

Agenda
Language Access Committee Meeting
 July 17, 2020
 12:00 – 2:00 p.m.

Administrative Office of the Courts
 Scott M. Matheson Courthouse
 450 South State Street
Via Videoconference

12:00	Welcome New Members, Discussion, and Approval of Minutes	Discussion/ Action	Tab 1	Lynn Wiseman
12:10	Re-opening Protocols for Court Interpreters	Discussion/ Action	Tab 2	Kara Mann
12:40	Proposed Reciprocity Rule	Discussion/ Action	Tab 3	Judge Michael Leavitt Kara Mann
1:10	Simultaneous Interpreting vs. Consecutive Interpreting	Discussion		Judge Michael Leavitt
1:30	Second Language Stipends for Court Employees <ul style="list-style-type: none"> • Assessment 	Discussion/ Action	Tab 4	Kara Mann
2:00	Adjourn			Lynn Wiseman

2020 Meeting Schedule:

September 18, 2020
 November 20, 2020

Tab 1

Language Access Committee
Videoconference Webex

May 15, 2020

Draft

Members Present

Yadira Call
Amine El Fajri
Rory Jones
Judge Michael Leavitt
Russ Pearson
Judge Kelly Schaeffer-Bullock
Lynn Wiseman

Members Excused

Staff

Kara Mann

(1) Welcome

Lynn Wiseman welcomed everyone to the meeting. Ms. Wiseman addressed the March 20, 2020 minutes. With one minor correction, Judge Michael Leavitt moved to approve the March 20, 2020 minutes. Russ Pearson seconded the motion. The motion carried unanimously.

(2) Committee Member Update/Chair of the Committee- Nominations and Appointment

Ms. Mann informed the committee of the open positions on the committee. Ms. Mann shared she was advised that the committee should hold the chair nominations and appointment during a committee meeting rather than by email as the committee had discussed at its last meeting.

Ms. Mann reviewed the chair's responsibilities, and asked for nominations. Judge Leavitt nominated Ms. Wiseman. Ms. Wiseman accepted the nomination. The committee unanimously voted to confirm Ms. Wiseman as chair of the committee.

(3) Proposed Changes to the Accounting Manual

Ms. Mann reminded the committee there were two questions regarding the finance department's proposed changes to the accounting manual at the last meeting.

Regarding 7(f.), wait times, Ms. Mann shared finance clarified that interpreters are eligible for multiple wait times in a day. Amine El Fajri asked if interpreters should notify the coordinators when they are at the courthouse and have a block of wait time. Ms. Mann agreed that would be a good idea, and discussed possible ways of notifying the coordinators. Ms. Mann shared she'd ask coordinators the best method for interpreters to notify them they are available.

Mr. El Fajri asked who is to calculate wait times. Ms. Mann advised that it would be the interpreters who complete that section of the invoice, but that it's then verified by the coordinators. Yadira Call advised the wait time is under the coordinators' section of the

invoice, which is why she does not completed that section of the invoice. Ms. Mann shared she believed some interpreters entered in that information, which acted as a flag for the coordinators. Ms. Mann thought this might be a training issue, and suggested that she would remind the coordinators of their responsibility to complete the wait time field. Judge Leavitt asked if the invoice should be amended so that interpreter's complete the wait time section. Ms. Wiseman advised it would be better for interpreters to complete the wait time section, and to then have the coordinators verify the time. Mr. El Fajri suggested adding wait time instructions to the back of the form with the other instructions. Judge Leavitt motioned to create a workgroup comprising of Ms. Mann, Ms. Call, and Mr. El Fajri to work with accounting on revising the interpreter voucher. Mr. Pearson seconded and the motion carried unanimously.

Regarding 7(i.), multiple language assignments, Ms. Mann shared finance clarified wait times between assignments in different languages and different credentialing wouldn't be paid as interpreters are required to fill out separate invoices for each language. The committee discussed the language to include in the accounting manual for wait times for multiple language assignments. Judge Leavitt volunteered to create proposed language and to circulate it to the committee via email.

Ms. Mann advised the committee that the finance department added a new section 14 regarding the \$50,000 threshold requirement for interpreters since the last committee meeting. Ms. Mann explained interpreters are vendors, and the state only allows payments up to \$50,000 without a contract. Ms. Call asked why freelance interpreters are considered Vendors rather than Professional Service Providers. Ms. Mann shared she wasn't sure, but that she would inquire to find out. Mr. Pearson shared it may come down to how the state classifies vendors.

(4) Re-Opening Protocols for Court Interpreters

Ms. Mann shared that interpreters and coordinators should know what to expect as courts reopen from the COVID-19 pandemic. Ms. Mann reviewed the Reopening Guidelines with the committee and asked for feedback. Ms. Mann advised she viewed it as a living document that will be updated as necessary. Ms. Mann shared that once reopening policies and procedures are approved by the Judicial Council, she expected the document to be expanded to follow those policies.

Mr. El Fajri suggested adding over the phone interpreting to the list of how assignments may be handled in the second paragraph under General Information for Court Interpreters. Ms. Wiseman suggested adding face masks should not be worn if it interferes with the clarity of the interpretation. Judge Leavitt suggested adding interpreters are expected to follow the Courts' COVID-19 Alerts requirements.

(5) 2019-2020 Continuing Education Hours Requirement

Ms. Mann informed the committee that numerous certified interpreters had contacted her to ask if the current continuing education hours reporting period would be extended due to the COVID-19 pandemic. Ms. Mann reminded the committee that certified court interpreters are required to complete 16 continuing education hours, with four hours in ethics, every two years. The current reporting period is scheduled to end on December 31, 2020.

The committee discussed that the State Bar had issued attorneys an extension for continuing education hours due to the pandemic. Mr. Pearson motioned to extend the current reporting period for six months until June 30, 2021. Judge Leavitt seconded the motion and the motion carried unanimously.

(6) Reciprocity Request

Judge Leavitt motioned to go off the record; Mr. Pearson seconded. The committee went off the record to discuss a reciprocity request from an out-of-state interpreter.

(7) July Meeting Date

Ms. Mann shared the July meeting date no longer needed to be changed, and that the committee would still meet as scheduled on July 17, 2020.

(8) Adjourn

There being no further business, the meeting adjourned at 2:19 p.m.

Tab 2



UTAH STATE COURTS

Resuming Court Operations Guide for Court Interpreting

When Utah State Courts start to ease restrictions due to COVID-19, please use the following guidelines for in-court and remote proceedings.

I. General Information

Court Interpreters

For court specific COVID-19 requirements and announcements, visit the Utah State Courts COVID-19 Alerts page at: <https://www.utcourts.gov/alerts/>.

Interpreters are expected to follow these requirements.

There may be a transitioning from remote proceedings to in-court proceedings. During that transition, please be sure to confirm with the Interpreter Coordinator if the assignment is to be held on Webex, over the phone (OPI), or in-person at a courthouse.

If a courthouse requires wearing a mask, you must bring your own mask or face covering to wear. Interpreters should not wear a mask once interpreting begins if it interferes with the clarity of the interpretation.

To protect yourself and others, please consider bringing your own hand sanitizer and practice physical distancing when in the courthouse. You may want to consider wearing a mask and gloves, even if it's not required in the courthouse.

The interpreter equipment will be sanitized before and after each use by the Interpreter Coordinator or appropriate court staff.

Interpreters are advised to purchase personal simultaneous interpreting equipment during the pandemic to avoid personal risk. Utah State Courts can only provide a limited number of interpreting equipment for all district and juvenile courts.

If you bring your own interpreter equipment, you must sanitize it in front of the LEP before handing it to them.

Avoid positions where you are facing the LEP directly as much as possible.

If you believe you've been exposed to COVID-19, please contact the interpreter coordinator immediately so they can remove you from the assignment.

Interpreter Coordinators

There may be a transitioning from remote proceedings to in-court proceedings. During that transition, please be sure to include if the assignment is to be held on Webex or in-person at a courthouse in the information sent to the interpreter.

Once an interpreter has accepted the assignment, please inform them of specific COVID-19 courthouse requirements for your district.

To allow interpreters to maintain physical distancing, provide them with the wireless interpreter equipment. Make sure interpreters know where to obtain the equipment in your courthouse.

Disinfect equipment **before** the equipment is checked out by an interpreter and **after** the equipment is returned. Since the equipment is used in close physical contact with both the interpreter and the LEP, **it is imperative that the equipment is sanitized.**

The use of disposable gloves is highly recommended while handling equipment.

Disinfectant wipes or alcohol prep pads are recommended to be used when sanitizing the equipment. Hand sanitizing gel, bleach, antibacterial liquids and sprays will damage the plastic and electronic components and should be avoided.

Make sure interpreters use disinfectant wipes before and after each use.

II. Utah State Courts' Color Code System

Utah State Courts have developed a color code system, with certain required precautions for each color level. The courts' color system is specific to the courts and varies from Utah's Leads Together Phased Guidelines and Utah's Health Guidance System. The courts are taking every precaution and are considering a variety of factors before reopening since courts can compel members of the public to appear in court.

Red (moderate or high risk)

Courthouse Requirements:

- Courts only maintain mission-critical functions.
- All court patrons, parties, and attorneys must interact with the courts remotely, unless exigent (urgent) circumstances require in-person contact.
- Face masks are mandatory in all courtrooms, hallways, stairways, elevators, restrooms, and entryways.
- Only 2 people may be in the same elevator at the same time, unless they are family members or reside in the same household.
- Social distancing must be maintained.
- Group meetings must be held remotely.

Court Proceedings:

- All court hearings are held remotely unless there is an exigent (urgent) circumstance that requires an in-person hearing. Anyone who is able to attend remotely must be allowed to do so.
- All in-person hearings are limited to only those who are required to attend.
- Interpreters and the LEP are not required to wear facemasks during the proceeding if the mask interferes with the interpretation.

Yellow (low risk)

Courthouse Requirements:

- Face masks are mandatory in all courtrooms, hallways, stairways, elevators, restrooms, and entryways.
- If a patron refuses to wear face covering, entrance will be denied and they will be provided court contact information.
- Court security will screen everyone who enters the courthouse, including court interpreters.
- Screening may include asking standard questions, asking if you've read the notice of restrictions, and/or using a touchless thermometer to check your temperature.
- Only 2 people may be in the same elevator at the same time, unless they are family members or reside in the same household.
- Courts may have one-way travel paths in public areas. Watch for signs and floor markings for guidance.
- Social distancing must be maintained.
- Group meetings are encouraged to be held remotely.
- Courts will follow and comply with COVID-19 contact tracing efforts for both staff and patrons.
- Surfaces and equipment will be cleaned at regular intervals in common areas and in courtrooms.

Court Proceedings:

- Courts are encouraged to conduct proceedings remotely as much as possible.
- In-person proceedings can occur as long as social distancing is maintained.
- All in-person hearings are limited to only those who are required to attend. Observers are to be given remote access.
- Interpreters and the LEP are not required to wear facemasks during the proceeding if the mask interferes with the interpretation.
- Vulnerable persons are not required to attend in-person proceedings, and will be allowed to participate remotely.
- There may be new capacity limits in courtrooms based on the size of the room and social distancing requirements.

- Courts are required to schedule specific hearing times rather than large calendars to minimize the number of court patrons in the courthouse and to avoid people from congregating in waiting areas.
- Courts may use technology, like paging or texting, to notify parties when their hearing will begin. Use of this technology will vary by courthouse location.
- Courts will expect strict compliance with court schedules by attorneys and other participants, including interpreters.

Green (new normal)

Courthouse Requirements:

- Courts will maintain an awareness of hygiene and sanitation for court staff and patrons.

Court Proceedings:

- Remote proceedings are not required, but should be considered if it's an effective use of time and resources.
- Courts will consider the needs and requests of vulnerable persons and provide reasonable accommodations.

III. **Virtual Proceedings (Including Virtual Trials)**

In Webex

Whenever possible, simultaneous interpretation during the proceeding is preferred to avoid unnecessary delays. Webex does not currently allow for simultaneous interpretation. In order to facilitate simultaneous interpretation, a secondary line of communication must be established through the use of a conference line and cell phones or landlines.

Option 1

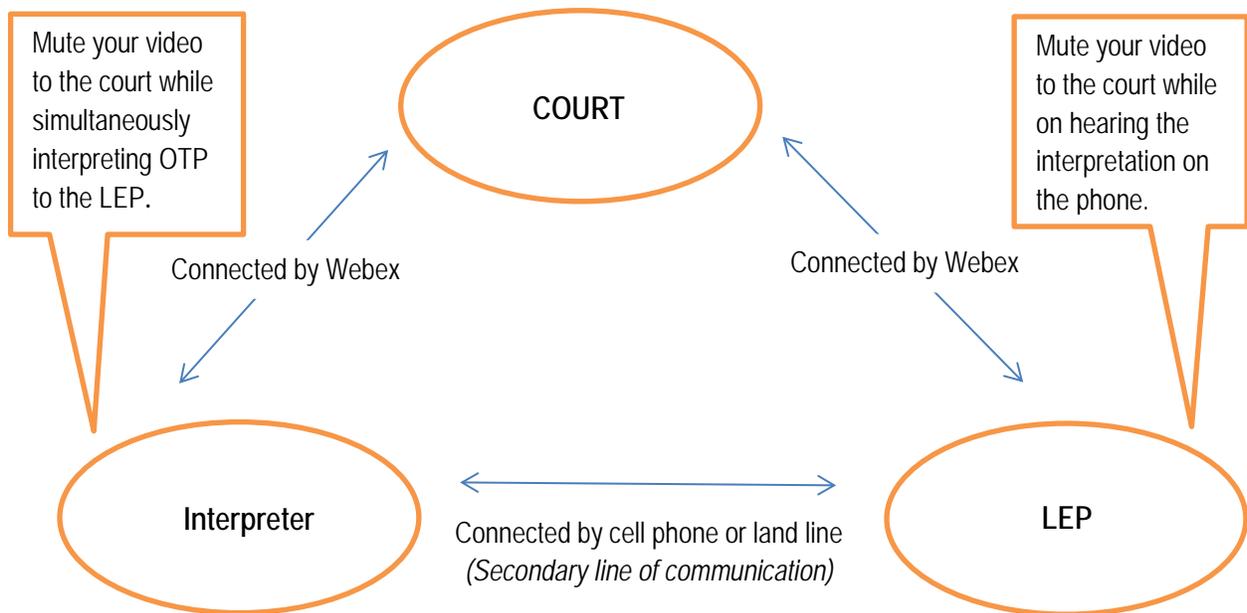
Simultaneously interpret through an established secondary line of communication. This option only available if:

- The LEP appears by video on their computer or tablet and has a landline or a cell phone to establish a secondary line of communication.
- The LEP appears by video on their phone but has a landline or a second cell phone to establish a secondary line of communication.

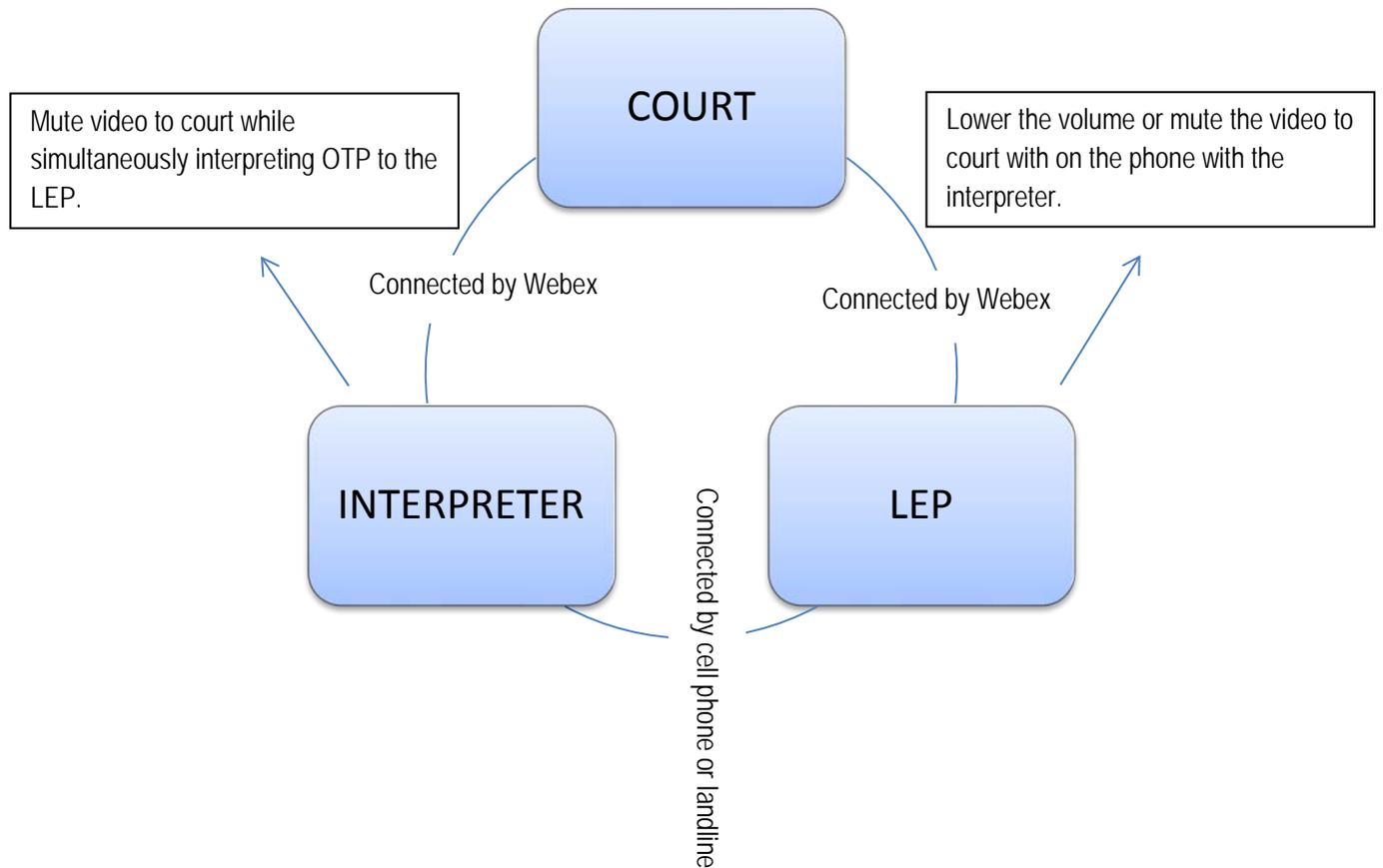
A secondary line of communication is established by:

- The interpreter and the LEP participate in the same Webex hearing, but appear virtually from separate locations. The interpreter and the LEP are muted during the proceeding.

- When the Webex proceeding begins, the judge (through the interpreter) asks the LEP if they have a phone available.
- The judge (through the interpreter) instructs the LEP and the interpreter to call the conference line. This will ensure the party does not gain the interpreter's personal contact information.
- Alternative options:
 - The interpreter calls the LEP directly but enters *67 to hide their phone number. (Example: *67-1-801-578-3800)
 - Utilizing Google phone numbers, which are free to anyone with a Gmail email account.
- The interpreter's and the LEP's Webex video feeds are muted during the proceeding.



OR ALTERNATIVE GRAPHIC



Option 2

If the LEP does not have the means necessary for the secondary line of communication, then the interpreter will have to render the interpretation in consecutive mode. This will require whoever is speaking to pause after every 2-3 sentences to allow the interpreter the necessary time to interpret.

Courts have been reminded that interpreters cannot accurately interpret if they have to speak over someone to render the interpretation.

Virtual Trials

The courts have looked at the possibility of holding trials, including jury trials, virtually. When possible and in accordance with safety procedures, interpreters could appear in the same room with in-custody LEPs to provide simultaneous interpretation for a virtual Webex trial. Interpreters would be expected to use the interpreter equipment or the ad hoc interpreter equipment that's explained in section IV below in order to maintain social distancing.

The courts should implement option 1 above if the interpreters and the LEP are both virtually participating from different locations.

Court Mediations

Remote court mediations are held through Zoom, as Zoom allows for breakout meeting rooms where Webex does not. Court proceedings cannot be held by Zoom due to security concerns.

Zoom does offer an interpretation feature, which must be enabled by the mediator when the meeting was originally scheduled, or if the meeting was scheduled using a “Personal Meeting ID”. If the mediator did not enable this feature then it will not appear in their toolbar during the meeting.

Once everyone joins the mediation:

- The mediator has to turn on the interpretation feature in Zoom. The mediator has to click on the “Interpretation” icon in the toolbar at the bottom of the meeting screen.
- All participants will then get a notification that interpretation is now available and a globe will appear in the toolbar.
- Everyone should be instructed to click on the icon and choose the corresponding language channel, whether it is the English or the foreign language channel. The interpreter will use both channels.
- The “Mute Original Audio” feature mutes the other audio channel so that you only hear the selected language. All participants should select this feature; otherwise both audio channels will be heard simultaneously.
- The mediation begins, and the interpreter begins interpreting.
- When needed, the interpreter switches back and forth between the two channels.
 - For example, when the LEP participant has a question or responds to a question, the interpreter must select “English” to interpret into English, and then select “Farsi” (as an example) to resume interpreting for the LEP participant.
 - Note: Interpreters should use a desktop or laptop computer to most effectively use the Zoom interpretation feature. Shortcut keys (Ctrl+Shift+C to switch language channels) provide an efficient way to move between channels.

IV. In-Person Proceedings

The interpreter equipment should be utilized so that social distancing protocols can be maintained. If the interpreter equipment is not available, courts will consider using cell phones to create ad hoc interpreter equipment so that social distancing protocols can still be maintained.

Option 1

Utilize the interpreter equipment, whether it is provided by the court or the interpreter.

- The interpreter equipment must be sanitized before (in front of the LEP) and after each use. Courtroom staff will be responsible to ensure this happens for the safety of all participants.

Option 2

Utilize ad hoc interpreter equipment to create the ability for interpreters to maintain social distancing protocols. This can be done by:

- A cell phone and headphone, with microphone capability, for the interpreter (ideally the interpreters' personal cell phone and headphones)
- A cell phone and headphone for the LEP (ideally the LEP's personal cell phone and headphones)
- A conference line for both the interpreter and the LEP to call from their cell phones. This will ensure the LEP does not gain the interpreter's personal contact information.
 - Alternatively, the interpreter can call the LEP directly if the interpreter enters *67 before the number in order to keep their personal cell phone number private. (Example: *67-1-801-578-3800)
- If the LEP does not have a cell phone, courts have been advised to consider providing the LEP with a laptop containing a softphone application, such as [Jabber](#), so that the interpreter can still render the interpretation simultaneously through their cell phone while keeping a safe distance from the LEP.

Option 3

Utilize the simultaneous mode of interpreting while standing behind the LEP, maintaining as much distance as possible, without being too far away to make it difficult or impossible for the LEP to hear the interpretation.

Option 4

Utilize the consecutive mode of interpreting as the last resort.

- Interpreters should not stand beside the party, and if space allows for it, maintain a distance of three feet (more preferably six feet) and interpret in consecutive mode.
- Disclaimer: This might be difficult due to possible disruption to the court's calendar.

ALTERNATIVE LANGUAGE

Option 3

Utilize the consecutive mode of interpreting.

- Interpreters should not stand beside the party, and if space allows for it, maintain a distance of three feet (more preferably six feet) and interpret in consecutive mode.

- If a safe distance cannot be maintained, interpreters should position themselves slightly behind the party, and avoid positions where the interpreter and the LEP directly face each other as much as possible.
- Disclaimer: This might be difficult due to possible disruption to the court's calendar.

V. American Sign Language Interpreters

American Sign Language interpreters will be able to sign by video in Webex for court proceedings and Zoom for court mediations as long as a clear and strong internet connection is maintained by both the interpreter and the deaf or hard of hearing individual.

Virtual Proceedings

Court proceedings are held on the video conference platform Webex. The deaf or hard of hearing individual should consider [locking the focus](#) in Webex on the ASL interpreter to ensure they always see the interpreter regardless of who is speaking.

To Lock the Focus on the ASL Interpreter in Webex

- Click the pin button located on the top center of the screen.
- Select the interpreter's name from the list of participants.

Court Mediations

Remote court mediations are held through Zoom, as Zoom allows for breakout meeting rooms where Webex does not. Only mediations can be held by Zoom; court proceedings cannot be held on Zoom due to security concerns.

Deaf and hard of hearing participants should enable the pin screen function to ensure they always see the interpreter regardless of who is speaking.

To Pin as ASL Interpreter in Zoom

- Start a new or scheduled meeting.
- Tap Manage Participant on the Zoom Room Controller.
- Tap the Host or Participant's name > tap Pin Video.
- If there are multiple participants in the Zoom Room, you can choose which screen to pin the video to.

In Person Proceedings

American Sign Language interpreters will be able to safely render the interpretation by signing a safe distance from the party. The interpreter cannot be located so far away that the party has trouble clearly seeing the signing.

Interpreters should not wear a mask once interpreting begins if it interferes with the clarity of the interpretation.

Tab 3

PROPOSED RECIPROCITY RULE

Utah Rules of Judicial Administration 3-306.06 Interpreter Reciprocity

Intent:

To outline the standards for allowing individuals from other states to interpret in Utah courts.

Applicability:

This rule shall apply to the Language Access Program Coordinator, the Language Access Committee, interpreter coordinators, and court interpreters.

Statement of the Rule:

(1) Definitions

(1)(A) "Oral Proficiency Interview" means a language assessment test administered by an ACTFL tester through a provider as determined by the Language Access Program and the Language Access Committee.

(1)(B) "Certification Examination" means the three-part Oral Proficiency Exam developed by the National Center for State Courts.

(2) Utah courts will grant reciprocity to an individual from another state upon completion of the following:

(2)(A) Completion of a Utah application to become a court interpreter

(2)(B) Passing a criminal background check;

(2)(C) Complete the examination for the Code of Professional Responsibility for Court Interpreters and receiving a passing score; and

(2)(D) Complete the following requirements:

(2)(D)(i) Approved Interpreter. An individual who has completed (2)(A) through (2)(C) and has received a Superior rating after completing the Oral Proficiency Interview administered by another state will be authorized to interpret in Utah courts as an Approved Interpreter.

(2)(D)(ii) Certified Interpreter. An individual who has completed (2)(A) through (2)(D)(i), has taken all three parts of the Certification Examination administered by another state and received a passing score of 70% or better on each part will be authorized to interpret in Utah courts as a Certified Interpreter.

(3) In order to be listed on the official roster for interpreters, applicants must reside within the State of Utah.

(4) After being granted reciprocity, to remain credentialed, interpreters must meet all continuing requirements for Utah court interpreters.

Tab 4

Second Language Stipend Assessment

The Language Access Committee is reviewing second language stipends that court employees receive. Please answer the questions about below.

1. During the pandemic, how many times a week do you use your second language skill?

2. During the normal court operations, how many times a week did you use your second language skill?

3. Do you use your skill only in your position or do you also use it to interpret for other court employees?

4. If you use your second language skill to help interpret for other court employees, how often does that occur?

5. Has using your second language skill ever interfered with your work responsibilities? If so, how?

6. Have you noticed if there certain days that you notice you use your second language skill more than others? If so, which days do you use your skill the most?
