



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 Florida¹ 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.

| Decision Summary | Status |
|---|---------------|
| Committee Appointments <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 |

| Action Item Summary | |
|---|----------------------|
| <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> |

ⁱ <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

SB 5398/HB1542 Update

Both bills died during the regular session. By virtue of the pro forma resolution affecting all bills introduced during the 2013 regular legislative session, both were reintroduced for possible action during the special session in the same way that they will be reintroduced for the 2014 short session. The definition of "carryover" is provided below, which explains the process. While both bills are technically alive, AOC does not believe either will see action during the special session, which will be limited to a short list of items, such as budget. The bills will be alive during the 2014 session, as well. The Board for Judicial Administrations has not engaged in any discussion regarding next steps.

HB 1542 passed the House, but was amended by House Appropriations to remove the state funding specifics – it reverted back to current law, which states that the state will provide "up to 50% reimbursement." Neither bill received a hearing.

Carryover: The Legislature works within the framework of a two-year cycle. In a two-year cycle there are at least two regular sessions, a "long" session during the odd-numbered year (for example 2013) (105 days) and a "short" session in the even-numbered year (for example 2014) (60 days). There could also be any number of special sessions, none of which can last longer than 30 days.

Therefore, just because a bill did not make it all the way through during the regular session in the odd-numbered year does not mean it is "dead." At the end of the session, all bills in the second house are returned to the first house; so a House bill in committee in the Senate when session ends is returned to the House. At the start of the next session, be it a special session or the next regular session, bills from the previous session are reintroduced and retained in their present position.

"Carryover" bills can be taken up again in subsequent sessions during the biennium. The Legislature has a lot of latitude with these bills. The first house can place the bill on the calendar for third reading and send it right back to the second house, or it can make the bill go to committee and through the whole process again.

This is in addition to the new bills introduced during the current session. This procedure can make it difficult to keep track of bills during a special session or the second regular session. If a bill does not make it through the process by the end of the two-year cycle, it is "dead."



May 31, 2013

TO: Interpreter Commission
FROM: Issues Committee
RE: Response to Requests

The Issues Committee met May 7, 2013 and discussed the following requests.

Issue I:

The Commission received a request to limit the number of continuing education credits approved per Interpreter conference or workshop to encourage interpreters to attend professional organizations, workshops, local events and web seminars.

Background:

The following examples describe how this issue is dealt with by other organizations:

American Translators Association (ATA)

- ATA offers one CEP per hour for approved seminars, workshops, conferences and presentations, based on full hours (not including meals and breaks), up to a maximum of 10 CEPs per event. No partial hours will be counted.
- ATA offers a maximum of 5 CEPs for an approved college, university, or other course regardless of its length.

Another State Program

Oregon Interpreter Program

Oregon does not limit the amount of continuing education credits an interpreter can earn per event. Below you will find the CE portion of the State Court Administrator Policies for the Oregon Judicial Department's Oregon Certified Court Interpreter Program.

Continuing Education Approval:

1. CEUs will be awarded for educational activities that have been preapproved by CIS.
2. For all non-OJD-sponsored continuing education activities, the interpreter must submit educational activity information to CIS for approval at least 30 days prior to the beginning of the activity using the CIS application.
3. Sponsors wishing to present a continuing education program and seek OJD CEU credits must request approval at least 30 days prior to the beginning of the activity using the CIS application.

The criteria below will be used for purposes of determining if any activity, including those classified as independent study, constitutes education for the purpose of meeting the OJD continuing education requirements.

4. Continuing education activities must meet the following **three** criteria:
 - a. The subject matter is relevant to court interpreting, the work of the courts, or the judicial branch;
 - b. The education is at least 50 minutes in length; **and**
 - c. Anticipated learning outcomes are identified before the educational activity.
5. Continuing education activities must also meet **at least two** of the following five criteria:
 - a. The learning environment is educationally sound and conducive to learning the subject matter;
 - b. The participant receives or has access to all the reference tools and other materials and resources;
 - c. The participant has an opportunity to practice using or applying the new information or skill;
 - d. The participant has the opportunity to interact with knowledgeable faculty or other experts to pose questions or clarify understanding; or
 - e. An assessment tool or activity enables the participant to determine whether the skills, abilities, or knowledge gained through education can be used in the future.

6. Independent Study

For purposes of granting CEUs, independent study activities refer to non-instructor-led educational activities that meet the above criteria. Independent study may be language

specific for interpreters who, due to extenuating circumstances, are unable to participate in other continuing education events.

C. Calculation of Continuing Education Units

1. Fifty (50) to 60 minutes of contact is worth one continuing education unit.
2. Teaching or leading any OJD-sponsored continuing education event will earn two CEUs per 50 to 60 minutes of contact. Policies for the OJD Oregon Certified Court Interpreter Program 2012 15.
3. Teaching in non-OJD-sponsored activities will be evaluated on a case-by-case basis upon request 30 days prior to the beginning of the activity using the CIS application.

Other Professions

- Continuing education credits are not limited per event for guardians, attorneys, judicial officers or social workers.

Relevant Interpreter Program Policy:

See Attachment A

Committee Decision:

The Committee voted not to limit the number of continuing education credits approved per Interpreter conference or workshop. The Committee supports encouraging interpreters to attend conferences and workshops, but disagrees with limiting the number of education credits approved per interpreter conference or workshop to achieve this goal. In addition, the Committee believes that opportunities for interpreter continuing education are far too limited to impose this restriction. The Committee believes the approval guidelines for continuing education could be improved. They voted to ask the Commission to appoint a committee to revise the guidelines (see Attachment A).

Issue II:

The Commission received a request to add Computer Assisted Realtime Translation (CART) as a reimbursable language in the Interpreter Reimbursement Program.

Background:

“Computer-aided transcription services” or Communication Access Realtime Translation (CART) services, is a professional service that can be delivered on location or remotely. The National Court Reporters Association (NCRA) describes CART services as “the

instant translation of the spoken word into English text using a stenotype machine, notebook computer and Realtime software.” Text produced by the CART service can be displayed on an individual’s computer monitor, projected onto a screen, combined with a video presentation to appear as captions, or otherwise made available using other transmission and display systems.

CART services are recognized by disability organizations as an Americans with Disabilities Act (ADA) accommodation and are currently being provided to:

- Individuals who are deaf or hard of hearing.
- Individuals with learning disabilities who benefit from receiving information multi-sensory (auditory and visual).
- Individuals with visual impairments who can benefit from having information in electronic format (on disk) to later use in their personal computers with screen readers.
- Individuals with mobility impairments who are unable to physically take notes.
- Individuals with Attention Deficit Disorder who may miss some information.

Relevant Interpreter Program Policy:

Washington State Interpreter Services Funding

Funding Conditions/Payment Structure

Following are the conditions and payment structure for the interpreter services funding. They generally reflect those set forth in the decision package presented to the 2007 legislature which ultimately resulted in receipt of this funding.

1. **GENERAL:** The AOC will reimburse trial courts for 50% of the cost of certified, registered or qualified interpreters subject to the following requirements:
 - a. **Certified Languages**
Compensation for interpreters for certified languages will only be reimbursed for compensation paid to certified interpreters.
 - b. **Registered Languages**
Compensation for interpreters for registered languages will only be reimbursed for compensation paid to registered interpreters. Notwithstanding, if either (1) the AOC master interpreter list for registered languages does not include any interpreters registered for a particular language, or (2) after diligent search, a registered interpreter cannot be obtained for a particular language; then reimbursement will be provided for compensation to an interpreter who is otherwise qualified on the record pursuant to Chapter 2.43 RCW.

c. Non-Certified and Non-Registered Languages

Compensation for interpreters for languages for which neither certification nor registration is offered will be reimbursed where the interpreter has been qualified on the record pursuant to Chapter 2.43 RCW.

2. **ASL INTERPRETERS:** In order to receive funding for American Sign Language (ASL) interpreters, courts must use either (a) an interpreter with an SC:L or comparable legal specialist certification, or (b) interpreters provided or referred by DSHS Office of Deaf and Hard of Hearing (ODHH) or a community center for the hard of hearing. Interpreters obtained under (b) must be paid according to the scale set by ODHH. See RCW 2.42.130, 2.42.170. Under the current DSHS state contract, this pay rate is typically \$50 per hour with a one hour minimum. ASL interpreter compensation in excess of \$50 per hour or requiring a guarantee of payment for more than a two hour minimum (where the actual interpreter service ultimately provided was not more than two hours) will be the sole responsibility of the court.

Committee Decision:

The Committee voted to not add Computer Assisted Realtime Translation (CART) as a reimbursable language in the Interpreter Reimbursement Program. The Committee does not believe CART satisfies the guidelines for inclusion in the reimbursement program for foreign languages. CART is generally provided as an accommodation pursuant to the requirements of the ADA.

Issue III:

Korean language oral exam takers in Washington State have a very low pass rate. Eighty-one tests have been administered with one passing score. Vietnamese language testing is also troubling. Forty-five tests have been administered with three passing scores.

Background:

February 2013, 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. Several languages, including Korean and Vietnamese had low pass rates.

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 exams. He also recommended that the Issues Committee investigate. The Commission instructed the Issues Committee to contact the National Center for State Courts' (NCSC) Consortium on Language Access and gather additional data for a more thorough discussion of oral exams beginning with Korean language exams.

Data Received from NCSC:

- Number of NCSC Korean language oral exams administered.

NCSC reports that 230 Korean language oral exams have been administered since 1996. The table below provides oral exam data by state, representing a 2.6 % pass rate.

NCSC reports that one test taker passed on the first attempt; three individuals passed on their second attempt; one individual on his/her third attempt; and one individual on his/her fourth attempt. Please note that two states allow for test section scores to be carried forward so the candidate does not have to take the entire exam at each sitting.

| State | # of test candidates | Pass | Failed |
|-----------------|-----------------------------|-------------|---------------|
| AK | 2 | 0 | 2 |
| CA | 18 | 0 | 18 |
| CO | 8 | 0 | 8 |
| CT | 1 | 0 | 1 |
| GA | 11 | 0 | 11 |
| HI | 5 | 0 | 5 |
| MD | 23 | 2 | 21 |
| MI | 7 | 0 | 7 |
| MN | 3 | 0 | 3 |
| NJ | 61 | 2 | 59 |
| NV | 1 | 0 | 1 |
| OH | 1 | 0 | 1 |
| OR | 6 | 0 | 6 |
| PA | 5 | 0 | 5 |
| TX | 11 | 0 | 11 |
| VA | 4 | 0 | 4 |
| WA ¹ | 56 | 2 | 54 |
| WI | 7 | 0 | 7 |
| Total | 230 | 6 | 224 |

NCSC further reports that there has been no psychometric analysis conducted of the exams although the subject has been discussed at prior annual meetings. The solution has been to provide more interpreter training opportunities.

There is currently no ongoing work to change, revise or update exams, but the Council of Language Access Coordinators (CLAC) can recommend modifications to

¹ Washington's Interpreter Program data does not agree with the data received from the NCSC.

existing exams to the Language Access Advisory Committee (LAAC). Currently, there isn't a procedure to allow independent review of oral exams.

Per NCSC, oral exam grading is done objectively based on the scoring dictionary. Scoring unit categories are clearly defined so raters know whether or not there is latitude in the scoring.

Committee Decision:

The Committee voted to ask the Commission to draft a letter asking the Language Access Services Section (LASS) of the National Center for Court Access to analyze oral exams. After the Committee met, the Director of Language and Access to Justice Initiatives for NCSC informed AOC staff that the Language Access Advisory Committee (LAAC) of the Conference of State Court Administrators (COSCA) is considering prioritizing the modification of any oral exams. In addition a full audit of exams is pending.

Issue IV:

Commission members reviewed the commission's mission and purpose. After some discussion, members agreed that the purpose needed to be revised to clarify the Commission's ability to advise courts and GR 11.1 needed a few minor technical revisions.

Background:

Members agreed to make the following changes GR 11.1:

1. 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.
2. The number of committee members required for each committee will be changed from "three" to "at least three".
3. The number of committees a commission member may serve on will be changed from "one" to "at least one".

As agreed, Judge Reihl and Kristi Cruz circulated proposed revisions which have been included in Attachment B.

Committee Decision:

See Attachment B.

CONTINUING EDUCATION GUIDELINES

CLASS APPROVAL AND CREDIT

A. Approval

An application for course approval must be submitted for each course by either the provider or an attendee. Credits for the class are decided by the AOC. If the person submitting the application disagrees with the decision of the AOC on an application, the person may submit a written appeal to the AOC within 30 days of the date of the AOC's decision. The appeal shall be decided by the Issues Committee of the Interpreter Commission. The decision of the Issues Committee is final.

Approved classes are posted on the AOC Court Interpreter Program website at www.courts.wa.gov/interpreters. Once a course is approved for continuing education credit, the approval continues to be valid for a period of one year from the date the class was given. As long as the course is taught by the same instructor and the curriculum has not changed, the vendor can offer the same course for one year without submitting a new application. If either the instructor or content changes, a new application is necessary.

B. Credit

(1) Class Hours. Every AOC approved class hour shall be counted as one hour of continuing education. Credit will not be given in quarter-hour segments; however, credit will be given in half-hour segments after the completion of one full hour of class. No credit will be given for attending only a portion of a participatory activity. Arriving late or leaving early will result in the interpreter not receiving any continuing education credit for the course. . As a rule, credit may not be claimed for attending the same course more than once during a compliance period. Exceptions may be made, however, for classes that are discussion-based or hands-on skills development.

(2) Participatory Activities. Except as noted below, all continuing education hours shall be earned in participatory activities such as: a course, workshop, lecture, or other activity at which attendance is monitored and verifiable. Participatory continuing education activities may include courses offered at accredited institutions of higher learning or conferences or workshops sponsored by professional organizations, provided the topic is relevant to court interpreting and approved by the AOC. Education courses to assist in taking the written exam or oral exam are not eligible for continuing education credit. However, approval may be sought for teaching test preparation courses.

(3) Credit for Teaching. Interpreters who serve as instructors in participatory activities may receive continuing education credit for preparation and instruction time, regardless of whether they were paid for such services. The interpreter is limited to credit for three planning hours for every hour of instruction. The interpreter must track and report on a compliance form the actual time spent. No continuing education credits earned pursuant to this section may be carried forward to the next two-year reporting period.

(4) Individual or Group Study. Continuing education credit may be obtained through an Individual or Group Study. Credit will be granted for such a program if the following requirements are met:

- a) Certified interpreters may receive a maximum of six (6) credit hours through individual or group study in any given compliance period. Registered interpreters may receive a maximum of three (3) hours credit through individual or group study in any given compliance period. No ethics credits may be earned through individual or group study.
- b) In order to obtain individual or group study credits, the interpreter must submit the Continuing Education Individual or Group Study Request Form to the Court Interpreter Program Coordinator at the Administrative Office of the Courts and receive approval prior to the beginning of the study. Credit for Individual or Group Study will not be granted after the study has been completed.
- c) The request must be submitted a minimum of three (3) weeks prior to the beginning of the study.
- d) Once a request is submitted, it will be evaluated to determine whether the study qualifies for continuing education credit. The interpreter(s) submitting the request will be notified whether the proposal is accepted or rejected. If the request is rejected, explanations or suggestions for change will be provided.
- e) Staff from the Court Interpreter Program may observe or inquire about an interpreter's individual or group study program at anytime without prior notice.
- f) Upon completion of the individual or group study, the interpreter(s) must submit (1) a record of attendance (group study only); (2) a written affirmation of the hours studied from each participant; (3) a copy of a specific outcome resulting from the study, such as a glossary, summary paper, etc.; and (4) a written evaluation of the individual or study from each participant.

(5) Credit for Interpreter Program/Commission Work. Interpreters who are specifically authorized by the AOC to review, rewrite and/or develop new or existing policies, manuals, materials or data managed by AOC's Interpreter Program or the Commission, may receive continuing education credit for such work, not to exceed three (3) credits during any calendar year or six (6) credits during any two-year reporting period.

All work provided pursuant to this section will be reviewed by other certified or registered court interpreters to ensure completeness and accuracy. The reviewed work will be submitted to the Issues Committee for review and to the Interpreter Commission for approval.

The Issues Committee will determine the number of continuing education credits for work provided pursuant to this section. No continuing education credits earned pursuant to this section may be carried forward to the next two-year reporting period.

CONTINUING EDUCATION PROVIDER GUIDELINES

A. Overview

The Washington State Court Interpreter Program demands superior skills for registered and certified court interpreters. In an effort to maintain the skill level that court interpreters possess at the time they pass their exams, the Interpreter Commission adopted a policy requiring each registered and certified court interpreter to participate in continuing education activities and report them every two years to maintain their registered/certified status. Court interpreter continuing education refers to educational activities in which court interpreters participate to improve their professional knowledge, skills, and abilities. The instruction may be directly related to the act of interpreting, or may cover the types of cases, terminology, or legal concepts such as criminal investigation, weapons, sex offenses, and slang. The courses of study may be a short-term workshop or long-term such as a conference or sequence of classes.

An “approved continuing education activity” is a course, workshop, lecture, field trip, or other educational activity that has been approved by the AOC. The term “approved continuing education activity” or similar phrase shall not be used in promotional materials for any educational activity unless an application for approval was submitted to and approved by the AOC. If an application for approval is pending, the provider shall state in the notice that the application has been made and is pending approval.

B. Provider Responsibilities

Providers of approved continuing education activities shall have a written and published policy upon request containing information on (1) refunds in case of non attendance, (2) time period for return of fees, and (3) notification of activity cancellation.

Providers of approved continuing education activities shall keep the following records for a period of five years in one location within the state of Washington, or in a place approved by the Interpreter Commission:

1. Course outline or syllabus
2. Record of date(s) and location(s) of activity
3. Curriculum vita or resume of instructor(s)

4. Full name of each interpreter participating in activity
5. Roster of attendance with participants' signatures
6. Copy of attendance verification issued to participants

Providers of approved continuing education activities shall notify the AOC of any change to their organizational structure and/or personnel responsible for continuing education activities, including name and address changes within 30 days after the change.

Providers shall provide documentation to participants that show they attended an approved program. Providers shall establish a system whereby participants are required to sign in at the beginning of the activity and sign out at the end. Providers shall accept full responsibility for adhering to guidelines, including, but not limited to (1) recordkeeping, (2) advertising and publicity, (3) issuance of attendance verification, and (4) instructor qualifications.

For purposes of monitoring compliance with these guidelines, the AOC may request copies of pertinent documents. Furthermore, the AOC or the Interpreter Commission may send representatives to attend any approved continuing education activity at no charge. The representative shall identify himself/herself as a member of the AOC or Interpreter Commission.

C. Instructor Qualifications

Instructors teaching approved continuing education activities shall meet the following minimum qualifications:

Interpreting Classes: Have at least a bachelor's degree from a U.S. university or the equivalent degree from a foreign university and at least five years' experience in courtroom or conference interpreting OR possess Washington State credential or federal court interpreter credential.

Translation Classes: Have at least a bachelor's degree from a U.S. university or the equivalent from a foreign university and have at least five years' experience as a professional translator OR be accredited by an AOC recognized professional translators association OR possess a university degree in translation or valid credentials as a translator from another country.

Other Classes: Possess the necessary credentials to practice their profession or trade (an academic degree, license, certificate, etc.) and have at least five years' experience in their profession or trade or have experience teaching the subject of the course in question.

The AOC may waive any requirement for individuals on a case-by-case basis and particular consideration will be given to the topic of the continuing education activity.

D. Verification of Attendance

Within 60 days of completion of an approved continuing education activity, the provider shall issue a document to each participant to verify attendance. The document may be a certificate of completion, transcript, grade, or letter. Regardless of the form of the document, the following information shall be included: name of student, course title, date of course, number of continuing hours granted, provider name and signature.

E. Promotional Materials

Any promotional materials distributed to publicize approved continuing education activities shall contain the following statement: "This course has been approved by the Administrative Office of the Courts for ** hours of continuing education credit."

Any promotional materials distributed to publicize a course for which approval is pending shall contain the following statement: "This course has been submitted to the Administrative Office of the Courts for continuing education credit and approval is pending."

Providers of approved continuing education activities shall indicate in the promotional materials the nature of the activity, the time devoted to each topic, and the identity and qualifications of the instructors.

Continuing education providers have access to publishing their upcoming classes on an electronic bulletin board located on the AOC's website. These classes do not need to be pre-approved by the AOC. A disclaimer will specifically state that the classes listed on the website are for promotion only and there is no guarantee that they have been or will be approved through the formal application process.

F. Instructions for Application

1. Fill in the name, address, and phone number of the provider.
2. Check the status of the provider.
3. Fill in the title of the course.
4. Specify the name, profession, title, etc. of each instructor. Attach a resume or include a brief biography as might be included in a course catalogue/brochure.
5. List the topics to be covered during the course. This may be accomplished by attaching a syllabus. As much information on the course content as possible should be included. If the course is not an interpreting course, a statement addressing how the topics relate to the profession of interpreting should be included.
6. Specify the date(s) when the course is being offered, where the course is being offered, and the fee required to register.
7. State the number of hours of actual classroom participation (excluding lunch hours and breaks).
8. Provide an estimated number of participants expected to attend.
9. List course materials to be used.

If the provider is submitting the application, he/she should print his/her name on the line provided, then sign and date the form. If an interpreter is submitting the application, he/she may complete this item with their name and signature. The person signing the application will be informed of the decision.

GR 9 COVER SHEET

Suggested Technical Change

General Rule (GR) 11.1 Court Interpreters

- (A) Name of Proponent: Interpreter Commission
- (B) Spokesperson: Justice Steven González
- (C) Purpose: To correct several errors occurring as a result of oversight, omission and lack of clarity regarding the Commission's jurisdiction, powers and membership requirements.

Pursuant to GR 11.1 (b) and (c) the Commission is authorized to establish three committees to fulfill ongoing functions related to issues, discipline, and judicial/court administration education. Each committee shall consist of three Commission members; one member shall be identified as the chair, and each member is expected to serve on one committee.

GR 11.1 was not written to limit participation on a committee, but to require involvement of a sufficient number of members on each committee. To clarify intent and encourage greater participation on committees, the Commission wishes to clarify that each committee shall consist of ***at least*** three Commission members and Commission members should serve on ***at least*** one committee, but are encouraged to serve on more than one committee should schedules permit.

GR 11.1 (b) (1) also authorizes the Issues Committee to review and respond to issues, complaints and or requests from interpreters. The Commission wishes to clarify that the term "issues" encompasses all issues related to the delivery of interpreter services within Washington Courts, including but not limited to interpreter certification and access to interpreters.

GG 11.1 (b) (3) states that the Judicial and Court Administration Education Committee shall provide training opportunities for judicial officers and court administrators, but fails to include court staff. The Commission wishes to correct the omission and add court staff to the list of persons to be trained.

- (D) Hearing: Not recommended.
- (E) **Expedited Consideration**: Expedited consideration is requested by the Commission. The Commission considers this to be a clarifying/technical change to the rule, rather than a change in the law.

1 **Rule 11.1 Purpose and Scope of Interpreter Commission**

2
3 (a) Purpose and Scope. This rule establishes the Interpreter Commission
4 ("Commission") and prescribes the conditions of its activities. This rule does not modify
5 or duplicate the statutory process directing the Court Certified Interpreter Program as it
6 is administered by the Administrative Office of the Courts (AOC) (RCW 2.43). The
7 Interpreter Commission will develop policies for the Interpreter Program and the
8 Program Policy Manual, published on the Washington Court's website at
9 www.courts.wa.gov which shall constitute the official version of policies governing the
10 Court Certified Interpreter Program.

11
12 (b) Jurisdiction and Powers. All certified court interpreters who are certified in the state
13 of Washington by AOC are subject to rules and regulations specified in the Interpreter
14 Program Manual. The Commission shall establish three committees to fulfill ongoing
15 functions related to issues, discipline, and judicial/court administration education. Each
16 committee shall consist of at least three Commission members and one member shall
17 be identified as the chair.

18
19 (1) The Issues Committee is assigned issues, complaints, and /or requests from
20 interpreters for review and response. If an issue related to interpreter certification
21 cannot be resolved at the Issues Committee level, the matter will be submitted by
22 written referral to the Disciplinary Committee.

23
24 (2) The Issues Committee will also address issues, complaints and/or requests
25 regarding access to interpreter services in the courts, and may communicate with
26 individual courts in an effort to assist in complying with language access directives
27 required by law.

28
29 (3) (2)-The Disciplinary Committee has the authority to decertify and deny certification of
30 interpreters based on the disciplinary procedures for: (a) violations of continuing
31 education/court hour requirements, (b) failure to comply with Interpreter Code of
32 Conduct (GR 11.2) or professional standards, or (3) violations of law that may interfere
33 with their duties as a certified court interpreter. The Disciplinary Committee will decide
34 on appeal any issues submitted by the Issues Committee.

35
36 (4) (3)-The Judicial and Court Administration Education Committee shall provide
37 ongoing opportunities for training and resources to judicial officers, ~~and~~ court
38 administrators, and court staff related to court interpretation improvement.

39
40 (c) Establishment. The Supreme Court shall appoint members to the Interpreter
41 Commission. The Supreme Court shall designate the chair of the Commission. The
42 Commission shall include representatives from the following areas of expertise: judicial
43 officers from the appellate and each trial court level (3), interpreter (2), court
44 administrator (1), attorney (1), public member (2), representative from ethnic
45 organization (1), and an AOC representative (1). The term for a member of the
46 Commission shall be three years. Members are eligible to serve a subsequent 3 year
47 term. The Commission shall consist of eleven members. Members shall ~~only~~ serve on at

1 least one committee and committees may be supplemented by ad hoc professionals as
2 designated by the chair. Ad hoc members may not serve as the chair of a committee.

3
4 (d) Regulations. Policies outlining rules and regulations directing the interpreter program
5 are specified in the Interpreter Program Manual. The Commission, through the Issues
6 Committee and Disciplinary Committee, shall enforce the policies of the interpreter
7 program. Interpreter program policies may be modified at any time by the Commission
8 and AOC.

9
10 (e) Existing Law Unchanged. This rule shall not expand, narrow, or otherwise affect
11 existing law, including but not limited to RCW chapter 2.43.

12
13 (f) Meetings. The Commission shall hold meetings as determined necessary by the
14 chair. Meetings of the Commission are open to the public except for executive sessions
15 and disciplinary meetings related to action against a certified interpreter.

16
17 (g) Immunity from Liability. No cause of action against the Commission, its standing
18 members or ad hoc members appointed by the Commission, shall accrue in favor of a
19 certified court interpreter or any other person arising from any act taken pursuant to this
20 rule, provided that the Commission members or ad hoc members acted in good faith.
21 The burden of proving that the acts were not taken in good faith shall be on the party
22 asserting it.

23
24 *[Adopted effective September 1, 2005]*
25

STATE JUSTICE INSTITUTE

QUARTERLY PROGRESS REPORT

| | |
|--|---|
| Award No. SJI-12-E-070 | Date Report Prepared: April 19, 2013 |
| Project Title: Targeted Court Interpreter Training Initiative | Report No. 4 |
| | Reporting Period January 1, 2013 – March 31, 2013 |
| | Final Report: No |
| Grantee: Washington State Administrative Office of the Courts | Subgrantee: N/A |

Report (Attach Additional Pages. See instructions on reverse side.)

1. Project Activities

On January 26, 2013, sixteen participants of the Targeted Court Interpreter Training Initiative (TCITI) took the court interpreter oral certification exam (exam). One TCITI participant (Cantonese) did not take the exam because of a sudden illness/death in her family. She has spent the past few months on the East Coast tending to her family, and does not intend on taking the exam.

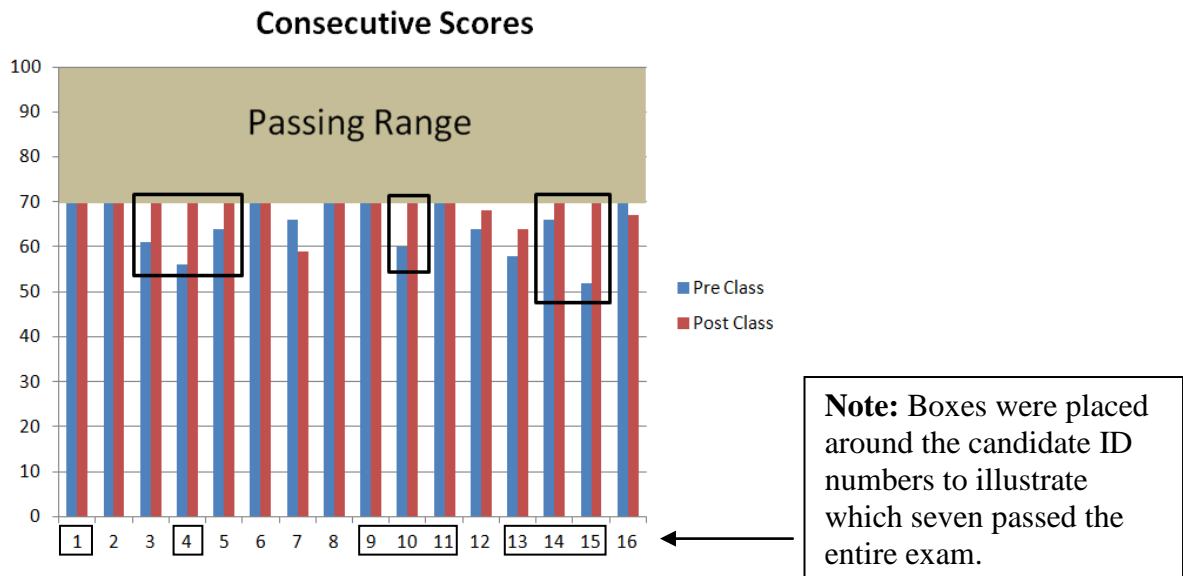
Of the sixteen individuals who took the exam, seven received passing scores, constituting a passing rate of 44%. Passing candidates represented the following languages:

- Korean (2)
- Mandarin (1)
- Spanish (3)
- Vietnamese (1)

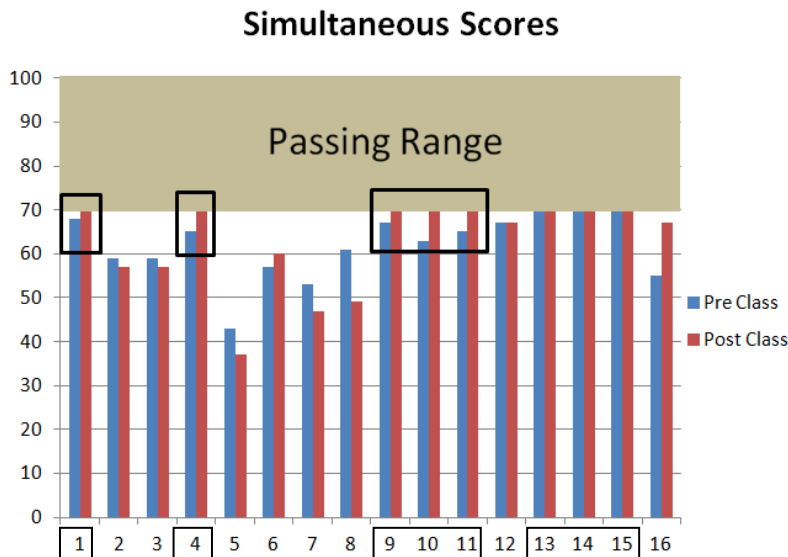
To pass, a candidate must score at least 70% in each of the three exam sections: consecutive, simultaneous and sight translation. A comparison of the participants' current scores and previous scores per test section is as follows:

Consecutive: The greatest improvement to candidates' performance was shown in the consecutive portion. In previous attempts, seven of the candidates had passed this section. After the TCITI training, twelve candidates passed this

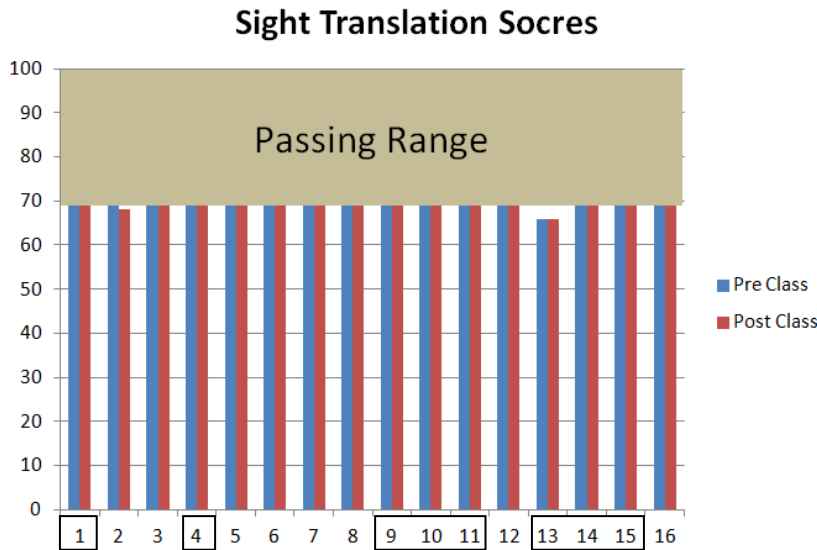
section. Six candidates passed this section after previously failing it. One candidate (#16) had previously passed this section, but now had a non-passing score.



Simultaneous: The simultaneous section is statistically the most difficult section to pass. In previous attempts, only three TCITI participants had passed simultaneous. However, those three continued to pass this section, and five additional candidates passed it as well. Several participants had decreasing scores in simultaneous.



Sight Translation: In their previous exam attempts, fifteen participants had passed sight translation. In the TCITI testing, fourteen participants passed. As shown in the following chart, Candidate #2 had previously passed this section of the exam but now had a non-passing score. Candidate #13's sight translation score stayed the same.



2. Relationship Between those Activities and the Task Schedule and Objectives Set Forth in the Approved Application, or an Approved Adjustment Thereto

The Targeted Court Interpreter Training Initiative continues to progress as originally planned. All training and testing has been completed.

3. Significant Problem Areas that Developed and How They Were or Will Be Resolved

The only current issue facing the AOC with the TCITI is that some of the contracted raters did not submit proper contract documentation in a timely manner. The AOC is working with those individuals to remedy the situation so that they can be paid for their performance.

4. Activities Scheduled During the Next Reporting Period

Participants in the TCITI will be surveyed in the next reporting period for purposes of eliciting their feedback on the TCITI program. The data gathered through this survey will be included in the final report to SJJ.

BIANNUAL REPORTING REQUIREMENTS FOR CERTIFIED INTERPRETERS

All interpreters certified by the Administrative Office of the Courts must meet these requirements in order to maintain their certification credential. There are no exceptions.

REQUIREMENTS

A. Continuing Education

Every certified court interpreter shall complete 16 hours of approved continuing education each two-year compliance period. At least two (2) continuing education hours must be earned at an AOC approved ethics workshop.

Certified court interpreters may carry over a maximum of six (6) continuing education credits earned in excess of the requirement in any two-year compliance period to the next compliance period. If an interpreter earns more than two (2) ethics credits in a review period, the additional credits may carry over as general credits but will not be counted toward the ethics requirement for the next reporting period.

B. Court Hours

Every certified court interpreter shall complete 20 court hours each two-year compliance period. The interpreter will document court hours on the compliance form by showing court location, date, case number, and number of hours spent on each case. A written statement from a court administrator attesting to the approximate number of court hours may be submitted in lieu of a listing of court cases. Court hours may include interviews, sight translation of documents in meetings with attorneys, or depositions.

C. Interpreter Conduct

Every two years, certified interpreters shall report whether they have been charged with or convicted of a crime, or been found to be in violation of a court order.

D. Execute Oath of Interpreter

Every two years, certified interpreters shall submit to the AOC a signed, sworn oath of interpreter.

VERIFICATION OF COMPLIANCE

Every certified court interpreter is responsible for completing a compliance form at the conclusion of each two-year reporting period and submitting it to the AOC. To complete the compliance form, the interpreter must document his/her (1) continuing education classes and credits, including ethics; (2) court hours; and (3) charge or conviction of any crime, or violation of any court order. The compliance form must be signed by the interpreter under penalty of perjury. The interpreter must retain written compliance documentation for a three-year period after submitting the compliance form to the AOC. The interpreter shall show proof of attendance at continuing education classes upon request.

Every certified court interpreter is also responsible for submitting a completed, signed, and sworn oath of interpreter with the compliance form. The blank oath form will be provided to the interpreter by the AOC Court Interpreter Program. The interpreter is responsible for bringing the blank oath form to a state or federal court, and requesting that a state or federal court judge administer the oath and sign the oath form.

NON-COMPLIANCE

A certified court interpreter, who fails to submit a compliance form or completed, signed and sworn oath at the end of the two-year reporting period, shall be considered out of compliance. Upon a preliminary determination of an interpreter's non-compliance by the AOC, the AOC will submit a written complaint of non-compliance, together with supporting evidence, to the Discipline Committee of the Interpreter Commission. The AOC will send a notice of non-compliance and a copy of the complaint and supporting evidence to the interpreter. The interpreter may respond within 30 calendar days of the date of notice by submitting to the Discipline Committee a written response. The response shall be in writing, and may include, affidavits or declarations of witnesses, copies of court records, or any other documentary evidence the interpreter wishes to have the Committee consider.

The Discipline Committee shall meet (in person, via email or telephone conference call) within 40 calendar days of the date of the complaint to review the complaint and supporting evidence to determine whether there is clear and convincing evidence that the interpreter is out of compliance and, if so, impose such disciplinary action as it determines appropriate.

Certified interpreters will not be issued a current ID badge until all requirements are satisfied. If the Discipline Committee suspends or revokes the certification of an interpreter, the interpreter's name will be removed from the directory of interpreters found on AOC's website at www.courts.wa.gov/interpreters and an electronic notice will be sent to presiding judges and court administrators/managers.

REQUEST FOR REINSTATEMENT

A certified court interpreter whose credentials has been suspended or revoked may apply in writing to the Discipline Committee for reinstatement pursuant to time frames established in the final notification. This request shall explain why the applicant believes the reinstatement should occur. The Discipline Committee shall have the sole discretion whether to grant or deny reinstatement, or to impose conditions upon reinstatement, as it deems appropriate.