

Language Access Advisory Committee

Date/Time Friday, February 3, 2023; 12:00 p.m. – 1:30 p.m. (ET)

Meeting Minutes

Attendance: *Chair:* Judge Salinas. *Liaison:* Justice Dickson. Members: Judge Crawford, Peter Robbins, Stephanie Ritchie, Michael Moore, Laura Tomes, Maria Wildridge, Kristin Garn, and John McGauley. *Staff:* Manpreet Kaur. *Intern:* Andre Hardy. *Guests:* Melissa Arvin, Angela Reid-Brown, and Rob Love.

The Chair started the meeting by welcoming everyone.

The committee approved the previous quarter's meeting minutes.

Ms. Arvin gave a short presentation on the Protective Order Translation Pilot project. She is seeking the committee's support in updating the Indiana Protection Order process to be more inclusive of all languages. The Indiana Protection Order forms have been translated into Indiana's top four most used languages. Court officials will transmit the petitions through a portal. Unfortunately, this portal does not have the capacity for non-English characters. Currently, translation is only available in Spanish. English and the target language will be on the same form and the original petition completed by the client will be kept. Ideally, both the original and translated versions of the petition will be available to both parties. It is expected that the translation of petitions should be completed in a time that allows them to be ruled on as if they were in English.

Consensus: This is an improvement from the previous protection order process as it expands access for people to file petitions. It must be ensured that the interpreters are qualified/certified, and translations are correct.

Old Business

1. The number of counties that have submitted their Language Access Plans has increased!
2. Committee members are continuing to work with IPAC and AGs offices to finalize the dialog on the 5 selected advisements. The court's Jury Orientation Video was dropped from this multi-language video advisement project due to the Indiana Jury rule. Indiana Jury Rule 5 states, "In order to serve as a juror, a person shall state under oath or affirmation that he or she is . . . (d) able to read, speak, and understand the English language." The committee decided that it seemed a waste of resources to create a multi-language translation of the jury orientation video since jurors were required to read, speak, and understand English. The next steps are to identify funds and secure Certified/Qualified interpreters.

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3. The committee will take into consideration everyone's suggestions on the Interpreter complaint form and finalize one for the local courts to utilize.
4. The committee sent a letter to the judge that presided over a case with poor language interpretation offering resources to help improve language accessibility in their court. The judge was very receptive and appreciated the assistance.
5. The committee will review and provide feedback on the draft narration and visual suggestions on the 5 Language Access Training Modules.

New Business

1. Committee brainstormed Court Interpreter Certificate Program (CICP) fee waiver for low-income candidates. Implementing a fee waiver program may help with recruitment. A fee waiver would be available for all languages. The Indiana Supreme Court would not lose money and the fees would not need to be paid back to anyone. **Consensus:** Implement a fee waiver program now with waivers at the Language Access Program Director's discretion and revisit the matter in a year with some data to analyze how often it's being requested.
2. Continued Education for Interpreters—The chair decided to skip this topic in the interest of time. This will be added to the next meeting agenda.
3. Conference opportunities in 2023— Manpreet informed the members of conference opportunities, and the members expressed their interest in going to the Council of Language Access Coordinators and The National Association of Judiciary Interpreters and Translators (NAJIT) conference. Manpreet requested the committee to recommend two interpreters from the field to take to the NAJIT conference.

LAAC Member Updates— Concerns about when to utilize Language Line Services were expressed. Members acknowledged that it can be problematic to use interpreters from LanguageLine Services. The committee decided to table this and add it to the agenda for an in-depth discussion in future meetings.

Next meeting dates: May 5th, August 11th, & November 17th

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Language Access Advisory Committee

Date/Time Friday, May 5, 2023 12:00 PM-1:00 PM

Meeting Minutes

1. Attendance

- a. Present: John McGauley, Hon. Christopher Newton, Laura Tomes, Hon. Jose Salinas, Hon. Brent Dickson, Hon. Barbara Crawford, Maria Wildridge, Peter Robbins,
- b. Virtually present: Michael Moore
- c. Guests: Megan Lisch and Dewey Almanzar from FSSA (present via Teams)
- d. Staff: Manpreet Kaur and Phyllisia Gant
- e. Absent: Hon. Marshelle Broadwell (resigned 5/4/23), Stephanie Ritchie, Rhonda Marcum, and Kristin Garn

2. Old Business

- a. Minutes were unanimously approved by Committee.
- b. Advisement of Rights
 - i. Michael Moore found information from other jurisdictions on the advisement of rights. In Utah, DC, and Hamilton Co., the courts used YouTube to provide initial hearing advisement of rights.
 - ii. Proposes we produce similar online video content in different languages to let people know their rights.
 1. Justice Dickson questioned whether the subcommittee or perhaps the LAAC should, before we proceed to invest further time and resources, evaluate and consider a cost/benefit analysis both as to the Court and as to individual trial courts, whether this project will actually be useful and used by our trial courts. The number of standardized advisements are so small in number compared to the other advisements and instructions that judges give to defendants, for which interpreters must be used, that perhaps the handful of video advisements we are considering won't be that helpful, or worth the cost and effort.
 2. Judge Newton -Noted that legal penalties may affect immigration status.
 3. Judge Crawford said how does this practically work?
 - iii. Judge Salinas asked Michael Moore and Justice Dickson, to reach out to the counties to find out if this video would be beneficial. Would you really use it?
- c. Interpreter Complaint Form
 - i. Judge Crawford drafted and discussed the complaint form. She made changes and asked for feedback from the group. She posed questions: how will this be useful, how do we get this translated in real-time, and what do judges need from the form? Judge Salinas said the point of the form is to have a mechanism for people to provide a complaint. Laura Tomes shared that in her county, a complaint is on the website, that people can download, print and return to her.

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If the complaint is in another language, she will send it to a translator for translation.

- ii. More feedback: Justice Dickson said that the timeline is too short. Discussion, perhaps the timeline for complaint response should be before the next hearing. Agreed to remove the timeline for responding to the interpreter complaint from the complaint form.
 - iii. How often are we getting complaints? Typically, the complaints are alleged by the court staff or judicial officer. The goal should be to be prepared for most situations. Sometimes the interpreters are biased against prosecution.
 - iv. Changes to the form were recommended. The italicized portion should be removed with a timeline; the form should be in different languages, but the different languages offered on the complaint form should be consistent across the state. The form should be put on the Indiana state website.
- d. Language Access Training Modules
- i. Committee members broke into teams and reviewed different training modules.
 - 1. Module 1: Overview of Language Access in Indiana Courts
 - a. Not discussed – will go over at the next meeting
 - 2. Module 2: Identifying Language Access Service Needs and Resources Available
 - a. John McGauley led the discussion. He felt the Module was good.
 - b. Court staff can often misunderstand the obligation the court has to the deaf and hard of hearing, so going forward, this should be stressed
 - 3. Module 3: Working with Court Interpreters
 - a. Peter Robbins lead this discussion. He thought this was excellent.
 - 4. Module 4: Provision and Appointment of Court Interpreters and Other Language Access Services
 - a. Judge Crawford led this discussion and asked that more legal language explaining why this is important be included.
 - 5. Module 5: Language Access Guidance for Judges and Attorneys
 - a. Judge Salinas led this by discussing that he does not voir dire interpreters. He relies on the Court to certify his interpreters. Does the caselaw require you to voir dire? The judicial officer must control the flow of the hearing so you can make a good record. Judge Salinas said we need caveats, nothing adversarial.
 - 6. We need to clearly explain to jurors what interpreters do.
 - 7. Emphasize that the court cannot use friends or family members of litigants to translate.
 - 8. It can be hard to monitor whether LEP person appears to understand the interpreter.
 - 9. Attorneys need to provide explanations and pleas ahead of time, along with the interpreter.

- e. Court Interpreter Certification Program (CICP) Fee waiver for low-income candidates
 - i. Manpreet provided a form from Laura Tomes for the group to review.
- 3. New Business
 - a. Continued Education for Interpreters
 - i. Moved to the next meeting in the interest of time.
 - b. LAAC Members Update
 - i. Judge Marshelle Broadwell has resigned. We will need to have Court appoint a new member to LAAC.
 - c. John McGauley noted that they have put Burmese advisement of rights on a podcast and that was helpful.

Next Meeting: August 11, 2023

Language Access Advisory Committee

Date/Time Friday, Aug 11, 2023; 12:00 p.m. – 1:30 p.m. (ET)

Meeting Minutes

Present: Hon. Jose Salinas, Hon. Brent Dickson, Rhonda Marcum, John McGauley, Stephanie Ritchie, Laura Tomes; Virtually Present: Mag. Michael Douglass, Kristin Garn, Michael Moore, Maria Wildridge

Staff Assistant: Manpreet Kaur; DEI Intern: Shirlyn Mthethwa

The meeting was called to order at 10:05. Judge Salinas thanks the commission and staff for lunch and for setting up the meeting. Welcomes and informs the committee of the new members: Hon. Kimberly Dowling and Mag. Michael Douglass.

Old Business

1. Language Access Plans

Rectifying the LAP percentage, it currently stands at 37%, while the objective is to reach 100%. Presently, 63% of counties have not submitted or have a Language Access Plan (LAP) in place. During a discussion, the question arose as to whether we should approach the Justices to consider resetting the LAP deadline, possibly announcing this at the annual judicial conference scheduled for September 2023. The members reached a consensus to request approval from the Chief Justice and the court to establish a firm deadline of December 31, 2025, by which each Indiana court must complete, submit, and adopt a Language Access Plan. Additionally, it was proposed to have the court communicate this requirement during a plenary session at the upcoming Judicial conference in September and to include a message in the Wednesday Weekly bulletin. Finally, some members also offered to help relay this message within their professional networks.

2. Advisement of Rights

- a. A survey was distributed through the Wednesday Weekly bulletin to gauge the likelihood of courts utilizing English and interpreted advisement of rights videos. The survey results reflected a predominantly positive response, with only 5% indicating they were "very unlikely" to use interpreted advisements if made available. Given the highly favorable feedback from the survey, the committee voted to move forward with the project.
- b. The subsequent phases involve securing funding, selecting the top five languages, and identifying suitable interpreters.
- c. Rhonda volunteered to assist with American Sign Language (ASL), while Laura offered her support in identifying and applying for funds, potentially through the Department of Justice (DOJ) or the Criminal Justice Institute.

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3. Interpreter Complaint form
 - a. Judge Crawford has retired and is no longer an active member of the committee. Nevertheless, she did contribute an updated form, which was subsequently shared with the committee. This led to a discussion on how to notify the local counties about the form's availability and its suitable location. Committee members proposed the idea of placing it on the language access page and alongside other complaint and court document resources.
4. Language Access Training Modules
 - a. Collaborating alongside NCSC to develop the modules, the committee engaged in a conversation regarding the methods for notifying the local counties about the existence of these modules and their appropriate placement. Suggestions from committee members included sharing them on the Court's educational network or SharePoint, as well as informing the courts by incorporating the information into the Wednesday Weekly bulletin.
5. Conferences- Members that went to the conferences shared their thoughts/ experiences.
 - a. CLAC Conference
 - i. The conference sparked contemplation in Laura about our capacity to enhance court accessibility and equity in our role, as well as the obstacles encountered by individuals with Limited English Proficiency (LEP). She discovered that the resources presented at the conference regarding less commonly spoken languages were particularly valuable. Manpreet found the legislation concerning language access in other states to be particularly noteworthy. She observed that many states have a mandate to furnish court-certified or qualified interpreters for court proceedings. Furthermore, New Mexico, not only incorporates Limited English Proficiency (LEP) jurors but has also launched a project dedicated to assisting individuals with limited writing skills in completing various forms.
 - ii. Laura presented two projects, a pilot project proposal on language access specialists that would help level the playing field for LEP individuals who encounter the courts. A representative for each county or one for each district would help with questions on the local level. The committee raised several questions, including but not limited to whether the county representative would be a local or state employee, and what the budget for the project would be. Laura then proceeded to offer responses to these inquiries. The second proposal involved the concept of hosting a language access symposium.
 - b. NAJIT Conference
 - i. Judge Salinas attended the conference as the sole judge in attendance. The key insight gained was the recognition that they all encounter similar situations but interpret them from distinct viewpoints. There was a hope for more diverse perspectives at the conference, encompassing judges, lawyers, clerks, and not solely interpreters. Judge Salinas expressed gratitude for the opportunity to attend the conference and noted the significant advancements in technology that are now being incorporated into the field of interpreting.

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6. Interpreter Rule Change

In June 2023, Manpreet proposed a modification to the Interpreter Code of Conduct and Procedure rule. She presented this proposal to the panel of five Supreme Court justices. The suggested amendment introduces a new definition for a "qualified interpreter" and provides explicit guidance that a certified or qualified court interpreter must be utilized by the court when it identifies a legal proceeding participant as Limited English Proficient (LEP). All the justices expressed their support for this proposed rule change. However, the Chief Justice requested that it be subjected to a public comment period before any further actions were taken. Manpreet shared the feedback and comments received during this public comment period with the members of the Language Access Advisory Committee and is seeking the committee's assistance in reviewing the comments and deciding whether to incorporate the suggested changes in their entirety, partially, or not at all.

7. Language Access program update

In the spring 2023 session of the court interpreter certificate program, no candidates were able to pass the oral exam. However, there are 40 individuals signed up to take the written exam this coming Fall. Additionally, there are ongoing investigations involving a couple of court interpreters.

Manpreet had the opportunity to present at the trial courts conference and is scheduled to present at the upcoming Judicial conference.

A significant update has been made to the court interpreter registry: a new drop-down selection labeled "language not listed" has been added. This selection will enable courts to submit a form with relevant information to help locate an interpreter for a language that is not currently listed on the registry.

Furthermore, there is a change in the interpreter grant cycle year, transitioning from a calendar year to a fiscal year. This shift aims to address and resolve accumulating issues more effectively. Another objective is to establish specific dates each year for the opening and closing of annual grants, along with introducing benchmarks for monitoring the expenditure of funds. In cases where counties do not spend the allocated funds but fall short of the set benchmark, the funds can be reallocated elsewhere.

8. Members' county/organization update

- a. No comments or news to share from members.

The remaining agenda items were tabled until the next meeting on November 17th.

New business

9. Language line

10. Continued Education for Interpreters

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The meeting adjourned at 1:30 pm

2024 dates: Feb 9th May 10th, August 9th, & November 8th

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