

**Supreme Court's Committee to Study the Use of
Interpreters and Translators in the
South Dakota Court System**

Eighth Meeting
Friday, September 30, 2011
1:15 p.m. CT
River Run Meeting Room
Cedar Shore Resort
Oacoma, SD

Meeting Minutes

Attendance:

Committee Members: Phil Peterson, Rosa Iverson, Greg Sattizahn, Karl Thoennes, Judge Zell, Judge Erickson, Ken Tschetter, Judge Pahlke, Bob Wilcox.

Committee Members Participating Via Speaker Phone: Aaron McGowan, Kerry Cameron, Judd Thompson, Lisa Fowler

SCAO: Richard Lenius, Gloria Guericke

Guests: Chief Justice David Gilbertson; Patricia Duggan, State Court Administrator; Rich Williams, Attorney General's Office

Excused: Lisa Carlson

Call Meeting to Order – Judge Zell

Judge Zell called the meeting to order at 1:15 pm. He introduced the guests in the conference room and those participating via speaker phone.

Chief Justice David Gilbertson thanked the Committee for their work. He explained that the Court selected people they thought would bring a lot of skills to the Committee. He stated that the Committee's Report will not be shelved; the Court intends to study and implement a program as this is an area we need to pursue vigorously. The Supreme Court is very appreciative of the time the Committee members have put in on this study.

Minutes

Gloria read the change that Lisa Carlson requested be made to the minutes.

Judge Erickson and Mr. Tschetter moved and seconded the minutes with Ms. Carlson's change. The amended minutes were approved unanimously by voice vote.

Continue Discussion Regarding Draft Report to S.D. Supreme Court and Public Comments

Judge Zell stated that the Committee's Report (Document A) was sent out for public comment. Minimal comment was received. No comments were received from the judges at the Judicial Conference this morning.

Mr. Sattizahn informed the committee that the Report was sent out to organizations associated with the courts. Most of the comments received were corrective comments, no substantive changes were received. He also indicated others sent comments that they felt it was a very thorough report.

Mr. Sattizahn explained that the Funding Report (Document B) was only shared with this group, the State Court Administrator's Office (SCAO) and the Chief Justice. The reason for this was mainly because it was in a draft stage at that time.

Discuss Funding Report

Judge Zell explained that if the Supreme Court adopts our Report, they also have the charge of determining how to fund it. The Chief Justice informed him that they've put a line item in the budget request to proceed if the Report is adopted. This is only to get started; it does not mean this will be the only way of funding.

We do not have a complete grasp on total costs. We have a tiered system of how the program could be implemented depending upon the amount of available funds.

Mr. Thoennes requested that on page 9 of the Funding Report (Document B), that the creation of a complaint process be moved from Phase 2 (Moderate Funds) to Phase 1 (Minimal Funds), as he didn't see how this process would cost much financially.

Mr. Thoennes and Mr. Wilcox moved that the Complaint Process, listed in Phase 2, be moved to Phase 1. The motion passed unanimously by voice vote.

Mr. Sattizahn asked about the county cost numbers and Mr. Wilcox replied that it is a struggle to get these numbers. They will be available by the end of month.

Judge Zell reminded the group that public comment will be held by the Supreme Court to obtain input on the Report and Budget, so what we decide today may not be what South Dakota ends up with as a program.

Mr. Tschetter asked about the funding mechanisms identified. Judge Zell explained that Mr. Sattizahn laid out the pros and cons for the Supreme Court to consider. Although the Committee prioritized them, the Supreme Court will determine what they feel is feasible.

Judge Zell asked if there were any other amendments. The only comment received was by Mr. Williams, representing the Attorney General at today's meeting. The concerns were for flexibility for judges and funding, but it was felt these were satisfactorily addressed.

Judge Erickson and Mr. Peterson moved and seconded that the amended Report and the Funding Report be recommended to the Supreme Court. The motion passed unanimously by voice vote.

Judge Zell informed the group that when Mr. Wilcox submits his information to Mr. Sattizahn, it will be forwarded to the Committee and the Court.

Judge Zell thanked everyone for their participation and commented on the great input from everyone.

Judge Pahlke thanked Judge Zell for his guidance and chairmanship. The Committee members added their thanks.

Adjourn:

Judge Erickson and Mr. Tschetter moved to adjourn. The Committee adjourned at 1:42 p.m.