



**Interpreter Commission**  
**Friday, February 22, 2013 (9:00 a.m. – 12:00 p.m.)**  
**AOC SeaTac Facility,**  
18000 International Blvd., Suite 1106, SeaTac, WA 98188

## **MEETING MINUTES**

### **Members Present:**

Justice Steve González  
Judge Riehl  
Kristi Cruz  
Sam Mattix  
Linda Noble  
Dirk Marler  
Alma Zuniga

### **Members Absent:**

Mike McElroy  
Theresa Smith  
Judge Greg Sypolt

### **AOC Staff:**

Shirley Bondon

### **I. Call to Order**

The meeting was called to order by Justice González at 9:05 a.m.

### **II. Welcome and Introductions**

Justice González welcomed members and allowed them to introduce themselves.

### **III. August 2012 Meeting Minutes**

Minutes were unanimously approved. The minutes will be posted on the AOC Court Interpreter Program website.

### **IV. Chair's Report**

#### **Issues Committee (Appointments)**

Judge Sypolt agreed to chair the Issues Committee. Marti Maxwell, Linda Noble, Alma Zuniga and Kristi Cruz joined the committee.

#### **Disciplinary Committee Member (Appointment)**

Judge Riehl accepted appointment as chair of the Disciplinary Committee. Sam Mattix noted that General Rule 11.1 stated, "Members shall serve on only one committee." Justice González determined that it is acceptable to be on more than one committee and Sam Mattix agreed to serve on the Disciplinary Committee. Justice González proposed revising the rule to delete the one committee restriction.

## **Education Committee (Appointment)**

Dirk Marler proposed combining the Education and Issues committees to reduce possible duplication. Justice González agreed to discuss this idea with committee chairs.

Linda Noble agreed to join the Education Committee.

## **SB 5398 (Comments re: Testimony)**

Justice González stated that a hearing was held on SB 5398, the Interpreter Bill. Kristi Cruz stated that the Senate version of the bill was dead but the House version remained viable.

### **V. Issues Committee Report**

The following issues were reviewed and discussed by the committee:

#### **Issue I:**

Interpreter candidate requested a rescore. The committee reviewed the Interpreter Rescore Policy for the oral exam which states a person is eligible for a rescore when the candidate scores 70% or more on two of three sections and scores 65% on the third section. The applicant's test scores were: Consecutive 69%; Simultaneous 68%; and 72% Sight. The candidate fell below the 70% passing score on two sections of the exam. According to the relevant interpreter commission policy the applicant does not qualify for a rescore. The committee voted to deny the request.

#### **Issue II:**

An interpreter candidate had taken the oral exam three times. Each time she failed to earn a score of 70% on all sections, but had achieved a passing score on all three sections when you combine her scores from two exams. The candidate asked to combine her 2009 passing score on one section of the exam with 2012 passing scores on two sections of the exam to allow the candidate to be certified. The oral exam policy states that a candidate must obtain a score of at least 70% on each section of the exam. The committee voted to deny the request.

#### **Issue III:**

The Committee reviewed a partial transcript of a hearing held in the King County Superior Court. The document stated that interpreters were requested during a hearing but were unavailable at the time. A continuance was requested in order to acquire interpreters; however, the court denied the continuance. The Issues Committee

requested the full transcript and provided it to the Interpreter Commission. After review, the Commission agreed to send a letter to the court reminding them of the importance of providing interpreters when needed.

#### **Issue IV:**

An interpreter candidate's background check revealed a misdemeanor conviction in 1995 for possession of marijuana, when he was 18. He is now 35. The Issues Committee reviewed the background check and decided the conduct did not prohibit the candidate from providing interpreting services. The committee approved the candidate's certification.

#### **Issue V:**

Interpreter candidate requested a waiver of the minimum 65% score on the non-passing section of the oral exam, to obtain an exam rescore. In addition, the candidate requested an opportunity to retake the simultaneous portion of the oral exam before September 2013 when the test is routinely given. After the committee reviewed the policies associated with these issues and discussed in depth the criticality of retaining high standards for qualified interpreters, the committee members voted to deny the request. The maintenance of high standards in interpreter education is a key component to consistent quality and accuracy.

### **VI. Program Updates**

#### **Judicial College Presentation:**

Judge Riehl gave an overview of the annual judicial college presentation held at the Red Lion in Bellevue. He commented that judicial officers were alert and asked practical questions. He further stated that he would like more time devoted to the interpreter presentation, to allow more interaction with participants.

#### **SJI Grant Funded Training Update:**

The Commission reviewed and discussed the training process and selection criteria. Candidates were invited to participate in the training based on the following:

- Oral exam scores for 2010 and 2011 of candidates who did not pass the exam were used. Although scores were considered they were not the only consideration.
- Weighting was given for specific geographical regions in need of certified interpreters for particular languages.
- Candidates had to have demonstrated a strong aptitude for court interpretation.

The languages selected were: Cantonese, Korean, Mandarin, Russian, Somali, Spanish and Vietnamese. The training was conducted at Highline Community College. Funds

were allocated for people to travel. Eighteen candidates started the program and sixteen completed. Candidates were tested in January and scores were not available when the Commission met. Thus program success was not known, although one commission member stated that passing scores should not be the deciding factor regarding program success. Success should be determined based on overall impacts to Interpreter's ability to earn a living wage. A multifaceted approach would be better suited to promote the program.

### **Oral Exam Test Results:**

The Commission reviewed oral exam results from 2004 to 2013. Results showed progress certifying interpreters in Spanish, Russian and Mandarin, with very little success certifying interpreters in other languages. Korean oral exam takers had a very low pass rate. Eighty-one tests had been administered with one passing score. Vietnamese was also troubling. Forty-five tests had been administered with 3 passing scores.

The Commission decided that additional data was needed to determine the reasons for the low passing rate. Independent evaluation for each language was proposed as a method for interpreter exam scoring. Justice González proposed including the Korean/American Bar Association in a discussion about oral exam. The Justice recommended that this would be an issue for the Issues Committee to investigate. The Commission instructed the Issues Committee to contact the National Center for State Courts Consortium on Language Access and gather additional data for a more thorough discussion of oral exams beginning with Korean exams.

### **Language Access Coordinator Recruitment:**

AOC received approximately 25 applications for the Language Access Coordinator position. Interviews are being scheduled but recruitment remains open. Everything is being done to find a suitable candidate. Preferred candidates will meet with Justice González before a hiring decision is made.

## **VII. Commission Discussion**

### **BJA Resolution Next Steps:**

The Commission discussed what data might be useful to illustrate the impact of limited interpreter availability. Justice González stated that actual cost to the courts requiring interpreters might be obtained by calculating the daily costs of a proceeding delayed due to unavailability of an interpreter. In addition, the proposed SC-CMS database will also enable the courts to determine the cost associated with interpreter unavailability locally or statewide. Interpreter unavailability could be placed into categories like wrong language, not scheduled, not available, etc.

### **Interpreter Commission Mission:**

Commission members reviewed the commission's mission and purpose. After some discussion, members agreed to make the following changes to the Commission mission/purpose:

- Judge Reihl and Krisit Cruz will propose language that gives the Issues Committee authority to address issues regarding access to interpreter service in the courts.
- The number of committee members required for each committee will be changed from "three" to "at least three".
- The number of committees a commission member may serve on will be changed from "one" to "at least one".

Changes to the rule must be submitted to the Supreme Court Rules Committee.

### **Potential Commission Projects:**

#### **Video Remote Interpreting (VRI):**

The Commission discussed how VRI might improve the delivery of interpreting services. The Washington State Supreme Court is requesting funding for a VRI pilot from the Legislature. The National Center for State Courts is leading a project to draft national standards for VRI. A VRI project in Florida<sup>1</sup> Courts provides a national model. The Florida project is quite innovative as the interpreter has complete control over both volume and video. Headphones enable private conversations between attorney and client and the equipment setup is extremely sophisticated. Washington State is moving toward this trend cautiously.

#### **Adjourn**

Justice González adjourned the meeting. He stated that the agenda items not covered in this meeting will transfer over to the next meeting. They are as follows:

- Bellevue College Collaboration
- Revise Process for Noncompliance with Biannual Requirements

**The next meeting is scheduled for May 31, 2013, 9 a. m. to noon at the AOC Seatac Office Facility, 18000 International Blvd., Suite 1106, SeaTac.**

<b>Decision Summary</b>	<b>Status</b>
<b>Committee Appointments</b> <i>Judge Riehl, Disciplinary Committee Chair</i> <i>Sam Mattix, Disciplinary Committee Member</i> <i>Linda Noble, Education Committee Member</i>	Completed
<i>Commission will send a letter to King County Superior Court stressing the importance of providing interpreters.</i>	In-Process
<i>Commission will revise its mission.</i>	In-Process

<b>Action Item Summary</b>	
<i>Justice González will discuss combining the Education and Issues Committees with committee chairs.</i>	<i>Future Action</i>
<i>Kristi Cruz will draft, for commission input, a letter to King County Superior Court regarding the importance of providing interpreters.</i>	<i>Completed</i>
<i>The Issues Committee will contact the NCSC Consortium on Language and obtain Korean oral exam data.</i>	<i>In- Process</i>
<i>Judge Riehl and Kristi Cruz will draft, for commision input, revised language for the Commission's mission.</i>	<i>Completed</i>
<i>Staff will prepare a GR 9 rule change submission.</i>	<i>Future Action</i>

<sup>i</sup> <http://gcn.com/articles/2012/10/22/ga-ninth-judicial-circuit-court-of-florida-vri.aspx> ;  
<http://www.ninthcircuit.org/programs-services/court-interpreter/centralized-interpreting/>

Minutes approved by e-mail April 15, 2013