



Interpreter Commission
Friday, September 13, 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
Eileen Farley
Sam Mattix
Linda Noble
Dirk Marler
Marti Maxwell
Theresa Smith
Judge Greg Sypolt
Alma Zuniga

Members Absent:

Kristi Cruz
Judge James Riehl

AOC Staff:

Shirley Bondon

I. Call to Order and Welcome

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

II. May 31, 2013 Meeting Minutes

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

III. Chair's Report

King County Response:

In the civil matter of *Robert W. Dahlgren vs. Alfonso Loretto, et al.*, 12-2-27768-1 SEA two limited English speaking defendants were denied a continuance by the court despite the fact that an interpreter was unavailable. Justice González drafted a letter dated May 20, 2013 to the King County Superior Court expressing the Commission's concern regarding the fact that the court did not follow statutory requirements in their effort to accommodate the needs of all LEP participants in this case. Justice González stressed the importance of ensuring all LEP persons have meaningful access to justice in Washington Courts. In response, the judicial officer reported attending the Judicial Spring Conference program on interpreter issues and recognizing the necessity of LEP persons having an interpreter present at all court hearings.

Judge Sypolt proposed incorporating a segment regarding LEP persons and Interpreters into the Annual Judicial Conference.

Language Access and DV Open House:

Justice González stated that because of the Interpreter Commission's background in language access, the Commission had been invited to participate and partner with the Language Access and Domestic Violence Court Open House on October 29th & 30th, 2013. Justice González stated that Alma Zuniga had agreed to represent the Commission at the open house.

Proposed 2014 Meeting Schedule

A proposed meeting schedule for 2014 was presented.

IV. Issues Committee Report

The Issues Committee reviewed the following issues and submitted recommendations:

Issue I:

The committee reviewed a request for an extension allowing a passing written exam score to remain valid for four years, one year beyond the three year period provided for in the current program policy adopted on October 3, 2008. Currently, failure to pass the oral exam within the three year period will result in the candidate having to re-take the written examination in order to be eligible for future oral examinations. Judge Sypolt stated that this candidate is requesting an extension due to the fact that she is scheduled to give birth around the test date.

Judge Sypolt explained that the Issues Committee had discussed the situation and voted unanimously that an exception should not be made to the current program policy. Justice González asked if the Commission had any opposing opinions to the Issue Committees recommendation. No opposition was presented.

Issue II:

Judge Sypolt reviewed proposed amendments to General Rule 11.1 Purpose and Scope of Interpreter Commission. The unrevised rule stated that commission members were limited to serving on one committee; the Issues Committee, the Disciplinary Committee, or the Education Committee. A revision would encourage commission members to serve on more than one committee. Additionally, committees are no longer limited to only three members. The second revision to GR 11.1 increased the number of commission members from 12 to no more than 15.

The Issues Committee discussed designating a specific membership for a sign language interpreter on the Commission. Unfortunately, there is a limited pool of applicants who qualify for the position, but the Committee thought this disadvantage could be overcome.

Initially, the duties of the Education Committee was to provide ongoing training and resources to judicial officers and court administrators. A proposed revision to GR 11.1 would include court staff. In addition, the Issues Committee would be charged with addressing complaints and assisting courts with compliance.

AOC Staff reported they had received several additional recommended changes to GR 11.1 from a member of the public after the Issues Committee met. Justice González asked the Issues Committee to review the new recommendations during its next meeting.

A motion was made to adopt the following proposed revisions to GR 11.1:

- Each committee shall consist of at least three Commission members and one member shall be identified as the chair.
- The Issues Committee will also address issues, complaints and/or requests regarding access to interpreter services in the courts, and may communicate with individual courts in an effort to assist with compliance.
- (c) Establishment. The Supreme Court shall appoint no more than 15 members to the Interpreter Commission, ~~and. The Supreme Court~~ shall designate the chair of the Commission. The Commission shall include representatives from the following areas of expertise: judicial officers from the appellate and each trial court level (3), spoken language interpreter (2), sign language interpreter (1), court administrator (1), attorney (1), public member (2), representative from ethnic organization (1), ~~and~~ an AOC representative (1), and other representatives as needed. The term for a member of the Commission shall be three years. Members are eligible to serve a subsequent 3 year term. ~~The Commission shall consist of eleven members.~~ Members shall ~~only~~ serve on at least one committee and committees may be supplemented by ad hoc professionals as designated by the chair. Ad hoc members may not serve as chair on a committee.

The motion passed. Theresa Smith agreed to develop a description of the individuals eligible to fill the sign language interpreter designation.

Issue III:

Judge Sypolt informed commission members that the Supreme Court expressed a desire to develop a language access plan. Justice González noted that a recent request to the Supreme Court for an interpreter during an oral argument has led the Court to look to other state courts for a language access plan. AOC staff researched language access plans in other states locating one in the Supreme Court of Arizona. Justice González stated the court needs to consider what it would do in the event a member of the public, that is not a party to the case, was unable to understand the proceedings and made the request for an interpreter. Justice González stated this is a critical

question the appellate courts need to consider when developing their policies regarding language access.

AOC staff recently received a request for an ASL Interpreter for a Supreme Court hearing which will be held at the University of Puget Sound. Staff stated that when creating a language access policy, funding for the interpreter needs to be considered. Who is responsible for the cost incurred?

The Issues Committee discussed whether to recommend a standalone language access plan for the Supreme Court or perhaps adding a section to the Washington State Language Access Plan. Judge Sypolt added that the consensus among the Issues Committee was to recommend a standalone language access plan. The Issues Committee believed the statewide plan was created specifically to address the needs of trial courts and did not prove a good fit for the Supreme Court.

Issue IV:

A Community Outreach Plan was proposed to engage communities around languages in which courts have a difficult time finding and or certifying interpreters. Objectives of community outreach include the following:

- Understand the barriers to becoming interpreters.
- Explore ways to remove barriers.
- Recruit potential interpreters.
- Understand concerns regarding interpreter testing.

Judge Sypolt stated the importance of knowing where interpreters come from. He suggested researching interpreter training programs and program providers that are available to the public such as community colleges.

One member proposed a focused outreach to Korean and Vietnamese communities due to a current insufficient number of qualified Korean and Vietnamese interpreters. Community stakeholders are believed to have the potential to serve as conduits for persons interested in interpreting or for addressing interpreter issues. Justice González encouraged outreach to the Korean Bar Association.

Commission members agreed that beneficial elements of an outreach plan might include a survey, and personal contacts. Ms. Bondon commented that the court interpreter coordinator in Wisconsin created a plan and shared insights from the plan with the Issues Committee. She also suggested contacting the refugee settlement organization to explore the possibility of recruiting one of their participants to become a member of the Interpreter Commission. This person could help the commission learn more about immigrants entering Washington.

The commission discussed the fact that each language has its own unique issues, therefore a policy needs to be created that recognizes these differences.

The Commission also needs to recruit a member to fill the public member commission membership vacated by Mike McElroy. After some discussion, the Commission decided to conduct a broad and extensive search to solicit letters of interest. Staff was instructed to draft a letter soliciting new members and advertise the position widely with a January 2014 deadline.

Issue V:

Commission members briefly discussed a concern raised by an interpreter regarding the online interpreter scheduling software used in King and Snohomish county courts. The Commission agreed to discuss the issue further if a more formal complaint was received.

V. Program Updates

AOC Reorganization

Dirk Marler informed the Commission that effective October 1, 2013 AOC's Interpreter Program and Commission will become a part of the Administrative Division of AOC directly under the supervision of the State Court Administrator along with the staff of the Gender and Justice and Minority and Justice Commission. Ms. Bondon will continue to support the Interpreter Commission until a new person comes onboard.

Language Access Coordinator Recruitment:

Mr. McElroy stated that AOC narrowed the candidate list to two. He stated that both candidates have exceptional qualifications and would be a good fit for the position. Justice González will interview these two candidates in the near future.

LAAC Resolutions:

AOC staff stated that the Congress of Chief Justices and the Congress of State Court Administrators met July, 2013 and adopted two resolutions related to interpreting. Resolution 7 supports the establishment of best practices and recommendations for the use of video remote interpretation. Resolution 8 supports sharing interpreter resources through establishing a shared national court video remote interpreting network and national proficiency designations for interpreters. Commission members were encouraged to review the resolutions and send comments to AOC staff, which will be shared with the National Center for State Courts.

Adjourn

The next meeting is scheduled for Friday, December 6, 2103, SeaTac Facility, 18000 International Blvd., Suite 1106, 9 am to noon

Decision Summary	Status
<i>The Commission agreed that an exception should not be made to the current three year program policy as it relates to passing the written exam.</i>	<i>Complete</i>
<i>The Commission passed the proposed amendments to General Rule 11.1 Purpose and Scope of Interpreter Commission.</i>	<i>Future Action</i>
<i>The Commission agreed that Alma Zuniga would represent the Commission at the Language Access and DV Open House.</i>	<i>Complete</i>
<i>The Issues Committee recommended a standalone language access plan for the Supreme Court.</i>	<i>Future Action</i>

Action Item Summary	
<i>The Issues Committee will review new recommendations to GR 11.1 submitted by a member of the public.</i>	<i>In- Process</i>
<i>The Issues Committee will explore development of designating a specific membership for a sign language interpreter on the Commission.</i>	<i>Future Action</i>
<i>The Commission will conduct a broad and extensive search to solicit letters of interest to fill the vacant position of the public member commission membership. The deadline is January 2014.</i>	<i>In-Process</i>
<i>Justice Gonzalez will interview two candidates for the Language Access Coordinator position.</i>	<i>Future Action</i>
<i>Commission members will review interpreting LAAC Resolutions 7 and 8. Comments will be forwarded to AOC staff.</i>	<i>In-Process</i>
<i>The Commission will research interpreter training programs and program providers available to the public.</i>	<i>Future Action</i>