

**Washington State Supreme Court
Interpreter Commission**

June 4, 2021

Meeting Packet

**Washington State
Administrative Office of the Courts
1112 Quince Street SE
PO Box 41170
Olympia, WA 98504-1170
Phone: 360-753-3365**

**Interpreter Commission
Meeting Agenda**

<p><i>Disciplinary Committee Report</i></p> <ul style="list-style-type: none"> • Disciplinary Actions Review Update • Disciplinary Process Manual <p><i>Liaison Reports (placeholder)</i></p>	<p>Justice Helen Whitener or designee</p> <p>OAH and ODHH</p>	<p>Pg. 35</p>
<p>Commission Staff Report</p> <ul style="list-style-type: none"> • Commission Manager's Report • Reimbursement Program Update 	<p>Cynthia Delostrinos Michelle Bellmer</p>	
<p>Announcements:</p> <ul style="list-style-type: none"> • Nominations and Re-appointments 	<p>Judge Rajul</p>	
<p>Next Commission Meeting</p>	<p>September 24, 2021; 9 AM-12 PM (Zoom)</p>	

Chair's Report



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
 Katrin 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

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- 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.

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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.

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- 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.

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- 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.

Washington State Supreme Court Interpreter Commission

COMMISSION MEMBERS

Honorable Mafé Rajul, Chair
Superior Court Judges Representative

Honorable G. Helen Whitener
Appellate Court Representative

Honorable Matthew Antush
District and Municipal Court
Judges Representative

Fona Sugg
Superior Court
Administrators Representative

Frankie Peters
District and Municipal Court
Administrators Representative

Jeanne Englert
Administrative Office of the Courts
Representative

Luisa Gracia Camón
Interpreter Representative

Diana Noman
Interpreter Representative

Donna Walker
American Sign Language
Interpreter Representative

Kristi Cruz
Attorney Representative

Katrin Johnson
Public Member Representative

Francis Adewale
Public Defender Representative

Anita Ahumada
Community Member Representative

Naoko Inoue Shatz
Ethnic Organization Representative

Florence Adeyemi
Public Member Representative

March 26, 2021

To: Presiding Judges and the Court Recovery Task Force Chairs

Re: Interpreter Services Provided at and to Jails/Correctional
Facilities

To Whom It May Concern,

The Washington State Supreme Court Interpreter Commission writes to express its concern about the lack of adequate and safe working conditions in many Washington State jails and correctional facilities for interpreters who visit these facilities to do their job, along with attorneys and other necessary professionals. The Interpreter Commission seeks to use this opportunity to open a dialogue and proffer suggestions for improvement.

The Interpreter Commission has received complaints from attorneys and interpreters working throughout the State about the difficulties they face when an appointment with a client and interpreter is scheduled to take place in a jail and/or a correctional facility. This includes everything from having access to the facility to the actual conditions surrounding the meeting (in person, as well as remote). Interpreters play a critical role in access to justice and at the present moment due to the current health concerns, this access to justice is compromised for some.

Often the spaces in correctional facilities provided for professional visits in which the use of an interpreter is required do not meet the necessary safety requirements to accommodate several individuals simultaneously (this issue is particularly critical during the times of a pandemic). This is an access to justice issue, as interpreters often have to occupy a crowded booth/space where there is an insufficient number of chairs, thus requiring that the interpreter remain standing while simultaneously trying to hold the telephone receiver to interpret for the inmate, hold a notepad and pen to take interpreting notes, and all the while balancing their other belongings on their body. This adds a layer of difficulty to the interpreting task, potentially compromising their work. Additionally, this type of scenario can lead to occupational injuries.

The Interpreter Commission would like to request that interpreters be included in the policy decisions that are currently being made about visitation and other pertinent issues. Interpreters are more than willing to provide needed input, which will assist in resolving the current issues. We believe such open dialogue will improve the access to justice for the inmates, and the ability to provide quality professional services by the service providers at these facilities.

It is the Interpreter Commission's sincere hope that the issues listed above are addressed without delay. It is also the recommendation of the Interpreter Commission that in the future, representatives of the interpreter profession are present when policy decisions are made pertaining to services provided by interpreters in jails/correctional facilities. We thank you for your time and consideration of this serious matter.

Sincerely,



Judge Mafé Rajul
Chair, Washington State Supreme Court Interpreter Commission

CC: Chief Justice Steve González, Chair, Court Recovery Task Force
Ashley Lipford, Administrative Assistant
Jeanne Englert, Manager, Board of Judicial Administration
Judge Judith Ramseyer, Co-Chair, Court Recovery Task Force
Judge Scott Ahlf, Co-Chair, Court Recovery Task Force



WASHINGTON COURTS

BOARD FOR JUDICIAL ADMINISTRATION

Court Recovery Task Force

May 4, 2021

Dear Judge Mafé Rajul,

Thank you for sharing the letter with the Court Recovery Task Force chairs sent to presiding judges regarding jail interpreting.

Given the nature of the letter, the Adult Criminal Committee was tasked with reviewing the information. Committee members have reviewed the letter from the Interpreters' Commission and support their inclusion in discussions occurring at the local levels related to jail access and COVID accommodations. The Committee will seek interpreter input in discussions related to jail access as well. The Committee will discuss the broader issue of COVID jail accommodations and the need to ensure that communications between attorneys, their clients, and interpreters are conducted in a way that satisfies constitutional obligations. They will also determine what role the committee may take in addressing jail access concerns that have arisen because of the need for COVID accommodations and communicate that to the Court.

The Committee will continue to explore the issues raised in the letter in their upcoming meetings and invite other stakeholders to the conversation as needed. They will share any follow recommendations or activities with the Interpreter Commission. Amy Muth, chair of the committee, can be reached at amy@amymuthlaw.com. Questions can also be directed to Jeanne Englert at Jeanne.englert@courts.wa.gov.

We appreciate your work on these issues and bringing them to the Task Force.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven González", written in a cursive style.

Chief Justice Steven González
Chair, Court Recovery Task Force

Cc: Judge Judith Ramseyer, Co-Chair Court Recovery Task Force
Judge Scott Ahlf, Co-Chair Court Recovery Task Force
Amy Muth, Chair Adult Criminal Committee
Robert Lichtenberg, AOC Interpreter Commission

Washington State Supreme Court Interpreter Commission

COMMISSION MEMBERS

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Ethnic Organization Representative

Florence Adeyemi
Public Member Representative

April 12, 2021

Mr. Chris Gaddis
Pierce County Superior Court Administration
930 Tacoma Ave. So., Room 334
Tacoma, WA, 98402-2108

Dear Mr. Gaddis,

The Washington State Court Interpreter Commission currently has a vacancy for a Superior Court Administrator representative and seeks letters of interest to fill this seat.

Members of the public use the Washington State Courts in a wide variety of circumstances. They may be brought into legal actions initiated by the State or other parties, or they may use courts to protect themselves and their rights. While legal procedure and terminology is difficult and intimidating to most people, it is exponentially more complicated for those with limited English proficiency. Therefore, language access is a fundamental component of access to justice.

The Washington State Court Interpreter Commission develops policies governing the Washington Court Interpreter Program. The Commission operates in an advisory and policy making capacity under Supreme Court rule to govern the Washington Court Interpreter Program. There are three standing committees which are critical to the operations of the Interpreter Program: the Issues Committee, the Disciplinary Committee, and the Judicial and Court Administration Education Committee. Each member is assigned to one of these three committees. All interpreters who are certified or registered by the Washington Administrative Office of the Courts are subject to rules and regulations set by the Interpreter Commission.

The Washington Supreme Court selects members to serve as liaisons between the court community and the public. Each member is expected to share current information with the constituent groups in which they hold membership or

communicate with, as well as bring current issues to the Commission for consideration. It is crucial for the Interpreter Commission to involve the input and insight of all stakeholders as we seek to improve language access in Washington Courts.

A detailed description of the Commission and duties of its members can be found online at:

<https://www.courts.wa.gov/InterpreterCommission>.

Please forward the name of the court administrator representative you have nominated to represent superior court administrators in this state who are interested in participating in this important role, along with a copy of their resumes and letters of interest, to Robert Lichtenberg at the address below no later than May 26, 2021:

Robert Lichtenberg
Administrative Office of the Courts
Court Interpreter Commission
P.O. Box 41170
Olympia, WA 98504-1170

If you have any questions about the work of the Interpreter Commission or its meeting schedule, please contact Robert Lichtenberg at (360) 350-5373 or via email at Robert.Lichtenberg@courts.wa.gov.

On behalf of the Commission, I appreciate your attention to this request for a nomination.


Very Truly Yours,



Judge Mafé Rajul, Chair
Court Interpreter Commission

CC: Robert Lichtenberg, AOC

Committee Reports

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission – Issues Committee Meeting Friday, March 12, 2021 Videoconference Meeting 12:00 PM – 1:00 PM Zoom</p>
<p>MEETING MINUTES</p>	

Present: Judge Matthew Antush, Francis Adewale, James Wells, Diana Noman, Kristi Cruz, Anita Ahumada, Bob Lichtenberg, Maria Luisa Gracia Camon

February 18th Meeting Minutes

- Members who have edits will send them to AOC staff to incorporate changes and circulate an updated draft to be reviewed at the next meeting.

ACTION: Committee members will send in their edits for the minutes of the previous meeting for AOC staff to send out for review at the next meeting.

Letter regarding 2ESHB 1320

- A was primarily drafted by Fona Sugg is to be used sent on behalf of the Interpreter Commission to the Legislature.
- Not all committee members received the newest draft and the letter would be circulated for additional input.

Process for revising for GR 11.3 and GR 11.4


- There should be separate workgroups for each of the court rules.
- There are people outside the Interpreter Commission who want to be involved in the review.
- There should be a way for people to comment on the rule. There was not an opportunity to do this before they were approved.
- The initial feedback from Judge Goodwin and other should be incorporated before out for comment.
- The original members of the workgroups that drafted the rules can provide background.
- The court rules should set a high bar. The standards in the court rules should not be lowered only due to the concerns about lack of resources. Part of the work of the Commission would be help get those resources for courts.

ACTION: Set up workgroup meetings for review of GR 11.3 and GR 11.4

Attorney-Client Confidentiality

- The Committee discussed the extent of attorney-client confidentiality and its application in settings outside the courtroom such as when an interpreter is used for conversation in a hallway-conversation.
- The RCWs differ for sign language interpreters and spoken language interpreters in this regard.

DRAFT

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission – Issues Committee Meeting Tuesday, April 6, 2021 Videoconference Meeting 12:00 PM – 1:00 PM Zoom</p>
<p>MEETING MINUTES</p>	

Present: Luisa Gracia, Diana Noman, Francis Adewale, Kristi Cruz, Anita Ahumada, Judge Mafe Rajul, Judge Matthew Antush, Bob Lichtenberg, James Wells, Moriah Freed, Donna Walker

February 18th Meeting Minutes

- The minutes were approved with modification.

March 12th Meeting Minutes

- The minutes were approved with modification.

Letter RE: use of VRS in DVPO proceedings

- A letter has not been drafted thus far. King County Superior Court is changing their process with remote hearings. It might be best to hold off on a letter until changes are implemented. The changes will begin May 1st.

ACTION: Kristi Cruz will reach out to the community partners that brought this issue forward and let them know that the channel is open if more issues arise.

Update on Workgroups for GR 11.3 and 11.4 Revisions

- The GR 11.4 group has met several times to review concerns and they recommend that GR 11.4 should stand as is. Some written answers were provided to explain the workgroup's point of view and address concerns.
- The Committee is not recommending any changes right now to 11.4. Efforts moving forward will be focused on reviewing GR 11.3.

ACTION: Kristi Cruz and Luisa Gracia will co-chair the GR 11.3 revision workgroup. Staff will assist with scheduling and assembling materials. Francis Adewale agreed to help with the workgroup.

ODHH or Deaf interpreter representative


- At the last Commission meeting, Donna Walker brought up the issues with ASL certification. Judge Rajul reached out to Deborah O'Willow at ODHH about her role as a liaison to the Commission. Deborah O'Willow expressed interest in

participating as more than a liaison, which raised the idea of having an ODHH or deaf interpreter representative on the Commission.

- A distinction was made between a deaf community representative and ODHH. ODHH is a state agency that can still benefit from participating in the Commission, but will not provide a community/grass roots perspective.
- Currently, having one representative for the deaf and hard of hearing community is overwhelming. The deaf and hard of hearing perspective gets lost as a result. Donna Walker recommended adding a certified deaf interpreter or deaf individual to the Commission.
- Often, those with the solutions are the ones directly impacted by the problem. Their voice is critical.
- The Committee could modify the rule that decides representation on the Commission to include a deaf representative. Currently, the Commission is capped at 15 members. There are 4 upcoming vacancies that could possibly be replaced with a deaf representative. Another option would be to modify the rule to add a position.
- The Commission will also need to take on the looming issue of certification of ASL interpreters in the near future. It will be crucial to have additional perspective on this issue. What is Washington Courts going to do about the need to certify court interpreters?
- The discussion will be continued at the meeting next month.

Moving forward with having a co-chair

- The discussion was tabled until the next meeting.

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission – Issues Committee Meeting Tuesday, May 4, 2021 Videoconference Meeting 12:00 PM – 1:00 PM Zoom</p>
<p>MEETING MINUTES</p>	

Present: Bob Lichtenberg, Moriah Freed, Judge Matthew Antush, James Wells, Kristi Cruz, Frankie Peters, Fona Sugg, Francis Adewale, Anita Ahumada, Naoko Inoue Shatz

Approval of April 6th Meeting Minutes


- Approved with modification

Deaf Community Representation on Commission – Discussion and Recommendation

- The Committee expressed support for adding a certified deaf interpreter and a deaf community representative to the Commission.
- All 15 positions on the Commission are currently filled. This would require either adding more positions or shifting current positions to reflect different communities.
 - If new positions are created, this would ensure that they are filled by these respective communities in the future.
- MOTION: the Committee moves to recommend adding two new positions to the Commission – a CDI and a deaf community representative, totaling 17 members. Motion unanimously approved. Court Rule change.

Co-Chair for Interpreter Commission – Discussion and Recommendation

- The Committee expressed support for adding a Co-Chair to the Commission. The Interpreter Commission is the only Supreme Court Commission without a Co-Chair, and the position requires a lot of work.
- The co-chair designation will be dependent on the recommendation provided to the Supreme Court. Will this be a chair-elect, a new position, or will the co-chair be a current member?
- Communities that are served by the Commission should be present when decisions impacting them are being made.
- Having a Supreme Court Justice as a co-chair would carry weight politically and further involve the Commission in the rule making process.
- MOTION: the Committee moves to create a co-chair position with equal power and that Justice Whitener be recommended for that position. Unanimous.

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Education Committee Meeting March 11, 2021</p> <p>Zoom Videoconference 4:00 pm – 5:00 pm</p>
<p>Meeting Minutes</p>	

Present: Katrin Johnson, Claudia A'Zar, Francis Adewale, Donna Walker, Kristi Cruz, Claire Carden, James Wells, Moriah Freed, Bob Lichtenberg, Fona Sugg, Judge Jackie Shea-Brown, Phil Zitzelman, Luisa Gracia, Tiffany Deaton, Justice Helen Whitener, Florence Adeyemi

Meaningful Communication in Complicated Times Presentation Logistics

- The filled in proposed outline was sent out this afternoon.
- Bob gave an update on progress made since the last meeting:
 - Survey was sent out to court administrators and judges to gather feedback on solutions to remote hearings because of COVID.
 - One objective of this presentation is to unify this information.
 - How can we help the court users be on the same page as the court staff as far as access?
- Luisa's comments were incorporated into the draft outline Bob provided. Donna, Claudia, and Luisa worked on this draft.
- The intended audience of the training is all judges and administrators in the district, municipal and superior courts. Appellate level could be invited too.


What are the ideas, goals, and perspectives that presenters want to bring into the presentation?

- Claire is looking for someone at Northwest Justice Project who focuses more on DV cases to present.
 - Claire and Judge Shea-Brown will be providing content on the DV/SA section. Judge Shea-Brown could also present on the section.
- Goal is to make parts of the presentation interactive. This could be accomplished using the following ideas:
 - Section II part C – An interactive activity could be to pick a court and ask them to find a service on the court's website. Then they can provide feedback on the experience.
 - Could show how real-time reporting/CART works on webex for deaf clients.
 - Don't want to give courts the idea that they can replace in-person interpreter with CART services

- Make sure that the deaf client is asked about what accommodation they need
 - Can show new equipment purchased by CARES act funding and how it is used to work with interpreters.
 - Video to show how interpreters can use equipment
 - How are courts handling signing of documents remotely?
 - Video demonstration of encounter and communication needed to file in court or pay a ticket. The example should be a successful interaction
 - Demonstration/video of successful remote hearing
- A reminder should be added that in web-based proceedings that interpretation of testimony is done consecutively
- Claudia provided the following comments on spoken language interpretation:
 - Need to be teaching people in the courtroom why and what we're doing.
 - How we prepare beforehand and the importance of information provided by courts
 - What kind of technology is needed and how to use it.
 - In-person interpreting
 - Luisa can explain how to use equipment (transmitters and receivers)
- Donna provided the following comments on ASL interpretation:
 - Will still be part of the presentation panel
 - Deaf litigants need to have high speed internet on their end. Interpretation is a video feed and high speed internet is needed to follow the interpreter.
 - Some instruction or practice session on how to use Zoom prior to the hearing is needed for deaf litigants.
 - Direct line of communication is broken by video and monitor placement
- The first education session can cover preparation and equipment and the second session can cover the courtroom.
 - Section III E and F should be kept in the presentation. Would be helpful to have solutions.

Next Steps

- Work on splitting the outline for two presentation days.
- Brief description for part I and II to Phil by middle of next week.
- Materials to Phil by April 1.
- Get Education Committee together again week of March 29th.
- Work individually with presenters in the meantime.

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Education Committee Meeting May 25, 2021</p> <p>Zoom Videoconference 12:00 PM – 1:00 PM</p>
<p>Meeting Minutes</p>	

Present: Kristi Cruz, Luisa Gracia, James Wells, Bob Lichtenberg, Moriah Freed, Frankie Peters, Francis Adewale, Katrin Johnson, Fona Sugg, Jeanne Englert, Florence Adeyemi

Debrief on Recent Training Events

- Two-part training for judges and court admin on interpreting in COVID
 - The panel was a combination of judges, interpreters, and court administrators in a question and answer format. This allowed the questions to be answered in a multi-dimensional manner and for panelists to answer questions within their expertise.
 - The structure received positive feedback. It was useful to provide direct answers to questions instead of anticipating what the audience wants to hear.
- SCJA presentation on jurors with disabilities
 - Bob Lichtenberg gave a summary of the presentation. It ran smoothly, and Judge Keenan was an effective presenter. Feedback was overwhelmingly positive.
- As more trainings are recorded, a judicial education page could be added on inside courts or the Interpreter Commission website to post resources. Trainings should be reviewed for relevancy before they are posted.
- The idea of providing ongoing technical assistance for courts to interpretation related questions was proposed. This could be through future Q&A sessions.
- Feedback surveys for Interpreter Commission sponsored trainings should be kept to assist in planning other education sessions.
- Recurring, fundamental trainings for judges are important to keep them informed.

ACTION: Bob Lichtenberg will inquire if there is a recording of the two recent presentations and distribute the link if available.

Reflection on Recent Years' Activities

- Katrin Johnson proposed that the Committee develop a future-facing plan for education proposals and to be proactive and less reactive in drafting proposals.

- Many of the conferences operate on multi-year plans to select education session topics. If the proposal does not fit the plan, it likely will not be selected.
- The Committee could review session feedback from the past 3 years to see what was successful and resonated with the audience. Other ideas for engagement were suggested, such as:
 - New courts joining the reimbursement program who need education
 - A survey was also recently sent out to interpreters – do any topics stand out there?
 - Is there any new legislation or court rules that should be covered?
- Multiple formats, both digital and in-person, are now available to present information that can be explored.
- Reach and training could be more than just the state courts, such as OAH.
- Re-framing basis for training to present same information in new ways.
- James Wells has begun discussions with a company to develop trainings for interpreters. The company could be consulted to assist in training development for judges too. James Wells will share the proposal with Katrin Johnson and Bob Lichtenberg once he receives it.
- Finding subject matter experts has been challenging. California uses the NCSC to assist in resource development.
- Feedback should additionally be collected from the court user, instead of relying strictly on court staff.
 - The survey would have to be translated.
 - Jeanne Englert is currently managing 3 court user surveys and can inform the process.
 - Administering the survey through attorneys or advocates might help with response rate.

Next Steps

- Conduct a needs assessment
 - Review session evaluations from the past 3 years
- Develop a draft survey to circulate to court partners, including interpreter reimbursement program recipients, interpreter coordinators, and/or court users.

JC21 - Working With Court Interpreters

Knowledge Gained.	Total Rec'd	Average Score
Prior to this session, I had limited knowledge of this subject	18	3.06
This session enhanced my professional knowledge	18	4.83
I adequately learned something as a result of this session	18	4.83
The content has significant professional content	18	4.83

Relevancy.	Total Rec'd	Average Score
Information was presented at a level appropriate to audience	19	4.84
The content of the session was relevant to my work needs	19	4.63
My assessment of the currency and accuracy of information presented	19	4.84

Suitability.	Total Rec'd	Average Score
Suitability and/or usefulness of instructional materials	19	4.84
Effectiveness of the presentation, including use of active learning	19	4.58
Presenter's ability and effectiveness in utilizing technology to support participant learning and engagement	19	4.68

Pre-Work. (WHERE APPLICABLE)	Total Rec'd	Average Score
I completed the pre-work for this session	17	5.00
The amount of pre-work for the session was reasonable	17	5.00
The pre-work impacted my overall knowledge for the topic	17	5.00

Learning Objectives.	Total Rec'd	Average Score
Understand the role of the interpreter in court proceedings with Limited English Proficiency participants.	19	4.79
Identify the difference between Credentialed and Non-credentialed interpreters.	19	4.89
Qualify non-credentialed interpreters.	19	4.74
Understand interpreting modes and their applications.	19	4.79
Manage hearings effectively with interpreters.	19	4.74
Manage remote interpreting.	19	4.53

Please assess MS. LUISA GRACIA-CAMÓN.	Total Rec'd	Average Score
Level of knowledge & expertise	19	5.00
Clarity of presentation	19	5.00
Responsiveness to participants	19	5.00
Degree to which audience interest was maintained	19	4.95

Please assess JUDGE LAURA RIQUELME.	Total Rec'd	Average Score
Level of knowledge & expertise	19	4.89
Clarity of presentation	19	4.84
Responsiveness to participants	19	4.89
Degree to which audience interest was maintained	19	4.74

Please assess JUDGE DAMON SHADID.

	Total Rec'd	Average Score
Level of knowledge & expertise	19	4.89
Clarity of presentation	19	4.79
Responsiveness to participants	19	4.79
Degree to which audience interest was maintained	19	4.74

If you believe diversity issues were not included in this session, do you see potential issues that may come up in this particular area that can be incorporated into future programming on this subject matter? Please elaborate.

More issues could have been discussed.

What aspects or parts of the session did you find the most beneficial?

Excellent use of the delayed speaking exercise to demonstrate how hard it is for interpreters doing simultaneous interpreting! It was very effective in reminding me to pause between sentences, to let the interpreter catch up and also to give them a tiny break.

The English-English interpretation exercise. Ms. Gracia-Cam ón's presentation.

Ms. Gracia-Camón's perspective as an interpreter was very helpful to hear.

It was eye-opening to participate Judge Shadid's "test" in which we tried to keep up with what he was reading while maintaining a 4-5 word gap. This was very helpful in showing what an interpreter's job must be like and how the court can manage the parties in such a way as to make lives easier for interpreters, which in turn will make the record more accurate.

It was also helpful to get a good sense of the different modes of interpretation as well as the differences between a certified interpreter, a registered interpreter, etc.

Once again, the whole session, along with the material provided were extremely beneficial.

I really appreciated the interpreter's part of the presentation. It was very interesting to learn how the brain is engaged in interpreting and the high level of skill (beyond mere knowledge of another language) is involved in interpreting in a judicial setting.

What suggestions, if any, do you have for improving the content or delivery of this session?

More hypotheticals and working through difficult situations especially with remote hearings since more and more interpreters and litigants are appearing through Zoom.

I think due to the limited time, we did not get any real discussion on remote interpretation. This is current - and something that is not easy for anyone to understand and master while using Zoom or similar platform.

While there is a bench card on how to qualify interpreters, it would have been helpful to have gone through the procedure during the session. It would also have been helpful to discuss what a judge can do when things go awry - LEP signals he/she is confused by interpretation, interpreter shows obvious signs of confusion or inability to keep up, interpreter's English is hard to understand, interpreter is not qualified (doesn't know ethical obligations/has limited experience...but parties agree to accept interpreter).

General comments and/or suggestions.

Excellent presentation, the materials provided were helpful as well.


Thank you to all the speakers. The information you offered was very helpful.

Please circulate the Power Point used in the presentation.

Having been a defense attorney representing clients who needed interpreters I thought I had a handle on this, but now I know just how much I didn't know. Very informative and enlightening.

The quality of this judicial college is excellent.

Ms. Garcia-Camón was simply terrific: I had very little understanding of what was involved in her work before this session, and I now feel confident that I will not need the bench card to remind me of the need to consider what is required for an interpreter to do his or her job well in presiding over a hearing!

 <p>WASHINGTON COURTS</p>	<p>2021 Superior Court Spring Program Session Evaluation Juries and Inclusive Justice April 26, 2021 (70 responses)</p>
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Knowledge Gained

Please choose the number that expresses your rating, using a scale of 5 (HIGH) to 1 (LOW).	AVERAGE
Prior to this session, I had limited knowledge of this subject	3.37
This session enhanced my professional knowledge	4.49
I adequately learned something as a result of this session	4.53
The content has significant professional content	4.61

Relevancy

Please choose the number that expresses your rating, using a scale of 5 (HIGH) to 1 (LOW).	AVERAGE
Information was presented at a level appropriate to audience	4.54
The content of the session was relevant to my work needs	4.35
My assessment of the currency and accuracy of information presented	4.65

Suitability

Please choose the number that expresses your rating, using a scale of 5 (HIGH) to 1 (LOW).	AVERAGE
Suitability and/or usefulness of instructional materials	4.52
Effectiveness of the presentation, including use of active learning	4.46
Presenter's ability and effectiveness in utilizing technology to support participant learning and engagement	4.71

What aspect of the session did you find most valuable?

- Reminder to always look for ways to be inclusive of everyone who comes to court, or needs help to participate in the court process.
- Video demonstrations, examples of what we can do during voir dire to make sure we are addressing a person's needs.
- The most useful for me was the re-enforcement that we should be asking how people wish to be aided in becoming jurors. I liked the use of the word and visual impact of DisAbility.
- I found the entire presentation very helpful. It is so important for us to recognize that we often operate on assumptions based on perceived "ability," and that our presumptions are often incorrect. Even though I do not empanel juries as a commissioner (thus the "relevancy" score being lower), the information about and ideas regarding how to more fully facilitate participation in court by remote means was applicable to all consumers - litigants and attorneys in hearings, too, not just juries.
- Ms. Cole's presentation and the YouTube clips.
- Hearing from the juror, and seeing tools used to facilitate participation

- I loved the nuts and bolts approach - showing the wide variety of technology available to assist jurors and the ways in which we already use that technology and don't realize it.
- I have not really had to deal with these issues; it seems to me that people who have had disabilities that they think would affect their ability to serve on a jury have normally requested to be excused. This really made me aware of and sensitive to this and that fact that many may want to be included and serve. The session was fast-paced and so I hope the written or recorded materials will be thorough and helpful so that I can spend more time on this and feel prepared to deal with it if/when it arises in my court.
- Identifying the best ways to analyze whether an accommodation can be made to allow a differently-abled person to serve as a juror or otherwise best participate in the justice system. Creating awareness of the tremendous number of tools available to help courts do this. Also alerting us to what we don't know or what we incorrectly assume is correct (the myths that are widely held). Great session!
- The range of services/augmentation available to assist with persons participate in jury service.
- I found this to be a very interesting course, I enjoyed learning about the various options available for jurors to be able to participate.
- All of it. I really enjoyed the discussions with the blind juror, video of adaptive software in use, and more generally the very inclusive and informed approach to the subject. Great presentation.
- The different available technology that can be used, juror accommodation ideas.
- The examples that were shared helped me understand the technology they were referring to. Without a demonstration, it would have been very difficult to follow.
- Examples and personal experiences.
- Opening eyes to the possibilities
- I really enjoyed the Q&A that Judge Keenan engaged in with the blind juror. Very powerful.
- All segments were perfect!.

Faculty Evaluations

	Legal Knowledge	Clarity	Responsiveness	Audience Interest	Average
Donna Cole Wilson	4.86	4.72	4.65	4.74	4.74
Judge David Keenan	4.72	4.72	4.56	4.61	4.65
Judge David Whedbee	4.66	4.59	4.55	4.55	4.59
Justice G. Helen Whitener	4.56	4.60	4.61	4.52	4.57

What suggestions, if any, do you have for improving the content or delivery of this session?

- Would have been additionally helpful to see the demonstrated technology hands-on, to use it in person. Maybe again offer the program when Covid restrictions make in-person learning available.

- It would be helpful to have a bench card for different circumstances and different technological options available to us.
- Perhaps a longer session could have had some hands on practicing with the technology. A bench book/guide would be great. Especially in the era of Zoom.
- I didn't understand if there is an intention of the court providing the more advanced/sophisticated services. I doubt that is practical. It is great to consider how to work together with a person who has their own devices so they, too, can serve as jurors.
- Address difficulty in application to rural courts; funding issues for additional personnel
- It would be nice if we could get a list of resources provided to us along with the presentation.
- Contact information for companies and interpreters working in this field.

Were diversity issues (gender, race, sexual orientation, disability, etc.) incorporated within the presentation?

Agree	Neutral	Disagree
66	4	0


What specific suggestions do you have on how/where diversity issues could have been incorporated into this presentation (i.e., scenarios/hypotheticals, polling questions, images used within the presentation, case studies, cases cited, presenters, etc.).

- More interactive exercises
- I missed the first fifteen minutes so, this may have been covered. But, I think polling regarding perceptions/bias regarding differences of ability may have been enlightening as a jumping off point. As a judge with a disability, I often find implicit bias regarding my abilities to conduct certain aspects of the job. Incorporating the idea of implicit bias into the presentation could personalize and reinforce the great points that were raised in the presentation.
- I recognize this might be off topic somewhat but as a judge with hearing impairments it would be helpful to address ideas for accommodations there too.

General comments and/or suggestions.

- Great and very interesting information presented.
- This was a terrific presentation. Very engaging. The videos were great, as was the juror. Ms. Wilson was really engaging and her materials were great.
- Really informative presentation and I learned many new ways to be invitational to all persons.
- Great session. Very helpful!
- Thank you! It was also awesome to hear from the former juror directly!
- Was very informative.
- I totally agree with the concept of inclusiveness, as it should have been that way before. My only logistical issue is the cost and ready availability of the required equipment as to be used in a small rural court room?
- Important to constantly be reminded we can do more/better.
- Ms. Wilson was especially effective, she was so enthusiastic. I am glad this ended up being a plenary as the information was hugely beneficial for everyone. Some of the technical material went by pretty quickly, so hopefully the materials can be easily accessed by everyone, including court administrators.

- I really enjoyed this presentation. While the topic was about jurors, I must say that the presenters' approach to the topic made me feel more empowered as a disabled judge. I appreciated the thoughtfulness and informed approach to the topic. As a judge who is legally blind, I often field difficult questions about my own physical abilities. I can only imagine being a prospective and how intimidating similar questions coming from the bench can be. The thoughtful and informed approach suggested in this presentation could certainly mitigate those feelings of intimidation and foster a more reprehensive and inclusive jury pool.
- Fantastic session, and very timely topic!
- This was so helpful.
- The judge and parties will need high skill to apply the technologies!
- Great presentation! Contained so much helpful information.

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Disciplinary Committee Meeting Monday, March 8, 2021 Videoconference Meeting 4:00 PM – 5:00 PM Zoom</p>
<p>MEETING MINUTES</p>	

Present: James Wells, Katrin Johnson, Bob Lichtenberg, Anita Ahumada, Donna Walker, Diana Noman, Justice Helen Whitener, Moriah Freed

Approval of Previous Meeting Minutes

- Minutes of February 22 meeting approved as presented

Interpreter 2nd Grievance Process Resolution and Action

- Justice Whitener reviewed what she ascertained from reviewing the materials of the first grievance and hearing against the interpreter:
 - Confusion regarding the sanction – suspension versus revocation.
 - Rule 9 – Revocation versus suspension. Words were used interchangeably and they do not mean the same thing.
 - 9.3 (a) – Deals with definition of revocation.
 - 9.4 (c) – Deals with suspension and requirements for reinstatement.
 - The interpreter’s misrepresentation of credentials in the second complaint is a violation of the previous order.
 - If the interpreter’s credentials were revoked, the Commission has no jurisdiction over him because he would not be able to interpret in legal or quasi-legal proceedings. The Commission would have jurisdiction over him only if he subsequently appeared as an interpreter in a legal or quasi-legal proceeding. The Commission’s jurisdiction is limited only to these types of proceedings so he would not be prohibited from working in other types of matters. If his credentials are suspended with conditions, then the Commission does have jurisdiction over him. Because of the confusion in communication, it should be treated as a suspension so that it can be addressed.
 - Letter of reprimand - The Committee can utilize what is under “other disciplinary sanctions” in 9.7. Might want to consider this because it’s a suspension. In a letter of reprimand, it would be worth pointing out that any further violations can be forwarded to the prosecutor’s office for charge.
 - Need to be given due process due to confusion and an opportunity to reply.

- Making a false or misleading statement to a public servant would be a violation of RCW 9A.76.175 and a gross misdemeanor.
 - Using this approach might also be an opportunity for the disciplinary committee to have courts pay better attention to revocation emails.
- Jurisdiction – GR 11.2 gives jurisdiction over non credentialed interpreters, but it is difficult to enforce.
- Judge Berns originally did not want to refer the violation to the prosecutor for perjury, which is a felony. The gross misdemeanor would be a different route to take.
- Katrin –
 - Revocation paragraph 9.3 (d) – “Duties under revocation” can help with misuse of language in initial order.
 - Thinking of second violation as a failure to comply versus a new offense. The disciplinary rules only contemplate the initial offense.
 - 9.7 helps with the violations – letter of reprimand would cover the confusion and the loophole.
 - Manual revisions should include default judgements and non-compliance.
- Notice of revocation/suspension emails to courts
 - Justice Whitener – Interpreters are vital, and courts need to pay attention to communication from the Commission. New language proposal can be suggested to the Commission.
 - There is currently no tracking mechanism for when interpreters are in a courtroom.
 - Need to ensure that revocation messages are sent out to everyone who schedules interpreters.
 - Other agencies that schedule interpreters have since been added to the notification lists. If any other agencies are thought of, please share them with Bob and James.
 - Need to be clear with agencies that they are only suspended for court interpreting/quasi-judicial proceedings.
- Disciplinary actions could be an education topic for judges.
- The Committee agreed to have Bob draft a letter of reprimand to the interpreter.
 - Also an opportunity to clarify suspension/revocation and what duties are during the term.
 - 9.7 (c) duty to comply

ACTION: Bob will draft a letter of reprimand to the interpreter and will inquire if Judge Rajul is required to review the letter.

Disciplinary Manual Redrafting Process

- Revision should take place in sections to make it more manageable.
- Title I through III will be reviewed for suggested changes before the next Committee meeting.


- Work on getting through half of the manual before next Commission meeting in 3 months.

ACTION: Bob will send an invite to the Box account that contains Judge Rajul's revisions.

ACTION: Bob will send a doodle poll to schedule a meeting for the revision group.

Use of Identifying Information in Minutes

- There is concern that because these are allegations against the interpreter that he should not be mentioned by name in public documents.
- Interpreters who have allegations brought against them could be referred to by case number or interpreter number.
 - No case number for a grievance, just AGO case.
 - Interpreter number is public information
- Committee minutes go into public Commission packet on website.
- Closed Committee meetings could be considered deliberative – how much information should be considered about complaint?
 - Case file information could be public information. If it is public information, his name and ID can be included in the minutes.
 - Minutes should be sparse about discussions in disciplinary committee.
- Mr. Medvedev's matter is already public – can use name and ID number.
- Justice Whitener – We need to get a decision from the AGO.
- It would be helpful to have complaint numbering system at AOC for complaints to protect identities.


 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Disciplinary Committee Meeting Tuesday, March 30, 2021 Videoconference Meeting 4:00 PM – 5:00 PM Zoom</p>
<p>MEETING MINUTES</p>	

Present: Florence Adeyemi, Justice Helen Whitener, Donna Walker, Anita Ahumada, Diana Noman, Bob Lichtenberg, Moriah Freed

Finalize Letter of Reprimand

- Katrin Johnson’s suggested changes to the letter of reprimand were screen shared.
 - The Committee agreed to refer to the respondent interpreter in the second person unless referring to past actions. The changes to third person will need to be changed back to second person.
 - The findings of fact will be kept in third person.
 - The Committee accepted the rest of the suggested changes.
- The disciplinary manual states that Judge Rajul will have to sign the letter because she chaired the Disciplinary Committee at the time of the complaint.
- The Committee reviewed how the decision was made to issue a letter of reprimand.
- It was also suggested that the findings of fact should be more factual and less narrative.
 - Findings of fact 8 and 9 should be switched.
 - First finding should be split into two sentences.

ACTION: Bob Lichtenberg will accept Katrin Johnson’s changes with the input from the Committee and circulate a revised letter to the Committee for another review and approval. Once the letter is finalized, it will be sent to Judge Rajul.

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Disciplinary Committee Meeting Wednesday, May 19, 2021 Videoconference Meeting 12:00 PM – 1:00 PM Zoom</p>
<p>MEETING MINUTES</p>	

Present: Anita Ahumada, Justice Whitener, James Wells, Bob Lichtenberg, Moriah Freed, Donna Walker, Katrin Johnson, Diana Noman, Florence Adeyemi

Approval of March 30th Meeting Minutes

- Approved as presented.

Review of Reinstatement Requests from Interpreters

- The materials related to the reinstatement requests were circulated via email.
- 3 appealed within the given time period. 1 appealed after but might have extenuating circumstances.
- James Wells will provide a sample of the credential reporting deadline letter that goes out to interpreters. It will be added to the agenda for the next meeting.
- In anticipation of reporting issues due to COVID, can AOC create a module/instructions for how to report online? This will be discussed at the next meeting.

Martinez

- Completed outstanding requirements. A stay was not granted, but an appeal request was filed.
- Reinstatement was approved.

ACTION: A letter and email will be drafted for reinstatement of credentials. Justice Whitener will review the letter before it is sent.

Khatibi

- A timely request for appeal was requested. He has completed outstanding requirements.
- Reinstatement was approved.

ACTION: A letter and email will be drafted for reinstatement of credentials. Justice Whitener will review the letter before it is sent.

Morton

- A timely request for appeal was requested. He has not completed outstanding requirements.
- Mr. Morton provided extenuating circumstances as to why he has not completed his requirements.

ACTION: James Wells will draft a letter reverting him back to suspension with an extension to comply. In the letter, it will be included that he needs to contact James Wells if he has issues accessing his online interpreter profile. Give until the end of August to comply with all previous cycle credits. Provide links to access general and ethics education sessions. A separate letter will later be sent out notifying him of the December, 2021 reporting deadline.

Lim

- An appeal was filed but it was not timely. He is now in compliance.
- Reinstatement was approved.

ACTION: A letter and email will be drafted for reinstatement of credentials. Justice Whitener will review the letter before it is sent.

Discussion of work to be done on Disciplinary Process Manual

- Justice Whitener is asking a Committee member to take the lead on the Disciplinary Manual revisions. She would like an interpreter to take the lead.
- Florence Adeyemi will assume the lead on the Disciplinary Manual revisions.
 - Meetings will be scheduled for the ad-hoc group to review the manual together.
- Katrin suggested that the group review disciplinary policies from other states to see if they are more streamlined.

ACTION: Florence Adeyemi, Diana Noman, Anita Ahumada, Bob Lichtenberg, and Donna Walker will participate in the revision process. Luisa Gracia was also previously involved but was not at today's meeting.

Returned Letter from Pending Disciplinary Matter

- An unopened certified return letter that was sent on April 6 was found returned to AOC in early May. It states: "Return to Sender- Unclaimed- Unable to Forward". Our rules specify that if it is unclaimed, it would then be sent by first class mail, presumably to the same address, where it may again go unclaimed or returned.
- The appeal deadline will not be extended. The letter will be re-sent via first-class mail to the most current address with AOC.

Washington State Supreme Court Interpreter Commission

Memorandum

COMMISSION MEMBERS

Honorable Mafé Rajul, Chair
Superior Court Judges Representative

Honorable G. Helen Whitener
Appellate Court Representative

Honorable Matthew Antush
District and Municipal Court
Judges Representative

Fona Sugg
Superior Court
Administrators Representative

Frankie Peters
District and Municipal Court
Administrators Representative

Jeanne Englert
Administrative Office of the Courts
Representative

Luisa Gracia Camón
Interpreter Representative

Diana Noman
Interpreter Representative

Donna Walker
American Sign Language
Interpreter Representative

Kristi Cruz
Attorney Representative

Katrin Johnson
Public Member Representative

Francis Adewale
Public Defender Representative

Anita Ahumada
Community Member Representative

Naoko Inoue Shatz
Ethnic Organization Representative

Florence Adeyemi
Public Member Representative

To: The Honorable Judge Mafé Rajul
Chair, Supreme Court Interpreter Commission

From: Justice G. Helen Whitener, Appellate Representative
Chair, Interpreter Commission Disciplinary Committee

Date: March 3, 2021

RE: Request for Commission Chair Approval of Credential
Revocation

The Disciplinary Committee is charged with reviewing on a biennial basis the compliance of AOC credentialed spoken language interpreters with court hours, continuing education hours, personal conduct reporting, and oath requirements pursuant to criteria promulgated by the Interpreter Commission. In February and June of 2020, the Disciplinary Committee met and identified individuals who were out of compliance at that time. Those not in compliance were granted an extension until December 31, 2020 to complete outstanding requirements.

The Disciplinary Committee met again on February 10, 2021 to review the status of noncompliant interpreters. After a lengthy discussion, the Committee voted to revoke the AOC-court interpreter credentials of the following individuals whose outstanding requirements remained incomplete as of December 31, 2020:

AOC ID	Last Name	First Name	Language
10853	Fisher	Sylvia	Spanish
10650	Khatibi	N. Cyrus	Farsi
			Khmer
4618	Lim	Vannara	(Cambodian)
4630	Martinez	Raul	Spanish
			Khmer
4641	Morton	Visochanea	(Cambodian)
9449	Sarkisova	Zara	Russian
4684	Senchenko	Grigory	Russian

The Honorable Judge Mafé Rajul, Chair
Supreme Court Interpreter Commission

Pursuant to the Disciplinary Process Manual, Title 9.3(b) relating to disciplinary sanctions, the decision of the Committee to revoke the credential of an interpreter must be approved by the Chair of the Interpreter Commission.

The Disciplinary Committee, thus, requests your approval of its decision to revoke the AOC court interpreter credentials of the named individuals determined to be noncompliant with the requirements as of December 31, 2020. . The AOC Court Interpreter Program will send letters of revocation with a request for those persons to surrender their AOC-issued court interpreter ID badges to the AOC. Information regarding their right to appeal the decision will also be included in those letters.

If you approve the revocation of interpreter credentials of the individuals named herein, please sign and date the "Approved" line on this document and return a scanned copy with your signature affixed. If you wish to make exceptions, please so note in the Comments section following. Thank you.

Please feel free to contact me if you have any questions. I can be reached Helen.Whitener@courts.wa.gov.

I, the undersigned Chair of the Supreme Court Interpreter Commission, do hereby approve of the revocation of interpreters named herein, subject to any comments made in the "Comments" section of this document:

Approved by/Date:  3/11/21

Comments:

Washington State Supreme Court Interpreter Commission

COMMISSION MEMBERS

Honorable Mafé Rajul, Chair
Superior Court Judges Representative

Honorable G. Helen Whitener
Appellate Court Representative

Honorable Matthew Antush
District and Municipal Court
Judges Representative

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Anita Ahumada
Community Member Representative

Naoko Inoue Shatz
Ethnic Organization Representative

Florence Adeyemi
Public Member Representative

April 5, 2021

Mr. Andrei Medvedev
6251 NE 184th St
Kenmore, WA 98028

RE: Notification of Disciplinary Action re: Misrepresentation
of Credential to King County Superior Court

Dear Mr. Medvedev:

General Rule 11.1 establishes the authority of the Interpreter
Commission and its Disciplinary Committee (Committee). Rule
11.1(b)(3) reads as follows:

*“The Disciplinary Committee has the authority to decertify and
deny certification of interpreters based on the disciplinary
procedures for (a) violations of continuing education/court
hour requirements, (b) failure to comply with Interpreter Code
of Conduct (GR 11.2) or professional standards, or (3)
violations of law that may interfere with their duties as certified
court interpreters.”*

The Interpreter Commission is charged with developing and
carrying out policies for the Interpreter Program, including its
Disciplinary Policy.

The Committee met on March 8, 2021 to consider the April 15,
2020 grievance from King County Superior Court Judge Elizabeth
Berns pertaining to the alleged misrepresentation of credentials.
The grievance was supplemented by additional information
provided by certified Russian language interpreter Linda Noble
on May 5, 2020. The Committee sent you three separate
correspondences seeking your response. The last item sent was
dated November 20, 2020, directing you to reply by December
14, 2020. The Committee has received no reply to the
allegations provided by Judge Berns and Ms. Noble as of the
date of this letter.

Accordingly, the Committee is now ruling on the grievance
allegations as follows:

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FINDINGS OF FACT

The Disciplinary Committee found by clear and convincing evidence that:

1. Andrei Medvedev is a Russian and Ukrainian language court interpreter credentialed by the Administrative Office of the Courts (AOC) Court Interpreter Program.
2. Mr. Medvedev was notified by certified mail on October 24, 2019 that the Disciplinary Committee had ruled to suspend Mr. Medvedev's credentials as an AOC-credentialed court interpreter for five years in its Final Order in Case Number IC-2018-01.
3. Mr. Medvedev was notified via correspondence dated October 29, 2019 that the Chair of the Interpreter Commission agreed to the sanction imposed pending the timely filing of an appeal.
4. Mr. Medvedev filed a timely appeal on November 25, 2019 and filed a Motion for Stay of the Commission's Order.
5. On December 5, 2019, the Chair of the Interpreter Commission sent correspondence addressed to Mr. Medvedev denying his Motion for Stay of the Commission's Order. The letter was forwarded by AOC staff via email that same day and Mr. Medvedev was instructed to comply with WA Court Interpreter Disciplinary Process Rule 9.3(d) regarding representation of his credentials in future court interpreting assignments. Mr. Medvedev was instructed to inform courts that he is no longer credentialed and to return his court interpreter badge.
6. Mr. Medvedev filed on December 29, 2019 an Emergency Motion to Direct Staff of the Supreme Court Interpreter Commission to Restore Interpreter Credentials pending the outcome of the appeal. On January 22, 2020, the Chair of the Disciplinary Committee informed Mr. Medvedev by correspondence that the Committee had denied his motion.
7. Mr. Medvedev appeared in King County Superior Court to interpret for Case Number 20-7-00314-8 SEA on April 6, 2020 and April 13, 2020. In both appearances, Mr. Medvedev informed the court and/or court staff that he was credentialed by the AOC. At the April 13 hearing, court staff informed Judge Berns that his credentials had been revoked previously and he was dismissed from the interpreting assignment. Grievant Linda Noble witnessed the exchange between the court and Mr. Medvedev earlier that morning in which he asserted he was then currently court-credentialed.
8. The Commission met on April 14, 2020 to address two issues on appeal and ruled that the Disciplinary Committee did not abuse its discretion in denying the Motion to Continue the initial hearing due to the Mr. Medvedev's absence and further, that it did not abuse its discretion in denying the Motion to Dismiss.

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9. In its Appellate Order dated April 20, 2020, the Commission affirmed the decision of the Disciplinary Committee to suspend the AOC credentials of Mr. Medvedev as a court-credentialed interpreter for five years and remanded the matter to the Committee to assess fees and costs.
10. Mr. Medvedev responded to the request from the AOC for his response to the allegations by asserting that the Commission has no jurisdiction over him as a result of his interpreter credential being revoked. Mr. Medvedev was informed in correspondence dated November 22, 2020 that the Commission has jurisdiction over all interpreters appearing in court and requested that he respond to the allegations of Judge Berns by December 14, 2020.
11. Mr. Medvedev has not responded to the allegation that he misrepresented his interpreter credential status to Judge Berns on April 6, 2020 and again on April 13, 2020.

CONCLUSIONS

Based on the information submitted to the Committee, the Committee determined by clear and convincing evidence that Mr. Medvedev's conduct in King County Superior Court on April 6 and April 13, 2020 violated the Interpreter Commission's Disciplinary Policy pursuant to Disciplinary Policy Title 1.3(g): *Deliberate misrepresentation of certified or registered court interpreter credential.*

DISCIPLINARY ACTION

The Interpreter Commission's Disciplinary Policy identifies the various sanctions the Disciplinary Committee may impose for findings of misconduct. The sanction imposed must depend upon aggravating and mitigating factors including, but not limited to, the seriousness of the violation, the intent of the interpreter, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system.

The Committee determined that the appropriate sanction to impose upon Mr. Medvedev is a letter of reprimand pursuant to DR 9.7 (10). These findings will be provided to presiding judges, court administrators, and placed in the interpreter's file, and shall be considered by the Committee if Mr. Medvedev petitions for reinstatement of his court interpreting credentials at the conclusion of his five-year suspension.

The Disciplinary Committee decided upon this sanction for the following reasons:

1. Discipline is warranted. Courts rely on the truthfulness of interpreters, particularly in their unique role of accurately and completely representing the statements of people with limited English proficiency. Integrity is expected in this profession.

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2. More than four months prior to the events on April 6, 2020, the Interpreter Commission informed Mr. Medvedev that it denied his request to suspend the revocation of his credentials pending his appeal.
3. Mr. Medvedev knew or should have known on April 6, 2020 that his credentials were revoked.
4. Mr. Medvedev may face criminal prosecution for violation of RCW 9A.76.175, Making a False or Misleading Statement to a Public Servant.
5. Clarification is warranted that Disciplinary Rule 9.3.(d) states, "If the respondent is scheduled to interpret for any court hearings after imposition of revocation, the interpreter shall immediately notify those courts of his/her revocation. The respondent shall immediately cease holding him/herself out to the public as a Washington court certified or registered interpreter, and return the AOC-issued badge identifying him/her as a certified or registered court interpreter." Mr. Medvedev is hereby put on notice that he may not present himself as an AOC court credentialed interpreter. Failure to apply by this requirement may be grounds for additional discipline, and considered by this Committee when and if he applies for reinstatement of his credentials.

APPEAL

Mr. Medvedev is entitled to appeal this decision. Per the Disciplinary Policy, the standards for appeal are:

The interpreter may appeal the Disciplinary Committee's decision no later than 40 calendar days after the decision is mailed to the interpreter. The appeal shall be directed to the AOC staff and shall include the interpreter's written objections to the decision. The Commission (minimally a quorum thereof) shall consider the appeal based upon the written record, including, but not limited to the AOC file, written material submitted by the interpreter, or written conclusions made by the Disciplinary Committee. The Commission shall meet (in person or telephone conference call) to consider the appeal within 45 calendar days of receipt of the appeal. The complainant and the interpreter shall be notified of the Commission's decision on the appeal within 30 calendar days of the meeting. A majority of the Commission members shall constitute a quorum.

In accordance with Title 4.4 (b) of the Disciplinary Process Manual regarding computation of time, four days are being added to the 40 calendar day response timeframe. Accordingly, your appeal must be received by close of business on May 18, 2021.

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Requests for an appeal shall be directed to:

Robert Lichtenberg
Supreme Court Interpreter Commission
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504

Sincerely,

A handwritten signature in black ink, appearing to read 'Mafé Rajul', written in a cursive style.

Judge Mafé Rajul, Chair, Court Interpreter Commission

cc: Justice G. Helen Whitener, Chair, Disciplinary Committee
Robert Lichtenberg, Supreme Court Interpreter Commission
Mr. James Wells, AOC Court Interpreter Program Coordinator
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