

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

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

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

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

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

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

Topic: Approved Interpreter Qualifications

By Luther Gaylord

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

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

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

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

Rosa suggested they pass the OPI to become an approved interpreter. Members clarified Rosa's concerns agreeing with the lapse in the middle. Judge Trease doesn't think this issue can be voted on today. It's not an open and shut case. Members agreed they need more background information. Tim stated the drafts of the rule change will show the difference between registered one and registered two. Registered two interpreters have the opportunity to take certification tests. Whereas registered one interpreters do not have the tests available. Member recognized that Luther is looking

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

Topic: Upcoming committee meetings

By Tim Shea

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