



Interpreter Commission Meeting
Friday, February 14, 2020
9:00 AM – 11:30 AM
WSBA Conference Center
1325 4th Ave, #600, Seattle, WA 98101

MEETING MINUTES

Members Present:

Justice Steven González
Francis Adewale
Florence Adeyemi
Judge Andrea Beall
Kristi Cruz
Maria Luisa Gracia Camón
Sharon Harvey
Katrin Johnson
Diana Noman
Judge Mafe Rajul
Naoko Inoue Shatz
Fona Sugg
Frankie Peters
Donna Walker

AOC Staff:

Cynthia Delostrinos
Robert Lichtenberg
James Wells
Moriah Freed

Guests:

Chief Justice Debra Stephens
Justice Susan Owens
Dawn Marie Rubio
Chris Kunej
Czar Peralta
Ashley Lipford
Deborah O'Willow
Monica Romero
Maria Lucas-Perez
Johannes Voogt
Rogelio Rigor

CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by Justice Steven González at 9:00 AM. Members and guests gave introductions.

APPROVAL OF DECEMBER 6, 2019 MEETING MINUTES

Minutes were approved.

CHAIR'S REPORT

Review and Finalize Committee Assignments

- A list of finalized committee assignments is included in the meeting packet.

2020 Commission Meetings Update

- The Interpreter Commission is planning a forum in Eastern Washington to connect with LEP and deaf community stakeholders regarding court access and needed services. The Commission is aiming for Fall 2020, around the September 25th Commission meeting.
- Background research should be conducted prior to meeting with the community by doing outreach with local interpreter coordinators, judges, and non-profits.
- Possible locations were discussed:
 - Yakima, Walla Walla, or the Tri-Cities
 - The Tri-Cities has a larger deaf population than Walla Walla
- Consideration will need to be taken in arranging the logistics of the meeting. Turnout could be low if it is expected that community members need to attend during the work day, or if there is not trust that the event is safe. These hurdles could be overcome by working with community partners who can host and invite the public.
 - One America, Washington Immigrant Solidarity Network as possible community partners
- Focus group vs. public listening session

ACTION: Bob Lichtenberg will reach out to community partners in SE Washington. He will report back on progress at the next Commission meeting.

Law Student Liaison Proposal – Monica Romero

- Monica Romero drafted a law student liaison proposal for the Commission. It is included in the meeting packet.
- Involving law students in the Commission's work would educate them on language access gaps, working with interpreters, and other issues in the legal community. This information can be shared with other law students to facilitate knowledge and understanding.
- The proposal suggests at least 3 liaisons – one from each school, but ideally one 2L and one 3L.

MOTION: Motion to have law student liaisons from the 3 law schools in Washington on the Interpreter Commission, with the understanding that it will not take effect until a liaison plan is established. Unanimously passed.

ACTION: Cynthia Delostrinos will connect Monica Romero to professors on the Minority and Justice Commission, and will touch base about the law student liaison program.

Current Legislation Discussion

- HB 2567 – Concerning open courts.
 - A vote of support was taken via email, and a letter of support has been submitted to the House.
 - Concern was expressed over restrictions to ask an individual about country of origin or citizenship status. Language to “fix” this issue could create additional issues.
 - RCW 2.43 – A change could be made to the statute to protect information gained through inquiry of country of origin or citizenship status.
- SB 5984 - Concerning language understanding of documents used in dissolution proceedings.
 - There has been opposition from judges over budget concerns.
 - Technically the requirements outlined in SB 5984 are not new. Judges already have a requirement to ensure individuals understand documents that they are bound by. Different situations, such as mail-in dissolutions and non-contested dockets where one party appears make this difficult to ensure. How will these situations be handled, and are there any enforcement remedies?
 - A certification could be added to attest both sides understand. NJP includes an affidavit with signed documents to establish that it was interpreted by a professional interpreter.
 - Interpretation issues – interpreters cannot certify that a person understood the document. They can certify that it was interpreted or sight translated into their target language. This could also cause issues in requests for sight translation on the record.
 - GR 11.2
 - How would this bill impact the deaf and hard of hearing community? Does the bill only cover translation for spoken language?
 - RCW 2.43 is cited in the longer bill version. It needs to be revised to include deaf, blind, and hard of hearing language needs.

MOTION: Motion to take a stance of support on SB 5984, to ensure that all parties understand any court documents that they sign, including deaf, hard of hearing, and blind individuals. 13 in favor, 1 abstained.

The Interpreter Commission will take a stance of support on SB 5984.

Language Transition – Registered to Certified

- James Wells gave background information to the Commission on the language classifications for court interpreters in Washington, which are registered and certified. The exam to become a registered or certified court interpreter in Washington comes from the National Center for State Courts. Occasionally, languages get moved from the 'registered' to 'certified' category, which requires a more rigorous testing process.
- Most recently Tagalog and Portuguese got moved from registered to certified. The period for registered interpreters to pass the certified exam is closing, meaning they will lose their credentials.
- What will the date of revocation be?
 - 1 year from today – 2/14/2021
 - The written exam extension will end 6 years from today, until 2/14/2026
- Future considerations will be discussed regarding currently registered interpreters who cannot pass the certified language exam. Other states offer a stratified certification system. The issues committee can further examine the topic.

Guest Introductions – Chief Justice Debra Stephens and Dawn Marie Rubio

- The Commission welcomed the Chief Justice and the State Court Administrator warmly to the meeting. They both introduced themselves to the Commission.
- The education efforts of the Interpreter Commission were commended by Chief Justice Stephens.
- AOC is currently working on an access to justice team proposal that will overlap with some of the Interpreter Commission's work, especially because current projects expand past the original mandate. Additional areas of focus include language access issues, among others.
 - A new order of renewal mandate should be drafted to reflect the full work of the Commission.

ACTION: The Commission will work with Cynthia Delostrinos to draft a new, revised order that accurately reflects the breadth of the Interpreter Commission's work.

RID Legal Interpreting Test Task Force Report – Donna Walker

- There is no path available for new ASL interpreters to work in the courts. RID has no plans to reinstate the legal certification test, and there is no national certification available for ASL interpreters. RID transferred all tests and registration to CASLI – there are currently only 21 legal certified ASL interpreters in Washington, with no option for new interpreters to become certified.
- RID has a task force to study how the states will move forward, but a report is not yet available.
- Creation of a new test will take years. NCSC has done some work on the knowledge, skills, and abilities test funded by CA, but has no plans to take over the development of a national exam and certification.

- A solution might require states to work together if a new national test does not come out. Texas currently has a legal certification test, but it is not available for distribution, and might be Texas specific.
 - If the Texas test is housed under the legislative or executive branch, information sharing might be more difficult.
 - Could interpreters take the exam in Texas and have it recognized in Washington?
 - Would having tests administered by the states create reciprocity issues?

ACTION: Staff will work with AOC and ODHH to look at possible solutions to the testing issue.

Guest Speaker – Deborah O’Willow, ODHH ASL Court Interpreter Program

- ODHH is seeking voting membership on the Commission. Currently all 15 member positions are filled. A proposal will be submitted to staff.
 - Direct communication between ODHH and the Commission would be beneficial instead of using Bob Lichtenberg as a liaison. This would facilitate information sharing and minimize confusion.
 - DSHS houses a variety of services, both general and legal. Pertinent information from these departments could be reported to the Commission.
 - ODHH has sign language interpreter contract management
- AOC and ODHH have discussed developing a training partnership. Collaboration on the legal certification test has been discussed as well.
- ODHH plans to offer a variety of trainings in the future.
 - Trainings for qualified/certified deaf interpreters are especially needed. Hearing interpreters have more trainings available.
- ODHH supports the use of certified deaf interpreters in legal settings.
 - ODHH strongly recommends each court has two certified interpreters on staff – one deaf and one hearing.
 - It should be the client’s decision based on their language abilities what type of interpretation services they need.

COMMITTEE REPORTS

Education Committee

- An update will be provided via email.

Issues Committee

- An update has been provided in the packet, along with the recommended VRI rule.

Court Interpreter Program Reports

- HB 2567 – This is the first time all three Commissions have come together to support one bill.

- Michelle Bellmer, with the reimbursement program expansion, has reached out to 5 courts in the reimbursement program to get their feedback. The money from the reimbursement is not always an incentive to the courts. The time and energy to input data is not worth it to all courts. The reporting requirement could possibly be waived for rural courts while the computer system is updated and streamlined.
 - More communication needs to be opened with courts in the reimbursement program concerning policies.
- There are a few outgoing members on the Commission. The Commission will be seeking a nomination from DMCJA. Judge Rajul will be re-applying. One position (Elisa Young – Community Organizations) might be available, if she is unable to stay on the Commission.

April 4, 2020 NOTIS Interpreter Forum

- The Interpreter Commission has funds available to reimburse for attendance. Contact staff if you would like assistance.

ACTION: Let Bob Lichtenberg know if you want to be involved in the appeals process for the current disciplinary matter.

The meeting was adjourned at 11:40 AM