



Interpreter Commission Meeting
Friday, February 26, 2021
Zoom Videoconference

MEETING MINUTES

Members Present:

Judge Mafé Rajul, Chair
Florence Adeyemi
Anita Ahumada
Judge Matthew Antush
Maria Luisa Gracia Camón
Jeanne Englert
Katrín Johnson
Diana Noman
Frankie Peters
Naoko Inoue Schatz
Fona Sugg
Donna Walker
Justice Helen Whitener

AOC Staff:

Michelle Bellmer
Cynthia Delostrinos
Moriah Freed
Robert Lichtenberg
James Wells

Guests Included:

Adrian
Claudia A'Zar
Carlos Cerecedo
Maria Dopps
Candace Enders
Judge David Estudillo
Chela Fisk
Emma Garkavi
Emily Harvey
Michelle Honey
Juana
Mariko Kageyama
Brenda Kehoe
Vania Kim Haam
Chris Kunej
Jovi Lee
Nancy Leveson
Maria Lucas
Mario
Pinar Mertan
Maria Elena Montes de Oca Ricks
Deirdre Murano
Cindy Nosko
Barbara R
Berle Ross
Spanish Interpreter
Judge Josh Sundt
Thei
Rebecca Viezel Ortega
Nicole Walker
WASCLA Lep
K. Wells
Yolanda
Elianita Zamora
Michael Zheleznyak

CALL TO ORDER

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

APPROVAL OF PREVIOUS MEETING MINUTES

- Meeting minutes from the 12/18/20 meeting approved with modification

CHAIR'S REPORT

Service Award to Judge David Estudillo

- Judge Rajul recognized Judge David Estudillo's attentiveness to working with interpreters, commitment to language access and for teaching at Judicial College on Court Interpreting from 2016-2020.
- Judge Estudillo thanked the Commission and mentioned the importance of qualified, attentive interpreters.

Discussion of Commission Co-Chair

- The discussion of appointing a co-chair arose due to Judge Rajul being on leave, and thus making leading the Commission difficult. There is currently no formal mechanism for someone to step-in if the chair is unavailable to appoint someone. All the other Supreme Court Commissions have co-chairs, but the Interpreter Commission does not. The bylaws do not require a co-chair for the Commission.
- The Issues Committee will look into the topic and propose options to either modify the general rule or have some type of mechanism for appointing a backup chair.
- The Commission members agreed that it was a good idea to explore the topic.
- It is unclear if a rule change is necessary to appoint a co-chair because nothing to the contrary exists in the rules.
- A co-chair would additionally give another perspective. Possibly someone from the deaf and hard of hearing community could be appointed.

ACTION: The Issues Committee will address the issue of appointing a co-chair to the Commission and come up with a proposal at the June Commission meeting.

Update on Submission of SB 5255

- Judge Rajul gave background on ESSB 5984, last year's iteration of SHB 5255. Most pro se litigants are in family law. This process becomes more complicated when individuals don't understand the system and the language when going through a court proceeding. It presents the opportunity for one party to be taken advantage of.
- The bill was reintroduced this year as SB 5255. Some problematic language was included in the bill that needed to be resolved, such as interpreters certifying on the record their translation of a document and a court having advance reason to

know a party needs an interpreter. The Issues Committee sent a letter of support to the sponsor of the bill and provided suggested language changes.

- Currently SB 5255 is in Ways & Means, and did not pass out of the fiscal committee. SCJA opposes the bill due to financial concerns. Unsure if the bill will move forward this session.
 - Senator Wellman said she would include a request for appropriations.
- Judge Rajul proposed that if the bill does not pass that a solution still needs to be found. This is especially a problem in DV situations.
 - Could work on having some of the forms translated.
 - AOC should look into have forms sight-translated into ASL.
 - Translations also need to be maintained as forms change. In the past, AOC has not always had the resources to quickly update forms.
 - A court rule could be proposed instead of legislation, but it would not include funding appropriation. Without funding, it will present a burden on local jurisdictions.
- Stephanie Happold with AOC Court Services is moving forward with a big translation project. She will be working with vendors who will retain finished translations so that updates can be done quickly. Cynthia Delostrinos will keep the Commission updated on whether the dissolution, parenting, and UGA forms are included.
- HB 1320 has a large translation component. AOC is asking for 4 FTEs to complete the work if the bill passes. The will expand AOC's capacity to translate documents moving forward.

2021 Legislative Session Report

- Bob Lichtenberg reviewed the bills impacting language access introduced this session from the supplemental document. These bills include: ESHB 1109, HB 1072, SHB 1153, 2SHB 1320 and SB 5255.
- HB 1320 Sec. 33 (4) has similar problematic language to SB 5255. Another issue is that the interpreter is almost becoming an advocate as it is currently written, but it is valuable that the court will be providing interpreters.
 - Will there be funding allocated for interpreter services?
- The Commission voted to draft a letter to the bill sponsor addressing the current language in HB 1320 that is concerning to Commission members.
 - Kristi Cruz abstained from the vote.

ACTION: Fona Sugg, Maria Luisa Gracia Camon, Judge Rajul and Donna Walker will draft a letter re: HB 1320 addressing interpreter concerns.

Legislative Statement of Intent

- The Gender & Justice Commission provides a written statement on why they take positions on certain legislation. The Interpreter Commission could choose to adopt a similar statement of intent.

- It would be good to have a statement to clarify that the Commission expresses its position on proposed legislation when such legislation impacts the administration of justice, language access, and the Commission's mission.
- The Commission can support legislation, but it needs to be under the Commission's auspices and not in an individual capacity. Statements made to legislators needs to be on behalf of the Commission's mission.
- The Commission voted to adopt a statement of intent to preface its' legislative work moving forward.

Reimbursement Program Funding Request

- A request has been included in the court and AOC budget this year to expand the interpreter reimbursement program. This request is for 2.7 million dollars to expand the program to courts that are not currently in the program.
- Help is being sought from Commission members and interpreters to assist in securing the additional funding. There are materials included in the packet that can be referenced when reaching out to legislators about the budget request to expand language access.
- These are not new funds. The funds were meant to be secured for all 4 years, but the budget was not written in that way. If funding is not secured, no new urban courts can be added to the program.

BJA Court Recovery Task Force Update

- Jeanne Englert gave an overview of the Court Recovery Task Force. The idea is to evaluate the impacts of COVID and to evaluate what is successful in moving forward.
- Trying to keep language access at the forefront as a guiding principle. Several court user surveys are being developed.
 - Is there an opportunity to bring forward the concerns of LEP litigants?
- An AOC survey was sent out to mainly spoken language interpreters at the end of last year to see how they have been impacted by COVID. There is time at the BJA meeting on April 15th between 2:00 PM and 4:00 PM for the Interpreter Commission to present the results of this survey.
 - At least one interpreter should be included on the presentation panel.
 - ASL interpreters were not included in the survey – information should be gathered before the April presentation.
- The presentation to the BJA Task Force on the survey of defense attorneys was included in the packet. One major concern is client communication.

ACTION: A presentation will be prepared on the spoken language interpreter survey results for BJA. The survey will be distributed to ASL interpreters so that their responses can be included in the presentation.

Vaccination Authorization Update

- Copies of the authorization letters sent to interpreters are included in the packet.
- Vaccine authorization letters have been mailed out to all interpreters in the AOC database. There is no plan to email them at this time.
- AOC will work with ODHH to send letters to ASL interpreters.

ACTION: AOC will work with ODHH to send COVID vaccine authorization letters to ASL interpreters.

Ad-Hoc Legislative Committee Proposal

- An ad-hoc committee could be formed so that legislative response can be proactive. It will be discussed at the next Commission meeting.

ASL Interpreter Credentialing

- Donna Walker provided background on ASL legal credentialing. RID will no longer be credentialing ASL interpreters. This now leaves it up to individual states to determine court interpreter qualifications for ASL interpreters. This was presented at a previous Interpreter Commission meeting when State Court Administrator Dawn Marie Rubio and Justice Debra Stephens were present. No updates have been heard on the issue since the presentation.
- Need to connect back with NCSC and AOC on the topic.
- One solution could be to bring the issue to the Issues Committee.
- Money needs to be invested into ASL certifications just as money was invested by a few states, including Washington, to develop the court spoken language interpreter exams later adopted by the NCSC.
- It is important for ODHH to participate in the conversation.

ACTION: Judge Rajul will reach out to Deborah O'Willow to connect with Bob Lichtenberg and Donna Walker in figuring out next steps towards a solution for ASL credentialing.

Committee Assignments Updates

- Commission members needs to review the Committee assignments lists and inform Bob Lichtenberg of any changes.
- Let Bob Lichtenberg know if there are any objections to distributing a contact list amongst the Commission members.

Barriers to Language Access in the Courts

- Riddhi Mukhopadhyay presented at the last Commission meeting and raised concerns on access to the DVPO process in the courts. Since the presentation, concerns have been raised for LEP and deaf litigants from DV advocates and attorneys at Northwest Justice Project.

- The concerns raised included:
 - Lack of access at the clerk's office
 - No mechanism for spoken language interpreters to connect on the phone
 - Deaf and hard of hearing individuals are not being provided with video access for remote hearings and must appear by phone, which means using an online video relay service (VRS) which does not report to a court whether the interpreter is court-certified in Washington.
 - Consequently, deaf litigants are not allowed to use VRS due to the unqualified interpreter which forces them to come in-person if they want an interpreter.
 - At the clerk's office, a certified interpreter is not required. A remote interpreter could be used in this situation, like turning in paperwork.
- The Commission decided to draft a letter to presiding judges and court clerks to make them aware of the problem.
- There is also a lack of education and training for courts on the topic. The Education Committee will work to develop ideas to teach and train judges and court staff on the issue.
- What is the best practice for making the information more accessible to the deaf and hard of hearing community? What are steps the court can take now?
 - Katrin Johnson can bring the info back to the BJA Technology Committee.
- There is an issue of bench warrants being issues for LEP clients for missing video hearings, although there is no way for them to understand how to access the online video platform instructions issued by a court.

ACTION: Kristi Cruz will work on a letter to Presiding Judges and Clerks to make them aware of problem regarding barriers to language access in the courts, especially concerning DVPOs.

ACTION: The Education Committee will work to develop training ideas to teach judges on the issues of barriers to language access.

COMMITTEE REPORTS

Issues Committee

- The Issues Committee has been busy and met 5 times since the last Commission meeting to address a variety of topics.
- A letter addressing barriers for interpreters in jail settings was drafted. The letter will be sent to Presiding Judges and Law and Justice Councils. The letter stresses that interpreters should be brought to the table to discuss these issues and inform decision making.
- There have been amendments to CRRLJ 3.4 which requires positioning the interpreter next to the client. This is problematic for ASL interpreters. This issue has been raised by Judge Goodwin.

- Feedback and proposed revisions have been received for GR 11.3 and GR 11.4 from court administrators and judges. The concerns and suggested changes will be referred to the Issues Committee for further action.

Education Committee

- The presentation on interpreters at Judicial College was well received. Judge Rajul shadowed because she will be presenting next year. Maria Luisa Gracia Camón co-presented and felt it went well while being conducted online for the first time.
- Judges select their own conference education sessions topics following their association's educational committee decisions. It has been a challenge to initially get topics selected for what they want to learn at educational events.
 - Judge Rajul sits on the SCJA Education Committee.
 - Judges don't know what they don't know.
 - Culture of wanting training panel to consist of all judges or mostly judges is a barrier to getting other experts on the panel.
- Both judicial associations have asked for a presentation on interpreting during COVID. The presentation will be a collaboration with the Gender & Justice Commission, with a section devoted to DV issues.
 - The presentation will take place in April.
 - A survey was sent out to judges and court administrators focused on showing solutions.
 - Additional solutions can be provided via email to Bob Lichtenberg.
- There are two other presentations on interpreter issues upcoming that are supported by the Committee. One is on "Inclusive Juries" that focuses on enabling courts to seat persons with disabilities on juries and another will touch on international law aspects of custody disputes occurring in local trial courts.

Disciplinary Committee

- A decision was reached on discipline to be issued to the interpreters who were behind on their biennial credential maintenance at the end of December 2020.
- The Committee has been discussing the second grievance against a previously sanctioned interpreter. Some questions have been raised from a review of the disciplinary process manual. The Committee will dig deeper into the manual and identify possible options for the second grievance and hope to have a decision on the second grievance before the next Commission meeting in June.
- A small group has been formed to revise the disciplinary manual.
- The notification process of informing courts of interpreter credential revocations and suspensions needs to be re-evaluated.
 - The notification should be sent to all agencies that use court interpreters. Suggestions of other agencies to include in the distribution list can be sent to James Wells and Bob Lichtenberg.

AOC STAFF REPORTS

Commission Manager's Report

- The Racial Justice Consortium has entered its final planning stages.
 - Florence Adeyemi and Naoko Inoue Shatz will be the representatives from the Interpreter Commission.
 - Enough money was raised to hire a full time staff person. She is starting on March 8th.
 - The official launch of the Consortium will occur on March 26th.

Reimbursement Program Expansion Update

- Rural counties in the program have expanded by 17.
- Funding has increased from \$600,000 to \$1,400,000.
- 7 counties with no representation in the program have been identified as the next regions to incorporate into the program.
- There have been some challenges for courts transitioning from the old process to the new process.
- Support is needed in securing funding so that the program can continue.

Interpreter Program Report

- Rosemary Nguyen approached James Wells about the idea of doing a focus group on DSHS certified Vietnamese interpreters in Washington. The state is currently facing a shortage of Vietnamese interpreters.
 - Interpreters are now more open to trainings online and this could help in training additional interpreters.
- James Wells shared a statement written by Rosemary Nguyen on the availability of Vietnamese interpreters.
- Recruitment of interpreters is a critical issue not just in Washington, but nationwide.
 - Many interpreters are in an older age bracket compared to general workers.
 - Court interpreting does not pay competitively compared to other interpreting jobs.
- A suggestion was shared to develop an information session for interpreters on the new compliance requirements.

The meeting was adjourned at 12:11 PM.