



Interpreter Commission Meeting
Friday, September 25, 2020
Zoom Videoconference

MEETING MINUTES

Members Present:

Justice Steven González
Florence Adeyemi
Judge Matthew Antush
Judge Andrea Beall
Maria Luisa Gracia Camón
Kristi Cruz
Katrin Johnson
Diana Noman
Frankie Peters
Judge Mafé Rajul
Naoko Inoue Schatz
Judge Joshua Sundt
Fona Sugg
Donna Walker

AOC Staff:

Michelle Bellmer
Robert Lichtenberg
James Wells

CALL TO ORDER AND INTRODUCTIONS

- Members of the Commission and guests identified themselves.

APPROVAL OF JUNE MEETING MINUTES

- Meeting minutes approved without modification.

CHAIR'S REPORT

Commission Service Recognition Awards

- The Commission thanked Judge Beall for her service on the Commission and heading the Issues Committee.

Welcome Judge Antush as new Supreme Court member

- Judge Antush was introduced as a new member of the Commission and was assigned to the Issues Committee as its chair.

Expansion of Scope of Commission

- The Commission discussed the scope of the Interpreter Commission's work and whether it should move beyond language access to both language and physical and barriers.
- The AOC has a staff person who is assigned to help courts with issues involving the ADA, but that is only on part of that person's responsibility. There was staff whose main responsibility as about ADA issues, but this was cut during the recession and budget cuts.
- There was a concern that the Commission did not have the expertise to properly address the myriad of issues that courts need to address regarding physical barriers.

Member Vacancies: Community Organizations Representative and AOC Representative

- The Community Organizations Representative seat is currently vacant. The Commission discussed if that seat should be re-assigned for a different kind of stakeholder.
- The Office of Deaf and Hard of Hearing (ODHH) has expressed interest in having a seat on the Commission. Currently there is a limit on the number of seats on the Commission.
- The Commission felt the seat should remain for a community organization for the time being. If the role of the Commission expands, there may be an opportunity to create a seat for the ODHH. ODHH is currently able to attend and contribute during meetings and committee work.

Reimbursement Program Funding Update

- Ramsay Radwan from the AOC updated the Commission the status of the funding from the legislature.
- Prior to 2019-2020 biennium, there was about \$610,000 per year for the reimbursement program. During the last full legislative session, a request was submitted to increase funding for the program over a multi-year period to ramp up the program.
- The legislature approved the initial stages of the request, but required a further request to complete the final stages of the multi-year plan.
- The AOC is submitting an additional request for the difference between the funding that has already approved and the funding that was originally requested.

COMMITTEE REPORTS

Education Committee

- The Committee has submitted proposals for the District and Municipal Court Judges Spring Conference.
- New members have been recruited for the education panel for the interpreter session at the Judicial College.
 - Claudia A'zar will be joining as an interpreter and Judge Rajul will join as a judicial officer. The new members will shadow at the 2021 session and be on the panel for the following year.
- The Committee has created resources to help courts provide interpreter services during COVID. These resources are available on the AOC website.
- Non-Commission members are welcome to participate in the Education Committee's work in developing training materials and presenting in training events for court staff and judges

Issues Committee

GR 11.4 - Team Interpreting

- A draft rule was presented at the previous Commission meeting and an ad hoc committee has been continuing work on the rule.
- Budget considerations and lack of understanding of how interpreters do their work have led to courts not providing team interpreting. This can cause barriers to providing meaningful access for LEPs, mistakes on the record, and issues with due process.
- There was a concern about how sign language used by Certified Deaf Interpreters was described in part of the rule
- There no consensus in the Committee to recommend passing the rule as it is.

MOTION: Approve the new version of 11.4 subject to revision regarding the language around standard sign language.

- Subject to clarifications about the work of CDIs, the Commission voted to review and vote on a new version of GR 11.4 to be submitted to the Supreme Court Rules Committee by the submission deadline.

Rule 11.3 – Remote Interpreting

- Courts may look to remote interpreting as the default after the pandemic while in-person interpreting is considered the best way to provide interpretation.
- GR 11.3 initially did have a good cause finding, but it was later removed. There were questions about whether or not there was authority to require that finding.
- Some members felt that a rule should have good cause language and that without requiring judges to make this finding, it may lead courts to take shortcuts
- Some commission members expressed concern about extra burdens being placed on interpreters during remote interpreting.
- Commission discussed whether or not the rule should be delayed to allow more editing.
- A number of comments and short suggestions were made about the language in the rule. As it would not be possible to create the final version of the language at the meeting given the mid-October deadline to submit the revision of the rule for this year, the majority of the Commission voted in favor of the following motion:

Motion: Further editing will take place by email. The revised draft rule vote to approve would be held electronically prior to submission to the Supreme Court Rules Committee by the deadline.

Proposed Timeline:

- Commission members / others have two weeks to get the comments or edits to AOC staff.
- On or before October 9, the new versions of GR 11.3 and GR 11.4 rules go out to Commission members for an online vote.
- Commission members have until October 14 to vote.
- On October 16, submit new rule to the Supreme Court rules committee.

Rule for Recording Interpretation in GR 11.3

The Commission discussed the issues involving capturing simultaneous interpretation on the record so that it can be reviewed at a later date. The discussion of this matter was referred for consideration to the Issues Committee.

Disciplinary Committee Report

- There was an appeal made Andrei Medvedev to the decision regarding the sanction imposed.
- The Committee then decided that reduce the amount of money that he was being asked to repay and sent a letter. No response to a request for a payment plan arrangement with the AOC nor has any payment yet been received.
- The Committee continues to address a second complaint against Mr. Medvedev.

STAFF REPORT

Reimbursement Program Expansion Update:

- The AOC hosted a webinar about the expansion of the program with courts already in the program and a webinar for courts interested in joining the program. These webinars allowed the AOC to identify frequently asked questions and create an information sheet.
- Currently, approximately 25 new courts plan on joining the program.
- The AOC has been working with the University of Washington to review the formula that has been used to allocate funds to courts each year.

Interpreter Program Update:

- Recent Activities
 - One new Spanish interpreter received her credential.
 - A webinar about remote interpreting was created and is now available on the AOC website. A live version that allowed interpreters to ask questions and participate was offered in July.
- Written Exam Update
 - It has not been possible to administer any written exams in-person this year.
 - Prior to the outbreak of the pandemic, the Court Interpreter Program began the process of transitioning the written exam to a computer-based format which will allow interpreters to schedule their exams individually at several testing centers across the state throughout the year.

The AOC is in the testing phase of using the online platform for the written exam and we plan to have the exam available for interpreter to take by the end of 2020.

- Oral Exam Update
 - Due to the pandemic the oral exams cannot be administered on schedule in the all.
 - The Program is monitoring other states as they begin to resume oral exam testing. Because of the uncertainty of when Washington state government and AOC safety restrictions will be, we don't have a projected date when oral exam testing will be resumed.
 - Because we were not able to hold the written exam earlier this year, we don't have as large a pool of candidates as normal waiting to take the exam.

- Interpreter Groups affected by Testing Delay
 - The delay in testing will affect two groups of interpreters who face deadlines that were created with our normal testing scheduling in mind:

Group 1 – Candidates Whose Written Exam Results Will Expire

Test candidates who pass the written exam have a six-year window to take and pass the oral exam. If candidates do not pass the oral exam within that time period, they need to re-pass the written exam before attempting the oral exam again.

Decision: Interpreters who passed the written exam in 2015 will be given an additional year to take the oral exam without having to pass the written exam again.

Group 2 – Interpreters in Transitioning Languages

The languages Portuguese and Tagalog are transitioning from the registered category to the certified category. Registered interpreters in these languages were given a one year extension to take and pass the oral exam at the Interpreter Commission meeting last February.

Decision: Interpreters in transitioning languages will be given an additional year to retain their credentials