

2020 OK 108

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

DEC 14 2020

JOHN D. HADDEN  
CLERK

RE: Videoconferencing and  
Teleconferencing in Meetings of Boards and  
Committees of the Judiciary )

SCAD-2020- 114

)  
FOR OFFICIAL  
PUBLICATION & 3 X OBJ

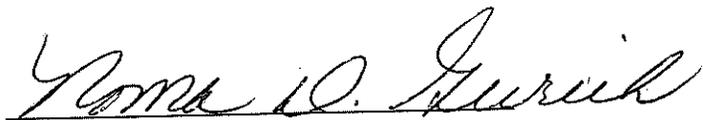
ORDER

¶1 This Order is issued to clarify the meeting requirements applicable to judicial branch boards, committees, task forces, and other working groups, and to authorize those groups to utilize teleconferencing and videoconferencing to conduct their meetings and proceedings. While the Open Meetings Act is applicable to public bodies in the State of Oklahoma, the state judiciary is specifically exempted from the definition of "public body." 25 O.S. §304, paragraph 1. Notwithstanding any other provision of law, the requirements of the Open Meetings Act shall not apply to the proceedings of the boards, committees, or other groups established by or through the state judiciary. The use of videoconferencing and teleconferencing, at the discretion of each group's chairperson, is hereby authorized, for judicial branch boards, committees, task forces, and other working groups, including but not limited to the following:

1. The State Board of Examiners of Certified Shorthand Reporters. Rule 7, Title 20, Chapter 20, Appendix 2, is hereby amended as set forth on Exhibit 1.
2. The State Board of Examiners of Certified Courtroom Interpreters. Rule 6, Title 20, Chapter 23, Appendix 3, is hereby amended as set forth on Exhibit 2.
3. The Dispute Resolution Advisory Board (DRAB).

4. The Juvenile Justice Oversight and Advisory Committee (JJOAC).
5. The Conference of Presiding Judges.
6. The Oklahoma Judicial Conference (OJC).
7. The Oklahoma Access to Justice Commission.
8. The Pandemic Judicial Advisory Committee.
9. The Oversight Committee for the Uniform Representation of Children and Parents in Cases Involving Abuse and Neglect.
10. Any subcommittee of the above listed groups.
11. Any other committee, board, task force, or working group created by or through the Supreme Court, Oklahoma Judicial Conference, or the state judiciary.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE this 14<sup>TH</sup> day of  
DECEMBER, 2020.



CHIEF JUSTICE

Gurich, C.J., Darby, V.C.J., Kauger, Winchester, Edmondson, Colbert, Combs and Kane, JJ., concur;

Rowe, J., not voting.

## EXHIBIT 1

### Rules Governing Disciplinary Proceedings of the State Board of Examiners of Certified Shorthand Reporters

#### Chapter 20, App. 2

#### Rule 7. Disciplinary Hearings.

a) The Board, under signature of the Chairperson ~~man~~ on behalf of the Board, shall have power to issue subpoenas to compel the attendance of witnesses on behalf of the State or the court reporter involved.

b) The Chairperson ~~man~~ shall preside over formal disciplinary hearings and, if necessary, rule on questions of procedure. Disciplinary hearings shall be conducted in an orderly manner, generally following the order of proceedings in civil matters. However, the formal rules of evidence and civil procedure shall not apply to disciplinary hearings before the Board. Any evidence offered on behalf of the complainant or the court reporter respondent shall be received and considered unless clearly irrelevant to the proceedings. The court reporter shall have the right to appear personally or through counsel, cross examine witnesses and present evidence on his/her own behalf. A complete stenographic record of formal disciplinary hearings before the Board shall be kept. The complainant shall have the burden of persuasion on the material elements of the complaint. Hearings may be adjourned or continued to a date certain as the Board in its discretion shall decide.

c) All disciplinary proceedings before the Board shall be open to the public and ~~conducted in full compliance with the Oklahoma Open Meeting Act [25 O.S. § 301, et. seq.],~~ except that the Board, when acting in its capacity as a quasi-judicial body, may close the meeting to the public ~~adjourn to an executive session~~ for purposes of deliberations only. All votes of the Board regarding disciplinary matters shall be publicly cast and recorded. At the discretion of the Chairperson, the Board may permit the use of teleconferencing and videoconferencing technology in any stage of its disciplinary proceedings. In any disciplinary proceeding conducted by videoconference, the Board shall follow the same general provisions applicable to videoconferencing in the District Courts, as set forth in Rule 34, Paragraph A, Rules of the District Courts, Title 12, Chapter 2, Appendix.

d) Decisions of the Board shall be in writing with findings of fact and conclusions of law as applicable, including a recommendation as to discipline, if such is found to be indicated. The written decision of the Board shall reflect the votes of the members for or against the Board's recommendation. The written decision of the Board shall constitute its recommendation to the Supreme Court for or against discipline. If the recommendation is for discipline, the Board may recommend:

- 1) Suspension for a period of time up to one (1) year; or
- 2) Revocation of the enrollment of a certified court reporter, or revocation of the status of a person appointed as a temporary court reporter pursuant to Section 106.3B(d) of Title 20 of the Oklahoma Statutes.

The written decision of the Board shall be immediately transmitted to the court reporter respondent, by hand-delivery or by mailing it or sending it by third-party commercial carrier for delivery within three (3) calendar days. Proof of service shall be documented, and may be made by a certificate of mailing endorsed on the written decision.

## EXHIBIT 2

### Rules Governing Disciplinary Proceedings of the State Board of Examiners of Certified Courtroom Interpreters

#### Chapter 23, App. III

#### Rule 6 Disciplinary Hearings

- a) The Board, under signature of the Chairperson on behalf of the Board, shall have power to issue subpoenas to compel the attendance of witnesses on behalf of the State or the interpreter involved.
- b) The Chairperson shall preside over formal disciplinary hearings and, if necessary, rule on questions of procedure. Disciplinary hearings shall be conducted in an orderly manner, generally following the order of proceedings in civil matters. However, the formal rules of evidence and civil procedure shall not apply to disciplinary hearings before the Board. Any evidence offered on behalf of the complainant or the interpreter respondent shall be received and considered unless clearly irrelevant to the proceedings. The interpreter shall have the right to appear personally or through counsel, cross examine witnesses and present evidence on his/her own behalf. The Board or the respondent may request that a complete stenographic record of formal disciplinary hearings before the Board be kept. The complainant shall have the burden of persuasion on the material elements of the complaint. Hearings may be adjourned or continued to a date certain as the Board in its discretion shall decide.
- c) All disciplinary proceedings before the Board shall be open to the public, except that the Board, when acting in its capacity as a quasi-judicial body, may close the meeting to the public for purposes of deliberations only. All votes of the Board regarding disciplinary matters shall be publicly cast and recorded. At the discretion of the Chairperson, the Board may permit the use of teleconferencing and videoconferencing technology in any stage of its disciplinary proceedings. In any disciplinary proceeding conducted by videoconference, the Board shall follow the same general provisions applicable to videoconferencing in the District Courts, as set forth in Rule 34, Paragraph A, Rules of the District Courts, Title 12, Chapter 2, Appendix.
- d) The Board shall issue a written report with findings of fact and conclusions of law as applicable, and its recommendation to the Supreme Court for or against discipline. The written report of the Board shall reflect the votes of the members for or against the Board's recommendation. Disciplinary action against a Registered or Certified Courtroom Interpreter shall consist of either:
- 1) Suspension for a period of time up to one (1) year; or
  - 2) Revocation of the enrollment of a Registered or Certified Courtroom Interpreter.
- e) The Board shall issue its written report and recommendation within fifteen (15) days from the conclusion of the hearing. The written report and recommendation of the Board shall be immediately transmitted to the interpreter, by hand-delivery or by mailing it or sending it by third-party commercial carrier for delivery within three (3) calendar days. Proof of service shall be documented, and may be made by a certificate of mailing endorsed on the written report.

DEC 14 2020

JOHN D. HADDEN  
CLERK

2020 OK 107  
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

RE: Interpreter Fees

) No. SCAD-2020-113  
) PUBLISH OBJ ONLY

**PAYMENT OF COURTROOM INTERPRETERS**

Pursuant to the administrative authority vested in the Court by the Oklahoma Constitution, Article 7, section 6, Administrative Directive No. SCAD-2007-32 relating to the payment of foreign language interpreters and interpreters for the deaf and hard-of-hearing is hereby superseded. The provisions of this directive shall become effective January 1, 2021.

1. Order of Preference. When securing an interpreter provided at the expense of the court, judges and court clerks shall follow the order of preference set forth in 20 O.S. §1710 (effective Nov. 1, 2019), which states in part:

In district court proceedings, the court shall endeavor to obtain the services of a courtroom interpreter with the highest available level of credential prior to accepting services of an interpreter with lesser credential and skill. Certified courtroom interpreters have the highest recognized level of credential in this state, and registered courtroom interpreters have the next highest level.

2. **Hourly Rates – Foreign Language Interpreters.** Spoken-language interpreters provided at the expense of the court shall be paid at the following hourly rates for in court services related to the specific case assignment:
  - a. Certified Courtroom Interpreters shall be paid not to exceed Eighty Dollars (\$80.00) per hour.
  - b. Registered Courtroom Interpreters shall be paid not to exceed Sixty Five Dollars (\$65.00) per hour.
  - c. Provisional Status Interpreters shall be paid not to exceed Fifty Dollars (\$50.00) per hour.
  - d. All other spoken language interpreters may be paid not to exceed Forty Dollars (\$40.00) per hour. Nothing herein is intended to require the court fund to pay a bilingual person who performs incidental interpretation in a particular matter, such as a friend or family member of a party. No mileage shall be paid for interpreters in this category.

3. **Hourly Rates – Sign Language Interpreters.** Sign Language Interpreters provided at the expense of the court shall be paid at the following hourly rates:

- a. Certified Sign Language Interpreters shall be paid not to exceed Eighty Dollars (\$80.00) per hour. A "Certified Sign Language Interpreter" is a sign language interpreter who has satisfied the certification requirements set forth in the Rules of the Board of Examiners of Certified Courtroom Interpreters ("the Board"), and whose registration with the Board is current.
- b. Faculty and instructors at the Oklahoma School for the Deaf in Sulphur, OK, and the Jane Brooks/Oklahoma School for the Deaf in Chickasha, OK, who appear on the Oklahoma State Department of Education registry as an educational interpreter may serve as a court interpreter if the judge determines that the individual possesses proficiency sufficient for the purposes of that hearing, and may be paid not to exceed Sixty Five Dollars (\$65.00) per hour.
- c. All other qualified legal sign language interpreters (63 O.S. Supp. 2011 §2408) shall be paid not to exceed Sixty Dollars (\$60.00) per hour.
- d. All other sign language interpreters may be paid not to exceed Forty Dollars (\$40.00) per hour. Nothing herein is intended to require the court fund to pay a person who performs incidental interpretation in a particular matter, such as a friend or family member of a party. No mileage shall be paid for interpreters in this category.

4. **Billable Time.**

- a. Certified and Registered Courtroom Interpreters, and Certified Sign Language Interpreters, shall be paid a minimum of two hours per day for court interpreting services in a district court. After the first two hours of billable time, services should be invoiced and paid at the appropriate hourly rate in 15 minute increments, rounded to the nearest quarter hour.
- b. Interpreters who are not Certified or Registered are not entitled to the two-hour minimum unless the judge specifically authorizes otherwise for good cause (such as assignments requiring significant travel or rare languages).
- c. Billable time includes all time during which the interpreter is required to be present in the courthouse and available to interpret, as well as time spent actually interpreting.
- d. Double billing on multiple cases is prohibited. The two-hour minimum may be invoiced and paid only once per day in the same district courthouse, regardless of the number of cases covered by the interpreter. Billable

time beyond the two-hour minimum shall not total more than the actual time spent providing professional services in any district courthouse, covering one or more cases.

- e. Except for trial proceedings, billable time shall not exceed 8 hours per court day.
  - f. Interpreters appearing remotely via telephone or video may be paid a one-hour minimum, unless the judge specifically authorizes otherwise for good cause (such as assignments requiring rare languages). After the first hour of billable time, services should be invoiced and paid at the appropriate hourly rate in 15 minute increments, rounded to the nearest quarter hour.
5. **Travel Time.** Mileage shall be paid pursuant to the State Travel Reimbursement Act. Interpreters shall not be reimbursed at an hourly rate for travel time.
6. **Lodging and Per Diem.** For multi-day assignments, an interpreter may be paid for lodging and per diem pursuant to the State Travel Reimbursement Act if the total expense to the court would be equal to or less than daily mileage to and from the assignment location.
7. **Cancellation Fee.**
- a. A cancellation fee in the amount of \$100.00 may be invoiced and paid if cancellation of a Certified or Registered Courtroom Interpreter's assignment occurs with less than 24 hours' notice to the interpreter. The fee does not apply to cancellations due to inclement weather or health emergencies.
  - b. The cancellation fee may not be invoiced and paid more than once per day in the same district courthouse.
  - c. Interpreters who are not Certified or Registered are not entitled to the cancellation fee. However, a courtesy notice of cancellation of at least four hours is recommended.
  - d. If cancellation occurs after an interpreter starts traveling to, or appears for, an assignment, the interpreter may request reimbursement for any applicable mileage.
8. **Judges' Responsibilities.**
- a. Judges shall make every effort to arrange their dockets so as to minimize the amount of billable time an interpreter must wait before or between proceedings, and to maximize the use of the interpreter during the first two hours of billable time on as many cases as possible. Judges in the same

courthouse should endeavor to coordinate docket scheduling as much as possible to maximize the use of interpreter time.

b. Absent extraordinary circumstances, judges and attorneys serving in a case should not function as foreign or sign-language interpreters in that case. In any such case where a judge or attorney must function as an interpreter, the assigned judge shall make a full record, including any objection by the parties and an explanation of the extraordinary circumstances, for later appellate review.

9. **Interpreters' Responsibilities.** By accepting assignments in the district courts, interpreters agree to comply with all billing requirements, and shall submit complete and accurate invoices on such forms as may be required. Before submitting an invoice to the court clerk for payment, interpreters shall be responsible for obtaining any judicial approval, and attaching any supporting documentation, including the district court and the case number for each individual for services provided.

10. **Exceptions.** The Chief Justice may authorize a departure from the hourly rates or other provisions of this SCAD when necessary to meet the language access needs of the courts. The trial judge or court clerk shall obtain authorization in advance from the Chief Justice before accepting interpreter services at rates other than those set forth herein or when services are required for more than 5 consecutive days.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 14TH day  
of DECEMBER, 2020.

  
CHIEF JUSTICE

ALL JUSTICES CONCUR.