

Jennifer Storrer indicated ASL has a similar program to the Utah Bar, except the instructor can only get prep hours the first time the class is taught. Thereafter, credit is given hour for hour.

Discussion ensued, with the following points made:

- Instructors should receive extra credit.
- If instructors are receiving credit, there may be more classes available.
- Instructors should receive payment for teaching as well as receive credit hours.

Mr. Gaylord asked if an instructor attended a conference out of state and was paid to instruct in a particular area at the conference, if the instructor could also receive education credit. Mr. Shea responded affirmatively.

Dinorah Padro suggested that instructors receive more than 1 for 1 credit after the first class is taught because there is still a large amount of effort that is made. The course would likely be revised each time it was taught.

Mr. Shea suggested instructors receive no more than 9 hours for teaching a class, which would equate to teaching 3 classes over the course of 2 years. The committee agreed with this. The committee agreed to give retroactive credit to Rachel Webb and Travis Hyer for teaching the ethics class and to others who have taught since the beginning of the calendar year. In addition, anyone presenting in a class is considered an instructor. Whoever is organizing class will be relied on to name the presenters in the class so they can receive credit.

Ms. Padro asked if presenters can receive double credit for study groups. Mr. Shea responded they can, as long as the study group is approved and open to all interpreters.

Ms. Oakes will look through past presentations that have been made by interpreters to ascertain those interpreters who can receive retroactive credit for presenting and for participation in a class or study group.

Strategic Plan – Next Steps

Mr. Shea asked the committee which topics in the committee's strategic plan they would like to address next, noting this is an ongoing effort that is never finished. Ms. Oakes has developed a working paper on a mentoring program to be added to the initial training qualifications of a new interpreter.

Mr. Gaylord asked Ms. Oakes what the number of certified interpreters is. Ms. Oakes responded there are 43, but not all are working on a regular basis.

Discussion ensued with the following points made:

- Some attorneys are rumbling that the quality of interpreting by the newly certified interpreters is not as good as the seasoned certified interpreters.
- The certified interpreters who are making a living from their interpreter work are receiving less work because of the increased number of certified interpreters. The number of certified Spanish interpreters is getting to the saturation point.
- There will be attrition in the number of certified interpreters.
- Newly certified interpreters are more tentative and need to learn on the job. They will become more comfortable as they gain experience. They have only been certified for a few months.
- There could be a seniority system.
- Give priority to interpreters already serving the courts over those who are interested in one day serving the courts.
- There could be a limitation on the number of times Spanish certification exams are offered so they are offered every 2 or 3 years instead of every year.
- The federal government offers interpreter certification every other year.

Deborah Kreeck-Mendez indicated that a few months ago her office was waiting and waiting for more certified interpreters to be available. Now there is good availability. She asked if good interpreters are called to work more often.

Evangelina Burrows indicated that this hinges a lot on which interpreter calls back. Many do not respond to emails or phone calls. Sometimes a certified interpreter will leave the country for a few weeks. Then she calls a different group of interpreters from outlying areas.

Ms. Padro stated that in the 4th district many certified interpreters are not working as much and are wondering why.

Mr. Gaylord indicated there is always going to be a certain amount of conflict because interpreters try to be as busy as possible in order to have steady income. The courts need availability of interpreters and the AOC has made an effort to get more certified interpreters on the roster. He said he has not been as busy in the past 6 weeks as previously, and that could be because there are more certified interpreters competing for the work.

Ms. Padro indicated she has had to work more in the private sector of late to support her family.

Mr. Shea stated there has always been one aspect of the interpreter program that he has not been comfortable with: tinkering with the marketplace. There is no doubt the AOC has made a definite effort to approve the availability of certified Spanish interpreters, and there is not a certification program for other languages. Maybe it is time to concentrate on certification for another language.

Discussion ensued with the following points made:

- Let the newly certified Spanish interpreters get seasoned and delay adding more for now.
- Certified interpreters need to be assured there is enough work for them in the courts that they do not have to look elsewhere.
- Lack of money prevents offering certification in other languages. There is one certified Vietnamese interpreter but no certification has been offered for other Vietnamese interpreters.
- There are many Arabic interpreters and perhaps they should have an opportunity for certification.

Ms. Oakes indicated that non-language specific training for interpreters is available. Then interpreters would take the examination in their language. If Utah did it this way, we would have to say we have a certification program in all those languages. Then the certified interpreters would get a raise. The rest would be approved interpreters and their amount of money would drop because their language has become certified. In order to do anything like this, the budget would need to be reviewed.

Mr. Gaylord asked Ms. Burrows if she is scrambling for interpreters or if her needs are covered. Ms. Burrows responded that her problem is with last minute requests, usually in juvenile court. She said she receives a lot of requests the morning an interpreter is needed.

Ms. Oakes stated that is an issue when clerks are failing to make the request. She indicated this is a problem statewide. It is an education and training issue for clerks and judges.

Mr. Shea indicated that interpreter coordinators try to schedule interpreters who are closest to the courthouse to save on travel costs, but there are some rural areas where there are no interpreters. Interpreter coordinators schedule interpreters as they see fit. The AOC does not interfere in that.

Discussion ensued with the following points made:

- Raise the qualifications to another level above the current certified level.
- Some states have master level interpreters.
- Employ an in-court grading system of interpreters.
- Currently there is no process for evaluating an interpreter. Maybe a process for this could be developed.
- Lawyers grading interpreters would be inconsistent.
- Defendants and witnesses may provide more consistent reviews.

Mr. Shea and Ms. Oakes will generate some specific numbers and provide those at the next meeting so the committee can better evaluate whether it is necessary to pursue certification in languages other than Spanish. Even in the absence of a huge demand for a certain language, certification in it could provide some kind of measure of quality. With approved interpreters there is currently no measure of quality. If the numbers are so dramatic that certification in another language is not pursued, maybe the effort would be to beef up the approval process with some kind of examination that ensures at least minimal competence.

Rule 3-306

Mr. Shea asked the group to email him with any comments or observations. This draft includes the most recent changes talked about at the last meeting. It will be taken to the Boards for review.

Report to Council Preview

Rosa Oakes prepared a PowerPoint of Judge Trease's report to the Judicial Council. This was to be shown to the committee today, but because of lack of time, it was not shown.

The meeting was adjourned.