

COURT INTERPRETER PROGRAM ADVISORY COMMITTEE

June 3, 2016

12:00 p.m. to 3:00 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 230

APPROVED **September 16, 2016**

Present: Judge Don Taylor; Ms. Diane Culin; Mr. Alfred Gonzalez; Mr. Juan Pablo Guzman; Judge Anna Huberman; Mr. Matthew Jones (*proxy for Mr. Hyung Choi*); Judge Rosa Mroz; Ms. Kathy Schaben; and Ms. Xiomara Martinez-Tenreiro (*proxy for Mr. Juan Carlos Cordova*).

Telephonic: Judge Charles Harrington.

Absent/Excused: None.

Presenters/Guests: Mr. Scott Robert Loos.

Administrative Office of the Courts: Ms. Kelly Gray; Mr. David Svoboda; and Ms. Amy Wood.

I. CALL TO ORDER

A. Welcome and Opening Remarks

The June 2016 meeting of the Court Interpreter Program Advisory Committee was called to order by the Honorable Don Taylor, Chair, at 12:07 p.m. The Chair asked for Committee member roll call and introductions of staff and guests.

B. Announcements: Mandatory Evacuation Information

Ms. Kelly Gray briefly explained the evacuation procedures and other safety information to the group.

C. Approval of the February 2016 Minutes

The draft minutes from the February 12, 2016 of the Court Interpreter Program Advisory Committee were presented for approval. The Chair called for any omissions or corrections to the minutes; there were none.

- Motion was made by Ms. Diane Culin to approve the February 12, 2016 minutes of the Court Interpreter Program Advisory Committee. Seconded by Mr. Juan Pablo Guzman. Motion passed unanimously.

II. REGULAR BUSINESS

A. Arizona Court Interpreter Credentialing Program (ACICP)

Mr. David Svoboda, Language Access Coordinator for the Administrative Office of the Courts (AOC), presented information about the ACICP. He outlined the Program fundamentals and related administrative orders, in addition to explaining the Program's purpose, applicability to court staff, and how court administration and language access managers might consider using the information provided by the credentialing process.

He fielded questions on the difference between the Oral Proficiency Interview (OPI), required for the Tier 1 credential, and the Oral Interpreting Exam, required for the upper Tiers. The OPI assesses the candidate's ability to speak the foreign language, whereas the Oral Interpreting Exam assesses the candidate's ability to interpret between the foreign language and English in the various modes of interpreting.

He went on to provide the Committee a status report for the Program to date, including the following:

i. Arizona Court Interpreter Registry:

There are over 260 interpreters registered with more than 35 languages represented. Approximately 180 list their working language as Spanish.

ii. English Written Exams:

In March 2016, twenty-two (22) exams were administered with a 77% pass rate. Scores ranged from as high as 98% to as low as 65% (The passing score is 80%).

iii. Oral Proficiency Interviews (OPI):

In March 2016, thirty-one (31) interviews were administered with a 100% pass rate.

iv. Oral Interpreting Exams:

Fourteen (14) individuals have registered for the July 2016 sitting, with thirteen (13) full exams and one (1) partial exam scheduled. All exams scheduled are in the Spanish language.

v. Credentials Issued:

Twenty-two (22) Tier 1 credentials, nine (9) Tier 3 credentials, and nine (9) Tier 4 credentials, have been issued to date. There have been thirteen (13) Transfers of Components granted; a majority being a transfer of the National Center for State Courts (NCSC) or the Administrative Office of the United States Courts (AOUSC) written exams.

vi. Upcoming ACICP Exams:

The July 2016 Oral Interpreting Exam registration is closed (see the Oral Interpreting Exams section above for more information).

The next sitting of the English Written Exam and OPI is in September 2016 with a registration deadline of August 11, 2016. There are currently twelve (12) registrants scheduled to sit for the English Written Exam, and eight (8) registrants for the OPI.

The last sitting of the Oral Interpreting Exam in 2016 will be in December with a registration deadline of October 21, 2016. There is currently one (1) registrant scheduled to sit for the exam.

More information about the registration deadlines can be found at the [ACICP Schedule and Calendar](#) page.

vii. Program Fees:

The Program fees for Arizona residents were reviewed and summarized as follows:

Online Ethics Class:	\$55.00
Online Courts Overview Class:	\$55.00
Written Examination:	\$80.00

Oral Proficiency Interview:	\$65.00
Oral Interpreting Exam (full):	\$300.00
Oral Interpreting Exam (single component):	\$125.00

Assuming candidates take the full Oral Interpreting Exam, the overall costs for in-state candidates would be as follows:

- The total cost of earning a Tier 3 or Tier 4 credential for contract interpreters, assuming the candidate passes all exams on the first try, is \$555.00.
- The total cost of earning a Tier 3 or Tier 4 credential for court staff, assuming the candidate passes all exams on the first try, is \$500.00 as the online Arizona courts overview class is free for court staff.

The \$300.00 fee for the full Oral Interpreting Exam is a reflection of the time and resources required to administer and rate the one hour exam. In addition to AOC resources needed to prepare and administer the exam, two raters, who require a minimum of two hours each to thoroughly rate the exam, are needed for each exam administered. Finally, AOC staff must audit the raters' findings, distribute the results to candidates, and maintain candidate records. Additional costs would also be incurred if a third rater were required.

As participation in and completion of the credentialing process requires a not insignificant financial investment on the part of freelance interpreters and courts, the ACICP schedule and fee structures have been developed to permit incremental progression through the credentialing process as time and budgets permit.

viii. Exam Administration:

AOC staff serves as lead proctors for both the Written Exam and Oral Interpreting Exam, with the assistance of local court staff, as necessary. Local court staff is engaged as lead proctors for the OPI.

ix. Resources for Interpreters:

There is an approximately 100-page guide provided to candidates via the online Court Interpreter Ethics course. This document includes examples of ethical situations/topics for the candidate to work through, interpreter skills building exercises, research techniques and resources, court terminology and definitions, and Arizona-specific case flow charts. In addition, audio and video

recordings are available to assist in practicing and preparing for the exams.

Additionally, the public webpage has resources for candidates to learn more about the testing process and other information related to the exams. The webpage also links to NCSC publications for preparing for the Written Exam and Oral Interpreting Exam.

x. Guidance to Courts Regarding Credential Levels:

Discussion was held regarding the potential need for guidance that a credentialed interpreter, at any level, is qualified to interpret in Arizona courts. Such guidance may be useful to prevent challenges, such as those arguing a disadvantage due to the use of a Tier 1, Tier 2, or Tier 3 interpreter. However, it was noted that interpreting ability is not the only factor in determining an interpreter's suitability to interpret in the court. For example, a court may take into account an interpreter's experience, background, and education level, as well as other factors such as whether the interpreter has proved to be reliable in the past. Furthermore, some case law indicates that parties are entitled to competent, qualified interpreter, not an interpreter of a certain tier level. The judicial officer hearing the case is responsible for determining if an interpreter is competent to interpret in the case. This may be accomplished through a voir dire process, stipulation by all parties, or both.

Many factors, which are typically defined at the local court level, help determine an individual's suitability to interpret for the court. The AOC would likely not take any position on what level of credentialing would be appropriate for a particular assignment or case type. AOC has indicated the information provided through the credentialing process is intended as a management tool for courts when hiring or contracting interpreters.

B. Reports to the Committee

i. Council of Language Access Coordinators (CLAC) Conference

Mr. David Svoboda presented updates and information from the Fourth Annual Conference of the CLAC held in May 2016 in New Orleans and which was attended by over 50 language access program staff from across the country. Information was provided about video remote interpreting and on-demand services concepts, language access plan models, publications available to the language access community, [State Justice Institute \(SJI\) grant projects](#), and

training resources under development through the [New Mexico Center for Language Access](#).

Additionally, a substantial amount of time was dedicated to presentations and discussions regarding interpreter issues affecting other states, including issues related to recruitment and retention of qualified interpreters, handling of interpreting complaints, training of interpreters, and reciprocity and retesting in credentialing programs. Mr. Svoboda reviewed some initiatives presented at the conference from other states, including suggestions for preparing candidates for the English Written Exam, the usefulness of Oral Interpreting Exam exit surveys, and other exam administration issues.

For more information about the CLAC conference and other national discussion topics, please visit the NCSC's [Language Access Services Section \(LASS\)](#) webpage.

1. National Interpreter Database

The NCSC has established a national interpreter database, also known as the National VRI Database. This list is separate from the Arizona Court Interpreter Registry. The purpose is to provide state court administrators the ability to find qualified interpreters. As of April 2016, approximately 1,500 interpreters are in the database with 49 languages represented. The interpreters included in the National Database have been submitted by their states for inclusion and have passed credentialing exams at prescribed levels of proficiency which have been approved by the Conference of State Court Administrators (COSCA). This Committee may need provide recommendations on the criteria Arizona will use to submit interpreters to the national database as interpreters become credentialed under the ACICP.

The NCSC has limited access to the database to state language access program staff. To search the national database, court administrators, language access coordinators, and court staff may contact David Svoboda.

ii. Language Access Plan (LAP) Template Update

Work on potential updates to the state's Language Access Plan templates was provided to the committee for informational purposes. Updates to the templates currently under review are aimed at ensuring LEP court customers receive the same levels of access as any other court customers in the areas of:

- Assistance to understand court policies and procedures;
- Meaningful access to vital videos, webinars, and other instructional media; and
- Assistance to complete required forms.

New media deemed vital should be produced in English and Spanish going forward and courts should consider retroactively translating older materials, if needed.

Courts may also need to develop processes to remove language barriers created when certain forms are required but LEP persons have no ability or assistance available to them to complete the forms in English. Potential solutions include the use of interpreters and scribes or the creation of an oral record in court of the information required by the form.

It was asked if the AOC would mandate that courts accept forms submitted in languages other than English. In response, it was stated that this type of mandate is not expected. It was then asked if courts are allowed to accept forms in languages other than English. In response, it was stated that accepting forms in a language other than English is not a best practice, though some courts with the resources available to handle the process may be doing so.

Further discussion ensued regarding the filing of forms in languages other than English. It was noted that there exist certain conflicts between Arizona's constitution, state law, and some local rules. Courts are mandated to conduct business in English, including the filing of pleadings. However, they also may be mandated to not reject any pleadings submitted through the filing counter. Additionally, time limits and the potential risk of imminent harm may also play a role in a court's decision to accept a filing in a language other than English. It was further noted that the narrative required in the Order of Protection form could be handled in a hearing where an interpreter is present, thus avoiding the need for the physical form or pleading to be completed.

iii. 2016 Court Interpreter Summit

Due to time constraints, this agenda item was not discussed by the group.

C. Managing Interpreters through the Credentialing Process

The group held a discussion on the function of interpreters throughout the state, specifically those in interpreter-only roles versus mixed roles.

Discussion centered on the practices of smaller courts, especially in rural counties, who do not have the resources or judicial support to employ even one full-time court interpreter.

It was suggested that some counties in the past have been put in position where the bilingual Judicial Assistant serves multiple roles, including assistant to the judge, bailiff, and interpreter. This model may not be sustainable and commentary was requested from the group. In response, it was suggested that by virtue of the implementation of the ACICP, the model of using court staff in multiple roles will likely become obsolete as court staff interpreters must be credentialed at a Tier 3 or Tier 4 level by 2019 and the courts must show a preference for credentialed contract interpreters whenever possible beginning in mid-2017.

It was pointed out that Maricopa County Superior Court does not allow interpreters to serve any other roles except interpreter in the court. The speaker explained further that judicial officers in Maricopa County who have used judicial staff as interpreters have been strongly discouraged from the practice. Additionally, judicial officers who speak another language and have conducted hearings in a language other than in English in the past have also been strongly discouraged from this practice.

When an interpreter serves in multiple roles in the court, a number of conflicts arise which can violate the Arizona Court Interpreter Code of Conduct. These include the appearance of impropriety when the person who is the court's record keeper, or is responsible for assembling the jury is also interpreting for an individual in the matter being heard. Additionally, it was pointed out that further conflicts arise if an attorney challenges the interpretation provided by an interpreter who is also the court's clerk or the judicial assistant. A judicial officer may be hard put to be impartial when dealing with a potential error committed by the judicial assistant she works with day-in and day-out. It was also noted that attorneys may object to the practice if made aware of it and those objections could help to change a culture in which interpreters serve in different roles. Furthermore, scheduling hearings in such a way that a full-time or contract interpreter can be used may be another option for courts looking to resolve the issue of interpreters serving in multiple roles.

D. Judicial Officer Training

Discussion was held on the training needs for judicial officers in Arizona. It was noted Mr. Svoboda would be attending the Judicial Conference in June 2016, presenting on the new credentialing program and code of conduct for interpreters and their impact for courts.

A Committee member suggested that as part of the judicial officer education process, the topic of determining how an interpreter is qualified and what to do while in court when issues arise should be included in the curriculum.

It was also suggested that more emphasis should go into how a judicial officer is supposed to interact with an interpreter in court. For example, many judges do not take long enough pauses for the interpreter or expect that the interpreter can interpret for many hours without a break. Regarding the upcoming training Mr. Svoboda will be conducting at the Judicial Conference, it was suggested that he include an exercise about the pace of proceedings.

Other suggestions included having multiple training sessions available during the Judicial Conference so more people would be able to attend. That option was not feasible for this year's Judicial Conference

When discussing New Judge Orientation, it was opined that a 30-minute training in the midst of the curriculum may not be the best option; regional trainings, whose attendance is mandated by the Chief Justice, could be a better option.

A member of the public who is an interpreter and involved in judicial training in Maricopa County Superior Court commented that judges in that court are provided a 90-minute training session on language access and interpreter issues in the courts. He went on to comment that judges are lacking resources and documentation on how to handle common issues with language access and interpreting after the training is complete. He suggested that continuing education on language access issues should be a requirement for judges in Arizona.

III. OTHER BUSINESS

A. 2016 Meeting Calendar

The Chair surveyed the group about what date would be best for the last meeting in 2016. After discussion, it was determined that Friday, November 18, 2016 would be the best for the group.

IV. CALL TO PUBLIC

The Chair asked the Committee if there was any other matters to discuss and made a call to the public. There were no responses.

V. ADJOURNMENT

The meeting was adjourned at 2:31 p.m.

VI. NEXT COMMITTEE DATE

September 16, 2016
12:00 p.m. to 2:30 p.m.
State Courts Building, Conference Room 330
1501 W. Washington St., Phoenix, AZ 85007