

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

November 15, 2019

**Members Present**

Michelle Draper - Chair  
Yadira Call  
Mary Kaye Dixon  
Megan Haney  
Judge Michael Leavitt  
Judge Kelly Schaeffer-Bullock

**Members Excused**

Judge Su Chon  
Lynn Wiseman  
Monica Greene Diaz  
Amine El Fajri  
Russ Pearson

**Staff**

Kara Mann  
Jeni Wood – Recording Secretary

**Guests**

Marchelle Wyatt, Second District Juvenile Court

**(1) Welcome**

Michelle Draper welcomed everyone to the meeting. Ms. Draper welcomed Marchelle Wyatt, who attended on behalf of Lynn Wiseman.

Kara Mann addressed the September 20, 2019 minutes. With no changes to the minutes, Judge Michael Leavitt moved to approve the September 20, 2019 minutes, as presented. Yadira Call seconded the motion. The motion carried unanimously.

**(2) 2020 State Language Access Assessment**

Ms. Mann presented the committee with the 2020 State language Access Assessment from The National Center for State Courts (NCSC). Ms. Mann explained NCSC charge states on an annual basis, which is a base amount that's adjusted based on population, for use of their interpreter exams and the online national registry of interpreters. Judge Mary Noonan requested the committee review the invoice and memorandum of understanding. Ms. Mann confirmed Utah State Courts use the services offered by the National Center for State Courts, and that there aren't alternative court interpreter exams at this time to consider. Ms. Mann shared that the candidates' costs to take the exams does not cover all of the costs incurred by the courts.

Ms. Mary Kaye Dixon moved to approve the invoice and the memorandum of understanding as presented. Judge Leavitt seconded the motion. The motion carried unanimously.

**(3) Court Employee Second Language Stipend Review**

Ms. Mann reviewed current second language stipends in Utah State Courts.

<b>District</b>	<b>Number of Stipends</b>	<b>Number of Available Stipends</b>
First District & Juvenile	4	2
Second District & Juvenile	7	2
Second Juvenile	8	1
Third District	7	1
Third Juvenile	18	8
Fourth District	4	0
Fourth Juvenile	7	3
Fifth District	2	1
Sixth District	1	1
Seventh District	1	0
Eighth District	1	0
AOC	7	3

Pass/Fail Rate

<b>Year</b>	<b>Number of Employees</b>	<b>Pass</b>	<b>Fail</b>	<b>Pass Rate</b>
2018	17	15	2 (1 scored 8, 1 scored 7)	88%
2019	38	32	6 (4 scored 8, 2 scored 7)	84%

Ms. Mann shared there have been requests to lower the minimum threshold score requirement for second language stipends for court employees. Ms. Mann reviewed the ALTA Language Services descriptions of oral performance levels and minimum requirements needed to be approved for a second-language stipend.

Ms. Mann reminded the committee that the required score (9) was selected based off of a survey completed by ALTA of 12 Utah State Court employees who used their Spanish second language skill in their positions. The results of the surveys determined a minimum proficiency level for employees using a second language in the Utah State Courts.

An ALTA Level 9 was determined to be the minimum level of Spanish listening and speaking proficiency required to perform the tasks involved in these positions. This level will ensure that the language skills of the Utah State Courts employees working in the Clerical, Probation, and Self-Help areas meet the current requirements that the Utah State Courts set for providing service to its clients.

Level 9 description: A person at a level 9 can successfully handle in-depth conversations in the target language, on a broad range of subjects and at a normal rate of speech. He/She has difficulty understanding some slang or idioms or some advanced grammatical structures, but can figure out what is said by the context of the discussion. When speaking, a person at a level 9 can express himself/herself over a broad range of topics at a normal speed. He/She may have a noticeable accent and will make grammatical errors, for example with advanced tenses, but the errors will not cause misunderstanding to a native speaker.

Committee recommendations included:

- Provide additional training.
- Change the pay to a pay scale based on level approved.
- Raise the stipend to create a more enticing environment.
- Include required training through mandatory education hours.

The committee elected to table this issue until further research can be conducted on whether there are resources for training employees to assist with the second language stipend testing; to determine the level of need for second language stipends in the Utah Courts, to ask TCEs if the need is immediate; and request information from ALTA on their standards.

Judge Leavitt moved to table this issue until further research can be conducted. Judge Schaeffer-Bullock seconded the motion. The motion carried unanimously.

#### **(4) Request by a Federal Court Interpreter**

An Arabic interpreter requested the Utah Courts approve certification that they received from the United States Department of State. The Federal Courts accepted this certification. Arabic language is the second most requested language in Utah.

The interpreter is considered professionally qualified in Federal Court. Professional qualified is the level accepted when there is a lack of available testing in that language.

Ms. Draper suggested maintaining current standards and having the interpreter follow the same process. Judge Leavitt believed if there is a need, perhaps an exception could be made.

The committee decided to not approve this request and offer a place setting for the January exam.

Judge Leavitt moved to deny the request and to include an offer of an exam spot for the January exam. Ms. Call seconded the motion. The motion carried unanimously.

#### **(5) Recorded Evidence Guidelines**

Ms. Mann shared that spoken and signed language interpreters are being requested to provide on-the-spot interpretations during court proceedings of materials that are presented in languages other than English to such a degree that it has become a reoccurring issue. The court should not ask onsite interpreters to provide instantaneous interpretations of audio or video recordings, as to do so is in conflict with recognized best practices and with the Codes of Professional Responsibility for Court Interpreters. Best practices are designed to create the greatest degree of accuracy of interpretations and translations.

Ms. Mann shared with the committee that Keisa Williams recommends updating court rules through Policy & Planning to address the issue.

Judge Leavitt moved to request rule amendments about translations and more modern recording devices, and to provide a memo to the courts until permanent rules are in place, as presented. Ms. Haney seconded the motion. The motion carried unanimously.

**(6) Other Business.**

Yadira Call felt that testing by section would not lower the standard but might help with higher pass rates. Ms. Mann noted all three sections must be passed within two years.

Due to lack of quorum, Ms. Draper requested Ms. Mann distribute the minutes and motions that were made electronically to the committee for approval. Judge Kelly Schaeffer-Bullock arrived after this request, therefore, the motion is moot.

**(7) Adjourn**

There being no further business, the meeting adjourned at 1:52 p.m.