

**Agenda**  
**Language Access Committee Meeting**  
September 18, 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, Discussion, and Approval of Minutes	Discussion/ Action	Tab 1	Lynn Wiseman
12:05	Updates and News <ul style="list-style-type: none"> <li>• Simultaneous Interpreting Legal Opinion</li> <li>• Invoice Subcommittee</li> <li>• Interpreter Equipment</li> <li>• Restructuring of the Program</li> </ul>	Information		Kara Mann
12:20	Proposed Reciprocity Rule <ul style="list-style-type: none"> <li>• Question on section 2(D)(i)</li> </ul>	Discussion/ Action	Tab 2	Kara Mann
12:45	Second Language Stipends for Court Employees <ul style="list-style-type: none"> <li>• Assessment Report</li> <li>• How to utilize stipend employees in other districts</li> </ul>	Discussion/ Action	Tab 3	Kara Mann
1:15	Interpreter Training and Testing Requirements during the Pandemic	Discussion/ Action	Tab 4	Kara Mann
1:55	2021 Committee Meeting Dates	Discussion/ Action	Tab 5	Kara Mann
2:00	Adjourn			Lynn Wiseman

**2020 Meeting Schedule:**  
November 20, 2020

# Tab 1

**Language Access Committee**  
Videoconference Webex

July 17, 2020

**Draft**

**Members Present**

Evangelina Burrows  
Rory Jones  
Judge Michael Leavitt  
Russ Pearson  
Judge Michael Westfall  
Lynn Wiseman

**Members Excused**

Yadira Call  
Amine El Fajri  
Judge Kelly Schaeffer-Bullock

**Staff**

Kara Mann

**(1) Welcome**

Lynn Wiseman welcomed the new committee members to the meeting. Ms. Wiseman addressed the May 15, 2020 minutes. With one minor correction, Judge Michael Leavitt moved to approve the May 15, 2020 minutes. Russ Pearson seconded the motion. The motion carried unanimously.

**(2) Re-Opening Protocols for Court Interpreters**

Ms. Mann advised that the reopening guide for court interpreters had been expanded to include information from the recently released State of Utah Judiciary Risk Phase Response Plan. The committee reviewed the guide and made the following edits:

- In section I, changing “Interpreters are advised to purchase personal simultaneous interpreting equipment during the pandemic to avoid personal risk.” to “Interpreters are encouraged to purchase personal interpreting equipment during the pandemic to avoid personal risk.”
- Changing “simultaneous interpreting equipment” and “wireless interpreting equipment” to “interpreting equipment” in the document.
- Changing “face masks” to “face coverings” in the document.
- In section II, changing “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.” to “Screening may include asking standard questions, asking if the patron has read the notice of restrictions, and/or using a touchless thermometer to check their temperature.”
- In section III, using the first graphic to explain how simultaneous interpreting can be completed in Webex.
- In section IV, using the proposed alternative language option.

The committee discussed the possibility of having face shields available for interpreters to use during proceedings. Ms. Mann said she would explore if that is a viable option for court interpreters.

### **(3) Proposed Reciprocity Rule**

Judge Leavitt reminded the committee at the last meeting he volunteered to draft a reciprocity court rule. The committee reviewed the rule and made the following edits:

- In section (2), changing “Utah courts will grant reciprocity to an individual from another state upon completion of the following...” to “Utah courts will grant reciprocity to an individual certified through the state in which they reside upon the following conditions...”.
- In section (2)(D)(ii), adding “and subpart”, so that it reads, “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 and subpart will be authorized to interpret in Utah courts as a Certified Interpreter.”
- Removing section (3), with the requirement that interpreters must reside in Utah in order to be listed on the court’s official interpreter roster.

Judge Michael Westfall motioned to submit the revised draft court rule to the Policy and Planning Committee for consideration. Mr. Pearson seconded the motion. The motion passed unanimously.

### **4) Simultaneous vs. Consecutive Interpreting**

Judge Leavitt advised one unintended benefit to holding proceedings on Webex is that the interpretation is captured on the record since interpreters must consecutively interpret. Judge Leavitt asked if there was a court policy regarding capturing in-court simultaneous interpretation on the record.

Ms. Mann shared she didn’t think there was an official policy, but she would need to check if General Counsel Brent Johnson had issued a legal opinion about it. Judge Leavitt suggested if there wasn’t a legal option, to ask Mr. Johnson to issue an opinion on if in-court simultaneous interpretation should be captured on the record.

### **(5) Second Language Stipend Assessment**

Ms. Mann informed the committee there was a reduction in second language stipends for court employees due to budget cuts because of the COVID-19 pandemic. Ms. Mann shared the number was reduced from 67 to 50, which led to a discussion with TCEs on how the remaining stipends could best be utilized for the courts. Ms. Mann introduced a proposed assessment for court employees to complete in order to ensure the courts are fully utilizing the stipends available.

Judge Leavitt asked if the committee is tasked with deciding which stipends should be moved from one district to another. Ms. Mann clarified that the committee is to complete a review and report back to the TCEs with any recommendations. Ms. Mann shared she didn’t expect to move any of the stipends, but that perhaps there were employees who receive the stipend but do not use their skill enough on a regular basis to justify receiving the stipend. That stipend could then be given to another employee in the district who use their second language skill on a more regular basis.

Rory Jones suggested having second language stipend employees help other districts when they're available. Ms. Mann agreed and suggested question 7 might help establish days that the employees have more availability to help out by telephone in other districts.

The committee determined questions 1, 3, and 5 should include a numbered scale for participants to use to answer. The committee discussed if the survey should be completed anonymously, and determined the employee should include the district where they work but not their name.

**(6) Adjourn**

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

# Tab 2

## 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 certified through the state in which they reside-upon the following conditions:

(2)(A) complete a Utah application to become a court interpreter;

(2)(B) pass 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 and subpart will be authorized to interpret in Utah courts as a Certified Interpreter.**

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

# Tab 3



UTAH STATE COURTS

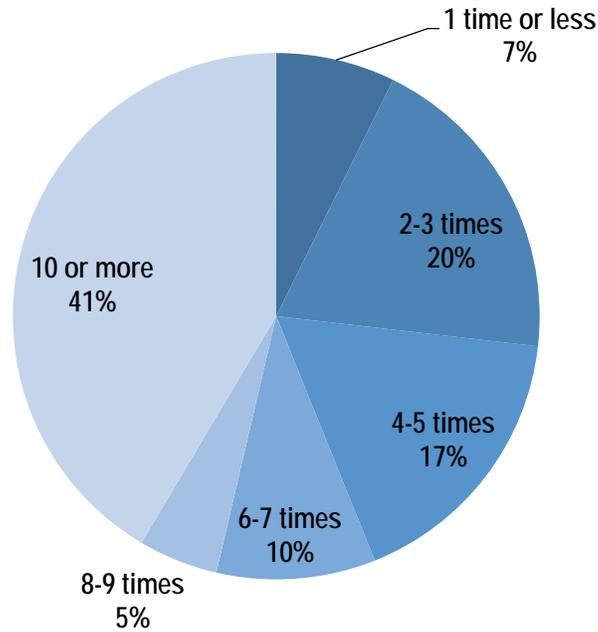
# Second Language Stipend Assessment Report

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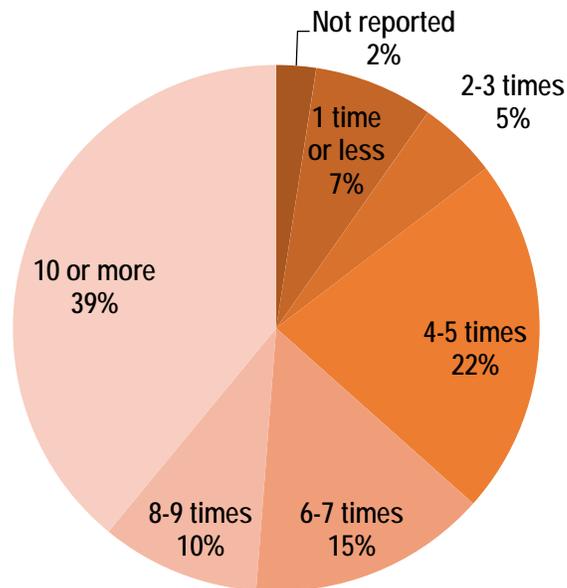
## Statewide Results

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During the pandemic, court employees use their second language skill on average 6-7 times a week.

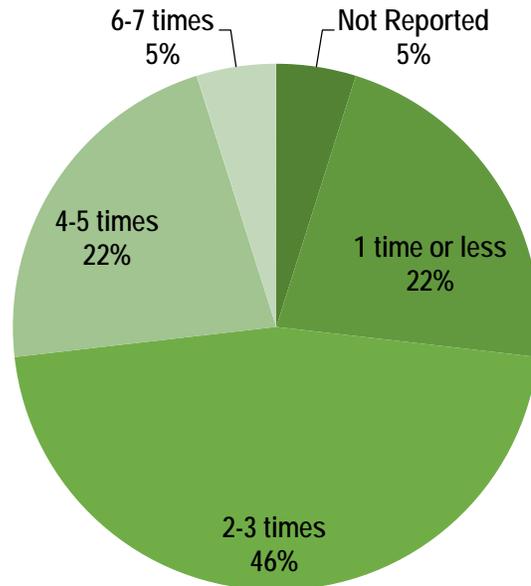


Pre-pandemic, court employees used their second language skill on average 7-8 times a week.



87% of employees who receive the stipend report using their second language skill outside of their position to interpret for other court staff.

On average, second language stipend employees use their skill to interpret for other court staff 2-3 times a week.



24% of employees report using their second language skill has interfered with their work responsibilities.

A distinct pattern has not been determined as to the days of the week that the court employees use their second language skill the most. The majority of employees report the need to use their second language skill varies on a weekly basis.

Response Rate: Overall, 87% of employees receiving the stipend responded to the assessment.

Responses were not received from:

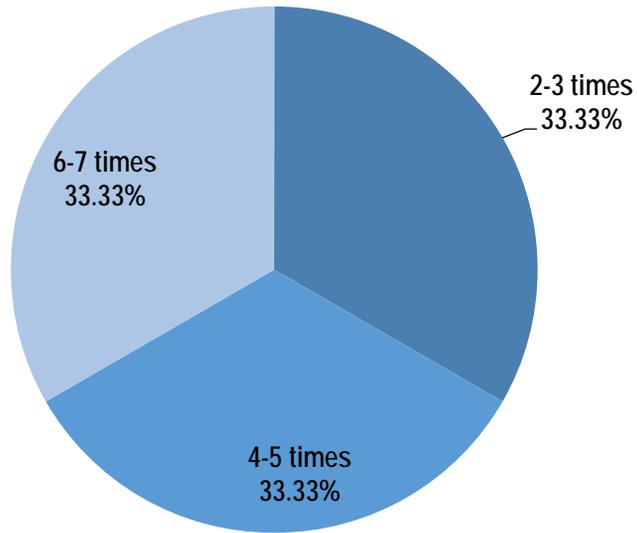
- 1 from 2<sup>nd</sup> District or 2<sup>nd</sup> Juv.
- 2 from 3<sup>rd</sup> District or 3<sup>rd</sup> Juv.
- 2 from 4<sup>th</sup> District or 4<sup>th</sup> Juv.
- 1 from 7<sup>th</sup> District
- 1 from AOC

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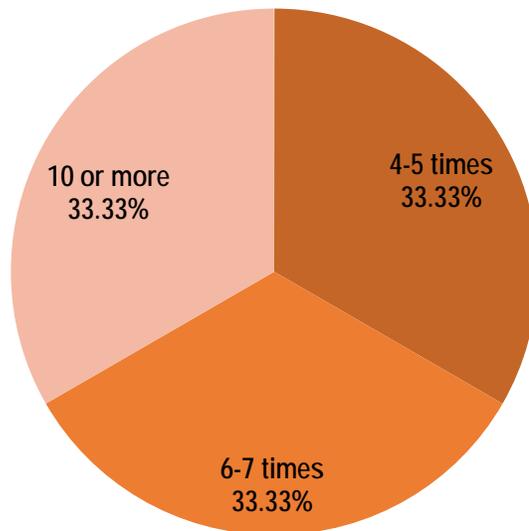
First District Results (100% response rate)

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Q2- During the pandemic, how many times in an average week do you use your second language skill?



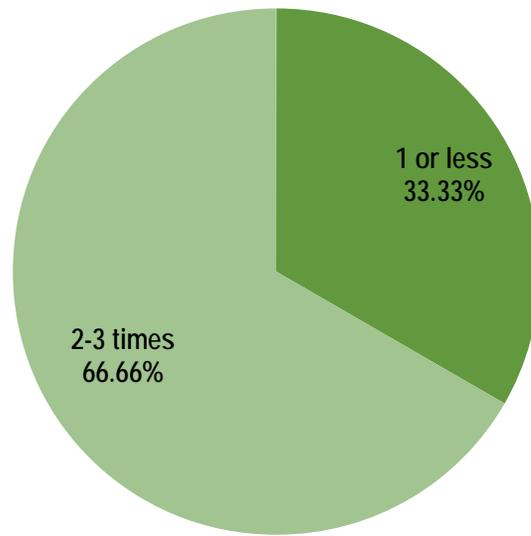
Q3- During normal court operations, how many times a week did you use your second language skill?



**Q4- Do you use your skill only in your position or do you use it to interpret for other court employees?**

66.66% of employees report using their skill to interpret for other court employees.

**Q5- If you use your second language skill to help interpret for other court employees, how often does that occur in an average week?**



**Q6- Has using your second language skill ever interfered with your work responsibilities? If so, how?**

33.33% of employees report receiving the stipend has interfered with their work

- It's simply a "drop what you're doing" and help for the situation. You can't predict when patrons will come in who need the 2<sup>nd</sup> language. It interferes in that you help when needed regardless of what is going on; however, that's expected as well.

**Q7- Have you noticed if there are certain days that you use your second language skill more than others? If so, which days do you use your skill the most?**

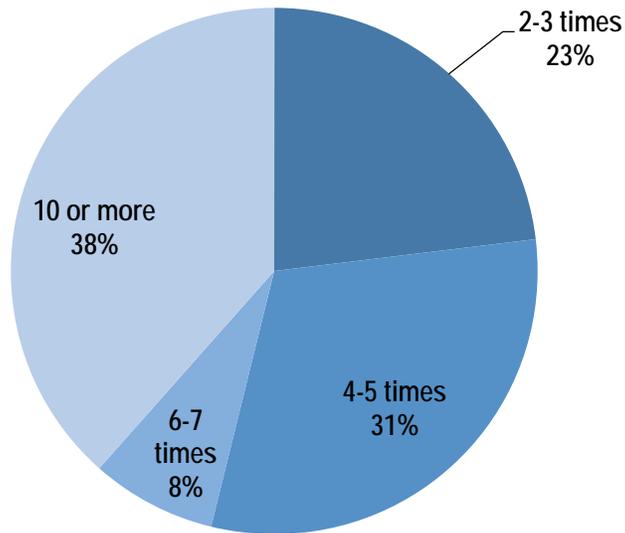
100% of employees report the need to use their skill varies day by day.

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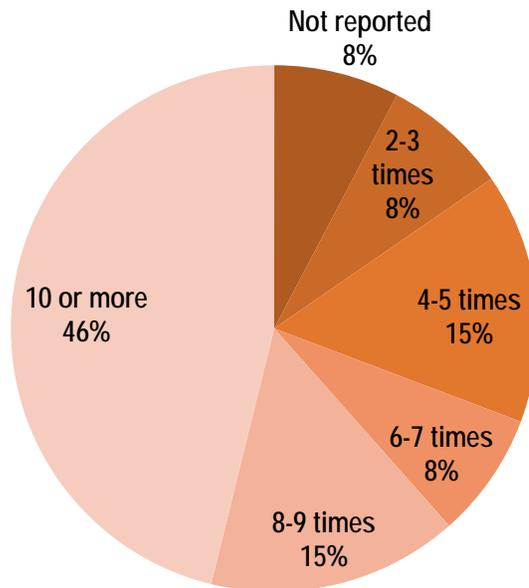
**Second District and Second Juvenile Results** (93% response rate)

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**Q2- During the pandemic, how many times in an average week do you use your second language skill?**



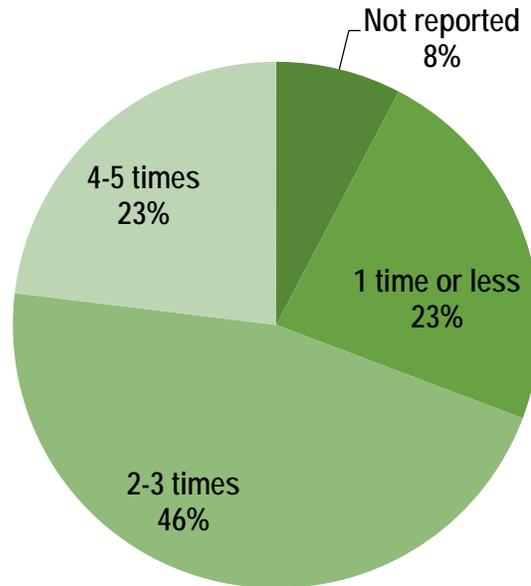
Q3- During normal court operations, how many times a week did you use your second language skill?



Q4- Do you use your skill only in your position or do you use it to interpret for other court employees?

85% of responding employees report using their skill to interpret for other court employees. 15% of employees report they have been called from other courthouses in the district to help interpret over the phone.

**Q5- If you use your second language skill to help interpret for other court employees, how often does that occur in an average week?**



**Q6- Has using your second language skill ever interfered with your work responsibilities? If so, how?**

31% of responding employees report receiving the stipend has interfered with their work.

- Yes and no. The Spanish line adds an existing phone line that I have to answer and some days it is overwhelming. I've also noted though, that some individuals ask for the Spanish line to ensure they get someone who answers without going through the message. Kind of cheating their way to a clerk. So this adds more calls.
- It definitely takes more time to get spanish speaking families on my caseload, I feel like Im doing double the work interpreting back and forth. It takes time out of my day to stop and interpret for clerical sometimes but I also feel it has helped me help the community so I dont mind it.
- Beside my responsibilities and my work sometimes, I have to stop what I'm doing and help translate. Is not as bad As the 3 rd District.
- By taking time out of my work time to interpret for others. Also on average, us with the second language stipend, have to wait for court longer, because we're always waiting on court interpreters, as well as court in general takes longer because of the interpreting going on during and after court.

**Q7- Have you noticed if there are certain days that you use your second language skill more than others? If so, which days do you use your skill the most?**

15% of responding employees report noticing specific days that they use their skill.

- Tuesdays and Wednesdays.
- On court days.

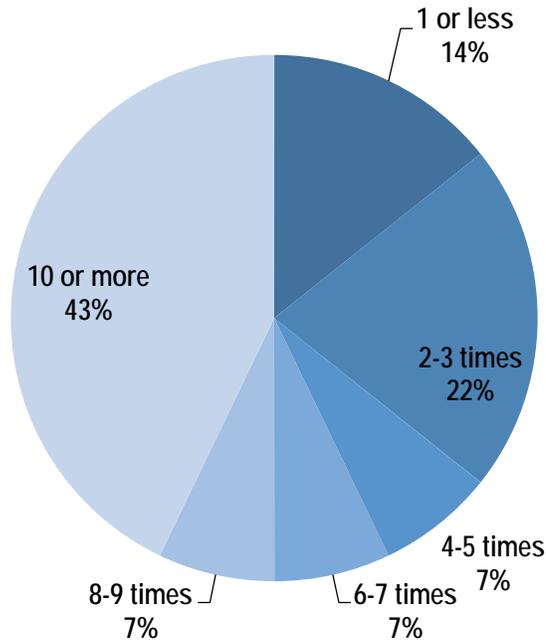
85% of responding employees report it varies week to week.

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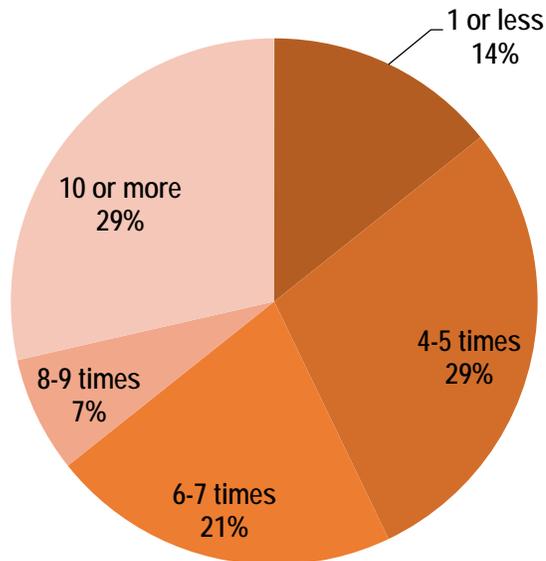
Third District and Third Juv. Results (88% response rate)

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Q2- During the pandemic, how many times in an average week do you use your second language skill?



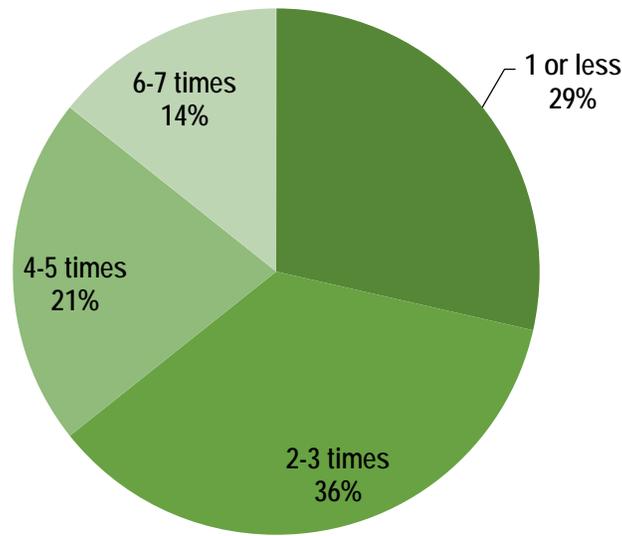
Q3- During normal court operations, how many times a week did you use your second language skill?



**Q4- Do you use your skill only in your position or do you use it to interpret for other court employees?**

100% of responding employees report using their skill to interpret for other court employees.

**Q5- If you use your second language skill to help interpret for other court employees, how often does that occur in an average week?**



**Q6- Has using your second language skill ever interfered with your work responsibilities? If so, how?**

35% of responding employees report receiving the stipend has interfered with their work. The majority of that 35% report minor interference to their work responsibilities, while 2 employees report a high interference with their work.

- It has always put a strain on my time, and doesn't help relations with my coworker. This is especially the case when there are no Spanish interpreters available to help someone complete a protective order for example. Depending on the patron's needs, a protective order always takes 1-2 hours to complete, thus keeping me from my other job duties for that amount of time. Coworkers in the past have not appreciated me being absent for hours at a time.
- Yes. Sometimes when I'm in the middle of doing my work I've had probation officers come into my office asking me to interpret for them right away because they have a family in their office. This usually happens when an interpreter no shows to a probation meeting or the family fails to bring someone to the meeting that can translate for them.

**Q7- Have you noticed if there are certain days that you use your second language skill more than others? If so, which days do you use your skill the most?**

28% of responding employees report noticing specific days that they use their skill.

- Usually at the beginning and end of the week, Mondays and Fridays, mostly because call volume increases before and after the weekend.
- Mondays, Tuesdays and Fridays
- A little more on Wednesdays. Not sure why. Perhaps there is a lot of coordinating that needs to take place during the middle of the week.
- Mondays. Usually wen families leave voicemails, texts and or send emails throughout the weekend.

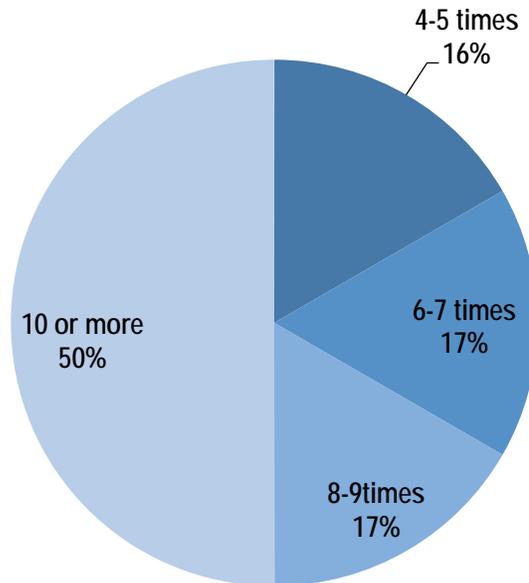
72% of responding employees report it varies week to week.

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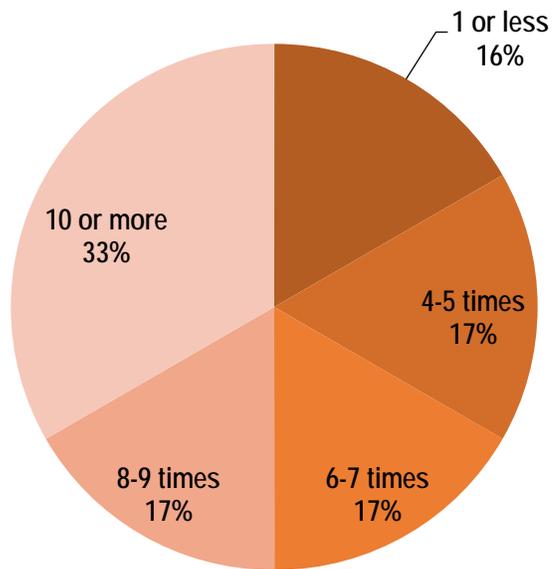
**Fourth District and Fourth Juv. Results** (75% response rate)

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**Q2- During the pandemic, how many times in an average week do you use your second language skill?**



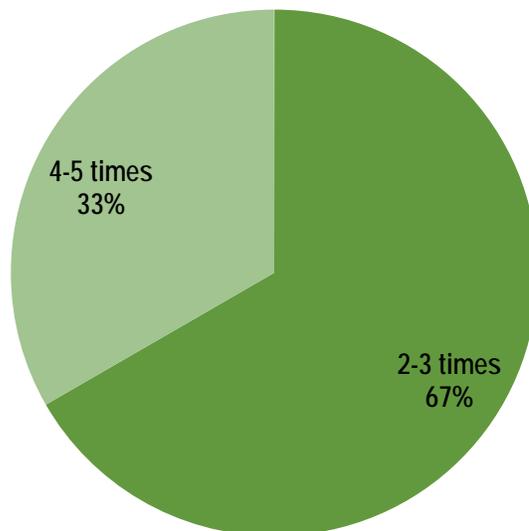
**Q3- During normal court operations, how many times a week did you use your second language skill?**



**Q4- Do you use your skill only in your position or do you use it to interpret for other court employees?**

100% of responding employees report using their skill to interpret for other court employees.

**Q5- If you use your second language skill to help interpret for other court employees, how often does that occur in an average week?**



**Q6- Has using your second language skill ever interfered with your work responsibilities? If so, how?**

33.33% of responding employees report receiving the stipend has interfered with their work. One employee reports minor interference to their work responsibilities, while the other reports a higher interference with their work.

- It does become difficult to prioritize work responsibilities. At times I am really busy with my own work and have to make time to help with interpreting. I have tried my hardest to balance it and it has worked out so far.
- Only very few times has my language skill interfered. I have had some times where a lot of my coworkers are ask for help while I am very overloaded with my own work responsibilities. I have had to tell my coworkers that I'm not able to help them until I am done with my other responsibilities.

**Q7- Have you noticed if there are certain days that you use your second language skill more than others? If so, which days do you use your skill the most?**

100% of responding employees report it varies week to week.

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**Fifth District Results** (100% response rate)

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**Q2- During the pandemic, how many times in an average week do you use your second language skill?**

Employee reports using their skill 10 or more times a week during the pandemic.

**Q3- During normal court operations, how many times a week did you use your second language skill?**

Employee reports they used their skill 10 or more times a week during normal court operations.

**Q4- Do you use your skill only in your position or do you use it to interpret for other court employees?**

Employee reports using their skill to interpret for other court employees.

**Q5- If you use your second language skill to help interpret for other court employees, how often does that occur in an average week?**

Employee reports using their skill 4-5 times a week to interpret for other court employees.

**Q6- Has using your second language skill ever interfered with your work responsibilities? If so, how?**

Employee reports receiving the stipend has not interfered with their work.

**Q7- Have you noticed if there are certain days that you use your second language skill more than others? If so, which days do you use your skill the most?**

Employee reports it varies week to week.

NOTE: Sixth District currently does not have an employee receiving the second language stipend. Seventh District did not respond to the assessment.

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**Eighth District Results** (100% response rate)

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**Q2- During the pandemic, how many times in an average week do you use your second language skill?**

Employee reports using their skill 1 time or less a week during the pandemic.

**Q3- During normal court operations, how many times a week did you use your second language skill?**

Employee reports they used their skill 2-3 times a week during normal court operations.

**Q4- Do you use your skill only in your position or do you use it to interpret for other court employees?**

Employee reports using their skill to interpret for other court employees.

**Q5- If you use your second language skill to help interpret for other court employees, how often does that occur in an average week?**

Employee reports using their skill 2-3 times a week to interpret for other court employees.

**Q6- Has using your second language skill ever interfered with your work responsibilities? If so, how?**

Employee reports receiving the stipend has not interfered with their work.

**Q7- Have you noticed if there are certain days that you use your second language skill more than others? If so, which days do you use your skill the most?**

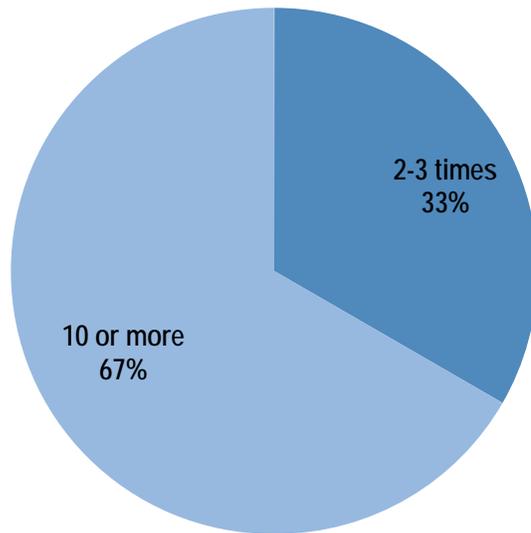
Employee reports it varies week to week.

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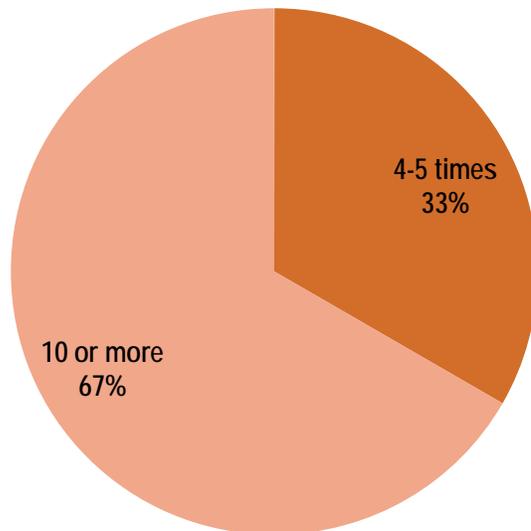
**AOC Results** (75% response rate)

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**Q2- During the pandemic, how many times in an average week do you use your second language skill?**



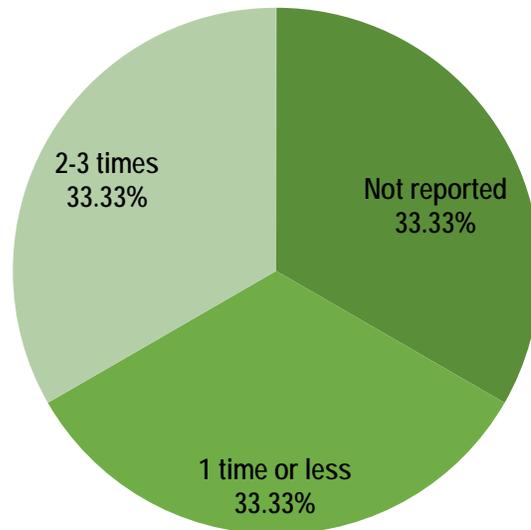
Q3- During normal court operations, how many times a week did you use your second language skill?



Q4- Do you use your skill only in your position or do you use it to interpret for other court employees?

33.33% of responding employees report using their skill to interpret for other court employees. The other 66.66% included in their responses that they interpret for other court employees on a rare basis.

**Q5- If you use your second language skill to help interpret for other court employees, how often does that occur in an average week?**



**Q6- Has using your second language skill ever interfered with your work responsibilities? If so, how?**

100% of responding employees report receiving the stipend has not interfered with their work.

**Q7- Have you noticed if there are certain days that you use your second language skill more than others? If so, which days do you use your skill the most?**

100% of responding employees report it varies week to week. Although, 66.66% of responding employees report using their second language skill every day in their job positions with the courts.

# Tab 4



# Tab 5

## Proposed 2021 Committee Meeting Dates

January 15, 2021

March 19, 2021

May 21, 2021

July 9, 2021\* (second Friday of the month)

September 17, 2021

November 19, 2021