

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Maureen O'Connor

FROM: Judge Gary L. Yost, Chairperson
Bruno Romero, Manager of the Language Services Program

DATE: January 18, 2017

RE: Advisory Committee on Language Services – 2016 Annual Report

CC: Mike Buenger, Administrative Director

Pursuant to Guideline 4.03 of the Operating Guidelines for the Advisory Committee on Language Services, Judge Gary Yost, chairperson and Bruno Romero, staff liaison to the advisory committee, hereby submit the 2016 Annual Report.

Purpose of Advisory Committee

The purpose of the advisory committee is to provide ongoing advice to the Court and its staff regarding the promotion of statewide rules and uniform standards on the operation of language access programs in Ohio courts; the development and delivery of interpreter services to Ohio courts, including training programs for judges and court personnel; and the consideration of any other issues the advisory committee deems necessary to assist the Court and its staff regarding the provision of language services in Ohio courts.

2016 Activities and Accomplishments

The advisory committee met on April 8, August 19 and December 9. Over the course of these meetings, the advisory committee considered and discussed a number of important items to assist local courts address language access issues. The advisory committee's efforts focused on a number of items, including reviewing public comments to Sup.R. 89 and making appropriate changes, refining the background check for candidates seeking court interpreter certification, and creating a new category for interpreters in languages where there are no certification exam, Sup.R. 87.

A number of additional topics were discussed by the advisory committee in 2016:

- (1) The Advisory Committee carefully reviewed each public comment to Sup.R. 89 and made the necessary revisions to address concerns from the deaf community regarding language services in ancillary matters. The committee was careful to balance the language requirement with available resources and the limited resources of the local court. The initial intent of the rule was to satisfy Title VI concerns. Deaf and sign language interpreters, however, made an argument for applicability to this constituency.
- (2) The advisory committee discussed a plan to establish a disciplinary procedure for roster interpreters since the language services program has received feedback regarding possible violations of the Code of Profession Conduct for Court Interpreters and Translators, Sup.R. Appendix H. As of January 2017, the Supreme Court roster of certified, provisional and other qualified interpreters is approaching 150. This does not include close to 1,000 interpreters who provide services to the courts but are not on the Supreme Court roster. While the Court has established a complaint process for the violation of Title VI of the Civil Right Act, Title II of the Americans with Disabilities Act and ORC relevant to languages access, no such process is in place for interpreters violating professional standards.
- (3) The Special Projects subcommittee completed the revision to the benchcards: Working with Foreign Language Interpreters in the Courtroom: A Benchcard for Judges and Working with Interpreters for Deaf and Hard of Hearing Persons in the Courtroom are now in its third edition. For the latest editions the benchcards will be combined and published as one publication.
- (4) At the August 19 meeting the advisory committee learned that the certifying body of American Sign Language interpreters, Registry of Interpreters for the Deaf, place a moratorium on testing and certification in late 2015. Specifically, the legal certification offer to sign language interpreters which is also identified in the Rules of Superintendence as a requirement for the Supreme Court to award sign language certification will not be offered in the foreseeable future. Discussion among members of the organization and other stakeholders are leaning to move away from performance-based testing. This is a concern for the advisory committee. In turn the committee will propose possible solutions in 2017 in light of this development.

The Advisory Committee on Language Services and the Language Services Program will continue to work together to strengthen access to justice for every non-English person in Ohio.