



**Interpreter Commission Meeting**  
**Friday, May 12, 2017**  
Radisson Hotel  
18118 International Blvd, Seattle, WA 98188

## **MEETING MINUTES**

### **Members Present:**

Justice Steven González  
Judge Andrea Beall  
Francis Adewale  
Maria Lucia Gracia Camón  
Thea Jennings  
Katrin Johnson  
LaTricia Kinlow  
Lynne Lumsden  
Linda Noble  
Alma Zuniga

### **AOC Staff:**

Robert Lichtenberg  
James Wells  
Cynthia Delostrinos

### **Members By Phone:**

Judge Theresa Doyle  
Fona Sugg

### **Members Absent:**

Judge Laura Bradley  
Eileen Farley  
Dirk Marler

### **Guests:**

Judge Veronica Alicea-Galván  
Nichole Walker

### **CALL TO ORDER AND INTRODUCTIONS**

The meeting was called to order by Justice Steven González.

### **APPROVAL OF MARCH 3, 2017 MEETING MINUTES**

Minutes were approved.

### **CHAIR'S REPORT**

#### **Appreciation Award**

Justice Gonzalez presented a gavel used by the Washington State Supreme Court in several of its hearings to Judge Alicea-Galván for her contributions as training faculty to the judicial community on working with court interpreters.

## **Legislative and Budget Proposal Update**

### HB1285

House Bill 1285 was BJA-endorsed legislation forwarded on behalf of the Commission and sought to establish a permanent court interpreter oath for spoken language and ASL interpreters. It was signed by the Governor and has an effective date of July 24, 2017. AOC interpreters would no longer need to renew their oath every two years and ASL interpreters would not need to do so annually. AOC staff will be informing its AO-credentialed interpreters and The Office of Deaf and Hard of Hearing (ODHH) will be informing their credentialed ASL interpreters. ODHH may have to revise its Washington Administrative Code provision relating to the submission of oaths by interpreters otherwise qualified to be listed on the ODHH-approved roster.

### HB1186

House Bill 1186 passed out of the House to the Senate during the regular session but did not survive the Senate policy committees cutoff date. During the special session, the Senate referred it back to the House. The House earmarked additional funding in their budget and the Senate did not. If some funding is provided in the final budget during the special budget session, the AOC will need to review the reimbursement program and the criteria for awarding contracts and dollar amounts to existing, and possibly additional, courts in the program. Such a process will be discussed at the September Commission meeting if necessary.

### Official Language Bill

A legislator from Walla Walla submitted a bill seeking to make English the official language of government business. The bill had only one sponsor and explicitly listed the cost of interpreting and translation as the motivation. The Interpreter Commission would keep watch on any progress of the bill. If the bill passed, it wouldn't change the constitutional requirement to provide language access.

### **Information Listserv**

The Commission discussed ways of informing people about pending language access issues such as the matter of the bill seeking to make English the official language. It would be non-political and would simply inform the community, stakeholders, and other interested parties about language access and interpreting issues. Two of the other Supreme Court Commissions have this kind of listserv. It would need to be clear that any messages on the listserv would be coming from the Interpreter Commission and not from the AOC. Commission members would be able to send messages out on their own.

### **Annual Report Draft**

The Commission reviewed the draft annual report. The Chair's statement was still in draft form and Commission members were invited to provide input during the meeting. The draft would be deemed approved by the end of the meeting if no changes were suggested during the meeting.

### **New Commission Members**

The Commission discussed the currently vacant seat on the Commission for an Interpreter Organization representative. Organizations such as the Northwest Translators and Interpreters Society (NOTIS) and the Washington State Coalition for Language Access (WASCLA) were contacted but no parties interested in the seat had come forward.

The Commission discussed changing the designation of this available seat. Court administrators were represented on the Commission but there was no seat currently designated specifically for court staff responsible for scheduling interpreters. This distinction existed at larger courts while smaller courts often have administrators also responsible for interpreter issues.

The Commission discussed expanding the membership of the Commission to enable the perspectives of LEP speakers to be heard. The Commission voted to create a Community Member representative position in order to bring aboard people who are involved in language issues for their particular language community. It is hoped that this person would represent the needs of the LEP communities and bring a layperson's perspective to our discussions.

### **BJA Resolution Renewal**

The Commission discussed the renewal renew the Board of Judicial Administration (BJA) resolution regarding interpreters. The renewal would go to the BJA's Policy and Planning Committee on May 19 and would then go to the June BJA meeting. The existing resolution was still up-to-date and no changes to the existing resolution had been proposed. The same language would be put forward for approval.

## **COMMITTEE REPORTS**

### **Issues Committee**

#### **Interpreter Compensation Survey**

The Commission reviewed a survey about how courts compensate interpreters. The survey was sent out on the listservs for court administrators and for court interpreter coordinators. The survey was created to give the Commission a better idea of the current practices of courts. This could inform updates to the reimbursement program policy and provide general guidance.

The Commission discussed its role in the issue of interpreter compensation, which is very complex with a number of conflicting positions and stakeholders. Some courts are facing the issue of groups of interpreters agreeing to work only on certain terms of their making, which would make it difficult for rural courts to provide interpreter teams at the rates they are requesting. This is not a trend that will go away as many interpreters have difficulty sustaining a career in court interpreting given the amount that some

courts pay and the cost of travel to court assignments. The pay rate has been stagnant for years in many jurisdictions with some recent increases coming only after pressure from interpreters in certain large jurisdictions..

It was felt that the Commission should not avoid the issue of interpreter compensation. It should help find ways to solve problems on both sides and help facilitate best practices. For example, one problem that was mentioned was cancelling interpreters last minute when they had been scheduled for a trial. King County recently did a study to find practices that would help decrease the amount of last minute cancellations which brought about significant changes. Those findings could be shared with other courts.

The Issues Committee asked the Commission for guidance on how to present information from the compensation survey to the courts. The Commission suggested the Committee create a shorter summary of the findings and also add context to the survey so that the courts could better understand the results.

## **Education Committee**

### Access to Justice Conference

Ms. Johnson discussed a training for legal advocates occurring as a pre-session to the Access to Justice Conference. The training will include information on working with interpreter as well as advocating for their client's language needs.

### Court Interpreter Coordinator Conference

A workshop for court administrators and interpreter coordinators will take place on June 5 (Sea-Tac) and 7 (Yakima) that will be led by court interpreter program coordinators Martha Cohen of King County Superior Court and Emma Garkavi of Seattle Municipal Court. Alice Millward of Cowlitz County and Chela Fisk of Yakima County superior courts will serve as regional faculty to lend unique regional information. The conference will take place in two locations. The workshop will review best practices, such as legal standards, and attendees will review practical issues and shared challenges.

### Fall Conference

The Education Committee proposal for an advanced workshop on language access best practices was accepted for a 90-minute plenary session at the 59<sup>th</sup> Annual Fall Judicial Conference. The session will include a simulation of what a limited English proficient (LEP) person experiences in a court proceeding and when seeking services at public service counters. The Education Committee planned to get input from judicial officers in planning the session to help tailor the situation to that audience. Feedback from previous trainings suggested that having an interpreter at the session to answer questions would help.

### Court Education Committee

The Commission discussed a recent meeting of the Court Education Committee, a sub-committee of the Board of Judicial Administration (BJA). The Committee was created in part to find ways to share resources. If the Court Education Committee moves forward, one consideration for the Interpreter Commission should be to think about how the Commission could be a resource for topics that touch language access even if that isn't the topic's main focus.

One item discussed at the Court Education Committee meeting was non-conference based education such as, webinars, how-to modules, and bench books. Another meeting was planned for June.

### **STRATEGIC PLANNING DEBRIEF**

The Commission reviewed information shared at its recent Strategic Planning Retreat. The retreat involved a lot of brainstorming and a lot of new ideas so it was important to prioritize and identify the next steps. One observation was that the Commission has many discussions and concerns that are currently outside of their mission. Expanding the Commission's mission to move beyond the mechanics of training and educating interpreters, judges, and court staff could be the next step. Commission review of its mission and vision is needed in order to effectively address current and future court interpreting matters.

The Commission reviewed a document created with the input from AOC staff and the retreat facilitator. One metaphor used to portray core functions needing attention was of a three-legged stool, with one leg representing routine Commission operations, a second leg representing strategic planning, and a third leg representing Commission partnerships, including Commission visibility and institutional relations.

Commission members were asked to identify the core strategic actions that arose from the retreat discussion. The Commission agreed on four main priorities:

- Implementing the LAP
- Advocating for increased court interpreter funding
- Recruiting new interpreters in needed languages and addressing emerging needs
- Implementing new technology options and identifying best practices for their use.

Some other issues mentioned during the discussion included:

- Commission guidance to courts on the implementation of their local LAP.
- Funding of other areas of language access (i.e., documents)
- Expanding training, resources, and support to other language access areas
- Addressing the loss of institutional knowledge as people come and go from their roles.
- Lack of community support and input on language access needs.

- Lack of Commission role branding and role awareness by others
- Inadequate supply of interpreters, geographically and for certain languages.
- Inconsistency between state and federal laws.
- Dedicating more time to strategic outreach for legislation.
- Adding members of the Commission as resources in tackling some of these issues.
- Remaining agile and able to adapt to new issues.

The Commission discussed increasing the number of Commission meetings during the year. But it felt that it would be preferable to expand the membership which bring more people and more expertise. One new committee that was proposed would be a legislative outreach committee.

### **Model Language Access Plan UPDATE**

The Model Language Access Plan (LAP) is in the final drafting stage. A point made from the Department of Justice's (DOJ) review of the LAP was the need for courts with the required complaint process to inform people that they have the option of submitting a complaint to the DOJ in addition to, or instead of, the court itself or with the Commission. The deadline for filing a complaint with the DOJ is 120 days after the incident, which is much shorter than the Commission's deadline of one year and which was noted in the DOJ review. The Commission recommended that the model template provide guidance to courts on informing parties of their complaint options and rights. Some other editing suggestions for the LAP included:

- Adding a Table of Contents
- Adding hyperlinks throughout the document
- Remove the interpreter request form now in the draft and replace it with a simpler form. The form may only need basic information such as LEP party name, date, case number, and language.

Commission members would have the week following the meeting to submit any additional changes to the draft LAP. The final version would go to State Court Administrator Callie Dietz and Chief Justice Fairhurst for their letters of support. A general orientation to the LAP will presented at the Fall Judicial Conference and region-based roll-out by AOC staff is planned.

### **NEXT COMMISSION MEETING**

Friday, September 29, 2017

8:45 a.m. – 11:45 am.

SeaTac AOC Facility

<b>Action Item Summary</b>	
<i>Issues Committee and Ms. Johnson</i> – The Committee will create an executive summary of the compensation survey with some input on context from Ms. Johnson.	<i>Ongoing</i>

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<i>Judge Doyle</i> – Provide Mr. Lichtenberg with information on following about efficiency study at King County Superior Court involving cancellations.	<i>Future Action</i>
<i>AOC Staff</i> – Forward invite for the Court Interpreter Coordinator Conference to the Commission members.	<i>Complete</i>
<i>AOC Staff</i> - Work to draft a letter to community members and victims groups to find potential new Commission members to fill the current vacant seat.	<i>Ongoing</i>
<i>AOC Staff</i> – Look into creating a listserv for the Interpreter Commission to communicate with interested parties.	<i>Ongoing</i>
<i>AOC Staff</i> – Consider where to add notification of the ability so submit a complaint to the DOJ	<i>Ongoing</i>
<i>AOC Staff</i> – Inform IC of any changes in the status of the bill making English the official language of government business.	<i>Ongoing</i>
<i>AOC Staff</i> – Review possibility of recording the SeaTac Interpreter Coordinator Training event	<i>Complete</i>