



**Interpreter Commission**  
**Friday, May 30, 2014 (8:45 a.m. – 11:45 a.m.)**  
**AOC SeaTac Facility, Large Conference Room**  
18000 International Blvd., Suite 1106, SeaTac, WA 98188

## **MEETING MINUTES**

### **Members Present:**

Justice Steven González  
Kristi Cruz  
Eileen Farley (Phone)  
Dirk Marler  
Sam Mattix  
Linda Noble  
Alma Zuniga

### **Members Absent:**

Thea Jennings  
Judge James Riehl  
Theresa Smith  
Fona Sugg  
Judge Greg Sypolt

### **Guests:**

Berle Ross, Office of Deaf and Hard of Hearing  
Eric Raff, Office of Deaf and Hard of Hearing

### **Via Telephone:**

Martha Cohen, King County Superior Court  
Eric Kruger, Enterprise Architect, AOC  
Frank Maiocco, Kitsap Superior Court  
Emma Garkavi, Seattle Municipal Court

### **AOC Staff:**

Danielle Pugh-Markie  
Robert Lichtenberg

### **CALL TO ORDER AND WELCOME**

The meeting was called to order by Justice Steven González. Members and guests introduced themselves and Eileen Farley joined by telephone.

### **FEBRUARY 28, 2014 MEETING MINUTES**

The February 28, 2014 Commission meeting minutes were unanimously approved. AOC staff will correct some typos and post them to the AOC website.

### **CHAIR'S REPORT**

#### **2015-17 AOC Budget Request:**

Recently, Justice González presented a request to support additional interpreter funding on behalf of the Trial Courts Operations Funding Committee to the Board of Judicial Administration (BJA). The BJA adopted the request and it is now part of the budget requests that are BJA-endorsed. Mr. Lichtenberg attended the BJA presentation as well and answered questions about the use of online technologies such as online scheduling and remote video interpreting to assist courts in securing interpreter services.

Justice González reported that the proposed \$38,000 reduction in the last budget request didn't happen and that the Commission is actually asking for increased funding for the Interpreter Program. The court administrators representing trial courts are on board with this request. Although it's not likely that the Program will receive everything asked for, it is important the BJA recognizes and supports the importance of interpreter funding.

**Failure to Request an Interpreter:**

King County recently held a hearing where an interpreter was necessary, but never requested. Justice González sent King County a letter regarding the matter and their response provided some confirmation that more recognition is needed regarding court interpreter issues. However, a limited purpose, with our limited authority, has been achieved as a result of sending the letter. Justice González expressed hope that they are going to address training and to follow-up on this matter.

Mr. Lichtenberg would like to see the issue of pro se parties that do not have the ability to request an interpreter addressed. The courts may need to consider responding with an action plan that can address all questions. Mr. Lichtenberg is looking into this nationally to see if there has been any movement elsewhere.

Members discussed the idea of a standard form in multiple languages on how to obtain and request an interpreter. The question was raised whether such requests cover all case types or just civil cases. It was noted that administrative law hearings generally have information about making language requests already on the hearing notice. The Issues Committee will explore how parties are currently notified and how to arrange for interpreters for court criminal and civil appearances. Mr. Lichtenberg and Mr. Mattix will work together providing samples of notices so that the Issues Committee will have those models to work from.

**COMMITTEE REPORTS**

**Online Interpreter Scheduling (Ad Hoc):**

Mr. Mattix and Ms. Noble shared a draft report outlining a comprehensive model to serve as guiding principles for any jurisdiction developing an online scheduling system. The Committee would like input from Commission members and feedback from stakeholders that are involved in interpreter scheduling processes. As Mr. Andrew Bauch, a King County Budget Analyst, is currently working on the Interpreter Funding proviso report for King County that is due the end of June, the Committee would like to be able to have input from the report to present to him prior to that. Commission members discussed at length the structure of the guiding principles and how best to communicate their message. The Commission's perspective is to ensure that we have an efficient system that provides quality interpretation, while respecting all professionals. Mr. Lichtenberg will contact Mr. Bauch and let him know that the Commission is working on a final draft and that we invite him to a meeting to discuss it once it is finalized.

Ms. Cruz will redraft the guiding principles to reflect what was discussed at the meeting and submit the new draft to Ms. Noble for distribution to all Commission members for their input.

Ms. Pugh-Markie reported that she and Mr. Lichtenberg will be submitting a request in the next couple of days through the Administrative Office of the Courts' IT Governance process to request the implementation of a statewide online scheduling tool. With the guiding principles document and the additional input received today, the Interpreter Program will provide information as part of the request that will assist in determining staffing needs and costs and how the system might be implemented.

### **Disciplinary Committee - Interpreter Compliance:**

On April 22, 2014, the Disciplinary Committee met via conference call to review and discuss interpreters that remain out of compliance for failing to complete and/or submit their continuing education credits, court hours or Oath of Interpreter. With recommendations from AOC staff, the Committee's decision was to decertify three interpreters, suspend five interpreters for a period of three months and grant a three-month extension to 14 interpreters. As a matter of AOC procedure, if at any time during the three-month suspension or extension an interpreter comes into compliance, the disciplinary action will be removed immediately. Currently, one Spanish interpreter has come into compliance.

Discussion was had on the matter of how courts receive notice regarding interpreters that are deemed out of compliance by the Disciplinary Committee. Presiding judges, court administrators and court interpreter coordinators are notified by the Interpreter Program of all disciplinary actions electronically via listserv. The Court Interpreter Program's online directory is also a source for compliant and non-compliant interpreters. Ms. Farley would like to explore additional ways to publicize interpreter qualifications and will follow-up with the Washington State Bar Association on their process.

### **Disciplinary Committee –Grievances:**

There are currently two grievances filed with the AOC Interpreter Program: 1) The program received notice that an interpreter failed to report a criminal conviction in another state and the complainant also alleged the interpreter was involved in allegations of extortion; and 2) an allegation of incompetence from one interpreter about another interpreter referred by Judge Judith Hightower to the Interpreter Program.

A flow-chart was presented to Commission members of the steps that need to be taken by the Disciplinary Committee in reviewing these grievances. However, the Committee is currently without a chair and one will need to be appointed before reviewing the grievances. The chair has to be someone with judicial experience and cannot be the Commission chair. Mr. Marler agreed to act as interim chair until which time the two judicial vacancies are filled and a new chair is appointed. Mr. Marler will review both grievances and make a recommendation on how to proceed. Also, recognizing that the current Committee membership is only three, Ms. Zuniga was added as a fourth member. Members further discussed the two pending judicial vacancies. AOC staff will reach out to the state judicial associations for nominations. In addition, current

members, Ms. Sugg and Ms. Jennings, were recommended for the following committees: Ms. Sugg, Education Committee and Ms. Jennings, Issues Committee. Mr. Lichtenberg will contact both members and ask if they are willing to participate on noted committees.

## **COURT INTERPRETER PROGRAM UPDATES**

### **Interpreter Program Budget History and Commission Priorities:**

At the last Commission meeting in May, Justice González asked AOC staff to pull together numbers from the last five years of the program. A “working” history was provided that demonstrated where the program has been. Because the Interpreter Program and Interpreter Commission have several new members/staff, Ms. Pugh-Markie proposed a “fresh” start in regards to the budget. She proposed time be set aside at the next Commission meeting to look at the vision. Justice González would like the Commission to also look carefully at GR11 and the Commission rules.

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

Mr. Lichtenberg reported that Pierce County has started a remote interpreting pilot with a company called Stratus Video that provides a tablet laptop access to a remote interpreter through their own video program software. Stratus is a subsidiary company of a larger ASL-only video relay service provider operating through the Video Relay Services (VRS) program funded by the Federal Communications Commission.

Currently, Stratus is getting more involved with individual Washington courts, with its VRI services proposal having been sent to a few county courts. Frank Maiocco has let Stratus know that the Washington courts need to be assured that our court-certified interpreters are provided in the remote service. Stratus is challenged with getting WA court-certified interpreters for certain languages on their service platform and into their business plan.

Mr. Kruger, AOC Enterprise Architect, explained the IT governance processes, which involves a 5-step review process. The AOC has a portal for submitting requests which get escalated to different levels and may go eventually to the Judicial Information Steering Committee for implementation scheduling and processing. That process takes a while but the result is a statewide solution. He explained that if the service implementation were to be done on local courts’ IT networks on a court by court basis, they have more speed and agility to deploy and control the outcome. But the downside is the city or county has to do everything to get there. He stated that over the longer term, the total costs of ownership are usually less with a statewide implementation.

He explained that the new superior court case management system being implemented by the AOC will allow for a more efficient way for individual courts to track and secure interpreter resources using query tools and a common database. Ms. Garkavi noted that it will also allow courts to identify resources for rarer languages that can be shared among all.

It will improve business opportunities for those language practitioners and they will more likely be willing to provide their rare language interpreting skills to other local courts.

The Commission discussed the feasibility of implementing online scheduling through the AOC and it was determined it would be worthwhile to combine online scheduling and VRI in the same analysis and to look at options for local court involvement if such a tool were offered. Mr. Maiocco advocated for centralization due to the fact that having multiple courts with multiple VRI companies under contract increases the complexity of ensuring quality interpreters are available as those companies would be competing for the same rare language pools and may 'Balkanize' those resources. He and Ms. Garkavi also expressed doubt that it would be economically worthwhile for interpreters to work on-line as they do not normally work for pay in 15 minute increments or the like and courts cannot ensure how long an assignment will last or when it will begin. In addition, some courts have their own desire to work with interpreters that are not AOC-certified and who pass their own vetting approach and thus may not want to use a centralized service platform. Ms. Cruz also expressed concern that the use of interpreters' time would not be court-driven, but vendor driven, with the possibility that an online interpreter could have been working for hours on several cases during the day and experiencing interpreter fatigue, thus compromising accuracy. She mentioned that the national endeavor is to create a centralized court-driven VRI resource for the courts. Mr. Raff pointed out that on a per-minute basis, VRI is cost-effective only up to a point after which it becomes more expensive than a live person and should be limited to simpler events, such as at court service windows open to the public and the like.

Mr. Marler explained that with other AOC-implementation priorities currently underway, the near-term likelihood of implementing a statewide, centralized scheduling or VRI tool is remote, however it is important to allow the IT governance review about the online scheduling option to be completed. Justice González noted the divergence of interest in VRI and the need for additional awareness about VRI among judges.

#### **Proposed Administrative Rulemaking for ASL Interpreters in WA Courts**

Mr. Raff provided the Commission members with background about the effort by the Office of the Deaf and Hard of Hearing (ODHH), an agency within the Department of Social and Health Services to implement administrative code rules (WAC) that create a pool of sign language (ASL) interpreters qualified to work in the courts pursuant to RCW 2.42.130 and .170. After surveying other states about their certification or licensing practices and the number of ASL interpreters they have for court-related work as well as best practices in regulating the quality of the interpreting pool, ODHH worked with the AOC to craft rules that will lead to a list of interpreters for the AOC to distribute to the courts. The rules are written in such a way that the courts can individually craft their own payment terms with interpreters based on the unique factors involving the interpreter's skills and the case assignment without specifying a level of pay per se.

ODHH will be issuing a Code Reviser notice for public comment as soon as it is released for comment by DSHS and requests that the Commission provide input on the WAC. ODHH hopes that this list will also enable the AOC and ODHH to include ASL court interpreters in training opportunities.

### **2014 Written Exam Results:**

Mr. Lichtenberg provided information about the 2014 Written Exam in a handout to the Commission members, explaining that about 60% of the candidates taking the test failed and 40% passed. At the time of the Commission meeting, a small number of interpreters have applied to take the Orientation to the Oral Exam training, with only two from Eastern Washington applying. Mr. Lichtenberg noted that only 10% of the people pass the oral examination after attending Orientation and sees a need to provide training to improve their ability to pass it.

### **Tribal-State Consortium Plan**

Ms. Pugh-Markie reported there has been an effort in Washington to keep a dialogue open between tribal and state courts around a myriad of issues. The first official meeting was last year at the judicial fall conference in Wenatchee where several tribal judges and state court judges came together with facilitators Mr. Fred Fisher and Judge Bill Thorn, a leading tribal expert from Utah. They came up with a robust list of issues that include 1) addressing current plans now underway on how to keep the consortium moving, and 2) the sharing of interpreters, how do we include tribal courts into the reimbursement plan? Currently, there is just over \$600,000 a year allocated to court interpreter reimbursement and does not include tribal courts. She noted that contracted funds are fully expended before the end of an annual fiscal period, and Justice González noted that adding tribal courts to the reimbursement program would mean that the funding would run out sooner for those other courts now in the program. She stated that this is just the start of the bigger conversation as efforts are being made to move this tribal-state consortium down the road prior to September.

### **Community Outreach Update:**

Mr. Lichtenberg reported receiving an e-mail from an attorney named Margaret Pak-Enslow, who has been selected by the Korean-American Bar Association to chair their outreach effort to recruit more community members to serve as court interpreters. He plans to meet with her this Fall to move this forward. He would like to work with other stakeholder groups to do similar outreach efforts while this language group's needs are being addressed through outreach efforts by the Interpreter Program.

### **Domestic Violence/Sexual Assault Training (Next Steps):**

In May this year, a one-day training on Domestic Violence and Sexual Assault was presented in three different locations (Seattle, SeaTac and Spokane) for credentialed court interpreters, courthouse facilitators, court interpreter coordinators and advocates. It was issue specific and free to all participants. Credentialed court interpreters and certified ASL interpreters were given first priority and registration was filled within 48 hours.

The level of interest established the need and desire for more trainings for interpreters, with a strong interest in doing multi-disciplinary trainings bringing together judicial officers, court staff, advocates and attorneys. Ms. Pugh-Markie proposed moving forward in working with the Bar and Associations on interpreter best practices. Notable areas are 1) the Washington State Bar Association free CLEs during lunch (Ms. Zuniga

will provide a copy of the last notice she received from the Bar); 2) the Northwest Justice Project YouTube language access videos (a new video was just filmed that provides the perspective of deaf clients telling attorneys how best to work with them); and 3) a “top ten” list of suggestions for attorneys working with court interpreters (AOC staff will explore where that document is currently located). In addition, Ms. Pugh-Markie has proposed a “road show” as a way to reach more people, in more counties, and let them know that we exist and that we are here for them. Webinars are also being considered for various topics such as confidentiality, domestic violence, and vicarious trauma.

Justice Gonzalez suggested that the next step is to do prep work but have a chance at the Commission level to do some brainstorming and thinking about what we can be most effective in doing and about what funds we need to seek to do those things.

**OTHER BUSINESS**

Ms. Cruz reported that the WASCLA Conference is scheduled for October 24-25, 2014, possibly in the SeaTac area. As chair of the WASCLA Planning Committee, she may be contacting members for assistance. She is currently looking for a keynote speaker.

Ms. Cruz also reported that the Governor’s Interagency Council on Health Disparities has provided some language access recommendations to the Governor, which include the following recommendations: 1) all state agencies create language access plans, and 2) create a cabinet level, language access position to assist in inter-agency coordination of language access issues in State government. Because the AOC has been involved with the Interagency Limited English Proficiency work group from the beginning, the AOC or the IC may want to consider writing a letter of support to the Governor’s office to support these recommendations.

**NEXT COMMISSION MEETING**

Friday, September 12, 2014

8:45 a.m. – 11:45 am.

SeaTac AOC Facility

Decision Summary	Status
<b><i>Disciplinary Committee:</i></b> Mr. Marler will serve as interim chair of the Disciplinary Committee until the new replacement(s) for either of the two outgoing judges is selected to the Commission.	Ongoing
<b><i>Issues Committee:</i></b> To review various court notices sent to parties to a case on how to request interpreters and make recommendations for improvements as needed.	Referred to AOC and Mr. Mattix to gather materials; Future Action
<b><i>Future Agenda Placeholder:</i></b> Review of the Commission’s vision and use of fiscal resources available to the Interpreter Program	Future Action for Next Commission Meeting

Action Item Summary	
<p><b>Notices of Right to Interpreter/How to Request:</b> Mr. Lichtenberg and Mr. Mattix will work together providing samples of notices so that the Issues Committee will have those models to work from.</p>	<p><i>Future Action (Pending appointment of Issues committee chair)</i></p>
<p><b>Ad Hoc Committee Report:</b> Mr. Lichtenberg will contact Mr. Bauch and let him know that the Commission is working on a final draft and that we invite him to discuss it once it is finalized.</p> <p>Ms. Cruz will redraft the guiding principles to reflect what was discussed at the meeting and submit the new draft to Ms. Noble for distribution to all Commission members for their input.</p>	<p><i>Future Action  (Update: Done, except KC report did not include AOC comments and the revised report will be presented at the September meeting)</i></p>
<p><b>New Committee Member Appointments:</b> Mr. Lichtenberg will contact Ms. Sugg (Education Committee) and Ms. Jennings (Issues Committee) and ask if they are willing to participate on those noted committees.</p>	<p><i>Future Action (currently underway)</i></p>
<p><b>Budget Planning and Commission Goals:</b> Add to the next Commission meeting an agenda item to look at the Commission's vision and use of fiscal resources available to the Interpreter Program, taking into consideration GR11 and the statutes affecting court interpreter issues.</p>	<p><i>Future Action (currently underway)</i></p>
<p><b>ODHH Rulemaking Comments:</b> AOC staff will distribute to Commission members the public comment draft of the proposed DSHS/ODHH court interpreter administrative rules governing ASL interpreters.</p>	<p><i>Future Action</i></p>
<p><b>Community Outreach Follow-up:</b> AOC staff will meet with Korean community resources to discuss and finalize outreach strategies to recruit more Korean-speaking persons to serve as court interpreters.</p>	<p><i>Completed</i></p>