



Interpreter Commission
Friday, February 28, 2014 (8:30 a.m. – 11:30 a.m.)
AOC SeaTac Facility
18000 International Blvd., Suite 1106, SeaTac, WA 98188

MEETING MINUTES

Members Present:

Justice Steven González
Eileen Farley
Sam Mattix
Linda Noble
Fona Sugg
Dirk Marler

Members Absent:

Kristi Cruz
Judge James Riehl
Theresa Smith
Judge Greg Sypolt
Alma Zuniga

AOC Staff:

Danielle Pugh-Markie
Robert Lichtenberg
Tina Williamson

CALL TO ORDER AND WELCOME

The meeting was called to order by Justice Steven González at 8:35 a.m. Justice González introduced a new member, Fona Sugg, who will serve as Court Administrator Representative, and Danielle Pugh-Markie, Supreme Court Commissions Coordinator, who is serving in a new position within the AOC.

SEPTEMBER 13, 2013 MEETING MINUTES

The minutes of the September 13, 2013 meeting were unanimously approved after member corrections were made.

CHAIR'S REPORT

Judicial College Training:

Justice González and Judge James Riehl were the presenters for the interpreter session at the 2014 Judicial College, which is a required training event for new judges across the state. Evaluations were uniformly very high, with several commenting they could use more time; only one person said they gained absolutely nothing from the presentation. Because Judge Riehl will be retiring from the bench in the fall, Justice González and Robert Lichtenberg will rework the presentation and co-present at the 2015 program.

DOJ Letter to King County:

The Department of Justice (DOJ) has finalized their review of interpreter services at King County Superior Court. An agreement was reached and signed between King County and the DOJ to improve access to Limited-English Proficient (LEP) resources for court services and all cases in which an interpreter is needed by a participant in any legal proceeding in King County. Mr. Lichtenberg and Ms. Pugh-Markie will draft a letter to the BJA bringing them up to speed on what has been happening with interpreter

issues in King County. The letter will also be shared with all court administrators and the Washington Association of Defense Attorneys.

AOC Interpreter Program Budget:

The program has roughly \$40,000 a year to spend, not including the “pass-through” reimbursement funds. The budget also relies on fees collected from interpreter testing. In order to build the programs priorities, Justice Gonzalez looked at Court Rule 11, the Revised Code of Washington and the current duties of the program. He noted that the Commission has obligations under the Court Rule and RCW—one of them is to provide training on both sides of the state, an obligation he feels that is not currently being fully met. Accordingly, the Commission needs to figure out what its goals and priorities are and how to best meet them with the resources it has or might be able to get. Justice González would like the AOC to put together a budget package that shows the last five years of revenue from testing, how much was spent on testing, and what was done with the rest of the funds, including any additional ‘grant’ funding, because if that is no longer available the AOC can review that and understand historically what happened.

He further reported that the Senate Ways and Means Committee budget includes a \$38,000 reduction for the Interpreter Commission. This is based on the view that the AOC should treat interpreters like court reporters because court reporters pay a certification fee each year to maintain their certification. The Senate Committee proposed that the AOC impose a \$125 annual recertification fee for interpreters (to make up for the reduction in funding). Justice González delivered a letter to Representative Zack Hudgins of the House opposing the \$38,000 reduction. The letter was discussed among the members and Ms. Farley agreed to contact the lobbyist for the state bar association to weigh in on the proposed funding reduction.

Public Member Vacancy/Role:

The AOC received several applications for the Public Member vacancy on the Commission. Mr. Marler felt that the ‘rule’ [GR 11.1] has identified a particular composition for the Commission and certain membership categories and that we should respect that balance to the extent that we can and not select members to serve duplicate roles already filled-in, in accordance with the rule. After reviewing all of the applications, Mr. Marler recommended applicant Thea Jennings and Mr. Mattix recommended applicant Lawrence Pang (a currently certified court interpreter). Ms. Farley noted that there were pluses and minuses with both candidates, however, she felt that the Commission needed greater outreach on the legal matters interpreters are working with and supported Ms. Jennings as well. Members agreed to offer Ms. Jennings the vacancy and if declined by Ms. Jennings, the vacancy would then be offered to Mr. Pang.

Ms. Pugh-Markie wanted to know how and where the membership vacancy was distributed and posted. The Commission members explained that the announcement was distributed to a broad group of minority and ethnic community organizations and community newspapers. It was also posted on the AOC website. Ms. Farley would like the Commission reexamine how we publicize and recruit members in the future, so that recruitment announcements can target the kind of person for the role the Commission is

looking to fill. AOC staff will provide a report at the next meeting regarding past recruitment practices.

COMMITTEE REPORTS

Online Interpreter Scheduling (Ad Hoc):

Ms. Noble, the Committee chair, reported the Committee met in January 2014 and determined the goal of the Committee would be to produce a “best policies and practices” document with respect to designing and employing computer programs to facilitate scheduling of interpreters. One of the purposes of creating the policy document is to focus on how we best serve the needs of the stakeholders, not just the “nuts and bolts” of how to make the system work. Mr. Mattix suggested that Ms. Noble, Mr. Lichtenberg and he himself talk to the people in Oregon who use an online system called E-court. He stated that an overview of the system is given in Oregon’s 2013 Interpreter Services Report, which he will electronically forward to all Commission members. The Committee will have a further report to present to the Commission at the May meeting.

GR 11.1 and Committee Chairs:

Mr. Lichtenberg recently met with the individual chairs of the Education and the Disciplinary Committee and learned that there appears to be minor confusion as to which of the Commission’s three appointed judges is chairing which Committee. The composition of the Commission pursuant to GR 11.1 says there are to be judges from all levels of the courts. Commission members discussed whether a judge is to serve as the Disciplinary Committee’s chair in the absence of clear GR 11.1 language. Judge Riehl is currently serving as chair to both the Disciplinary and Education Committee, but will be retiring in the fall of this year. The Commission decided to move forward to fill in the chair’s position on both Committees and requested that the AOC take the lead in soliciting a jurist to assume Commission membership at the end of Judge Riehl’s term in September 2014.

Education Committee: Ms. Noble nominated Mr. Mattix to chair the Education Committee, of which he is currently a member. There was discussion amongst the members regarding the role of the Education Committee in general and specifically as to the matter of interpreter non-compliance with continuing education requirements at the end of the 2-year reporting cycle. Justice González requested that the Education Committee create a proposal to be considered by the Discipline Committee regarding how to ensure that interpreters are in compliance, the process for handling cases where interpreters are not in compliance, and the issue of progressive discipline. Mr. Mattix believed that the Committee chair needed to be a judge or judiciary staff because of the stakeholder groups sought for committee composition by GR 11.1. However, Justice González supported the nomination of Mr. Mattix based on his belief that it would be much more effective to have somebody chairing the Committee who actually knows what the issues are and has some history with the Commission rather than acquainting a new judge on everything the Commission is doing as well as immediately chairing a committee. Justice González encouraged Mr. Mattix to consider accepting the nomination if the notion that a judge has to chair a committee was the only impediment

as he does not think anyone has a better understanding of educational needs than someone who is actually providing interpreter services. Justice González conveyed that the Commission has great respect for him and that he would be a great choice for chair. With Justice González's encouragement, Mr. Mattix accepted the offer to chair the Education Committee. He will work with AOC staff to review the scope of the Committee and to look at those issues already referred to the Committee that haven't been addressed.

Discipline Committee: Justice González agreed to take on the Committee's work as chair until someone else can take over that role. Justice González will sit down with AOC staff to discuss any pending issues.

Issues Committee: Mr. Lichtenberg will refer current items to Judge Sypolt for review during his scheduled meeting with Judge Sypolt on March 7th in Spokane.

COURT INTERPRETER PROGRAM ISSUES

King County Budget Meeting Report: Ms. Farley met with Andy Bauck, staff with the King County Office of Performance, Strategy and Budget, who is compiling a report on interpreter services provided in King County. The report was requested by the King County Council as a conditional funding proviso in the 2014 King County Budget. Mr. Bauck has distributed a form to all county departments to catalog current interpreter scheduling and procurement practices. Ms. Farley had suggested they add ASL services procurement as well because his report is in regards to interpreter services procured by King County agencies, not just for foreign languages. Mr. Bauck would like to have someone from the Commission who has experience with how counties do their scheduling and that can serve as background resource. Mr. Mattix suggested that this dovetails very nicely with the ad hoc online scheduling committee and proposed that he and Ms. Noble meet with Mr. Bauck and go over the guiding principles. Ms. Farley agreed to facilitate communication between them and Mr. Bauck.

Failure to Request an Interpreter: It was brought to the Commission's attention that King County failed to provide an interpreter at a recent hearing. While this complaint is against King County, Justice González noted he finds it hard to believe that problems are happening disproportionately in King County and not in other counties, that it is possible we just do not hear about it in those other counties. Although the Commission has addressed this issue in the past with King County, another letter will be sent to the court outlining the Commission's concerns that will include an unofficial transcript of the court recording and a copy of the Department of Justice letter. In addition, a second letter will be drafted and sent to the court offering our support in LEP training assistance and resources.

Video Remote Interpreting (VRI): A draft report on VRI has been produced by a workgroup of national members. The report shows that VRI may increase the pool of available interpreters, but that it may also decrease the quality of interpreters.

Ms. Farley and Mr. Lichtenberg have reviewed the report. Their comments will be compiled and shared with Commission members electronically; meanwhile, members were encouraged to provide additional comments to Mr. Lichtenberg by March 7th.

Interpreters Compliance: Ms. Williamson provided an update regarding interpreter compliance. All credentialed court interpreters were to complete and report their biannual requirements by December 31, 2013. The Disciplinary Committee will be meeting soon to review those interpreters that are still out of compliance and impose sanctions that can range from suspension to decertification. Based on the number of non-compliant interpreters in this and in previous reporting cycles, Commission members raised concern that the compliance policy may be too vague in its enforcement aspects, allowing interpreters to remain out of compliance for too long. Justice González would like AOC staff to put together a proposal for a policy that is more clearly defined to help prevent situations like this in the future.

Next Commission Meeting

Friday, May 30, 2104

8:45 a.m. – 11:45 a.m.

SeaTac Facility

Adjourn

Meeting adjourned at 11:30 a.m.

Decision Summary	Status
Judicial College 2015: Justice González and AOC staff will rework the presentation and co-present at the 2015 program.	<i>Future Action</i>
Member Vacancy: The Commission voted to nominate Ms. Jennings to the Chief Justice to fill the Public Member Representative vacancy and if declined by Ms. Jennings, the vacancy would then be offered to Mr. Pang.	<i>Complete</i>
Education Committee: Justice González appointed Mr. Mattix to chair the Education Committee	<i>Complete</i>
Disciplinary Committee: Justice González will serve as interim chair of the Disciplinary Committee and will meet with AOC staff to discuss any pending issues.	<i>In-progress</i>

Decision Summary	Status
<p>King County Superior Court Interpreter Service: The Commission agreed to send a letter, including an unofficial hearing transcript and a copy of the Department of Justice settlement letter, through Justice González to King County Superior Court outlining the Commission’s concerns about their failure to provide a LEP litigant with an interpreter. In addition, a second letter will be drafted and sent by the AOC offering AOC staff support in LEP training assistance and resources to King County Court judges and staff.</p>	<p>Complete</p>

Action Item Summary	
<p>King County-DOJ Agreement: AOC staff will draft a letter for Commission Chair review to the BJA regarding the DOJ settlement with King County, to also be shared with all court administrators and the Washington Association of Defense Attorneys.</p>	<p>In- Progress</p>
<p>AOC Budget: AOC will put together a budget history of Interpreter Commission revenue, including grants, and expenses for the last five years and present the information at the May 28th meeting.</p>	<p>In-Progress</p>
<p>AOC Budget: Ms. Farley agreed to contact the lobbyist for the state bar association regarding funding reduction(s) affecting the Interpreter Commission.</p>	<p>In-Progress</p>
<p>Vacancy Recruitment: AOC staff will provide a report at the May 28th meeting how new members are recruited for Commission member vacancies, so that recruitment announcements can target the kind of person for the role the Commission is looking to fill.</p>	<p>Future Action</p>
<p>Vacancy Recruitment: The Commission will conduct a broad search to solicit letters of interest to fill the upcoming vacancy for the position of District and Municipal Court Representative. The deadline is September 1, 2014.</p>	<p>Future Action</p>
<p>Committee Report: The ad hoc online scheduling committee will have a further report at the May meeting.</p>	<p>In-Progress</p>
<p>Issues Committee: AOC staff will confer with Judge Sybolt on current Issues Committee matters on March 7th</p>	<p>In-Progress</p>
<p>King County Interpreter Budget: Mr. Mattix suggested that he and Ms. Noble review the guiding principles for online-scheduling practices with Mr. Bauck. Ms. Farley agreed to facilitate communication between them and Mr. Bauck.</p>	<p>Future Action</p>

<p>Education Committee: Create proposal to Discipline Committee regarding ensuring interpreter compliance with ongoing educational and compliance reporting requirements, including the issue of progressive discipline for untimely compliance reporting.</p>	<p><i>Future Action</i></p>
<p>NCSC VRI Report: Comments by Ms. Farley regarding the NCSC VRI report will be compiled and shared with Commission members electronically.</p>	<p><i>In-Progress</i></p>
<p>Interpreter Non-Compliance: AOC staff to draft a compliance policy to help prevent future cases of interpreters being out of compliance at the end of the reporting period.</p>	<p><i>Future Action</i></p>