



**Interpreter Commission**  
**Friday, September 30, 2016 (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  
Dirk Marler  
Sam Mattix  
Thea Jennings  
Judge Andrea Beall  
Lynne Lumsden  
Kristi Cruz  
Linda Noble  
Eileen Farley  
Fona Sugg  
Francis Adewale  
Judge Laura Bradley

### **AOC Staff**

Robert Lichtenberg  
James Wells

### **Members Attending by Telephone**

LaTricia Kinlow  
Katrin Johnson  
Judge Theresa Doyle  
Alma Zuniga

### **Guests:**

Czar Peralta  
Jonas Nicotra  
Grasa Barbosa  
Irene Anulacion

## **CALL TO ORDER AND WELCOME**

The meeting was called to order by Justice Steven González. Members and attendees introduced themselves.

## **APPROVAL OF MAY 20, 2016 MEETING MINUTES**

Minutes were approved with modification.

## **CHAIR'S REPORT**

**Commission Service Award**

The two outgoing members, Ms. Cruz and Mr. Mattix were presented with plaques to commemorate the work they had done while serving the Commission. Some of the future work for the Commission they hoped to see was more development of interpreter scheduling and roll out of the new Language Access Plan (LAP)

### **Welcome and Introduction of New Commission Members**

The newest members of the Commission introduced themselves. Mr. Adewale works for the Washington Defenders Association and works with the Refugee Connection in Spokane. He is also a member of the Access to Justice Board. Ms. Kinlow is the court administrator for Tukwila Municipal Court and has been involved with the Language Access Plan workgroup.

### **Approval of 2017 Commissions Meeting Calendar**

The Commission reviewed proposed meeting dates and location of next public forum. Members reviewed their calendars and proposed new dates for some of the meetings, taking into consideration the length of time between each meeting. They suggested the following date changes for the meetings:

- March 3
- May 19
- December 1

They also discussed the location of the next public forum. They discussed locating the forum in Clallam or Jefferson County. The next forum could include tribal judges. The Commission discussed how to best bring in community members. It was suggested that they avoid a court house setting since many Limited English Proficient (LEP) persons may not be comfortable coming to that setting. Peninsula College was suggested as a possible meeting place.

Community members may have difficulty attending a daytime meeting due to their work schedule and child care so the Commission discussed having a forum the night before and then having the Commission meeting the next morning. The forum could run from 4 to 6 o'clock while making it clear that people can join later. One topic that could come up is the Department of Homeland Security using border patrol agents as interpreters. Three Commission members volunteered for the panel: Mr. Adewale, Judge Bradley, and Ms. Lumsden.

### **December 2 Joint ATJ Board/Commissions Meeting**

The Commission moved on to discuss the December 2, 2016 Commission meeting. The location will be changing to the Washington State Bar Association office in Seattle and

the Commission meeting will take place in the afternoon. In the morning, there would be a joint meeting with the Minority and Justice Commission, the Interpreter Commission, and the Access to Justice Board. The purpose will be to introduce the groups to one another, find overlapping areas for collaboration, find common stakeholders, and joint educational opportunities.

One suggested topic was the need for groups in the Alliance for Equal Justice to provide interpreters. Perhaps the members of the Alliance could have a group fund for interpreters and find other ways to share resources to help overcome their limited budgets. They could look for volunteers or share a pool of interpreters or a shared contract with a telephonic interpreting services.

Other topics for the meeting could include gaps in access that were found in the Civil Legal Aid study involving issues with interpreters, minorities, immigrants and refugees. These communities are often reluctant to go to the court house and access volunteer legal services. Bringing interpreters to the forefront of this conversation about access could help make it easier for the communities to access the legal system.

### **Additional Introductions**

Commission members and guests who arrived after the start of the meeting introduced themselves. Some audience members introduced themselves, including two Portuguese interpreters. They suggested that requiring credentialed interpreters to volunteer time. They also discussed one recurring problem faced by Portuguese LEPs is that courts often believe that the LEP needs a Spanish interpreter rather than a Portuguese interpreter.

Another new member of the Commission, Katrin Johnson, also introduced herself. Ms. Johnson currently works for the Office of the Public Defense and was the previous coordinator of the Court Interpreter Program. She also held a similar position in Minnesota before coming to Washington. Ms. Johnson accepted being the chair of the Education Committee and to act as the liaison to the Joint Education Committee workgroup.

### **Draft Legislation Proposals**

The Commission discussed the proposed legislative changes for the next legislative session. One change was to remove the need for interpreters to retake the Oath of Interpreter every two years and only require them to take it once upon receiving their credentials. This would make is consistent to other states such as Oregon and Idaho. Making the oath permanent was the original intent, however, requiring the oath to be renewed every two years was part of a compromise.

Mr. Lichtenberg recently submitted the language to make the oath permanent to the Board of Judicial Administration and they would decide at a meeting in October whether or not it would receive resources to move through the legislative session. The oath legislation would be looked at separately from the interpreter funding request. There was no known opposition, although the original members who objected to the oath being permanent may still be members of the legislature. Some of the original opposition was a desire to have the oath repeated from time to time and the two year period was chosen so that it would match other interpreter compliance requirements. Justice González could reach out to those members and Ms. Noble volunteered to meet them as well. Contact Emma Garkavi may also be able to join.

### **Board Strategic Planning Retreat**

The Commission retreat discussed at the previous meeting was delayed at one point due to budgetary reasons, but it was decided that it would be held and it would be moved to January. Ms. Sugg, Ms. Farley, and Ms. Lumsden volunteered to help with planning the retreat.

## **COMMITTEE REPORTS**

### **Issues Committee**

#### *Portuguese*

Judge Beall went over the topics discussed by the Issues Committee since the last Commission meeting. The Committee looked at the status of Portuguese as a registered language. Within the past few years, a certified exam has become available for Portuguese and there has been a trend among states to adopt that test. Judge Beall recommended that the Commission move Portuguese from a registered to a certified language. A motion was unanimously approved.

**Motion: Portuguese will change from the registered language category to the certified language category.**

#### *GR11.2*

The Issues Committee has also discussed revising General Rule (GR) 11.2, the Code of Conduct for Court interpreter. A group of interpreters from the Northwest Translators and Interpreters Society (NOTIS) had already begun revising the code. Three members of the Commission have been involved in that group so the Commission has had some involvement in the revision. The NOTIS group has been meeting weekly to discuss the

revisions and their progress has been discussed during Issues Committee meetings. A draft of the revisions was provided to the Committee right before this Commission meeting but it was not yet ready for review by the Commission. They hoped to have a draft ready for the Commission review by the December meeting.

### **Education Committee**

The Commission discussed the overall scope of the Education Committee. The Committee was originally created to look at trainings for judicial officers and court staff, according to how the current rule for the Committee was written. One question was whether the scope of the Committee should expand to include interpreter education. The Committee has already done some of this kind of work. Mr. Mattix suggested that the Commission discuss whether the Education Committee should continue to discuss education beyond judicial and court officer education or whether another committee could be created to specifically address interpreter education.

### **Discipline Committee**

AOC staff discussed the activities of the Discipline Committee. Staff went over updates on to the compliance status of interpreters since the last Commission meeting and how there are still a number who have not come into compliance. Staff also discussed the categories of non-compliant interpreters and how they relate to the sanctions given by the Discipline Committee.

## **PROGRAM UPDATES**

### **LAP Template**

Ms. Cruz gave an overview of the Modal Language Access Plan (LAP). It was originally created in 2008 as a guide for trial courts to adopt interpreter services. Given the amount of time that had passed and new guidance from the Department of Justice (DOJ) a new workgroup was created to update the model LAP. One sub-group looked at the policy section of the LAP and another sub-group looked at the template, which is a tool for courts to use.

Both groups are making process and the policy group hoped to have their section completed by the end of October. The DOJ sent out new technical assistance tools in September of 2016 as a follow up to their letter in 2010. This lead to some updates to the LAP draft. The workgroup hoped to have something to the Commission by the December meeting. The Commission will be able to give input and discuss how to implement the plan. The new LAP would need to be put in to the education conferences for the different levels of courts. Having a session at the spring conferences may be possible, but the fall conference would be the focus. Court administrators would be working directly with the document so they would be a priority. Also having a letter from

the State Court Administrator and Chief Justice of the Supreme Court should accompany the LAP. It would also be good to have support from the AOC leadership team. Also the Access to Justice Board could also have some input.

The Commission discussed the possibility of getting public or stake holder feedback before the December meeting. It was suggested to get the document out and have it used then get feedback. When the LAP was originally created, there was additional funding to allow the AOC to hire extra staff to help with creating and implementing the LAP plan as well as reviewing the LAPs when the courts submitted the plan. The Commission discussed the importance of making the LAP as easy as possible for courts to use to help encourage them to use it. Courts in the reimbursement program could be incentivized to update their LAP. There was a suggestion to update the name of the document to something like “desk book” could help since the current title was cumbersome.

### **Oral Exam**

AOC staff updated the Commission on some of the program activities. For the past several years, the AOC had worked with Bellevue College who handled the registration and proctoring. However, this year AOC staff would be organizing the test. The AOC will be using some of proctors used by Bellevue College. The Commission reviewed the languages of the candidates.

AOC staff also discussed some of the goals of the Interpreter Program such as recruitment and finding people whose proficiency in English was good enough to become a credentialed court interpreter. Some states have a provisional status for interpreter who almost pass the exam but are a few points away.

Ms. Johnson discussed a previous training initiative that was funded by a grant and focused on people who very close to passing the oral exam. The training was by invitation and very intensive. The Commission suggested that the program should apply for more funding. AOC staff discussed a potential collaboration with DSHS and HCA to promote interpreter training at community colleges. One problem was ensuring enough students to enroll in the program to make it feasible. Some people may be willing to come from out of state to attend such a program. Some community colleges recently closed their interpretation programs, but their curriculum would still exist.

Ms. Lumsden brought up a concern that there were some ASL interpreter who have taken the SC:L but haven't had the opportunity to take the Orientation, which is a requirement for being considered certified to work in the courts.

### **Court Reimbursement Program**

AOC staff briefly reviewed the calculation that determines the amount of money allotted to individual courts. The AOC plans to meet with court administrators involved in the reimbursement program to find ways to modify the formula and create incentives to improve language access. The Commission discussed how opening up the reimbursement program to new courts without getting increased funding for the program could dilute the available funds and possibly make it not worthwhile for a number of courts to participate.

### **Pro-Tem Presentation and Judicial College Presenters**

The Commission reviewed the evaluations from the Pro-Tem training. Overall the evaluations were good with some commenting that they did not realize how much judges needed to help the interpreter to do their job in court.

### **Commission Membership**

The Commission discussed applicants to the remaining open seats on the Commission. They discussed how being on the Commission and earning money by working for the program as faculty would not be a conflict and would be similar to other contractors.

<b>Motions:</b>
Portuguese will change from the registered language category to the certified language category.

<b>Action Items:</b>	
Justice González and Ms. Noble will looking into finding legislators who previously objected to the oath of interpreter being made permanent.	<i>Future Action</i>
Justice González will reach out to tribal courts regarding the public forum.	<i>Future Action</i>
Judge Bradley will look into the proposal request timeline for the Access to Justice board meeting to see if it would be possible to have the LAP be a part of it.	<i>Future Action</i>
Ms. Sugg, Ms. Farley, and Ms. Lumsden will assist AOC staff planning the retreat.	<i>Ongoing</i>

Interpreter Commission Meeting Minutes

September 30, 2016

Page 8

AOC Staff – Find a location for the May public forum	<i>Future Action</i>
AOC Staff – Update calendar for next year’s commission meetings	<i>Future Action</i>