



Interpreter Commission Meeting
Friday, December 18, 2020
Zoom Videoconference

MEETING MINUTES

Members Present:

Justice Steven González
Florence Adeyemi
Judge Matthew Antush
Maria Luisa Gracia Camón
Kristi Cruz
Jeanne Englert
Katrín Johnson
Diana Noman
Frankie Peters
Judge Mafé Rajul
Naoko Inoue Schatz
Fona Sugg
Donna Walker
Justice Helen Whitener

AOC Staff:

Michelle Bellmer
Robert Lichtenberg
James Wells

Guests Included:

Anita Ahumada
Lori Bashor-Sarancik
Riddhi Mukophadhyay
Deborah O'Willow
Judge Joshua Sundt

CALL TO ORDER

- Commission Members introduced themselves, and guests to the meeting were welcomed.

APPROVAL OF PREVIOUS MEETING MINUTES

- Meeting minutes from the 9/25/2020 meeting approved with modification

CHAIR'S REPORT

Introduction of New Members

- The appointment of Justice González to become the Chief Justice of the Supreme Court means he will be leaving the Interpreter Commission.
- Judge Rajul will become the new chair of the Commission.
- Justice Whitener was introduced as the new appellate court representative. She will also become chair of the Disciplinary Committee.
- Jeanne Englert was introduced as the new AOC representative.

Resubmission of ESSB 5984

- Senator Wellman and Naoko Inoue Schatz discussed the status of ESSB 5984.
- Several interpreter members of the Commission and guests at the meeting volunteered to provide input to the bill: Luisa Gracia, Donna Walker, Louise Morehead, and Maria Farmer.
- The input would be needed by January 11, 2021.

Welcome Office of Deaf and Hard of Hearing (ODHH) Liaison

- Deborah O'Willow from ODHH will act as liaison to the Interpreter Commission.
- She will join as a consultant for issues related to the individuals who are Deaf, Deaf-blind, hard of hearing or who have hearing loss.
- She will also be able to provide updates from the ODHH and resources.
- ODHH can gather input from the deaf community and their ability in accessing the courts and the legal system.

Community Organizations Representative Nominee Interviews

- There were two nominees for the community organization representatives, Lori Bashor-Sarancik and Anita Ahumada.
- Each nominee introduced themselves and discussed their background and reasons for wanting to join the Commission.
- The Commission went into an executive session to discuss the nominees and choose between the nominees.
- The Commission voted to have Anita Ahumada to become the next member.
- The Commission asked Lori Bashor-Sarancik to consider being on the outreach committee.

Barriers with Remote Hearings and with Counsel in Jail Settings

- Recently an article was published by Cross Cut discussing the situation in King County jail where attorneys have had difficulties working with clients who are LEP.
- These problems are not unique to King County and similar problems have been reported in several locations across the state.
- Public defenders and interpreters are not at the table when decisions are made about these facilities. Communication between public defenders, their clients and, interpreters is an essential service. Delays can have huge impacts.
- The booth for communication with the person in jail and is often very small. When an interpreter is involved it get very complicated and even finding a second chair can be an issue.
- Some jails have spaces for mental health evaluations but using this space requires a lot of pre-planning and coordination for everyone involved.
- Some jails have a communication system setup for family visits, although they are generally recorded.

- The solutions will depend on the local situation.
- Financial resources will be a factor.
- Potential Actions for the Commission
 - There isn't a court rule change that will affect the issue. Language Access Plans (LAPs) only look at conditions in the court itself.
 - Judges may not think about access to defendants in custody since it is outside their normal area of authority.
 - The Commission can encourage judges put this on their radar.
 - The Commission can recommend that an interpreter representative be on law and justice councils in each county to help inform their policies.
 - Leverage may come from ADA for sign interpreters
 - Specific jurisdictions that have certain issues cannot be easily identified.
 - Any letter should give the opportunity to ask for assistance.

Additional testimony:

- Riddhi Mukophadhyay spoke about Project Safety, which provides civil legal aid to victims of DV/SA and works with a number of partners.
- The process for pro se litigants is being changed and there has not been work to reach out to communities at many issues. Procedures are being changed without input from interpreter or non-English speaking communities.
- There are serious issues for people accessing the clerk's office and there isn't proper notification about getting an interpreter and information is not getting to the LEP litigants.
- Forms and instruction are only in English and the clerk's office is saying there are no interpreters.
- Using technology to increase access. LEPs individuals are sometimes asked to come to the courthouse and are not able to use the technology afforded to English speakers.

Action Item:

- The Issues Committee will discuss this issue. They are encouraged to hold a special meeting to address the issue. Run any draft letter by Justice Whitener. Donna would be happy to provide a perspective and the ODHH can also provide input.

Racial Justice Initiative Consortium Kick-Off

- Spurred out of the killing of George Floyd and the Black Lives Matter movement.
- The Supreme Court sent a powerful letter about looking at the court's role in racial inequities in our system.
- Many court associations are now making an effort to look at how these issues are affecting own groups.
- The Minority and Justice Commission is launching this initiative and is inviting the Interpreter Commission to have representation.

- The group will look at education, polices, and practices.
- They are looking to hire a consultant.

Presentation for Justice González

- Chief Justice Stephens presented Justice González with a plaque for his service.

DMCJA Proposal to Amend Criminal Rule 3.4

- CrRLJ 3.4 is inconsistent with what has been occurring at the trial court level regarding the placement of the interpreter. The rule should be updated.

Action Items:

- The Issues Committee will review the rule. Luisa will be invited to this discussion.

Revisions to GR 11.3

- The Education Committee can take on updating the bench cards based on the updates to GR11.3 and 11.4. The authors of the bench card can be involved in updating the bench cards.
- There were concerns about GR 11.3 and that it would need to be updated.
- The process of voting on line was complicated and timeline for review was very short.
- The rule is moving forward and has been approved by the Supreme Court.
- There should be an education component regarding the new rules.
- The Commission should look into providing training to new Commission members and refreshers for current members on the basics of how interpreting is done in the courts.

Action Item

- The rule will go back to the Issues Committee for further review. The Supreme Court Rules Committee will need any changes by March 1 to be reviewed at their meeting on March 15, 2021.

COMMITTEE REPORTS

Education Committee

- The Judicial College will occur at the end of January. Luisa and Judge Rajul are part of that panel
- The session “Meaningful Communications in Complicated Times” was originally submitted for the spring conference, but there was a request to bring this forward to March 8.

Issues Committee

Recognition Immigration Court Exam

- A Marshallese interpreter asked to get reciprocity in Washington State. Washington does not have a language exam for this language. This interpreter passed a bilingual interpreting exam used for immigration court.
- The Issues Committee approved the recognition of the immigration court exam in lieu of the oral exams normally used by Washington.
- The interpreter will complete the other steps required of court interpreters before becoming credentialed

Court Interpreter Education Requirements (CEUs)

- AOC staff asked the issues committee to review the requirements that interpreters must complete every two years and see if any changes would be appropriate for the current cycle due to the challenges faced by court interpreters during COVID.
- AOC staff reviewed the results of recent survey questions for court interpreter regarding their CEUs.
 - 80% indicated they believed they would be able to complete all of their education requirements.
 - 92% indicated they believed they could meet their court hours requirements.
- AOC staff is also approving a number of free recorded webinars and will be sponsoring additional webinars next year to help court interpreters meet their requirements.

Motion: The Court Hours requirement for the 2020-2021 compliance cycle will be waived.

Translation of forms

- The AOC is beginning a new project of updating translated forms.
- Due to the number of forms, the AOC was looking at using contracts set up by the Department of Enterprise Services (DES) rather than contracting with individual translators.
- The contracts require one less level of review than is suggested by the translation protocol previously approved by the Commission.
- Suggestions from Commission members included:
 - The corrections clause in the contract could be a way to provide an additional level of review.
 - Use any already developed glossaries in the translations. Consider creating one during this project if they do not exist.
 - Plain English should be used in the forms.

There was a motion that passed by the majority of Commission members with two abstentions:

Motion: The Commission endorses the AOC to move forward using the DES contracts.

Disciplinary Committee

- An interpreter previously suspended pursuant to a disciplinary action has continued to interpret despite the suspension of his credential. A complaint was filed by a King County judge and he was asked to respond to the allegations. He has responded to a letter from the committee claiming that the committee has no jurisdiction. A letter was sent to him notifying him the Commission still has jurisdiction and requested his factual response.
- The Disciplinary Committee has been revising the disciplinary manual and will review the jurisdiction of the committee's authority over non-credentialed interpreters and proceedings outside the courtroom.

Remaining Agenda Items

- The remaining agenda items were tabled due to the lack of time for the meeting.