

Language Access Committee
Matheson Courthouse
Executive Dining Room
450 South State St.
Salt Lake City, Utah 84111

January 19, 2018

Members Present

Judge Su Chon
Michelle Draper - Chair
Mary Kaye Dixon
Amine El Fajri
Monica Greene
Megan Haney
Judge Mike Leavitt
Randall McUne
Miguel Medina
Russ Pearson
Lynn Wiseman (via phone)

Members Excused

Jennifer Andrus
Judge Kelly Schaeffer-Bullock

Staff

Kara Mann

Guests

Crystal Powers (representing Lynn Wiseman)

(1) Welcome.

Michelle Draper welcomed the committee to the meeting. Ms. Draper then addressed the November 17, 2017 minutes. With no changes, Monica Greene moved to approve the minutes. Randall McUne seconded the motion. The motion carried unanimously.

(2) Confidential- Committee Member Search Update.

The committee went off the record to discuss the committee member search.

(3) Conditionally Approved Application Form.

Kara Mann informed the committee she had made all recommended changes to the conditionally approved form that was discussed at the last meeting. However, Ms. Mann wants the committee to hear the feedback Judge Su Chon had received on the conditionally approved interpreter process. Judge Chon shared other third district judges had expressed their reluctance in being able to review the form and appoint the conditionally approved interpreter on the record when their criminal case dockets are so stacked. Judge Chon advised the judges are asking the committee consider a rule change, or for the committee or the program coordinator to do an initial approval of the interpreter. Judge Chon advised third district judges want the process to be easier with their calendars, but that she wasn't sure how much of a problem this is in the other judicial districts. Russell Pearson shared that conditionally approved interpreters are used but not frequently. Ms. Greene asked how anyone other than the judge or the judge's staff would know the type of proceeding in order to conditionally approve the interpreter. Judge Michael Leavitt asked why a judge couldn't review the form in advance, even with a large calendar like a Law and Motion calendar. Judge Chon shared judges want

someone to primarily review the form and approve the interpreter and then the judges could review the form prior to any complex proceedings like a sentencing hearing or a trial. Amine El Fajri suggested using a certified or approved interpreter to do an initial approval of the individual by reviewing the form and briefly speaking with the individual to assess their skill level. Ms. Mann shared the credentialing of an interpreter as conditionally approved is because there aren't any other interpreters available in that language, so there wouldn't be a certified or approved interpreter who could check their skill level. Ms. Mann advised the conditionally approved credentialing is used in various ways, such as when interpreters are flown in from out of state, or when a prescreened interpreter located out of state is arranged to telephonically interpret. Ms. Mann clarified the conditionally approved credential does not apply to Language Line interpreters. Judge Leavitt reminded the committee that currently the individual says they are able to interpret and the court believes them without any independent verification. Ms. Draper asked if the purpose of the form isn't to notify all parties involved that the interpreter is not highly credentialed. Judge Chon asked if the court rule couldn't be tweaked for criminal judges do not have to go through the conditionally approved process when it's simply to reschedule the hearing or something minor. Judge Leavitt advised there cannot be different procedures in place regarding how conditionally approved interpreters are used since there's no way to distinguish between substantive hearings and procedural hearings. Mary Kaye Dixon asked if a judge approves and appoints the conditionally interpreter on the record once for a case, then would it not apply to every subsequent proceeding in that case. Ms. Dixon advised that the judges would only be required to review the form on the record once for a case. Judge Chon asked if the Language Access Program Coordinator could complete a preliminary approval of the interpreter. Ms. Greene asked if the parties are informed when the interpreter is a conditionally approved interpreter. Judge Leavitt advised going back to the judges and clarifying the process for using conditionally approved interpreters, while still having the judges complete the approval process. Judge Chon questioned the process for when someone comes to the courtroom and completes the application on the spot. Judge Leavitt shared then the individual can fill out the form with the clerk and the hearing can be delayed or rescheduled in order for the background check to be completed. Judge Chon advised criminal judges have stacked calendars and their clerks aren't going to have the time to go over the conditionally approved form with the individual. Ms. Greene suggested separating out telephonic interpreters to be classified as a separate credentialing. Ms. Dixon advised she ensured the form is filled out and the background check is completed before passing the form to judge. The judge makes the necessary findings on the record once, before she redacts the personal information and adds it to the case file. Ms. Dixon shared then the judge has already issued a finding for any future proceeding in the case. Judge Leavitt suggested having a separate standing order form prepared for judges that they can have readily available. Judge Chon asked where in the rules it states conditionally approved interpreters must have a background check. Ms. Mann shared CJA 3-306.03(1)(C) has pass a background check, but that it only applies to certified, approved, and registered interpreters. Judge Leavitt shared that for a last minute, emergency proceeding the background check could be unnecessary. Ms. Draper advised using interpreters without a background check would leave the LEP vulnerable. After further discussion, Judge Leavitt motioned to table the issue to have Ms. Mann devise a best practices guideline for how courts are to work with the Conditionally Approved Application form in order to minimize the judge's need to review the form on the record, and to speak with Keisa Williams about necessary amendments to the court rules. Mr. McUne seconded the motion. The motion carried unanimously.

(4) Confidential- Interpreter Feedback Survey Results

The committee went off the record to discuss the interpreter feedback survey results.

(5) CJA Rule Drafts.

The committee tabled discussion until the next meeting due to time.

(6) Other Business.

There being no further business, the meeting adjourned at 1:49 pm.