

COURT INTERPRETER PROGRAM ADVISORY COMMITTEE

March 10, 2023

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

Virtual Meeting

Present: Judge Don Taylor; Ms. Laurie Allen; Ms. Elizabeth Carmona; Mr. Juan Carlos Cordova; Mr. Alfred Gonzalez; Hon. Juan Pablo Guzman; Ms. Kathy Schaben; Judge Danielle Viola

Telephonic: None.

Absent/Excused: Ms. Shifa Alkhatib; Judge Jordan T. Reardon; Judge Catherine Woods

Presenters/Guests: Dr. Chris Bleuenstein; Ms. Cindy Trimble, Mr. Marcus Reinkensmeyer

Members of the Public: Mr. Jared Trebesch

I. CALL TO ORDER

A. Welcome and Opening Remarks

The March 10, 2023, meeting of the Court Interpreter Program Advisory Committee was called to order by the Honorable Don Taylor, Chair, at 12:04 p.m. The Chair asked for Committee member roll call and introductions of staff and guests.

B. Approval of the November 18, 2022, Minutes

The draft minutes from the November 18, 2022, 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. Kathy Schaben to approve the November 18, 2022, minutes of the Court Interpreter Program Advisory Committee. Seconded by Ms. Laurie Allen. Motion passed unanimously.

II. REGULAR BUSINESS

A. 2024 – 2029 Judicial Branch Strategic Agenda

Mr. Marcus Reinkensmeyer and Ms. Cindy Trimble, in their roles as AOC Deputy Director and AOC Audit Officer, respectively, presented an overview of the 2024 – 2029 Judicial Branch Strategic Agenda development process.

Strategic Agendas cover a five-year period, typically coinciding with the term of the chief justice; the new agenda will be the court's seventh. Chief Justice Brutinel authored "Justice for the Future," and we are approximately three-quarters of the way through that plan. Currently, 81.5% of its tasks are accomplished, and it is due to finish up in June 2024.

Vice Chief Justice Timmer is seeking local court input from presiding judges and court administrators, as well as citizens served by the courts. With a possible upcoming recession, it is doubtful that further staff will be added within the next few years. This plan helps to ensure continuity as well as ensuring that existing resources, such as personnel and budgets, are prioritized and used effectively.

Vice Chief Justice Timmer's Strategic Agenda goals are based on five pillars:

- Expanding and Promoting Access to Justice
- Maintaining Public Trust and Confidence
- Protecting Children, Families, and Communities
- Advancing Judicial Branch Excellence and Innovation
- Enhancing Professionalism and Leadership within our Justice System

The process for developing the new strategic agenda is as follows:

- Arizona Judicial Council (AJC) committees and stakeholders review the current plan and identify continuing and new initiatives;
- The Executive Office organizes input into common themes and ideas;
- The Strategic Agenda Subcommittee reviews and helps to vet ideas;
- The AJC approves the agenda; and
- The agenda is branded, printed, and launched.

The process is currently in the input-gathering stage which will wrap up with a first draft in July 2023. Committees are asked to submit ideas no later than June 2023 so that a first draft is completed by July. The following three months will see the draft reviewed by the Strategic Agenda Subcommittee and any revisions made. The goal is to have AJC approval no later than December 2023 and have the agenda branded and printed by March 2024. Vice Chief Justice Timmer will unveil the agenda at the Judicial Conference in June 2024, and the statewide broadcast will introduce the plan to court employees in July 2024.

B. Strategic Agenda Discussion

Mr. David Svoboda, AOC Language Access Coordinator, led a discussion on the strategic agenda.

Some language access items on the current strategic agenda are:

- Providing education for the bench and bar on language access requirements; this is accomplished through presentations at various industry conferences and through presentations at orientation for new judges of both limited jurisdiction and general jurisdiction courts;
- One action item which has not progressed is exploring opportunities for electronic services, such as ODR, in languages other than English, as that has proven difficult;
- Translation of vital forms, web pages, and videos into language other than English is ongoing;
- Still remaining for this year is expanding the scope of CIPAC to identify and address issues resulting from new requirements courts must meet to provide access to court interpreters; and
- One last task expected to carry forward is workforce development, providing quality interpreters in the court system through training and continuing to certify court interpreters.

Proposed ideas for inclusion in the new strategic agenda:

- Continue: Translation of vital documents;
- Continue: Training for interpreters and judicial staff;
- Continue: Workforce development;
- New: Help courts to develop more internship programs for interpreters
- New: Codify the credentialing program, the interpreter code of conduct, and CIPAC, as well as possibly developing formal rules to standardize the use of interpreters in the courts
 - Related suggestion to provide guidance to courts on Title II ADA issues and accommodations for the deaf and hard of hearing and those with vision impairment ; and
- New: Identify new options for remote interpreter services that may better serve the courts, especially in hybrid situations; pilot different remote interpreter platforms around the state with a goal of making recommendations and models that even rural courts can employ.

C. ACICP Updates

Mr. David Svoboda, in his role as AOC Language Access Coordinator, presented updates on the Arizona Court Interpreter Credentialing Program.

ACICP's partnership with Pima Community College (PCC) interpreting program continues, with the agreement renewed for another three years. There were 27 students enrolled in the program in the Fall 2022 semester. The PCC English Written Exams were administered in December 2022 with a pass rate of 37.5% (6 total out of 16 exams administered). While this pass rate is lower than the national average, it is the highest to date for the PCC program; this substantial improvement over past semesters may be due to the increased program length from 8 weeks to 16 weeks. Oral Proficiency Interviews (OPIs)

were administered to 19 students with a pass rate of 100%. Overall, five (5) students from the fall semester earned a Tier 1 credential which is also a high for the program.

The regular session of the Written Exam was administered in January 2023 in both Phoenix and Tucson. A total of 28 exams were administered with a pass rate of 46% (13 out of 28); staff had a 0% pass rate. Of the preparation seminar attendees who took the Written Exam in January, 46% passed. Interest in the prep seminar continues, and another will be offered this spring ahead of the July 2023 Written Exam.

The ACICP overall pass rate for the Written Exam is 47% which is just under the national average pass rate of 50%. The ACICP average pass rate for staff is 49%, again just under the national average of 50% but higher than the overall ACICP average.

The latest Oral Proficiency Interviews (OPI) were administered in February 2023 in both Phoenix and Tucson. There were 22 OPIs administered with a pass rate of 95.6%; no staff sat for the OPI in this session. Spanish OPIs were 74% of the total; Arabic, Italian, Korean, and Mandarin (2) comprised the other 26%. There were some technical issues that impacted tests in both locations, likely on the vendor side, but tests were quickly resumed, and no results were impacted by these issues. One (1) candidate did fail to reach a passing score, but upon re-evaluation by the vendor, it was determined that the technical issues did not affect her score; in an abundance of caution, the testing provider, offered to let that candidate retest, but she has not yet responded to the offer.

The most recent administration of the Oral Exam was in November 2022. There were 38 exams administered with an overall pass rate of 39.5% (15 out of 38). Languages tested in this session were Spanish (33), Korean (3), Mandarin, and Vietnamese. Overall, there were eight (8) new credentials earned; of these, two (2) Tier 3 credentials and six (6) Tier 2 credentials were earned. There were 15 staff interpreters who sat for this exam; one (1) staff qualified for Tier 2, one (1) qualified for Tier 3, and four (4) more passed but were not advanced.

Oral Exam results continue to show markedly increased pass rates for those who attend an Oral Exam prep class over those who do not take advantage of this prep class. Of those candidates who earned credentials from the November 2022 Oral Exam, 75% (6 of 8) had attended a prep seminar; four (4) of those earned Tier 2, and two (2) earned Tier 3. Overall, 67% of prep class attendees passed (12 out of 18) compared to an overall pass rate of 39.5% in November. Of these, ten (10) earned Tier 2, and two (2) earned Tier 3. Further, the data suggests that the advantages offered by the prep class are cumulative, and those who attend multiple prep classes continue to see benefits.

The next session of the Oral Exam will be held May 3-6, 2023, in Phoenix and May 10-12, 2023, in Tucson. As of late February, 22 candidates had registered and paid for the test, with more expected as the March 16, 2023, registration deadline approaches. Exams will be primarily in Spanish with a few in Korean, Mandarin, and Vietnamese. Results are expected by late July to early August 2023.

The next English Written Exam Prep Class will be held virtually May 17-19, 2023. The next administration of the English Written Exam will be held July 13-15, 2023, in Phoenix and July 20-21, 2023, in Tucson; the registration deadline for this is June 8, 2023. The next administration of the OPIs will be July 26-28, 2023, in both Phoenix and Tucson; the registration deadline for this is also June 8, 2023. All 2023 exam dates are posted on the ACICP website, and registration is open for candidates.

D. Streamlining Workgroup Update & Discussion

Ms. Kathy Schaben, Yuma County Superior Court Administrator, summarized a recent meeting of the Streamlining Workgroup.

The Streamlining Workgroup met on February 8, 2023, to discuss ACICP's program design and possible tier restructuring in advance of any upcoming ACJA code creation surrounding the program.

While the Arizona court system has interpreting needs in many languages, Spanish is overwhelmingly the language most requested and used, and the focus of the workgroup discussion centered on that. Many factors were discussed, such as supply and demand and the hardships of rural courts. It was noted that the Committee must also remain cognizant of the interpreters currently credentialed in the program should any major restructuring take place, possibly by creating a transition period.

Possible solutions were offered for consideration and discussion. At the conservative end of the spectrum is the hands-off approach of leaving the current structure intact. At the other end of the spectrum is the more drastic approach of changing the model completely. More moderate solutions were suggested, such as refining the nomenclature and making test scores available to court users of the Arizona Court Interpreter Registry.

One portion of the discussion focused on elimination or modification of Tier 1. Unfortunately, this particular credential can lead to misinterpretation and misrepresentation. This tier was never meant to be associated with interpreting ability but only to indicate that certain prerequisites on the credentialing path had been met. While having Tier 1 for Spanish and other languages for which there is an Oral Exam can be misleading, this level of credential can be useful for languages that are not as commonly available.

Suggestions made were to rename Tier 1 as “registered,” combine Tier 1 and Tier 2, and complete elimination of Tier 1 as an available credential for those languages that have an oral exam.

Elimination or modification of Tier 2 was another topic of discussion. This is a temporary, 24-month credential that can lead to confusion among both interpreters and courts. Options discussed were elimination, changing the tier title, perhaps to “provisionally” qualified or certified, and raising the score threshold higher than the currently generous 60% cutoff.

Also discussed was the value of the separation of Tiers 3 and 4. The main value to the two designations is providing management information to the courts. However, the score differences do not necessarily reflect experience, and in practice, courts do not always differentiate between the two levels; it was suggested that the group inquire about the value of the differentiation to courts around the state.

There was no consensus among the group about possible changes to the program and tier structure. More discussion is needed, and the Streamlining Workgroup will meet again to further discuss the issues.

E. Interpreter Personnel Reporting Template

Mr. David Svoboda, AOC Language Access Coordinator, presented an update on the Interpreter Personnel Reporting Template.

Mr. Svoboda presented background on this issue that was last discussed in August of 2022. The annual personnel data report submitted by courts has, in the past, been relied upon by the AOC to identify staff interpreters around the state and compare the names and dates of hire to their tier levels in the program in order to verify compliance with the administrative order to the courts. With recent changes in the personnel reporting, data such as staff names has been eliminated. With this information now missing, the AOC can no longer use this report data to track and verify compliance with the staff credentialing requirements. Per the committee’s last discussion, Mr. Svoboda revised the template for courts to report separately on their staff interpreters with the information necessary to provide accurate reporting on compliance and non-compliance.

Two main areas of concern that the previous draft did not take into consideration were identified in the last discussion and appropriate revisions were made to the template:

- There are courts who receive interpreter services from another court, and there are courts who provide or coordinate interpreter services to other courts.

- This has been addressed by adding questions to the template that inquire about both of the aforementioned situations.
- Courts who use a large number of freelance court interpreters would be overly burdened by having to provide information on all of the freelancers used over the course of a year.
 - Language has been added specifying that courts only provide information for freelance interpreters of its most frequently needed languages as documented in the court's Language Access Plan (LAP).

The data provided by this proposed reporting template would provide the AOC the following:

- The data necessary to gather compliance information on staff interpreters;
- Information on freelancers with whom the courts are contracting and where those interpreters are in the credentialing process; and
- Indication of whether or not courts are making an effort to get credentialed freelance interpreters when available.

A positive consensus was reached about the usefulness of the report and the revisions adequately addressing any concerns.

- Motion was made by Hon. Juan Pablo Guzman to formally adopt the Interpreter Personnel Reporting Template. Seconded by Mr. Juan Carlos Cordova. Motion passed unanimously.

III. CALL TO PUBLIC

A. Good of the Order/Call to the Public

A call was made to the public for any comments. No response received.

IV. ADJOURNMENT

A. Adjourn

- Meeting was adjourned at 2:03 p.m.

V. NEXT COMMITTEE MEETING DATE

August 11, 2023
 12:00 p.m. to 3:00 p.m.
 Virtual Meeting