

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

September 20, 2019

Members Present

Michelle Draper - Chair
Yadira Call - by phone
Judge Su Chon
Monica Diaz
Mary Kaye Dixon
Amine El Fajri
Judge Michael Leavitt
Russ Pearson
Lynn Wiseman

Members Excused

Megan Haney
Judge Kelly Schaeffer-Bullock

Staff

Kara Mann

Guests

(1) Welcome

Michelle Draper welcomed everyone to the meeting.

Kara Mann addressed the July 26, 2019 minutes. With no changes to the minutes, Judge Su Chon moved to approve the July 26, 2019 minutes, as presented. Monica Diaz seconded the motion. The motion carried unanimously.

(2) 2020 Committee Meeting Dates

Ms. Mann presented proposed the following 2020 Language Access Committee meeting dates:

January 17, 2020	(Martin Luther King, Jr. Holiday is Monday January 20)
March 20, 2020	(Legislative Update is scheduled from 9:00 a.m. - 1:00 p.m.)
May 15, 2020	
July 17, 2020	
September 18, 2020	
November 20, 2020	

Lynn Wiseman moved to approve the 2020 Language Access Committee meeting schedule, as amended to modify the May 15 meeting to May 8. Judge Michael Leavitt seconded the motion. The motion carried unanimously.

(3) Language Access Plan

Ms. Mann provided the committee with an update on her progress of the Plan. After brief discussion, the Language Access Plan Editing Subcommittee will consist of:

Michelle Draper
Judge Michael Leavitt
Lynn Wiseman
Yadira Call

Ms. Mann will distribute to the subcommittee edits 2-3 sections at a time via Google docs or DropBox. Ms. Mann will work with IT to ensure access for non-state employees.

(4) Shortage of Certified Spanish Interpreters

A Third District judge recently expressed concern about the shortage of certified Spanish interpreters. Ms. Mann stated the courts recently had one Spanish interpreter pass the Oral Proficiency Exam, the first to do so since 2015. The lack of interpreters passing the Oral Proficiency Exam is the primary reason for the shortage. The exams have a national pass rate of just 15% according to the National Center for State Courts, who oversees the development and maintenance of the exams. Ms. Mann noted the certification exams are created by the National Center for State Courts and cannot be edited to lower the standards.

Ms. Mann noted there is currently an unfilled staff interpreter position in the Third District. There has been difficulty in filling the position as freelance interpreters can earn more income interpreting for the courts as well as other agencies and conferences.

Ms. Mann noted there are 38 certified and 13 approved Spanish interpreters statewide. Ms. Mann shared the AOC will now offer the Oral Proficiency Exam twice a year, with the second dates reserved for candidates who have passed at least one section of the exam.

The committee will send a survey to the interpreters to communicate any issues or reasons for contract interpreter's lack of desire to work at the Third District court.

The committee presented the following possible solutions.

1. Guarantee a certain number of hours for freelance interpreters.
2. Guarantee a certain amount of money on high volume days.
3. Review court scheduling to see if interpreters could be better utilized by location.
4. Survey certified interpreters.
 - If the survey returns with a mostly monetary reason for not working in the courts, address pay increases.
5. Focus on getting approved interpreters certified by:
 - Developing a mentoring program
 - Providing scholarships for the cost or a portion of the cost of the certification exam
 - Developing a lending library of additional resources for interpreters.
 - Ms. Call recommended ACEBO, the University of Arizona, and Interpreter's Edge as resources.
 - Allow interpreters to borrow materials/books until they complete their certification with a down payment on the test.
6. Provide outreach to high school and college students.

7. Provide better social media outreach efforts.

Judge Leavitt moved to approve 1) reviewing scheduling to be more efficient; 2) mentoring, stipends, and other training, including a lending library, for approved interpreters; and 3) sending a survey to certified interpreters. Russ Pearson seconded the motion. The motion carried unanimously.

(5) Recorded Evidence Guidelines Proposed Guidelines

Ms. Mann shared a staff interpreter was asked to interpret an hour and a half police interrogation police video. Ms. Mann stated this event suggested having protocols for judges and commissioners would be beneficial.

Judge Chon supported the principle of not allowing interpreters to provide instantaneous interpretation of audio or video evidence in open court. Ms. Mann noted interpreters have an ethical right to not interpret videos during open court. Judge Leavitt stated videos would be required to be transcribed at the cost of the litigant admitting the video.

The committee agreed to amend "English recordings" to state: If the interpreter determines they are not able to provide an accurate interpretation for any of the reasons listed above the court should consider the interpreter's opinion and the court should then determine how that evidence should be translated and admitted."

Ms. Diaz asked if the state submits an English video, is not the court's responsibility though to ensure the individual understands the evidence played in court. Ms. Mann will discuss this matter with legal to determine the court's responsibility.

Judge Leavitt moved to table this topic until further research can be done. Ms. Diaz seconded the motion. The motion carried unanimously.

(6) Other Business.

No further business was discussed.

(7) Adjourn

There being no further business, the meeting adjourned at 1:54 p.m.