



Interpreter Commission
Friday, February 20, 2015 (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
Judge Andrea Beall
Judge Theresa Doyle
Kristi Cruz
Eileen Farley
Sam Mattix
Linda Noble
Alma Zuniga
Thea Jennings
Fona Sugg

Members Absent:

Dirk Marler

AOC Staff

Danielle Pugh-Markie
Robert Lichtenberg
James Wells

CALL TO ORDER AND WELCOME

The meeting was called to order by Justice Steven González. Members and staff introduced themselves. Judge Theresa Doyle was introduced as a new member.

December 5th, 2014 MEETING MINUTES

The December 5, 2014 Commission meeting minutes were unanimously approved by the members present.

CHAIR'S REPORT

Judicial College Training

Justice González described the recent court interpreter session at the 2015 Judicial College. Mr. Lichtenberg provided the evaluation results of the session, noting that the interpreter session received higher than average ratings.

2015 BJA Legislative Budget Request-Outreach and Advocacy

The Commission reviewed the initial draft of the talking points created by Mr. Lichtenberg. Justice González emphasized that the budget request includes funding for interpreters in the courtroom as well as for services outside the courtroom such as communicating to the court clerk. The Commission discussed several points specifically:

“Credentialed interpreters have changed compensation terms”

Judge Doyle suggested the following language for the above, “Compensation rates in many jurisdictions have not increased in 10 years.” Ms. Noble suggested that this language might set the stage for discussion of an increase in interpreter pay rates. She pointed out the original reimbursement proposals did not envision cost of living increases. There was concern that increases in interpreter pay without an increase in reimbursement to the courts would be problematic. There is a disincentive to do the right thing when funds are not available and it can create competing interests.

“Current Washington law itself creates barriers to LEP individuals...in contradiction to DOJ standards”

The Commission discussed deleting this point regarding the court paying for interpreter regardless of the LEP party’s ability to pay. This is a controversial topic and may be distracting. The theme of this point is also captured in the two points that follow it, so it could be redundant.

“A principal obligation of the State is to ensure access to justice and reliance on counties to fund that principal obligation is not realistic nor cost-effective”

The Commission discussed finessing the above bullet point as it could bring up additional questions about what entities should pay for what service. Judge Doyle suggested replacing the above point with something to the effect of “Washington State is 48th in the nation in state funding of the court system”. This would avoid engaging in the discussion of who, the state or the county, should pay for what.

“Over 100 different languages...over 180 different foreign languages in the District”

Ms. Farley suggested that this talking point regarding the Tukwila School District might distract from the issue and lead people to think the funding is related to the school district or that language access is only an issue for larger counties. She suggested it would be better to make local statistics available to people using the talking points to enable them to tailor their presentations to lawmakers’ specific jurisdiction.

“Other Opportunities to Manage Future Cost Impacts”

There was some concern that some of the points under this heading may be unrealistic and that they may not be appropriate for talking points. Justice González mentioned that lobbyists may bring up the point that a lawmaker may be interested in the topic of

preventing future costs and it may be good to have one or more of these points available for that situation.

“Monitoring and mentoring of court interpreters”

Ms. Nobel suggested this may be a useful concept to introduce in the talking points, but that it may not be appropriate in this section.

Justice González suggested an additional topic that could be addressed in the talking points is the increasing need in rural counties for interpreters which can be more costly due to travel time.

Mr. Lichtenberg brought up the issue of growth in the population of immigrants in various counties in the state. As it is difficult to predict future increases in areas of the state, state funding for interpreters helps alleviate these kinds of unpredictable burdens on counties.

The Commission reviewed how much information to provide. They agreed it would be better to not eliminate too many of the bullet points so that people will have an array of points to choose from when approaching their lawmakers. People using the points will emphasize certain talking points based on the circumstances and needs. Judge Doyle suggested that having specific details in the talking points can have value when using data that is commonly accepted as being correct and is not controversial.

The Commission agreed to help provide talking points, act as a resource when questions about interpreting issues arise, and write a letter for legislators describing the importance of interpreter issues. Justice González proposed that members of the Commission make themselves available to legislators and others with questions and the Commission members agreed to make their contact information available.

Commission members proposed sending the talking points and Commission letter to NOTIS and other groups such as Hispanic Affairs Commission and the Asian/Pacific Islanders Commission whose constituents would be affected by the proposed legislation and could who take on their own lobbying efforts.

Commission members will send their individual suggestions and edits to Mr. Lichtenberg as soon as possible after the meeting. Those edits will be used in creating the second draft to be sent out for further review by the Commission members.

On March 13th Judge González will present to the TCAB about the strategy for working with judges and lobbyists to ensure everyone is on the same page.

North West Justice Project (NWJP) letter to Grant County

The Commission took a minute to review the material in the meeting packet. Ms. Zuniga and Ms. Cruz, discussed the autonomy of local area attorneys at the NWJP and added they did not have any extra knowledge of the letter.

There was a concern that if any lawsuits resulted from the matters referenced in the letter, the case could go to the State Supreme Court. Justice González handed the role of chair to Justice Doyle and stepped out of the room for the remaining discussion on this topic.

The Commission noted that the guidance memo referenced by Grant County is from 2004 and out of date. Ms. Pugh-Markie and Mr. Lichtenberg describe a more recent 2012 letter from the AOC to the DOJ concerning the position of the BJA on language access in response to the issue of King County not paying for interpreters. The Commission agreed that this 2012 letter to DOJ exhibits more recent policy.

The Commission agreed that a response should come from the AOC rather than the Commission. Ms. Pugh-Markie suggested taking this as an educational opportunity and that Grant County should be provided suggestions based on what other courts have done to improve and manage costs of language access. Ms. Cruz suggested stressing that many courts have done away with determining a LEP party's indigency status under Rule 34. She also proposed collaborating with the Minority and Justice Commission regarding the issue of parenting seminars mentioned in the letter and providing bilingual resources.

The Commission agreed that the AOC's initial response should be to furnish Grant County with the 2012 letter to the DOJ from AOC, county survey regarding court interpreter practices, the 2010 DOJ letter, and the DOJ Memorandum of Understanding with King County. This would give the AOC time to draft a follow up letter with more specific guidance which could be sent a few weeks later. Ms. Zuniga suggested that the AOC should follow up by providing this information to all counties and municipalities. Ms. Pugh-Markie indicates she will ask members of the Commission in this process to help expedite the AOC's drafting of the letter.

Selection of Disciplinary Committee Chair

Justice González asked Judge Doyle to be the chair of the Disciplinary Committee. Judge Doyle agrees.

Mr. Lichtenberg stated that he will approach the Issues Committee about recent grievances filed by interpreters against other interpreters and how to deal with those allegations.

The Commission reviewed the member composition of the Disciplinary Committee, which includes Ms. Zuniga, Mr. Mattix, and Mr. Marler

Selection of Sign Language Interpreter Representative

Mr. Lichtenberg discussed the nomination of Jeff Wildenstein by former Commission ASL liaison Theresa Smith to serve as the ASL Member representative. Mr. Lichtenberg suggested looking to both professional organizations and the deaf community for additional nominations, explaining that the deaf community has a sense of ownership of American Sign Language and would want a say in who would be a qualified representative to the Commission. Justice González suggested that when soliciting other nominations, mentioning that Jeff Wildenstein has been nominated, and asking if they support that nomination or have other candidates they would like to nominate.

Ms. Cruz pointed out that if the deaf community is consulted then there might confusion that the member being chosen is meant to be a representative of the deaf community whereas the Commission is specifically looking for a representative of ASL interpreters. Mr. Lichtenberg agreed to limit the community organizations contacted.

Mr. Mattix asked for clarification regarding whether or not the ASL representative would need to hold an SC:L certificate. Ms. Cruz warned that the pool of interpreters in Washington State with that qualification is very small so that requirement would severely limit the pool of eligible candidates. Justice González advised that the Commission rules do not officially require that the spoken language interpreter representatives be court certified or registered. To avoid creating a different standard, the Commission should leave SC:L as a preference and not a requirement. Ms. Cruz asked for nominations to include a comment that the Commission is looking for someone who has experience working in the courts and is familiar with issues involving the courts.

Mr. Mattix asked for clarification about the status of membership the ASL representative will have. Mr. Lichtenberg explained that the proposed changes to GR-11 include making the ASL member a full member of the Commission with voting powers.

COMMITTEE REPORTS

Education Committee

Mr. Mattix reported that the Education Committee had met three times since the previous Commission meeting. He reported that the Education Committee voted unanimously to approve the following motion regarding the procedure for interpreters renewing their compliance:

It is moved that the AOC interpreter program send out a reminder of the deadline to meet compliance requirements to all interpreters on or about September 1 of the 2nd year in the reporting period. The notice will advise interpreters that they must fulfill and submit all of their continuing education requirements by Dec 31 of that year. If the requirements are not fulfilled by Dec 31, AOC will notify Washington State courts that the interpreter is “out of compliance” with CE reporting

requirements, but still certified/registered. Courts and interpreters will also be put on notice that the “permanent” (2-year) oath is no longer valid, so that interpreters who are out of compliance will have to be sworn every time they appear in court. If the interpreter does not come into compliance within sixty (60) days, the matter will be referred to the Disciplinary Committee.

The Commission discussed how the courts will know whether or not an interpreter is in compliance and still under oath. There was a consensus that the onus is on the interpreter to report this to the court. Mrs. Farley suggested an addendum to the motion:

If you are not in compliance, you will need to advise the court at the time that you will need to be sworn in.

Mr. Mattix seconded the motion and the board passed the motion unanimously. The Commission asked that Mr. Mattix draft that language to be inserted into the Interpreter Program Policy Manual.

Mr. Mattix gave the Commission a preview of upcoming topics the Education Committee will discuss, including adding the ability for interpreters to list themselves as “inactive” or “unavailable”. Mr. Mattix commented that he would reference the related policies from California.

Another future Education Committee topic is the calendar of regular and special training for court managers.

Issues Committee

Judge Beall moved that the following language to be added to the Continuing Education requirements Section of the Interpreter Policy Manual for Certified and Registered Interpreters (the proposed language in italics):

REQUIREMENTS:

Interpreter Conduct

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

If, at any time during the two year compliance period, a certified/registered interpreter is convicted of a misdemeanor, gross misdemeanor or felony, the interpreter must immediately notify the Commission of the conviction. The reported conviction will be referred to the Disciplinary Committee for review.

Judge Beall and Mr. Lichtenberg clarified that the Issue Committee discussed whether notification about being charged with a crime and not just a conviction should be

reported to the Commission, but that ultimately the Issues Committee decided that only convictions would need to be reported. The Commission unanimously approved the motion to add the new language to the reporting requirements policy.

The Commission discussed the importance of how to inform interpreters about the changes to the policy and whether the interpreters will understand the process of how to “notify the Commission.” Mr. Lichtenberg clarified that the relevant webpage and documents will be updated and letters will be sent out to interpreters. The Commission also discussed how “notify the Commission of the conviction” may be problematic given there is no clear means for the interpreters to contact the Commission. Justice González suggested that the language “notify the Commission of the conviction” be replaced with “immediately report the conviction” in an appropriate part of the sentence to be similar to other language in the handbook where interpreters inform the AOC. The Commission passed the change to the language unanimously.

In regards to the criminal conviction reporting, Judge Beall discussed the Issues Committee’s recommendation to change Rule 11.1(b) to ensure all interpreters are covered in the policy by adding language that includes “registered” interpreters in addition to “certified” interpreters. Judge Beall moved that the following language change be added the Commission’s pending submission changes to GR 11:

Change to Rule 11.1(b)

All certified court interpreters who are certified in the state of Washington by AOC *and all registered court interpreters who are registered in the state of Washington by AOC* are subject to the rules and regulations specified in the Interpreter Program Manual.

The Commission passed the motion unanimously.

Judge Beall discussed a further change to the Interpreter Policy Handbook in the section describing the approval policy of Continuing Education Credits. Recommended changes to the policy manual/rules are as follows with proposed language in italics:

Change to approval policy:

A. Approval

1. An application for course approval must be submitted for each course by either the provider or an attendee. *A provider must submit an application for approval at least 30 days in advance of the date the course is to be offered. An attendee of a course that has not been pre-approved by AOC must submit an application for approval no later than 30 days after attendance at the course. In all requests for approval, AOC will endeavor to*

respond as timely as possible. 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.

The Commission voted unanimously to change the language as proposed.

Judge Beall went on to discuss the Issues Committee current work in defining courses that interpreters can take for continuing education credits. The Committee is comparing policies from Oregon, California, and Pennsylvania to see what might be appropriate to include in Washington's policy. Judge Beall welcomes Commission members not on the Issues Committee to also review the material and comment.

Mr. Mattix suggests that AOC update the interpreter community on the status of the discussion of this issue to help alleviate the sense in the community that they have no hand or influence in shaping policy. He suggested contacting the community through the interpreter listerv and NOTIS. This would be building on an email Mr. Lichtenberg sent out to interpreters prior to the Commission meeting in December of 2014 regarding this topic.

He suggested including three main ideas: 1) Explain how the program is tasked by the RCW and General rule to determine what course content is acceptable, appropriate, and fosters professionalism in language access to the courts; 2) Describe that Washington must have high standards in its course approval to maintain the reciprocity that interpreters from Washington enjoy in states that have more strict standards in their course approval; 3) State that it's the goal of the court interpreter program to foster better coordination between the language program, interpreter community, and course providers.

COURT INTERPRETER PROGRAM UPDATES

The Commission reviewed the materials in the meeting packet without discussion.

OTHER BUSINESS

SCJA Education

Mr. Lichtenberg explained that Professor Gillian Dutton has agreed to be on the faculty to present a model language access plan (LAP). The faculty would also include a judge and court administrator. Mr. Lichtenberg invited Judge Doyle to become part of the faculty given her experience with interpreter issues in King County and Judge Doyle accepted. For the court administrator member of the faculty, Mr. Lichtenberg went on to mention that ideally the court administrator on the faculty would also be a part of the

group developing the model LAP. Ms. Sugg explained that she is on the group developing the model LAP and agrees to serve on the faculty as well.

Later in the meeting Ms. Farley reminded the Commission that she had earlier offered to help work on the LAP and was still willing to assist. Ms. Sugg offered to provide a copy of Pierce County's recently written LAP for reference.

Yakima Forum

Ms. Zuniga, Ms. Cruz, and Mr. Mattix agreed to work with AOC staff to act as a sounding board and in preparing for the forum. Ms. Pugh-Markie mentioned Judge Reukauf also expressed interest in helping with some logistical support for the forum.

Commission members suggested the local community college and a new school district building as possible venues. The Commission agreed that a varied timeline approach for advertising the forum is optimal, giving multiple notices beginning far in advance and leading right up to the event. Early notice will be important for those who will need interpreters for the event.

Commission members recommended contacting Dan Fessler from the Yakima County Department of Assigned Council, and contacting the local Bar Associations in nearby counties who can help advertise the event. AOC staff will discuss working with the other Supreme Court Commissions to identify other stakeholders who might want to participate.

The Commission discussed possible topics for the forum: what services do the courts provide; what languages are growing in demand; how the courts deals with lack of interpreters and funding; how individuals get an interpreter; are there waiting times for interpreters; are there training programs for interpreters; and other access and quality issues. It was warned that given the time constraints, it should be stressed that the forum will focus on court-related interpreting and not interpreting in educational, medical, or other settings. Ms. Cruz suggested there should be some discussion on ways attendees can continue to address the issues brought up and continue the work after the forum is over.

AOC staff handed out and introduced a document called, "*What Does the Intersection of Language, Culture, and Immigration Status Mean for Limited English Proficiency Assistance in State Courts.*" Mr. Lichtenberg and Justice González encouraged members to review the document and think about stakeholders involved in immigration issues who should be invited to the forum.

Online Scheduling IT request

Mrs. Noble suggested she and Mr. Mattix could help facilitate discussions with the 1Lingua developer to explore how the program can be customized. Ms. Noble referenced the installing of CAPTCHA feature to King County's interpreters scheduling software and the issues that it didn't solve.

OLD BUSINESS

Judge Beall asked for clarification on a previous task that the Issues Committee was assigned that involved looking at the budget and future priorities. Justice González mentioned that the main idea was for the Issues Committee to come up with some creative ideas or pressing issues for the Commission to take on and then the Commission would look to the budget to see what was financially feasible. The Commission is looking to be proactive and see what areas could be improved in the state.

Justice González discussed that the Commission's work is in three areas: work that has to be done by rule or statute, work resolving unexpected issues that come up that and need a response, and work looking at longer range planning and goals. The Issues Committee is being asked to brain storm and identify possible goals and objectives to improve interpreter related issues in the state.

A teleconference will be set up with AOC staff and some interested Commission members to discuss the model LAP.

NEXT COMMISSION MEETING

Friday, May 29th, 2015
Yakima, WA. Location TBD

Decision Summary	Status
<i>Disciplinary Committee:</i> Judge Doyle is selected to chair of the Disciplinary Committee	<i>Completed</i>
<i>Issues Committee:</i> The Commission voted to approve the proposed changes to the Interpreter Policy Manual regarding reporting criminal convictions. The Commission voted to approve the additional clarifying language regarding registered interpreters. The Commission voted to approve language regarding the Continuing Education approval policy.	<i>Complete</i>
<i>Education Committee:</i> The Commission voted to approve the new language regarding interpreter compliance.	<i>Complete</i>

Action Item Summary	
Mr. Mattix: Add additional language to the Educational Committee's new language approved at this meeting regarding the responsibility of an interpreter to inform the court if they do not have an active oath on file.	<i>Complete</i>
Justice González and AOC staff: Draft a letter for legislators to inform them of the importance of funding interpreter costs.	<i>Complete</i>
Commission Members: Send any suggestions regarding the talking points to AOC staff as soon as possible	<i>Complete</i>
Issues Committee: With budget and other constraints in mind, explore ideas where the Interpreter Commission can be proactive in improving language access in the state.	<i>Complete</i>
Education Committee: Discuss what obligations an interpreter would have while they list themselves as unavailable and what they need to do to regain active status	<i>In-Progress</i>
AOC Staff: Update the pending amendment request to GR 11 with respect to the language approved at this meeting.	<i>Future Action</i>
AOC Staff: Draft letter to update the interpreting community on the current status of the proposed changes to policy regarding Continuing Education Credits. Share with the Issues Committee before sending out.	<i>Future Action</i>
AOC Staff: Update policy manual from Interpreter Commission about immediate notification of convictions. Update necessary online forms and send letter to interpreters to notify them of the change	<i>Future Action</i>
AOC Staff: Follow up with Ms. Noble and Mr. Mattix regarding their previous work with the developer of 1Lingua (court interpreter scheduling software) prior to contacting 1Lingua.	<i>Completed</i>
AOC Staff: Send the model LAP created for the SCJA conference to the Commission members and organize a teleconference for follow up discussion.	<i>Future Action</i>
AOC Staff: Provide Judge Doyle with information regarding the Disciplinary Committee.	<i>Future Action</i>
AOC Staff: Supply Commission members with information on the proposed legislation for tracking purposes.	<i>Complete</i>

<p>AOC Staff: Distribute legislative talking points to NOTIS and other groups such as Hispanic Affairs Commission and the Asian/Pacific Islanders Commission</p>	<p><i>Complete</i></p>
<p>AOC Staff: Provide a copy of the 2012 letter from AOC to DOJ to the Interpreter Commission members</p>	<p><i>Future Action</i></p>
<p>AOC Staff: Explore if there is a way to provide users of the talking points with local statistics to bolster their talking points.</p>	<p><i>Complete</i></p>
<p>AOC Staff: Three part response to Grant County: 1) Provide Grant County with the 2012 AOC letter to the DOJ (noting that it is a little dated), county survey regarding interpreter practices, the 2010 DOJ letter, and the Memorandum of Understanding with King County along with the promise to follow up. 2) Draft a letter to Grant county with more specific guidance on their situation. 3) Send a letter, similar to the letter to Grant County, to all counties and municipalities regarding their responsibilities to language access.</p>	<p><i>Future Action</i></p>