



Interpreter Commission Meeting
Friday, July 25, 2018
AOC SeaTac Office Building
18000 International Blvd, Seattle, WA 98188

MEETING MINUTES

Members Present:

Justice Steven González
Judge Teresa Doyle
Judge Andrea Beall
Francis Adewale
Judge Laura Bradley
Eileen Farley
Maria Luisa Gracia Camón
Katrin Johnson
LaTricia Kinlow
Dirk Marler
Linda Noble at 9:30
Fona Sugg
Donna Walker
Elisa Young
Alma Zuniga

AOC Staff:

Cynthia Delostrinos
Jeanne Englert
Robert Lichtenberg
James Wells

Members Absent:

Thea Jennings

CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by Justice Steven González.

APPROVAL OF March 30 2018 MEETING MINUTES

Minutes were approved without modification.

CHAIR'S REPORT

BJA Task force

The Commission reviewed some of the recent activities of the Board for Judicial Administration (BJA) Interpreter Funding Taskforce, which is working on a budget package to submit to the Legislature:

- Justice González and Judge O'Donnell, two of the co-chairs of the taskforce, presented the proposed budget package to the Supreme Court Budget Committee.
- Ms. Englert is finalizing talking points to use with stakeholders.
- Ms. Englert has been being with a number of stakeholder groups in person and by phone. This has led to a number of other potential contacts.
- The stakeholder meetings revealed a few challenging areas in providing interpreter services:
 - Not having enough interpreters available in a region, which can lead to delays and continuances.
 - Providing interpreters in dependency cases, which can involve serious consequences, where a party is LEP.
 - The continued need for education on best practices when working with interpreters.
 - Increase in the diversity of languages used in rural areas.
- Feedback will be sought from judges at courts that are in the Reimbursement Program.
- The high use of telephonic interpreting, illustrated by a survey sent out to the courts by the Task Force

The Commission discussed ways of increasing the number of credentialed interpreters, such as further training and mentoring. There are some languages that do not offer a credential since there are no testing instruments.

Staffing Update

The Commission reviewed some of the staffing changes at the AOC:

- The state court administrator, Callie Dietz, will be retiring in December.
- Sharon Harvey will be replacing Dirk Marler as the AOC representative on the Commission.
- The Minority and Justice Commission will be getting a new staff person at the AOC.

LAP Review/Approval Process

The courts that are part of the Reimbursement Program were required to submit updated Language Access Plans (LAPs) as part of their contracts. AOC staff has been reviewing these plans and found that many of the plans did not include court procedures

and often lacked information on how members of the public could get language access assistance.

The Interpreter Commission will review the LAPs to see if they meet the criteria needed to remain in the Reimbursement Program. The upcoming contracts with those courts will include language about the courts working with the AOC to improve their plans.

Ms. Kinlow volunteered to help work with AOC staff and go through the King County Municipal Court's LAO and see where it can be improved to help create a model plan.

The Commission discussed the difficulties that courts have in tracking interpreter services. The court management systems that court's use vary between courts and are inadequate for tracking interpreters. If more funding is received from the Legislature, courts might be able to improve their tracking, including services that occur outside the court.

FALL COMMISSION MEETING AND FORUM PLANNING

The September Commission meeting was moved to October 19 in Lacey to coincide with the annual conference for the Washington Coalition for Language Access (WASCLA). The Commission will hold a public forum with interpreters in the evening after the meeting.

COMMISSION RECRUITMENT UPDATE

The Commission discussed upcoming changes to the Commission Membership:

- Kristi Cruz may return to the commission in the attorney representative seat which will be vacated by Ms. Zuniga.
- Sharon Harvey will replace Dirk Marler as the AOC representative.

BENCH CARD

The Commission discussed updating the court interpreter bench. Some of the content would be updated immediately and there would also be a more thorough review to ensure the card is up-to-date and still reflects current statutes. A group from Seattle Municipal Court with some members of the Commission will do the longer review. The Commission would then approve the final product.

Immediate changes

The bench cards contains sample questions for judges to ask a party to evaluate their English proficiency. Two of these questions were deemed to be problematic and inappropriate:

3. Please tell me about your country.
4. Tell me more about your country.

The Commission voted unanimously to strike these two questions and send out the revised card to judges.

Motion: Strike the two questions from the bench card for court interpreting.

The online version of the card would be updated immediately. The updated version would be send out by email in an email from Justice González. The email will include a link to the online version and a copy of the card as an attachment. The email will include a request for input from judges and asking if they would like to be involved with the review. The email will be sent to judges and administrators. It will also show the language that has been excised.

Longer Review

The longer review of the bench card will be done by a group at Seattle Municipal Court and some Commission members: Judge Doyle, Mr. Adewale, Ms. Walker. The review will include:

- Ensuring that the information that is included is relevant for judges. For example, looking at how “good cause” should be interpreted.
- Checking that the legal language and references are current are still accurate.
- Ensuring the use of the terms “certified”, “registered”, and “credentialed” are used accurately and clarifying the certification for medical interpreters is different from the court certification.

Ideally the updated bench card should be ready for the 2019 Judicial College. The Commission can review the edits to the bench card between the October and December meetings so that the draft seen at the December meeting is mostly complete.

COMMITTEE REPORTS

Issues Committee

The Issues Committee discussed the Commission's authority over non-credentialed interpreters. The Commission was given some authority as laid out in the Revised Code of Washington (RCW) and General Rules (GR). The Committee recommends amending the GR 11.1 to include language that non-credentialed interpreters are subject to the disciplinary policies of the Commission. The disciplinary policy would then be amended to include the investigation and sanctioning of non-credentials. The Commission unanimously passed a motion to amend the General Rules. The rule change would be submitted to the Supreme Court Rules Committee in October for review.

MOTION: The proposed changes to GR 11.1 located in Appendix A are approved to be submitted to the Supreme Court Rule Committee.

Education Committee

AWSCJA/SCJA Evaluation

An interpreter related education session was held at the recent joint conference of the Association of Washington Superior Court Administrators (AWSCJA) and Superior Court Judges' Association (SCJA). The session included a panel that discussed recent actions of the immigration enforcement. The evaluations indicated that the perspective of the interpreter that was on the panel was one of the highlights of the presentation.

2018 Fall Judicial Conference

The topic of the session is the language and cultural issues that occur in juvenile and family matter cases. The faculty for this presentation was being modified and will include Judge Rugoff and Judge Riquelme. They will be joined by Monica Rodriguez from New Mexico, and Fernando Giurardo, who is involved in probation services in California.

Pre-Proposal Planning

Deadlines for some of the 2019 education session proposals are in September. The Commission discussed some possible topics:

- ADA Accommodations
 - The presentation could focus on languages access issues. Other kinds of physical issues could be referenced, but not focused on.
 - Cognitive processing issues that affect communication and how this can lead to judges may make assumptions that are incorrect.
- Video Remote Interpreting
- How to approach rare and unusual language access issues

Tip Sheet

The AOC sends out a tip sheet to judicial officers and other participants in the courts system. The Committee will be working on tip sheet that can be sent out through this system.

COMMISSION INTERPRETER PROGRAM REPORT

Commissions Manager Report

Joint-Education Committee

Chairs of each of the Commission's education committees meet to look for areas where there can be collaboration. One of the outcomes has been a joint presentation on immigration at the recent spring conference. Another has been working with the education group at the AOC to add a question on conference proposals that asks about how the session will touch on equality or diversity. Currently the answers to that question are being monitored.

A recent Committee meeting found some differences between the Interpreter Commission and the other Supreme Court commissions, including:

- The high number of judges on the Minority and Justice Commission seems to result in the have a proposal accepted at conferences.
- The Interpreter Commission does not have any judges on its education committee.
- The other commissions have more ad hoc members involved in their work.

The Minority and Justice Commission and the Gender and Justice Commissions are working on a joint education session on Evidence Rule 4.1, which takes effect in September. This rule involves the inadmissibility of evidence of immigration status in criminal and civil cases. The session will involve hypothetical situations, at least on the will involve the use of interpreters.

Commissions Activity Update

- The Gender and Justice Commission recently received a \$150,000 grant to do study of women of color and women in poverty, which may tie to immigration issues.
- There will be funding to hold Color of Justice events. These presentations are similar to the Youth and Justice Forum by encouraging young people to enter the legal profession and become judges.

Program Reports

NCSC VRI Database

Mr. Lichtenberg has been working with National Center for State Courts workgroup that is looking at create a database for interpreters to be used in VRI. Some issues that have been discussed:

- Concerns about how a state will monitor the national database for interpreters credentialed in their state.
- Where it is appropriate to use VRI and settings where its use should be limited.
- The difficulty in generating a rapport between the interpreter and the party they are working with to ensure that they are understanding one another. Sign language interpreters are been facing this issue for a long time, but it is a newer are for spoken language interpreters.

Filipino / Tagalog Training

The Filipino/Tagalog Court Interpreter training class concluded in mid-June after 10 weeks of class. The class met weekly for two hours per session. There were 23 total participants: 10 from Washington and 13 from California. AOC staff will be looking at evaluations of the class and test results to help identify the strengths and weakness of the class. If successful, this model of collaborating with other states and incorporating more language-specific content will hopefully be something we can replicate in the future.

Trainings and Exams in 2018

Ethics and Protocol Class

The Ethics and Protocol Class for the first time in eastern Washington on April 6, 2018. It took place at the Spokane Superior Court House. There were three faculty members, two from western Washington and one from eastern Washington.

There were 16 total participants in the class who interpret in 14 languages. Four participants attended the class as a mandatory part of the credentialing process. The remaining participants were invited by the local courts and the Court Interpreter Program as guests.

Some Commission members commented that is would be good to include information about doing trainings in other parts of Washington when speaking to Legislators to demonstrate the activities being done to benefit the people in their communities.

Court Interpreter Orientation

The Court Interpreter Orientation was held on June 16 at Shoreline Community College and June 23 at Gonzaga. There were 57 attendees in western Washington and 16 attendees in eastern Washington. Six of the attendees in eastern Washington were not in the credentialing process but were invited because of their experience working the court and because there are few other trainings opportunities in the area. Judge Tam T. Bui of Snohomish County District Court and Judge Michelle Szambelan of Spokane Superior Court were two of the presenters. A PhD student from Washington State University, who is studying court interpreter training, also attended.

Written Exam

The written exams were held on April 7 in Spokane and on April 14 and 15 in Shoreline. There were 231 test candidates who took the exam. This was the largest number of candidates since 2010. Sixty-seven test candidates passed representing about 17 languages.

Oral Exam

The registered language exams are scheduled individually and will take place throughout this July and August. Six candidates are expected to take the registered exams.

The certified oral exams will take place in October. They are tentatively scheduled for October 6 and 7 in Spokane and October 13 and 14 in Shoreline. Registration will open the first week in August.

There will be a special test session for Filipino (Tagalog) interpreters who attended our online training. Three candidates are planning to take the exam in the last week of August.

Compliance Status

The deadline for the most recent compliance period was originally December 31, 2017. A general extension was given to all interpreters because of technical issues with the Interpreter Profile System, which is an online application that interpreters use to keep track of their continuing education credits.

Many of the technical issues have been resolved. About 20 interpreter profiles in the application still have issues that may affect their next reporting period. All interpreters had the option of submitting the compliance requirements using paper instead of the online application.

As of July 19, 2018:

- 27 interpreters have not completed their compliance requirements.
 - About 12 interpreters have not completed any requirements or communicated with the court interpreter program.
- 11 Interpreters retired at the end of 2017 (Czech, Farsi, Spanish and Thai)

The Commission discussed the reasons why some interpreters may not be coming in to compliance, such as retirement. They talked the need to target language communities for interpreters for the languages with the most demand. The medical interpreter certification has adapted their testing schedules based on language.

Action Items
<i>Ms. Camón</i> – Check to see what kind of date Seattle Municipal Court has available regarding interpreter usage, including for settings outside the court.
<i>AOC Staff</i> – Work with Ms. Delostrinos to draft the new language for the contracts for courts in the Reimbursement Program
<i>AOC Staff</i> – Contact the SCJA to re-nominate Ms. Sugg for a second term
<i>AOC Staff</i> – Remove the two questions from the bench card for court interpreting. Update the online versions of the bench card and send the card out to judges and administrators by listserv.
<i>AOC Staff</i> – Begin work to have the next Commission meeting on October 19 in Lacey to be followed by a forum with court interpreters.

Appendix A

Proposed Revision to GR 11.1:

a) Purpose and Scope. This rule establishes the Interpreter Commission (Commission) and prescribes the conditions of its activities. This rule does not modify or duplicate the statutory process directing the Court Interpreter Program as it is administered by the Administrative Office of the Courts (AOC) (chapter 2.43 RCW). The Interpreter Commission will develop policies for the Interpreter Program and the Program Policy Manual, published on the Washington Court's website at www.courts.wa.gov, which shall constitute the official version of policies governing the Court **Certified** Interpreter Program.

(b) Jurisdiction and Powers.

~~All court interpreters who are credentialed by the State of Washington AOC in either a certified or registered language category are subject to the rules and regulations specified in the Interpreter Program Policy Manual~~

Every interpreter serving in a legal proceeding must comply with GR 11.2, the code of professional responsibility, and are subject to the rules and regulations specified in the Court Interpreter Disciplinary Policy Manual.

The Commission shall establish three committees to fulfill ongoing functions related to issues, discipline, and judicial/court administration education. Each committee shall consist of at least three Commission members and one member shall be identified as the chair.

(1) The Issues Committee is assigned issues, complaints, and/or requests from interpreters for review and response. If the situation cannot be resolved at the Issues Committee level, the matter will be submitted by written referral to the Disciplinary Committee.

(2) The Issues Committee will also address issues, complaints, and/or requests regarding access to interpreter services in the courts, and may communicate with individual courts in an effort to assist in complying with language access directives required by law.

(3) The Disciplinary Committee may sanction any interpreter serving in a legal proceeding for a violation of GR 11.2, the code of professional responsibility, and ~~certification of credentials to~~ interpreters based on the disciplinary procedures for: (a) violations of continuing education/court hour requirements, (b) failure to comply with Interpreter Code of Professional Responsibility (GR 11.2) or professional standards, or (c) violations of law that may interfere with their duties as an

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interpreter in a legal proceeding. The Disciplinary Committee will decide on appeal any issues submitted by the Issues Committee.

(c) Establishment. The Supreme Court shall appoint no more than 15 members to the Interpreter Commission, and shall designate the chair of the Commission. The Commission shall include representatives from the following areas of expertise: judicial officers from the appellate and each trial court level (3), spoken language interpreter (2), sign language interpreter (1), court administrator (1), attorney (1), public member (2), representative from ethnic organization (1), an AOC representative (1), and other representatives as needed. The term for a member of the Commission shall be three years. Members are eligible to serve a subsequent 3 year term. Members shall serve on at least one committee and committees may be supplemented by ad hoc professionals as designated by the chair. Ad hoc members may not serve as the chair of a committee.

(d) Regulations. Policies outlining rules and regulations directing the interpreter program are specified in the Interpreter Program Manual. The Commission, through the Issues Committee and Disciplinary Committee, shall enforce the policies of the interpreter program. Interpreter program policies may be modified at any time by the Commission and AOC.

(e) Existing Law Unchanged. This rule shall not expand, narrow, or affect existing law, including but not limited to chapter 2.43 RCW.

(f) Meetings. The Commission shall hold meetings as determined necessary by the chair. Meetings of the Commission are open to the public except for executive sessions and disciplinary meetings related to action against a certified interpreter.

(f) Immunity from Liability. No cause of action against the Commission, its standing members or ad hoc members appointed by the Commission, shall accrue in favor of a certified court interpreter or any other person arising from any act taken pursuant to this rule, provided that the Commission members or ad hoc members acted in good faith. The burden of proving that the acts were not taken in good faith shall be on the party asserting it.