

# COURT INTERPRETER PROGRAM ADVISORY COMMITTEE

**September 16, 2016**  
12:00 p.m. to 3:00 p.m.  
State Courts Building  
1501 W. Washington, Phoenix, AZ 85007  
Conference Room 330

## **APPROVED** **November 18, 2016**

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**Present:** Judge Don Taylor; Mr. Juan Carlos Cordova; Mr. Alfred Gonzalez; Mr. Scott Loos (*proxy for Judge Rosa Mroz*); Ms. Kathy Schaben.

**Telephonic:** Mr. Hyung Choi; Mr. Juan Pablo Guzman; and Ms. Martha Torres (*proxy for Ms. Diane Culin*)

**Absent/Excused:** Judge Charles Harrington and Judge Anna Huberman.

**Presenters/Guests:** Judge Elizabeth Finn.

**Administrative Office of the Courts:** Ms. Kelly Gray and Mr. David Svoboda.

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### **I. REGULAR BUSINESS**

#### **A. Welcome and Opening Remarks**

The September 2016 meeting of the Court Interpreter Program Advisory Committee was called to order by the Honorable Don Taylor, Chair, at 12:09 p.m. The Chair asked for Committee member roll call and introductions of staff and guests.

#### **B. Mandatory Evacuation Information**

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

#### **C. Approval of the June 2016 Minutes**

The draft minutes from the June 3, 2016 of the Court Interpreter Program Advisory Committee were presented for approval. The Chair called for any

omissions or corrections to the minutes; some typographical errors were noted, but no substantive issues were identified.

- A motion was made by Ms. Kathy Schaben to approve the June 3, 2016 minutes of the Court Interpreter Program Advisory Committee with the correction of any typos identified by the Committee. Seconded by Mr. Scott Loos (proxy for Judge Rosa Mroz). Motion passed unanimously.

## **II. REGULAR BUSINESS**

### **A. Judicial Officer Training**

Mr. David Svoboda, in his role as staff to the Committee, requested that the group discuss finalizing judicial officer training recommendations from the June 2016 meeting.

Several topics were discussed, including the suggestion that language access training be mandated for judges as part of a continuing education requirement. The group identified several regularly scheduled trainings (New Judge Orientation, yearly judicial conferences, etc.) that could provide opportunities for continued education on interpreter related issues.

- Mr. Juan Pablo Guzman moved to make the recommendation that interpreter-related continuing education training be required for judicial officers.

Additionally, the recommendation should include, but not be limited to, the following items:

- An overview of the role of interpreters in the courts including the interpreter ethical canons, the Arizona Court Interpreter Credentialing Program (ACICP), current issues in language access, and other basic information and recommendations for the use of interpreters in the courts.
- Guidelines on how to determine if an interpreter is qualified for a court proceeding.
- Strategies to handle interpreter-related issues while in court.
- Exercises in each training session that provide participants an opportunity to practice techniques presented in the training.
- Providing judicial officers and staff with additional resources, documentation, and readily available guidance on best practices

- The scheduling of multiple training sessions during the year in order to give participants several opportunities to attend a session.
- The offering of regional trainings through the Administrative Office of the Courts (AOC) or through local training staff who have been provided the curriculum (a “Train the Trainer” model).

Seconded by Ms. Martha Torres (proxy for Ms. Diane Culin). Motion passed unanimously.

## **B. Arizona Court Interpreter Credentialing Program (ACICP) Update**

Mr. David Svoboda, in his role as the AOC Language Access Coordinator, provided a status update on the Arizona Court Interpreter Credentialing Program (ACICP). The group discussed the following:

- Statistical information including the interpreters registered in the Arizona Court Interpreter Registry, the number of credentialed interpreters, and the demographics of credentialed interpreters.
- Feedback from the interpreter community regarding the ACICP.
- The results of the July 2016 Oral Interpreting Exam. Inquiries were made about the regional differences between interpreter credentialing programs. Mr. Svoboda agreed to research the regional differences and report back to the group.
- The Administrative Order 2016-02 provision that preference should be shown for credentialed contract interpreters. The administrative order does not specify a tier level for the preference requirement. However, the spirit of the order is for courts to use the best qualified freelance interpreter available while factoring in all management information. The Tier level of an interpreter is intended to be used as a management tool by courts. There exist other factors that courts will consider when making contracting decisions.

## **C. Fair Justice for All Task Force Report**

Judge Don Taylor, Chair, discussed the Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies (“Task Force”) report and summarized the Task Force’s recommendations. He

explained that the Task Force developed eleven principles and made a total of sixty-five recommendations.

- A motion was made by Ms. Kathy Schaben to support the Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies report and the recommendations contained therein. Seconded by Mr. Alfred Gonzalez. Motion passed unanimously.

#### **D. Interpreter Costs (Taken Out of Order)**

Judge Elizabeth Finn, Presiding Judge of the Glendale City Court, brought concerns to the Committee regarding the escalating costs of providing interpreting services in lesser-used languages.

Discussion centered on the costs of providing interpreters for lesser-used languages in courts, especially in the context of unscheduled proceedings and languages with limited interpreter resources. It was pointed out that Arizona is experiencing a surge in refugee populations and therefore additional resources and alternative ideas for managing language services in courts were needed.

Several ideas for managing interpreter costs and attaining the best value for services rendered were discussed by the group including:

1. Using existing State of Arizona contracts and establishing local contracts for foreign language interpretation and translation services.
  - a. The Statewide Foreign Language Interpretation and Translation Services contract through the State Procurement Office can often times offer more competitive rates than per diem service agreements with interpreters.
2. Through their local procurement office, courts can:
  - a. Institute contracts with sole practitioners and agencies to provide services at a more competitive rate.
  - b. Negotiate better rates and establish contracts with remote interpreting service providers.
3. Establishing Intergovernmental Agreements (IGAs) and Memoranda of Understanding (MOUs) with courts and other state agencies that already have contracts for services with sole practitioners, interpreter agencies, and remote interpreting service providers often times allow courts to manage interpreter costs and create better bargaining positions for future contract negotiations.

4. Forming relationships with other Arizona courts to share information on rates paid for particular languages and any ACICP Tier-based fee structures used by other courts.
5. Consolidating interpreter events on the court calendar to get the most value from the services being purchased.
6. Using the Arizona Court Interpreter Registry to locate interpreters for contracting needs.
7. Using the Arizona Court Interpreter ListServ to connect with other Arizona court interpreter administrators and coordinators who can provide leads for lesser-used languages interpreters.
8. Contacting the Administrative Office of the Courts (AOC) for assistance researching national resources available:
  - a. The AOC can assist courts by searching the National Center for State Courts (NCSC) VRI Database, which contains a list of state certified interpreters, to help find referrals for lesser-used languages interpreters.
  - b. The AOC can assist courts by using the National Center for State Courts (NCSC) Language Access Coordinators' ListServ to find referrals for lesser-used languages interpreters.

While the Committee will continue to explore alternative resources available for assisting courts in locating interpreters and controlling costs, attaining appropriate levels of funding based on demonstrated needs is necessary. It is widely recognized that these services are mission-critical and funding authorities may need to be reminded that adequately funding these services is imperative as they are a provision of federal law, even in light of competing governmental priorities.

## **E. Oral Proficiency Interviews (OPI) Issues**

Mr. David Svoboda, in his role as the AOC Language Access Coordinator, requested that the Committee make recommendations on the frequency of or attempts allowed on the Oral Proficiency Interview (OPI) as part of the credentialing program.

Currently, there are no limits on the frequency in which a candidate can sit for the OPI or the overall attempts he or she can make when moving through the credentialing program. Mr. Svoboda explained that the English Written Exam and Oral Interpreting Exam have limitations, as recommended by the National

Center for State Courts (NCSC), and established through Administrative Directive 2016-01, which control the frequency and overall attempts allowed. As a best practice, the NCSC suggests limiting either the overall attempts or frequency of testing available. Upon discussion by the Committee, a consensus was established regarding endorsing limitations for the OPI.

- Motion was made by Mr. Scott Loos (proxy for Judge Rosa Mroz) to recommend revisions of program policy to include a requirement of six (6) months between candidate attempts of the Oral Proficiency Interview component as part of the Arizona Court Interpreter Credentialing Program. Seconded by Mr. Juan Carlos Cordova. Motion passed unanimously.

### **III. OTHER BUSINESS**

#### **A. 2017 CIPAC Meeting Calendar**

Potential 2017 meeting dates for the Committee were discussed. The following meeting dates are tentatively scheduled:

1. Friday, March 10, 2017  
12:00 p.m. – 3:00 p.m.
2. Friday, May 19, 2017  
12:00 p.m. – 3:00 p.m.
3. Friday, August 18, 2017  
12:00 p.m. – 3:00 p.m.
4. Friday, October 27, 2017  
12:00 p.m. – 3:00 p.m.

Mr. Svoboda, in his role as staff to the Committee, will ensure the tentative dates suggested are available based on the Arizona Judicial Council (AJC) meetings schedule. If any changes are needed, Mr. Svoboda will report back the group at the next meeting.

### **IV. CALL TO PUBLIC**

#### **A. Good of the Order/Call to the 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**

### **A. Adjourn**

- A motion was made by Mr. Juan Pablo Guzman at 2:48 p.m. to adjourn. Seconded by Ms. Kathy Schaben. Motion passed unanimously.

## **VI. NEXT COMMITTEE DATE**

November 18, 2016

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

State Courts Building, Conference Room 330

1501 W. Washington St., Phoenix, AZ 85007