



IITA Webinar on New Interpreter Rules Questions & Answers

QUESTION	ANSWER
Hello, just a quick question: How many presenters will there be today, and who will they be? Thanks.	John Goerdt, Deputy State Court Administrator, State of Iowa Judicial Branch and Dave Ewert, Deputy Director of the Office of Professional Regulation (OPR), Iowa Supreme Court Commission.
What if you have already passed a language proficiency exam through another valid testing process?	We're only considering the ALTA for right now, but this could change in the future. Communicate with OPR (court.interpreter@iowacourts.gov) to provide information about any other testing process you may have been involved in so it can be considered.
What if ALTA does not test for a language like Mazatec or Chinita?	ALTA has tests in 84 languages, so it should be rare that a language isn't covered. If a need for a language not on the list comes up in Iowa, communicate with OPR (court.interpreter@iowacourts.gov), which might consider a special designation – e.g., “provisional Roster” status. This assumes the interpreter also completes the two day orientation program and passes the written exams to get on the Roster.
If you are a native Spanish speaker, is the oral proficiency interview in Spanish or English?	The ALTA interview is conducted interpreter's non-English language, so it would be conducted in Spanish.
47.3(6) appears to contradict 47.2(2) and 47.3(3). Will the SC consider making 47.3(6) more clear and specific to avoid assigning non-class "A" interpreters?	"Rule 47.2(2) governs waiver of the <u>minimum qualifications</u> in 47.2(1) -- i.e., age, education, etc. This provides some flexibility for courts for finding interpreters of exceptionally uncommon languages -- especially for proceedings like initial appearances, which must be conducted within 24 - 48 hours after arrest (if the defendant is in custody). Rule 47.3(6) lists exceptions to the <u>priorities</u> for selecting a court interpreter (i.e., Class A, then B, then C, etc.). An interpreter must meet the minimum qualifications to be a Class A, B, or C interpreter, so I do not see a contradiction here between 47.2(2) and

	<p>47.3(6). Rule 47.3(3) governs who is responsible for locating/appointing a court interpreter (i.e., court personnel). I do not see how this rule contradicts either 47.2(2) or 47.3(6).</p> <p>Will the Sup Ct make 47.3(6) more clear to avoid assigning non-Class A interpreters? Rule 47.3(6) was explicitly adopted by the Sup Ct to allow for the appointment of non-Class A interpreters in three specific case types or circumstances -- generally for proceedings where the consequences for the parties are less serious than other types of cases or proceedings. The rule seems clear on this point. It is not likely that the Sup Ct will eliminate such exceptions.</p>
<p>What if the attorney wants to hire his or her own interpreter?</p>	<p>Rule 47.3(3) clearly establishes that when a court learns an interpreter will be needed for a <u>court proceeding</u>, <u>court personnel</u> are responsible for locating and scheduling an interpreter. Court personnel <u>cannot delegate this duty to an attorney or party</u>. If an attorney requests to bring his or her own interpreter, the court should deny the request under this rule. However, there might be exceptions. If an LEP party (e.g., a corporate executive or manager) agrees to pay for his/her own interpreter, the interpreter certified, and the interpreter will be used only for interpretation of the proceedings to LEP party (while sitting next to the LEP party during the proceedings) -- the court could probably waive the requirement that court personnel locate and schedule an interpreter. A judge would have to approve this and the opposing party should be allowed to object or consent. However, that interpreter should <u>not</u> be used for interpreting <u>witness testimony</u> during the proceeding. A separate interpreter should be appointed for that purpose. This situation is not likely to arise very often.</p>

<p>The idea of using IA roster certified interpreters for telephonic proceedings -- just to confirm, Class A interpreters will be paid at the rate of \$55. Right?</p>	<p>Yes. If they are used as telephone/remote interpreters, they will receive \$55/hr. They will also receive a minimum of 1 hour consistent with the Administrative Directive on Court Interpreter Compensation.</p>
<p>I respectfully disagree with John's evaluation of the case handled in April 2015 where the court administrator wisely chose to retain the services of 4 interpreters. It was a serious, emotional and complicated case with multiple Spanish witnesses. It was important to have a fresh interpreter paying attention to the interpreters interpreting for the witnesses--it had to be a different interpreter from the ones working with the witnesses and from the one interpreting the objections and conversations between the attorneys and the judge to the defendant.</p>	<p>There might be situations where four interpreters are appropriate under the circumstances. Maybe this was one of those circumstances. I (John Goerdt) have spoken with one of the interpreters involved in this trial who believes three would have sufficed. Reasonable people can disagree. In the end, it will be the judge's responsibility to decide.</p>
<p>Would the SC consider changing the deadline (for reporting CEUs) of August 15 to December 30 to make it more uniform with other states?</p>	<p>The rule requires 6 CEUs each calendar year: Jan. 1 to Dec. 31. This is consistent with other states' policies on continuing education. Our rules require interpreters to report those CEUs by May 15 the following calendar year. The Aug. 15 deadline is the "final" deadline. If an interpreter reports CEUs after May 15 but not later than Aug. 15, they must pay a \$35 fee in addition to the regular reporting fee of \$10. Interpreters who miss the Aug. 15 deadline will be suspended from the Roster, etc. The rules seem clear and easy to follow.</p>
<p>Would you consider the orientation program as CEUs?</p>	<p>Yes, definitely.</p>
<p>What if I wanted to attend only the ethics section of the orientation program?</p>	<p>No one has ever made this request before, so we have not done this in the past. If we change this policy, we would have to charge a fee for someone to attend just one part of the orientation program since those who attend the entire orientation program pay a fee of \$100 to \$150. We need to think about this.</p>
<p>Can continuing education classes be done outside the state and/or online?</p>	<p>Yes, CEUs can be taken outside the state and online. OPR will look through all classes at first, just to make sure they qualify. Some accreditation system will be developed in the</p>

	<p>future. You can ask OPR about any class before you pay for it to be sure it will be accepted. All CEUs cannot be taken online, but some can. OPR will come out with a policy on that before the end of the year.</p>
<p>Could you tell us again how we should go about finding out where and how to take CEUs that are approved by OPR?</p>	<p>OPR isn't looking at classes until Jan 1, 2016, since nothing you take before then would qualify anyway. We will send out informational emails and post approved classes on our website. You can also send in class descriptions or agendas for approval ahead of time.</p>
<p>I sincerely hope that the amendments to the "Itemization Claim Form" will not include switching the responsibility of indicating who should pay the interpreter to interpreters.</p>	<p>The decision on who pays the interpreter is based on the Iowa Code. The template form used by judges for the Order Appointing a Court Interpreter allows a judge to easily indicate (via check box) which office or agency will pay the interpreter. We have no intention to switch that responsibility to the interpreter.</p>
<p>What is the contact email for OPR?</p>	<p>To contact the OPR staff who manage court interpreter testing and the Roster, use this email: Court.interpreter@iowacourts.gov</p> <p>The website is http://www.iowacourts.gov/Administration/Court_Interpreter/</p> <p>You can also email John Goerdt at John.Goerd@iowacourts.gov.</p>
<p>Will the Supreme Court consider changes to these rules?</p>	<p>We need time to see how new rules are working, so we plan to wait at least six months before suggesting an changes to Chap. 47. We are already keeping notes on possible revisions. Early in 2016, we will probably submit all suggested revisions to the Sup Ct, rather than submitting one or two revisions at a time. That is how the Sup Ct prefers to handle rule revisions.</p>