


**Washington State Supreme Court
Language Access and Interpreter Commission**

September 23, 2022

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>WASHINGTON COURTS</p>	<h2 style="text-align: center;">Language Access and Interpreter Commission Quarterly Meeting</h2> <p style="text-align: center;">Friday, September 23, 2022, 8:30 AM to 12 Noon PM</p> <p>Join Zoom Meeting: https://wacourts.zoom.us/j/82713282167 Meeting ID: 827 1328 2167</p> <p>Dial by your location: +1 253 215 8782 US (Tacoma) Meeting ID: 827 1328 2167</p>	
AGENDA		
<ul style="list-style-type: none"> • Call to Order • Member Introductions & Meeting Rules 	Judge Michael Diaz	
<p>Chair’s Report (<i>Order Subject to Change</i>)</p> <ul style="list-style-type: none"> • Approval of June 3, 2022 Minutes • Recognition to Departing Commissioners • Current Member Reappointments New Candidate Meet and Vote (breakout and return) • Expansion of Commission Membership and Onboarding of New Members • Education Committee Chair Appointment and Committees’ Meetings • 2023 Commission Meetings Dates and Location(s) • Interpreter Recruitment Report • Strategic Planning Workgroup and Commission Direction for 2023-24 <p style="text-align: center;"><i>BREAK</i></p> <ul style="list-style-type: none"> • Bylaws Review and Adoption (<i>from Issues</i>) • Racial Justice Action Follow-Up 	<p style="text-align: center;">Judge Diaz</p> <p style="text-align: center;">Judge Diaz</p> <p style="text-align: center;">Judge Diaz</p> <p style="text-align: center;">Judge Diaz AOC Staff</p> <p style="text-align: center;">Judge Diaz</p> <p style="text-align: center;">All</p> <p style="text-align: center;">Shiki “Natsuya” Izuka</p> <p style="text-align: center;">Judge Diaz</p> <p style="text-align: center;">Francis Adewale</p> <p style="text-align: center;">Naoko Shatz Florence Adeyemi Francis Adewale</p>	<p style="text-align: center;">Pg. 6</p> <p style="text-align: center;">Pg. 15</p> <p style="text-align: center;">Pg. 40</p> <p style="text-align: center;">Pg. 41</p> <p style="text-align: center;">Pg. 89</p>

<ul style="list-style-type: none"> ● Interpreter Program Report ● LAP Consultant Report <ul style="list-style-type: none"> ➢ DMCMA Comments ➢ AWSCA Comments 	James Wells Robert Lichtenberg Jennefer Johnson Ashley Callan	Pg. 96
Committee and Partner Reports <u>Issues Committee Meetings Report</u> <ul style="list-style-type: none"> ➢ Topics TBD with Judge Oaks <u>Education Committee Meetings Report</u> <ul style="list-style-type: none"> ➢ 2022 Fall Judicial Conference Presentation ➢ 2023 Judicial College ➢ Future Judicial and Court Officer Training <u>Disciplinary Committee Report</u> <ul style="list-style-type: none"> ● Disciplinary Process Manual Status <i>Liaison Reports (placeholder)</i>	Judge Lloyd Oaks Luisa Gracia Camón Ashley Callan AOC Staff Justice Helen Whitener or designee OAH and ODHH	Pg. 118 Pg. 125
Commission Staff Report <ul style="list-style-type: none"> ● Commission Manager’s Report 	Kelley Amburgey-Richardson	
Announcements:		
Next Commission Meeting	December 2, 2022 8:30 AM-12 PM Via Zoom	

Meeting Minutes



Interpreter Commission Meeting
Friday, June 3rd, 2022
8:30 AM – 12:00 PM
Zoom Videoconference

MEETING MINUTES

Members:

Judge Mike Diaz, Chair
 Florence Adeyemi
 Anita Ahumada
 Ashley Callan
 Kristi Cruz
 Jeanne Englert
 Luisa Gracia
 Katrin Johnson
 Diana Noman
 Judge Lloyd Oaks
 Frankie Peters
 Naoko Inoue Shatz
 Donna Walker

Liaisons:

Judge Laura Bradley, OAH

AOC Staff:

Kelley Amburgey-Richardson
 Cynthia Delostrinos
 Moriah Freed
 Bob Lichtenberg
 Cherif Sidiali

Guests:

Adrian Arias
 John Botero
 Frehiwot Bruce
 Iratxe Caldwell
 Shoshanah Epstein
 Emma Garkavi
 Chief Justice Steve González
 Michelle Honey
 Jennefer Johnson
 LaTricia Kinlow
 Carol Landwehr
 Jovi Lee
 Nancy Leveson
 A Levin
 Yolanda Lopez
 Maria Lucas
 Maria Elena Montes de Oca Ricks
 Yoseph Petros
 Kathy Seymour
 Judge Damon Shadid
 Thei
 Socorro Villeda
 Johannes Voogt
 David Williams
 Elianita Zamora
 Michael Zheleznyak

CALL TO ORDER

The meeting was called to order at 8:34 AM.

Welcome and Introductions

- Newly appointed Chair of the Interpreter Commission, Judge Diaz, called the meeting to order.
- Judge Diaz thanked attendees at today's meeting and for the Commission members' work in preparing him for this role.
- Commission members and staff introduced themselves.
- Judge Diaz introduced himself to the Commission and how language access has been pivotal to his life and work.

Presentation of Plaques

- Judge Damon Shadid and Luisa Gracia were thanked for their role in serving as faculty to the Washington Judicial College and presenting on language access matters to new judges. A plaque of individual recognition for their contribution was presented.
- Judge Shadid thanked Seattle Municipal Court and Bob Lichtenberg for working on interpreter issues, and Luisa Gracia thanked the Commission for the opportunity to present on their behalf.

Approval of December 3, 2021 Meeting Minutes

- A motion to approve was made by Katrin Johnson and seconded by Luisa Gracia. The December 3rd meeting minutes were approved as presented.

Approval of February 4, 2022 Meeting Minutes

- A motion to approve was made by Naoko Shatz and seconded by Katrin Johnson. The February 4th meeting minutes were approved as presented.

CHAIR'S REPORT

New Members Appointments

- A number of long term Commission members will be leaving the Commission. Applicant materials have been provided in the meeting packet for review. There is not a rush to nominate members, and prospective Commission members will attend the September meeting to answer questions from the Commission.
- Nominations will be made to the Chief for October 1, 2022 appointment.
- Judge Diaz is being mindful of a new member orientation need and Bob Lichtenberg has been working with him on a thorough on-boarding process.
- Naoko Inoue Shtaz suggested more attorney members. She has noted that many attorneys do not understand language access needs, including how to work with interpreters, or LEP individuals. There should also be more education for attorneys.
 - It was suggested to consider interpreter related topics for the WSBA legal lunchbox trainings and CLE trainings at courthouses.

- WSBA does not always consider language access a substantive area of law worth CLE credits. Past presentations have awarded the “professional development” category and not “law/legal procedure.”
- DMCMA has nominated a replacement for Frankie Peters. Jennefer Johnson from Des Moines Municipal will replace him on the Commission.
- Judge Diaz emphasized the value of Commission feedback on the membership nomination process.
- Some of the ambiguities in the nomination process should be cleared up before the September meeting nominee voting, if there are any.

Interpreter Commission Strategic Planning

- In addition to the Committees, there are opportunities for the Commission to be proactive on other policy issues. Judge Diaz noted overlap in several topical areas from his discussions with Commission members.
 - Efficient functioning / value of time – allow members to provide expertise and not work in a staff role.
- Last 2 years have been hard and drastically shaped how courts function. Instead of focusing on creating new policy, the Commission could shift its focus to improving existing policy and practice.
- Commission members suggested focusing on retention, education and recruitment of interpreters.
 - Looking at needs demographically, linguistically, and by numbers.
 - Observed rural counties lack access to credentialed interpreters – using technology to reduce geographic limitations.
 - Compensation levels of interpreters is also still an issue.
 - Judge Oaks suggested assigning this suggestion of priorities to the Issues Committee, which could map interpreters by county and language density as a start.
 - It was noted that some interpreters are court credentialed, but do not regularly take court assignments.
- There is also a need for attention on what is happening outside of courtroom but related to access. There are significant barriers to accessing the courts such as navigating the clerk’s desk, websites, forms, etc.
 - Court ordered services/programs not providing interpretation services
- While hourly payment amounts for interpreters is a large issue, the length of assignments is also an issue. Interpreters will often take a longer assignment over a one-hour assignment.
- Members and staff emphasized the additional need to educate LEP individuals on their language access needs and rights. Self-advocacy and empowerment is crucial in navigating these issues. In the deaf community, it is common knowledge to advocate for one’s own language access needs, but not as common for spoken languages.
- Judge Díaz referred members to the “report card” of progress on Commission priorities included in the packet on page 42. Commission members discussed the various priorities.

- It was suggested to ask for input on strategic priorities from new commissioners when they are appointed.
- GR 11.1 implementation and GR 11.3 bench card update
 - RCW 2.42 and 2.43 work – if RCW is updated, the bench card will need to be updated.
 - **ACTION:** Donna Walker will work on establishing a RCW revision timeline
- Workgroup to design survey questions re: interpreter recruitment / survey
 - Commission members supported outreach and recognized the benefit of receiving feedback from other communities and stakeholders. Need to build stakeholder relationships to increase response rate.
 - Funding request document for training to recruit individuals to the profession.
 - The Commission recognized the importance of the Interpreter Training Pipeline as a priority
- Funding of ASL exam
 - Registry of Interpreters for the Deaf, Inc believes there are not enough interpreters taking the exam for court certification to make it financially supportable and decided in 2016 to not offer the exam.
 - AOC can create a funding request to create a new SC:L test.
 - Could possibly overlap with the needs of other states. There have been discussions of states pooling resources to fund the test.
 - Lots of interpreters are retiring – most court certified ASL interpreters in WA are 50+ years of age.
 - Chief Justice González offered to bring a proposal to the Conference of Chief Justices. State Court Administrator Dawn Marie Rubio might be able to bring this to the Conference of Court Administrators.
 - Cynthia Delostrinos and Bob Lichtenberg have been working with Dawn Marie Rubio. There is a desire within Washington to lead on this issue nationally.
 - The input of individuals involved in the prior spoken language exam creation will be helpful.
 - There also is a State Justice Institute grant funding possibility

ACTION: Bob suggests creating a strategic planning workgroup to identify priorities and create a multi-year plan.

2023 Commission Meeting Dates and Locations

- Commission members expressed a desire to have in-person meetings in some capacity, and are hoping to have one in-person meeting this year. If 2022 is not possible, 2023 will remain as backup. A hybrid setup will be utilized to accommodate people's varying comfort levels with in-person meetings.
 - An all-day meeting would maximize the time of individuals flying to attend.

- The AOC SeaTac office space is still not an option for meetings. However, there are other groups who have offered their space as an option. Staff can complete paperwork, etc.
- Staff asked if Commission members are content with meeting quarterly, or if meetings should be increased to 6 times per year, like other Commissions. The topic will be tabled for later discussion.

King County Auditor's Report Discussion

- The report [*Protection Orders: User-Focused Approach Could Help Address Barriers*](#) was released by the King County Auditor's Office on May 3, 2022.
- In looking at multiple protection order-related issues, language access played a large role.
- Among other key findings, the report discovered that LEP litigants seeking protection orders did not have sufficient language access needs met during the process.
- The findings touch on the recently passed bill [E2SHB 1320](#). This bill modernizes the protection order process and requires translation of certain documents. AOC may delay release of translated forms 5-6 months after English versions are released.
- Commission members found the recommendations on page 47 to be valuable to the Commission's work, particularly technical support in other languages.
- King County Superior Court welcomes the feedback – addresses "band aids" implemented in response to COVID that can be improved and revised.

LANGUAGE ACCESS PLAN (LAP) REVIEW UPDATE

Report by Mr. Izuka

ACTION: Mr. Izuka will be available at next Commission meeting to answer questions. Commission members should review the report in anticipation and to assist in creating a strategic plan.

LAP Submissions Update – Bob Lichtenberg

- There have been two rounds of LAP review thus far. Bob Lichtenberg will be conducting the third round of reviews.
- AOC has received feedback on the LAP template. Courts have expressed confusion on how to use the template, that was then clarified during the first round of reviews.
- AOC has decided to waive LAP compliance for courts due to the approaching submission deadline. None of the courts will be able to comply fully, in part due to the translation section and unfunded mandates that cannot be met. Courts cannot fully comply with the criteria set forth by the Commission and the criteria needs to be reviewed.
- AOC is seeking funding to assist the LAP implementation be successful, and is considering re-contracting with the consultant.

DMCMA LAP Concerns – LaTricia Kinlow, Frankie Peters, Jennefer Johnson and Ashley Callan

- There was a short timeline for the Commission to set the LAP criteria. This left a lot of unanswered questions about the LAP, and a short timeline for courts to submit their finalized LAP for compliance with the reimbursement program.
- DMCMA is hoping to change the direction and goals of the program, which will take more time and discussion to implement changes. Courts would like to provide more input and receive clarification of the scoring criteria.
- Importance to get notice in a timely manner to courts with any changes to ensure they have support and resources to implement the feedback.
- DMCMA expressed support for establishing a statewide LAP, despite the non-unified Washington court system.
- There is an expectation that the LAP will address every scenario that might present in court, which is unrealistic. It was suggested to provide a fact sheet or instructions for guidance in new situations. Agree with the spirit of LAP, but not the product.

ACTION: Further discussion of the LAP concerns expressed by DMCMA will be on the agenda at the September Commission meeting.

COMMITTEE AND PARTNER REPORTS

Racial Justice Consortium (RJC) – Naoko Inoue Shatz, Francis Adewale, and Florence Adeyemi

- Summaries can be found on page 77 and 78 of the meeting packet.
- Naoko Inoue Shatz summarized the RJC membership and meeting schedule. Monthly discussions focused on accountability, learning, and formation of an action plan. 6 areas of focus were identified:
 1. Cultivating spaces of belonging
 2. Child Welfare and Dependency
 3. Youth Justice
 4. Sentencing
 5. Legal Financial Obligations (LFOs)
 6. Re-entry
- Stemming from discussions with the RJC, the Interpreter Commission liaisons asked the Commission with support for the following:
 - Make court forms more accessible to non-English speakers
 - Create signage in multiple languages for courthouses
 - Introduce interpretation tools and interpretation software as a resource
 - Luisa Gracia offered to provide guidance on this topic
 - Commission members noted that while machine interpretation is a tool, nothing is as accurate as human faculty of judgement and accurate translation.
- Florence Adeyemi valued the opportunity to interact with different stakeholders in the group. The variety of backgrounds made the work challenging but allowed for discussion in addressing different perspectives, power dynamics, identities, etc.

She also spoke to her work with different community groups and how the RJC's reform areas impact those communities, particularly undocumented immigrants, and people who cannot read or write.

- Value of judicial leadership participating in the RJC – justices, judges, etc.

ACTION: A discussion about LFO relief will be added to the agenda at the next Commission meeting stemming from recommendations made by the Racial Justice Consortium.

Issues Committee – Judge Lloyd Oaks

Judge Oaks reported on the various projects that the Issues Committee is currently undertaking:

- Exploring ideas for a Commission Co-Chair – exploring scenarios, such as staggered terms.
- GR 11.2 – Discussions ongoing. Will be discussing ranges for disclosing conflicts of interest.
- The topic of requirements for interpreters to report possible violation of rights has been discussed.
- Hearing impaired juror issues. Look at making a report into disparities between counties.
 - Important to connect with ADA coordinators.
- GR 11.3 – Work is ongoing
- Judge Oaks has a reply letter drafted to Mr. Harrison to circulate to the Committee.
- Issues Committee minutes can be found on page 84 of the packet.

Education Committee – Luisa Gracia

- Two Interpreter Commission proposals were approved for judicial education:
 - Interpreter Ethics
 - Remote Interpreting – lessons learned
- Both groups of presenters are working on finalizing content. The Committee has set some deadlines for materials and planning. Presenters have been identified and have been meeting.
- James Wells was recognized for a great job presenting on Commission members training and onboarding. The information is available on the Interpreter Program website. Some content might need to be presented in a more palatable way or better format. Would like affidavit of completion.
 - No deadline identified to transition materials.
 - The idea of a Commission mentor was discussed for new members
- Luisa Gracia offered herself as a resource to Commission candidates seeking the spoken language representative position.

Disciplinary Committee – Justice G. Helen Whitener

- Disciplinary Manual Update – Florence Adeyemi
 - A subcommittee group, led by Florence, has been meeting for the past year. Justice Whitener is incorporating the changes and will send the manual back to the subcommittee for final review.

Office of Administrative Hearings (OAH) – Judge Laura Bradly

- OAH just completed an unemployment insurance (UI) pilot project where single party cases were held in Spanish without the intervention of an interpreter by appointing a Spanish speaking Judge. Received feedback that some parties felt interrupted or unheard speaking through an interpreter.
- The pilot is moving into phase II, which involves continued hearings with a Spanish speaking judge. OAH also will be exploring if any staff have language or Spanish skills, and incorporating that skill into hiring considerations.
- Contact Laura.Bradley@oah.wa.gov for questions. Judge Bradley will circulate the PowerPoint to the Commission that overviews the pilot project.

Office of Deaf and Hard of Hearing (ODHH) – Berle Ross

- ODHH has hired a new director. They have been invited to attend the September Interpreter Commission meeting.

STAFF REPORTS

Commission Manager's Report – Kelley Amburgey-Richardson

- Collaboration between the Interpreter Commission and the Gender and Justice Commission was highlighted in addressing language access needs for protection order proceedings.
- Language Access Interpreter Reimbursement Program (LAIRP) – Michelle Bellmer has taken another position at AOC. The position will be filled this summer while Michelle Bellmer and James Wells cover key program tasks until a hiring decision is made.
 - The new web application (beta) has collected over 15,000 individual events since going live at end of January 2022.
 - Developers and AOC staff have been meeting with a workgroup to provide feedback. Jennefer Johnson, new DMCMA nominee, is on the workgroup. New app version will be released this fall incorporating changes.

Announcements

- It was clarified that next meeting is September 23, not 24.

The meeting was adjourned at 11:52 AM.

Chair's Report

April 13th, 2022

Honorable Mike Diaz
Judge of the King County Superior Court
AOC Interpreter Commission Representative

Dear Judge Diaz,

As President of the Washington State Registry of Interpreters for the Deaf (WSRID), it is my honor to submit our Board's recommendation that Donna Walker continue her service as the ASL Interpreter Representative for the AOC Interpreter Commission.

Donna has served her community and professional colleagues well in her work with the AOC for the past few years, and we believe she is the best candidate for the position at this time. She is dedicated, organized, and has a full understanding of the scope of work required for this role. Her involvement in subcommittee work to help revise RCW 2.42, and her efforts to increase Deaf representation on the commission, has been invaluable. We hope to see her continue this work.

Although we had previously made this recommendation through email to Robert Lichtenberg, please consider this letter our formal statement of support.

Sincerely,



Anna Mansell Karagiannis
President, WSRID Board of Directors



DISTRICT AND MUNICIPAL COURT MANAGEMENT ASSOCIATION

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June 3, 2022

Interpreter Commission
Judge J. Michael Diaz, Interpreter Commission Chair

Re: DMCMA representative

Dear Judge Diaz,

The DMCMA representative to the Interpreter Commission, Frankie Peters, has resigned his role as of September 2022. We would like to nominate Jennefer Johnson, from Des Moines Municipal Court, as our new representative. I believe this appointment runs through 2025.

Please let me know if you need any additional information.

Thank you for your consideration.

Sincerely,

Kris Thompson
DMCMA President

cc: Judge Charles Short, DMCJA President
Cynthia Delostrinos, AOC
Robert Lichtenberg, AOC
Michelle Bellmer, AO

May 31, 2022

Robert Lichtenberg
Interpreter Commission Staff

RE: DMCMA appointment to the Interpreter Commission position

To DMCMA, Mr. Lichtenberg and Interpreter Commission,

I am writing to formally request appointment to the DMCMA representative position for the Interpreter commission. Frankie Peters is currently the DMCMA representative and his position is set to expire September of this year.

My experience includes 30 plus years working in the court system. Over the years I have watched the need for interpreter services to grow beyond just the courtroom. The interpretation services provided by the courts is near and dear to my heart. As a person who is of Mexican and African American decent, I have personally had to help my own family when trying to obtain services and there was a huge language barrier for them.

As an active partner in the King County Interpreter group who submitted their first LAP in 2008, we continue to have the vision and foresight of working towards expanding interpreter services. The collaboration amongst these 14 courts continues as we try to ensure that interpreters are being paid equitably and fairly while being provided for all court services. We continue to want to have a voice to give back to the commission to ensure that this important work continues to move forward.

It would give me great pleasure to be on this commission working towards the continued progression for the interpreter programs. Thank you again for the considering my request and please let me know if you have any further questions.

Jennefer Johnson
Court Executive Officer
City of Des Moines

Jennefer Johnson | (206) 909-0453 | jenneferj58@gmail.com
 1848 S 284th Ln, Apt J201 Federal Way, WA 98003

Achievements

Worked with the Genesis Project in Seatac, WA, to help provide facilities for women who are subject to sexual exploitation, prostitution and human trafficking. Supply resources to the drop-in day center using monies the court imposes on the offenders. Some of the resources are everyday necessities, underwear, basic clothing and hygiene products. This helps to provide a safe environment, and opportunities to start the recovery process.

Developed and implemented an online payment service for outstanding fines and fees. This was especially relevant during the pandemic, as the court office was closed to the public. The online payment service allowed customers the option of setting up an electronic payment plan rather than having to appear at the court office. Benefits were achieved by improving time management efficiency, with the processing time reduced from 4 hours to 20 minutes per day.

Introduced a court reorganization to address restructured roles and responsibilities of the judicial staff. The court clerks were trained to use Zoom and other advanced technologies that replaced previous face-to-face interaction for court proceedings. More than 750 cases were rescheduled, and the court adopted the new operational practices with less than 60 days' delay. Received positive feedback on the benefits of not having to travel to a court office, elimination of the need for child care coverage, and a reduction of time in court due to virtual proceedings.

Driven by a passion to help everyone understand the judicial system, particularly immigrants and the disadvantaged. Worked with the Executive Branch to gain support for increasing the availability of language access services, by providing more interpreters. Providing interpreters helps the community have a better understanding of the judicial process. Worked with 10 South King County courts to implement a language assistance plan to help offset some of the costs for interpreter services.

Started a DUI treatment court for clients with three or more offenses. The treatment court provides support and assistance to help reduce recidivism. Started by researching and presenting ideas for the program to the judge. The program has been running successfully for the past five years, with zero recidivism.

Implemented the OCourt case management system, which interfaces to the Judicial Information System. This was a huge undertaking, in part due to the large number of policies and procedures required to launch the project. Monitored progress of the new system and procedures, proactively identifying gaps, and ensuring any issues were addressed.

Career history

Court Executive Officer, Des Moines Municipal Court, Des Moines, WA, Jan 1999 to Present

- Administer the non-judicial functions of the Municipal Court. Manage daily operations.
- Implement policies and procedures for conducting court business. Formulate and submit recommendations for mandated changes, and for improving court operation.
- Supervise and evaluate the performance of assigned personnel, Provide training opportunities to improve technical ability and staff development.
- Manage the accounting of Court funds received and disbursed, as required by statute. Includes bails, bonds, fines, costs and assessments.
- Administer and prepare budgets for approval. Monitor budget expenditures.
- Develop and maintain working relationships with other City departments, County Jails, Law Enforcement Agencies and the public on policy and procedural matters and court rules.

Jennefer Johnson | (206) 909-0453 | jenneferj58@gmail.com
 1848 S 284th Ln, Apt J201 Federal Way, WA 98003

Lead Clerk, Kent Municipal Court, Kent, WA, Feb 1996 to Dec 1998

- Trained and provided work direction to Court Clerks on court procedures and operating standards.
- Assisted Administrator in case flow management and acted as Court Administrator in the Administrator's absence.
- Processed and maintained payroll, purchase orders, bail refunds, restitution payments and accounts payable.
- Maintained court budget and financial records and reports. Assisted auditors through research.
- Presented information and responded to questions in one-on-one situations, before small groups of managers, employees, customers and the general public.

Court Clerk, Northeast District Court, Redmond, WA, Jul 1 1991 to Feb 1996

Court Clerk, Bellevue District Court, Bellevue, WA, Nov 1989 to Jul 1991

Education

Highline Community College, Des Moines, WA
 Sunnyside High School, Sunnyside, WA

Certifications

Institute for Court Management (ICM)
 Certified Court Manager (CCM)

Emergency Management Institute
 FEMA Certifications 100, 200, 300, 700, 800

WCIA Education & Training:
 Employment law for supervisors
 Best Practices for coaching, counseling, discipline
 Conflict Management

Associations

DMCMA - District and Municipal Court Administrators Association
 DMCMA – Vice President May 2022 – present
 DMCMA - Legislation Committee
 Gender & Justice Committee
 NACM - National Association of Court Management
 NAMC – National Association of Municipal Courts



April 11, 2022

Washington State Supreme Court Interpreter Commission
Seattle, WA 98104

Re: Nomination to the Interpreter Commission

To Whom it May Concern:

NOTIS is proud to nominate Maria Lucas, a Spanish and English certified Court Interpreter, to serve on the Interpreter Commission.

Maria is a member of NOTIS in good standing and has been an active member of the Society for one-and-a-half years. Maria serves as a director on the NOTIS Board of Directors and is Head of the Legal Division, one of our key programming divisions. She works well with colleagues and is well regarded for her deep experience in the field of legal interpreting, her quick mind and her clear, analytical approach to issues.

I am confident that Maria Lucas will be an excellent addition to the Court Interpreter Commission and will serve well as an Interpreter Representative.

Best regards,

A handwritten signature in cursive script that reads "Laura Friend".

Laura Friend
President
The Northwest Translators and Interpreters Society (NOTIS)

To Whom It May Concern,

My name is Maria J. Lucas Perez, and I am a federal and state courts Spanish certified interpreter, as well as an ATA certified English/Spanish translator. I am currently serving as co-chair of the Legal Division, as well as chair of the Interpreters Advocacy Committee, of NOTIS. I have been a member of the NOTIS Board of Directors since September 2020. As co-chair of the Legal Division I am tasked with organizing continuing education opportunities for our members, as well as assisting with the regular business of the board. As chair of the advocacy committee, I lead discussions on all the current issues affecting professional interpreters and translators in the Pacific Northwest.

As you may have seen on my resume, I have extensive experience as a legal interpreter and translator and as an educator. I have taught both Spanish and English abroad and am very aware of the significance of language barriers, both as a traveler and as an expat living in countries where I did not speak the language. I believe there is still a lot to be done to elevate our profession and to better serve the communities that benefit from our services. This is one of the main reasons why I would like to apply for this position. Additionally, I realize that society at large needs to be aware of our scope and limitations and the fine line we walk between often being the only cultural liaisons and the ethics code we have sworn to obey; between reaching out linguistically but holding back emotionally to be able to perform our job to the best of our abilities.

It would be an honor to serve in the commission to further the needed conversations in already established areas and starting new ones where diversity and inclusion are the default framework.

Sincerely,

Maria Lucas

MARIA J. LUCAS PEREZ

Certified Spanish Interpreter and Translator

Mercer Island, WA 98040 | (310) 595-4936 | mariaj.lucas@gmail.com | www.linkedin.com/in/maria-lucas-ma

Professional linguist fluent in Spanish (native), Catalan (native), English, German, and Italian. Skilled at translating and interpreting documents from English to Spanish/Spanish to English within various settings, including the District Court, Attorney's office, classrooms, and private companies. Strong communicator with the ability to coordinate the development and delivery of high-quality Spanish output for a wide range of global stakeholders in Asia, Europe, and the US. Detailed-oriented professional who is well-versed in applying interpretation and translation best practices.

Core Competencies

- Translation and Interpretation
- Documentation
- English/Spanish Communications
- Project Management
- Style Guides
- Analytical Skills
- Data Analysis and Reporting
- Microsoft Office Suite
- Cross-Functional Collaboration

PROFESSIONAL EXPERIENCE

Court Interpreter | United States District Court – Western District, Seattle, WA Oct 2013 – Present

- Interpret legal terminology for defendants and/or witnesses within criminal and civil proceedings at King County Superior and District Court, Seattle Municipal Court, and Immigration Court.
- Provide sight translation of pleas, statements, police reports, medical reports, probation reports, sentencing memorandums, letters of support, and other legal documents and forms.
- Serve as Chair of Legal Division of Northwest Translators and Interpreters Society and help coordinate continuing education sessions.

Language Access Services Manager | King County Prosecuting Attorney's Office, Seattle, WA Sep 2019 – Apr 2020

- Fulfilled Spanish staff interpreter needs and coordinated interpreters/ translators for other languages.
- Translated forms and communications into Spanish language to send to witnesses and victims.
- Interpreted legal terminology for victims, families, and witnesses both in court proceedings and at pre-trial meetings for criminal, adult, juvenile, and civil cases.
- Crafted and managed policies, procedures, and fee schedules related to contract interpreters, invoices and contracts.

Certified Interpreter and Translator | Contra Costa Superior Court, Martinez, CA Aug 2008 – Sep 2013

- Interpreted legal information related to criminal, family law, and juvenile cases for defendants, witnesses, attorney/client meetings, and prosecutor meetings with witnesses, victims, and families.
- Translated pleas, statements, and letters of support using court-specific terminology for state of California.
- Participated in Union California Federation of Interpreters to help organize continuing education sessions.

Teaching Assistant | University of California, Los Angeles, CA Sep 2006 – Jun 2007

- Taught various level of Spanish language classes and introduction to linguistic courses attended by 40-100 students.
- Created worksheets, assessment tests, reading comprehension exercises, and graded exams.
- Coordinated TA meetings to discuss curriculum and improvements and create content for daily lessons.

Spanish Teacher (Grades K-8) | St. Timothy School, Los Angeles, CA Oct 2004 – Jun 2006

- Created, structured, and taught Spanish program from scratch for entire school – 120 students.

Translator (English/Spanish) | Englishtown, Shanghai, China Mar 2003 – Jun 2007

- Translated website, educational, and marketing content into Spanish (Spain) and Catalan using proprietary software.

Previous Roles include

English Teacher at Canilx Modern English (China); Airport Office Staff at Iberia Spanish Airlines (Germany); Translator – Italian/Spanish at Sociedad De Desarrollos Postales (Spain); Spanish Teacher at University of St. Andrews (Scotland), and Telecommunication Manager at Olympic Games Organizing Committee Member (Spain).

EDUCATION AND PROFESSIONAL DEVELOPMENT

Federally Certified English/Spanish Court Interpreter, United States District Court

Certified English/Spanish Court Interpreter, State of California, Washington, Delaware and Wyoming

Certified English/Spanish Translator, ATA

Master of Arts, Spanish, University of California, Los Angeles (UCLA)

Bachelor of Arts, Philology, Universidad De Barcelona

April 19th, 2022

Robert Lichtenberg
AOC Language Access Program Coordinator

Dear Robert Lichtenberg:

I would like to express my interest to be considered for the interpreter position in the Washington State Interpreter Commission.

I am a Court Certified Spanish Interpreter in Washington State, and I have been working in the Washington State Courts since 2007. My unique perspective from a multicultural background, skills, and experience while working as an interpreter, are just a few of the assets that I would bring with me into the commission.

Besides wanting to contribute to better interpreter practices in the courts, and add to the improvement of my profession, it is my greatest desire to be a part in creating change to provide equal access to justice for everyone, but specially, to those who face a language barrier in the US Court System.

Please consider my submission for this position.

Sincerely,

Iratxe Cardwell
Washington State Court Certified Spanish Interpreter

IRATXE CARDWELL

1915 106 Dr. SE Lake Stevens, WA 98258 (425) 445-5242 i_cardwell@hotmail.com

Recent Work History:**Washington State Court Certified Spanish Interpreter**

Court Interpreter, 12/2007- present

Simultaneous, consecutive and sight translation and interpretation in a great variety of court settings and hearings. Snohomish County Superior Court criminal and civil trials, Snohomish County District and Municipal courts, King County Courts, Skagit County, Yakima Courts, DSHS dependency cases, Family law matters, attorney client meetings, depositions, traffic court, truancy hearings etc.

VOLUNTEER WORK IN THE JUDICIAL SYSTEM

- In 2018 I volunteered in Dilley, TX for a week in a Federal Family Detention Center working by providing interpretation services to the mothers of the detained families to help them prepare for the CFI for them to be able to claim Asylum in the US.
- In 2021 I participated and presented in a meeting for the Snohomish County Office of Social Justice on language access issues in the court system.
- 2021 Presentation before Snohomish County Superior Court Judges and Commissioners on GR 11.1, GR 11.2, GR11.3, GR11.4
- In 2021 Presentation before Snohomish County District Court Judges on GR 11.1, GR 11.2, GR11.3, GR11.4
- In 2021 I spearheaded an initiative by interpreters to request and increase in compensation in Snohomish County, which included organizing monthly meetings with interpreters. As part of this initiative, I was in contact and met with members of the local government such County Executive and County Council members. I also met and contacted Presiding Judges in both Superior and District Courts, Court Administrators, County Public Defenders Association, Municipal Court Judges, and others. I also participated in the Snohomish County Council Budget meeting advocating and representing interpreters and advocating for equal access to justice for the citizens of the county who do not have English as a first language by having access to interpreters, specially in any kind of court proceeding or setting.
- I currently participate in Snohomish County District Court stakeholder meetings where I give input on issues or concerns that might arise regarding interpreter services, access to justice, or interpreter issues.
- March 2022 presented before the Snohomish County Public Defenders. The presentation included issues like cultural awareness, language access, ways to become a court certified interpreter (for staff who is bilingual and has shown an interest in the profession), nuances related to working with interpreters.
- In March 2022 met with District Court Presiding Judge Jen Rancourt to provide input and insight from an interpreter's perspective on how to approach the "In person" return to court hearings for interpreter's and LEP clients.
- In 2022 I have met with Snohomish County Court Administrators to discuss issues about scheduling, equal access to justice, interpreter dynamics in the courtroom.

- I am currently also participating with King County interpreters, in a similar interpreter initiative to the one that I led in Snohomish County, to improve interpreter compensation where we hold monthly meetings and are organizing a similar approach to contact local government.

OTHER PROFESSIONAL EXPERIENCE NOT RELATED TO THE JUDICIAL SYSTEM

April 2022 Interpretation services for the Minister of Industry, Commerce and Tourist from Spain.

March 2021 Microsoft Ignite International Conference

Live broadcast and simultaneous interpretation for Microsoft for developers and clients.

2018 Simultaneous Interpreting for RootsTech Conference in Salt Lake City, UT

Provided interpretation for presenters during the international genealogy conference.

Simultaneous Interpreting for Microsoft conferences

Bill and Melinda Gates Foundation

Business Development Conference

Microsoft, Redmond WA Localization 3/2011-7/2011

Part of the Spanish localization team for Microsoft

FORMAL EDUCATION

Computer Skills:

MS Office Suite, PowerPoint, Excel, Outlook, QuickBooks.

Certifications:

2012 Written portion of the Federal Court Interpreter exam

Washington State Court Certified Spanish Interpreter 2007

Washington State Certification for Medical / DSHS Interpreter (Spanish)

Language Proficiency:

Fluent and well-accented in English, Spanish, and Basque

Collegiate Education:

AA in Business from LDS Business College, Salt Lake City Utah.

AA in Accounting, Administration and Commerce, Llodio, Spain



110 Prefontaine Pl. S., Suite 610
Seattle, WA 98104
www.defensenet.org

Heather Carroll, President
Christie Hedman, Executive Director

May 13, 2022

Supreme Court Interpreter Commission
c/o Robert Lichtenberg
PO Box 41170
1606 Quince St. SE
Olympia WA 98504-1170

RE: WDA Nomination of Shoshanah Epstein to Interpreter Commission

Dear Mr. Lichtenberg,

I am writing on behalf of the Washington Defender Association (WDA) to nominate Shoshanah Epstein of the Cowlitz County Office of Public Defense to succeed Francis Adewale as a public defense representative on the Supreme Court Interpreter Commission. Ms. Epstein has been a certified ASL interpreter since 1997 and has experience working with an interpreter advisory board in New Mexico. She is excited by the opportunity to serve on the commission in Washington.

Thank you for your consideration. Please let me know if you have any questions or if I may provide you with further information.

Sincerely,

A handwritten signature in black ink that reads 'Christie Hedman'.

Christie Hedman
Executive Director

Shoshanah Epstein
PO Box 961
Ridgefield, WA 98642

I am writing to express my interest in the Washington Supreme Court Interpreter Commission. I have been a certified ASL interpreter since 1997. I completed my interpreting degree at Seattle Central Community College with Lou Fant and Shannon Christy as lead instructors. I interpreted full-time for seven or eight years before trying court interpreting, at that point I began studying law enough to attain the Specialist Certification in Legal interpreting from RID, and that led me to law school. I was awarded the SC:L in 2008 and graduated from the law school at the University of New Mexico in 2009.

I was on the interpreting advisory committee in New Mexico through the Administrative Office of the Courts helping draft Supreme Court rules there. We met regularly and successfully improved standards, encouraging ASL interpreters to seek and attain legal training and certification. Since that time, New Mexico increased the number of ASL court-certified interpreters from two to eight, and the courts started using Deaf interpreters for the first time. We created an in-state pathway to legal training and certification and now there are three tiers of court certification for ASL legal interpreters, accessible and available for Deaf interpreters as well. The courts started using Linda Carroll, a Deaf Interpreter who had court interpreting experience from Boston, which was a wonderful change for access to justice for the Deaf community.

I participated in the online legal interpreter training program at the University of Northern Colorado. This was an excellent opportunity to discuss interpreter ethics and protocols in depth with some of the leading experts nationally. I attended legal interpreting training in Little Rock, Arkansas through their AOC, collaborating with ASL interpreters both hearing and Deaf.

As a bilingual attorney and law student, I worked with UNM's law school to provide NES mock jurors and interpreters for the evidence-trial-practice class so that future attorneys could work with interpreters prior to graduation and interpreters could practice legal interpreting in a safe but realistic setting. Partnering with law school classes and clinics is a great way to give attorneys opportunities to work appropriately with interpreters; to ask questions and get training at the beginning of their careers.

Please let me know if I can be of further assistance, thank you.

Shoshanah Epstein

WSBA # 48956, RID Certified ASL Interpreter- CI, CT, SC:L
(971) 278-3430; Shoshanah.epstein@gmail.com

Senior Defense Attorney, Cowlitz County Office of Public Defense, Longview, WA February 2018 – present

- Represent adults in felony trial matters up to and including class-A strike offenses with a specialty in defending severely mentally ill clients. Mentor, train, and co-counsel less experienced attorneys in the office.

Staff Attorney, CNMI Public Defender Office, Saipan, N. Mariana Islands May 2017 – December 2017

- Represented adults and juveniles charged with misdemeanor and felony crimes on Saipan and Rota in the Commonwealth of the Northern Mariana Islands.

Litigation Attorney, Shoshanah Epstein Law, LLC, Santa Fe, NM December 2015 – April 2017

- Represented clients in New Mexico in criminal, abuse/neglect, civil rights, guardianship, and other proceedings. Child welfare attorney for children and youth in abuse and neglect cases. Assisted families seeking guardianship of children. Criminal defense attorney representing defendants statewide. Mediator and settlement facilitator in state district courts.

Attorney, New Mexico Office of the State Engineer October 2014 – November 2015

- Attorney in the Administrative Litigation Unit (ALU), represented the State in contested litigation regarding water rights at the administrative hearing level and in state district and appellate courts. Represented Water Resource Specialists and worked with state hydrologists to collect and present data for hearings. Negotiated resolutions with water rights claimants. Based in Santa Fe, New Mexico, traveled statewide.

Assistant Trial Attorney, Office of the Third Judicial District Attorney June 2013 – October 2014

- Prosecuted felony trial cases with an emphasis on adult felony violent charges; worked with support staff, advocates, investigators, and senior attorneys to resolve cases in ways that satisfied all stakeholders. Acted as co-counsel and assisted misdemeanor attorneys with trial preparation and presentation.

Assistant Public Defender, New Mexico Office of the Public Defender February 2010 – June 2013

- Defended indigent clients in criminal hearings and trials, wrote and argued motions, tried cases at all levels in both Metro court (misdemeanors) and District court (felonies) in Albuquerque, New Mexico.

Legislative Bill Analyst, New Mexico House of Representatives Judiciary Committee January - February 2010

- Analyzed bills and prepared written reports to all members of the House Judiciary Committee (HJC) on the constitutional, fiscal, and practical implications of proposed legislation in Santa Fe, New Mexico.

Public Interest Law Initiative (PILI) Intern, Equip for Equality, Chicago, IL May - August 2008

- Worked full-time at the Illinois Protection and Advocacy office assisting attorneys in the antidiscrimination and self-determination team advocating for the civil and legal rights of individuals with disabilities. Mentored by Howard Rosenblum, now Chief Executive Officer of the National Association of the Deaf.

Bilingual Work Experience**Certified American Sign Language Interpreter****1997- present**

Interpret for Deaf and hearing participants facilitating communication in legal, behavioral health, medical, workplace, and university settings. Certificate of Interpretation, Certificate of Transliteration, and Specialist Certificate in Legal Interpreting from the Registry of Interpreters for the Deaf – RID C.I., C.T., SC:L.

Education

Juris Doctor, *cum laude*

May 2009

University of New Mexico School of Law, Albuquerque, New Mexico. Honor Roll, Constitutional Law Fellow. Fellowship included placements assisting the chambers clerks of Federal Judge James O. Browning, assisting the ACLU of NM with litigation and monitoring of youth detention facilities, working at Pegasus Legal Services for Children in special education federal litigation cases and CLE presentation. Acted as an expert witness with Professor Barbara Bergman on proposed legislation repealing the guilty but mentally ill verdict.

Associates of Applied Science

June 1997

Associates degree in ASL Interpreting from Seattle Central Community College, Seattle, Washington.

Bachelor of Arts

March 1995

Bachelor's degree in Cross-cultural Studies from the Evergreen State College in Olympia, Washington.

First three years of undergraduate education at the University of Chicago in Chicago, Illinois; completed common core curriculum, emphasis on physics, math, biology.

Publications, Presentations, Honors

2009 Julia Raymond McCulloch Memorial Award for Excellence and Interest in the field of Constitutional Law.

2009 Margaret Keiper Dailey Award *for awareness of social problems, concern for people in trouble, and dedication to a professional responsibility to provide equal justice for all.*

Alan M. Goldstein and Shoshanah D. Epstein, *Personality Testing in Employment: Useful Business Tool or Civil Rights Violation?* 24 Labor Lawyer 243 (American Bar Association, Section of Labor and Employment Law, 2008).

Assistant editor and researcher for Amicus Briefs written by James W. Ellis in the Supreme Court of the United States and United States Circuit Courts of Appeals on behalf of the American Association on Intellectual and Developmental Disabilities, 2007-2009.

Bar Admissions and other relevant experience

Admissions: State Bar of New Mexico, 2009, Federal District of New Mexico, 2016. Commonwealth of the Northern Mariana Islands Bar Assoc., 2017, Washington State Bar Association, 2015.

Certified as a mediator, summer 2007 - Volunteer Mediator for Metropolitan Court in Albuquerque, 2007-2009. Family law/Advanced mediation training, February 2009 - Mediation training in Santa Fe, February 2016. Mediator/Settlement facilitator for the First and Thirteenth judicial districts in New Mexico, 2015-2017.

Acted as the Defense representative on the team that formed and ran the Cowlitz County Superior Court Adult Mental Health Court program, 2018 - 2020.

Volunteer trial skills coach for Justice Advocacy Africa online program training litigators in Kenya, 2021.

Language skills include fluency in American Sign Language, some conversational and reading abilities in French and Hebrew, beginner literacy in Spanish.

KHALID KHOSHAL

LYNNWOOD, WA 98036 | 801.688.9167 | KHALID_KHOSHAL@YAHOO.COM

March 30, 2022

Ref: Public Member Representative Position

Dear Robert Lichtenberg,

Please consider this letter of introduction a strong expression of my interest in Public Member Representative Position within the Supreme Court Interpreter Commission.

I would like to take the opportunity to introduce myself. My name is Khalid Khoshal. I have currently been working as a Housing Specialist with the Housing Authority of Snohomish County.

As a former contractor and Utah State employee, I have worked with the Department of Commerce, (State of Utah), Department of Workforce Services, (State of Utah), and Joint Language Training Center (JLTC) at Utah National Guard, (State of Utah) where I was providing linguistic support in the following languages, Farsi, Dari, Pashto, Urdu, and Tajik to the military.

In addition to my professional experiences working in a wide variety of settings, including state agencies and non-profits, as a freelancer, I have been using my multi-lingual skills and experience providing translations/interpretation for over 15 years which includes but not limited to providing language-training courses to U.S. Army, Air Force and worked as a cultural advisor the Special Forces.

With native fluency & extensive knowledge of code of ethics, colloquialism, regionalisms in the target languages, I have a great deal of respect for and understanding of culture, dialect, beliefs and preferences as it relates to legal/medical care. In fact, and have been a voice for people who need help communicating and bridging language barriers in culturally appropriate ways.

In additional to my resume, I attached a skill summary sheet outlining my linguistic experience.

I am sure that you require people who can be trusted to carry out their responsibilities with minimal supervision and I would bring the technical and analytical skills necessary to get the job done.

I consistently maintain the high level of service, and as the occasion demands, I am able to re-prioritize my work to adjust to circumstances.

My multi-lingual skills as well as my experience in translation, transcription, and determining eligibility for Welfare programs, support of military, law enforcements, coupled with my professionalism, reliability, and my multilingual skills will undoubtedly contribute to Supreme Court Interpreter Commission's mission and its increasing diverse clients.

I'm looking forward to hearing from you, and appreciate your time and consideration of my interest.

Sincerely,

Khalid Khoshal

KHALID KHOSHAL

LYNNWOOD, WA 98036 | 801.688.9167 | KHALID_KHOSHAL@YAHOO.COM

Language Navigator/Support Specialist

Self-motivated professional with strong organizational and communication skills. Collaborates cross-functionally to build consensus with individuals at all levels of an organization. Forges partnerships with key stakeholders to develop effective business strategies. Provides comprehensive administrative support by managing calendars, planning, and coordinating complex domestic and international travel itineraries, and reconciling expenses. Comfortable working in ever-changing environments, with the ability to work well in high pressure situations, and ensures compliance with administrative operations policies and procedures. Proficient in Microsoft Office software (Word, PowerPoint, Outlook, advanced Excel) and internal tools. Provides multilingual support and fluency in Farsi, Dari, Pashto, Urdu, Tajik, and English.

CORE PROFICIENCIES

- Administrative Skills
- Customer Service
- Strong Planning Skills
- Organizational Skills
- Cultural Awareness
- Calendar Management
- Policy Development
- Program Development
- Program Management
- Team Leadership & Team Building
- Strong Analytical Skills
- Travel Coordination
- Budget Management
- Strategic Planning
- Regulatory Compliance
- Training & Mentoring
- Team Support
- Written & Verbal Communication

KEY SKILLS ASSESSMENT

- Cultivated relationships with clients through exemplary service and relationship building.
- Facilitated team meetings to communicate important information.
- Interpreted and analyzed reports, trends, and quantitative data to support critical decision making for future strategies.
- Orchestrated bottom-line factors affecting daily operations including staff coordination, staff development, program development, quality control, conflict management, and customer relations.
- Enforced and complied with an organization's policies / procedures and local / state / federal regulations.
- Organized, managed, and performed administrative functions by maintaining precise and accurate records, analyzing and processing documents in a timely manner, and drafting / submitting clear reports to meet critical deadlines.
- Worked closely with individuals from various social, cultural, and economic populations.
- Exhibited attention to accuracy, timeliness, conflict resolution, and alignment to the business's priorities by providing in-depth administrative support.

PROFESSIONAL HISTORY

HOUSING AUTHORITY OF SNOHOMISH COUNTY (HASCO) | WA

3/2019 – Present

Housing Specialist

Prepare leases and contracts, as well as other documents in a timely manner. Conduct client intakes, addresses inquiries, and resolves conflicts. Analyze client income to determine rent. Process rent adjustments to guarantee adequate notice to tenants and property owners. Cultivate long-term, positive relationships with a diverse group of individuals. Coordinate the involvement of tenants and landlords for Section 8 program, including inspections, lease negotiations, renewals, document execution, tenant/landlord disputes, and tenancy terminations.

Accomplishments:

- Respected for excellent communication skills and consistently meeting or surpassing HASCO's performance standards.
- Relayed technical information to program participants in an accessible and simplified manner. Explains complex HUD policies clearly and concisely to a broad range of clients, and gains trust by collaborating with clients to stay compliance with the program.
- Contributed to brainstorming sessions and meetings to identify solutions for process improvements.

JOINT LANGUAGE TRAINING CENTER @ UTAH NATIONAL GUARD | UT
Language Support Specialist / Intelligence Analyst / DOMEX Analyst

8/2012 – 2/2019

Managed missions by creating operation orders, assessed orders to determine level of, support, analyzed findings, established Priority Intelligence Report based on findings, and set deadlines to produce and deliver final products. Communicated regular updates to the team chief regarding progress of the mission and held daily briefings on mission progress. Submitted weekly updates to the team and conducted quality control. Provided intelligence analysis and produced thousands of pages of court-ready transcripts. Reported findings from the analysis of all investigative material on a daily basis. Provided gist, extracts, full and verbatim translations of audio and written material.

Accomplishments:

- Maintained comprehensive knowledge of the language, culture, history, religion, and politics of various Mideastern countries to work with a diverse group of individuals from various backgrounds, cultures, religious and political affiliations.

DEPT OF COMMERCE / DEPT OF WORKFORCE SERVICES, STATE OF UTAH | UT
Eligibility / Office Specialist

3/2007 – 8/2012

Cultivated positive relationships with clients. Conducted clients need assessments and determined eligibility for programs such as Medicaid, Food Stamps, Financial Assistance, Medicaid, and Child Care Assistance. Processed emergency requests. Educated a diverse group of clients on policies and procedures, responsibilities, benefits, and services. Worked with employers to update training information, verify employment, and manage large caseloads. Ensured Caseworkers complied with federal and state law and agency guidelines. Provided comprehensive administrative support including reviews data, records and files for detail and accuracy. Researched and compiled documents and maintained computerized evidence tracking.

Accomplishments:

- Respected by the Team Chief for delivering strong work ethic, professionalism, integrity, dedication, and excellent contributions to the mission of the organization.
- Served as a consummate team player to quickly and accurately complete work in a high quality and timely manner.

COMPLEMENTARY EXPERIENCE

PART-TIME FREELANCER

3/2014 – 3/2019

- Provided language training courses to U.S. Army and Air Force, collaborating as a cultural advisor/role player/interpreter with the Special Forces.
- Prepared audio transcriptions and triage summaries for Deputy District Attorneys, and delivered medical interpretation and translations.

EDUCATION AND CREDENTIALS

American Public University | Bachelor of Arts in International relations and Conflict Resolution | 2021

Certificate

- Bing Ads Accredited Certificate

Awards and Honors

- Achievement Medal for Civilian Service
- Numerous Letters of Recommendation, Award Letter, and Letters of Appreciation

TECHNICAL SKILLS

File Vision | Acranet | The Work Number | INTELLA | PENLINK | Electronic Imaging Filing System (efind) | Microsoft Office Suite (Word, Excel, PowerPoint, Outlook)

Michelle Lynn Hunsinger de Enciso
1735 116th St. S.
Tacoma, WA 98444

April 13, 2022

Attn: Mr. Robert Lichtenberg
Supreme Court Interpreter Commission
P.O. Box 41170
1206 Quince St. SE
Olympia, WA 98504-1170

Dear Mr. Robert Lichtenberg:

I am pleased to submit my résumé for consideration for the public member representative position on the Washington State Supreme Court Interpreter Commission. My professional experience will reflect that I have close to 20 years of experience providing direct advocacy for limited- or non-English proficient individuals. In addition, my current position in the King County Prosecuting Attorney's Office requires me to facilitate access to court processes via interpreter or bilingual services on a regular basis. Most importantly, I am passionate about working to eliminate the systemic barriers that result in the limited accessibility of services available to individuals who rely upon interpreter services. I would be pleased to have the opportunity to utilize my experience to help create meaningful language access policies to benefit court users across Washington state who have limited English proficiency and hearing loss.

Before coming to work at King Co. Superior Court in 2018, I gained managerial experience as the Shelter Director for LifeWire, one of King County's largest domestic violence service agencies. As Shelter Director, one of my priorities was making our program accessible to diverse populations. During my tenure managing the program, we went from being a program that rarely requested interpreters to having anywhere from 2 to 6 out of the 10 families we housed at any given time utilizing interpreter services. At LifeWire, I was also one of the key staff participants in the Multilingual Access Model (MLAM) workgroup, a project developed to increase the agency's capacity to respond to the needs of underserved survivors. I took the lead on writing the United Way New Solutions grant proposal that was successfully funded to implement the project.

You will see that my résumé also reflects extensive prior experience working in organizations that specifically target, attract and recruit members of multi-cultural populations. I have over nineteen years of experience providing direct client services to survivors of domestic violence and, for most of that time, those services were focused on supporting limited- or non-English proficient survivors. As the Domestic Violence Program Manager at Consejo Counseling and Referral Service, I oversaw all of the agency's domestic and sexual assault programs, which were primarily targeted to the non-English speaking immigrant Hispanic community.

Please find attached a copy of my résumé. If you have any further questions, I can be reached at (360) 789-5952. I look forward to speaking with you to discuss how my experience could help the Washington State Court Interpreter Commission continue to promote meaningful language access for court users with limited English proficiency and hearing loss. Thank you for your time and consideration.

Sincerely,



Michelle Lynn Hunsinger de Enciso

1735 116th St. S., Tacoma, WA 98444

360.789.5952

chellehunsinger@gmail.com

OBJECTIVE

To obtain a position as a public member representative on the Washington Supreme Court's Interpreter Commission, where my extensive experience advocating for limited English proficient individuals can make a meaningful contribution to the development of equitable language access policies

SUMMARY OF QUALIFICATIONS

- Over 19 years' experience providing one-on-one, survivor-centered advocacy, legal advocacy, safety planning and crisis intervention to domestic violence and sexual assault survivors.
- Specialized experience providing individual and systems advocacy on behalf of limited-English proficient, immigrant Latinx survivors.
- Over 3 years' managerial experience of a confidential, residential domestic violence shelter program.
- Managerial experience of a culturally-specific Latino domestic violence/sexual assault program.
- Extensive experience conducting training presentations in both English and Spanish.
- Excellent verbal and written communication skills.
- State certified Spanish social services interpreter.
- Personal experience living abroad as an immigrant in a marginalized slum community.

PROFESSIONAL EXPERIENCE

King County Prosecuting Attorney's Office, Protection Order Advocacy Program, Kent, WA

Victim Advocate, June 11, 2018- present

- Conduct interviews with petitioners to determine statutory eligibility for protective orders
- Provide support and assistance in completing documents required to file, renew, modify and terminate DV Protection Orders against current or former intimate partners
- Extensive support completing paperwork and accompaniment interacting with court personnel in cases involving non-English speaking Petitioners
- Provide information, education and instructions regarding court procedures in DV Protection Order cases
- Provide referrals to civil legal partner organizations for support outside the scope of the POAP program
- Prepare proposed orders and prep Petitioners prior to return hearings
- Staff phone line with a high-volume of assistance calls

Carolyn Hunsinger, Rainier, WA

Individual Provider, August 2017-January 2018

- Provided personal caretaker services to a parent with Alzheimer's disease, including assistance with Activities of Daily Living (ADLs) and essential transportation

Instituto Thomas Jefferson, Querétaro, Querétaro, México

English Teacher, January 2017-July 2017

- Planned English lessons to meet curriculum standards
- Prepared English classroom and coursework materials, homework assignments, and handouts
- Selected/integrated appropriate instructional materials for classroom instruction
- Evaluated the students' class work and assignments

Universidad Aeronáutica en Querétaro, Colón, Querétaro, México

English Teacher, May 2016-December 2016

- Developed curriculum, lesson plans, quizzes and exams necessary to teach assigned grammatical content
- Delivered lessons to assigned student groups.
- Assessed and monitored student progress through the evaluation of oral and written instruments.

Berlitz de México S.A. de C.V., Santiago de Querétaro, Querétaro, México

English Teacher, April 2015-April 2016

- Planned, prepared and delivered lessons to classes.
- Taught small groups and individual private students.

Transformación Urbana Internacional, Chimalhuacán, Edo de México, México

Executive Assistant, August 2012-April 2015

- Assisted the Executive Director with his correspondence, schedule coordination and itinerary logistics.
- Assisted the Executive Director in the implementation and management of a communications strategy.
- Maintained websites and social networking sites in both English and Spanish.
- Created communications, quarterly newsletter, appeal letters, annual reports, etc., in English and Spanish.
- Elaboration of grant proposals in English and Spanish.
- Ensured compliance with reporting requirements for funders and donors.

LifeWire, Bellevue, WA

Social Change Director, May 2012-June 2012

- Coordinated social change strategy implementation.
- According to annual social change strategy, planned and implemented community engagement projects.
- Wrote and maintained training curriculums for various audiences according to current relevant research and the social change strategy.
- Facilitated training for relevant staff regarding messaging, public speaking and training curriculums

Shelter Director, September 2008-April 2012

- Responsible for contract management and compliance of all program contracts for agency's emergency shelter and hotel voucher programs.
- Oversaw and managed services to address the rights and needs of highly diverse shelter and hotel residents.
- Assisted in identifying, implementing and coordinating services/activities in order to meet resident needs.
- Supervised, trained and mentored assigned staff, interns and volunteers.

Consejo Counseling & Referral Service, Seattle, WA

Domestic Violence Program Manager, January 2007-August 2008

- Oversaw and managed services which address the rights and needs of primarily Spanish-language domestic violence, sexual assault and crime victim clients.
- Oversaw and managed a wide range of agency support programs including, but not limited to domestic violence community and legal advocacy, sexual assault, transitional housing, teen advocacy, batterers' treatment, crime victims' services, etc. specifically targeted to Spanish-language clients.
- Assisted in identifying, implementing and coordinating services/activities in order to meet client needs.
- Supervised, trained and mentored assigned staff, interns and volunteers.
- Conducted community outreach and educational presentations in both Spanish and English.
- Conducted DV/SA training, education and workshops in both Spanish and English.

Domestic Abuse Women's Network, Tukwila, WA

Latina Program Community Advocate, June 2005-December 2006

- Performed individual advocacy with Spanish-speaking domestic and sexual violence survivors.
- Provided systems-based advocacy for immigrant survivors with cultural and language barriers.
- Interpreted and translated for Spanish-speaking domestic and sexual violence survivors.
- Transcribed clients' verbal Spanish domestic violence declarations into English.
- Translated corroborative written Spanish witness declarations into English.
- Court accompaniment, including explanation and preparation for hearings and explanation of processes.
- Co-facilitated Spanish-speaking domestic and sexual violence survivors support group.
- Improved and expanded Spanish Domestic Violence/Sexual Assault Advocacy Training from 30 hours annually to 50 hour bi-annually and implement enhanced training courses.
- Conducted educational domestic violence presentations in Spanish for Hispanic/Latino community.
- Developed and conducted annual Spanish Domestic Violence Training for clergy and religious leaders.

Eastside Domestic Violence Program, Bellevue, WA

Shelter Advocate, February 2005-June 2005

- Provided case advocacy, crisis intervention, conflict resolution and skill building for domestic and sexual violence survivors in apartments, hotel and crisis line.
- Facilitated Support groups, Education groups, and House meetings with residents.
- Provided culturally appropriate services and referrals to shelter residents as needed.

Crisis Line Advocate, Data Coordinator August 2004-January 2005

- Provided crisis line advocacy, emotional support, and referrals to callers during business hours.
- Provided education and information to callers about domestic violence.
- Prepared quarterly demographic reports in compliance with contracts.
- Prepared statistical, summary reports, and contract progress reports as needed.

Law Office of Betsy Rodriguez Silva, Tacoma, WA***Legal Assistant***, October 2002-August 2004

- Performed client intake screening, assessed client eligibility based on likelihood of successful claim outcome for primarily Spanish-speaking clients.
- Acted as attorney's liaison with claims managers, vocational counselors, judges, other attorneys, and Spanish-speaking clients
- Communicated with Spanish-speaking clients throughout the length of claim to obtain information vital to handling of claim

Centro Latino SER, Tacoma, WA***Domestic Violence Advocate/Community Outreach Worker***, January 2001-October 2002

- Performed individual advocacy with Spanish-speaking domestic and sexual violence survivors.
- Provided systems-based advocacy for immigrant survivors with cultural and language barriers, to ensure access to services within other agencies.
- Interpreted and translated for Spanish-speaking domestic and sexual violence survivors.
- Facilitated Spanish-speaking survivors' education about community resources and provided referrals.
- Created, implemented and facilitated Spanish-speaking domestic and sexual violence survivors' support group.
- Developed, coordinated and conducted 30 hour Spanish Domestic Violence/Sexual Assault Advocacy Training.

Family Support Worker/Domestic Violence Specialist, October 1997-December 2000

- Conducted home visits and coordinated support for Spanish-speaking families in need.
- Provided Spanish-language home-based skill-building in parenting, health promotion, and child development.
- Advocated for families within other community agencies and programs.
- Provided crisis intervention and emergency stabilization to Spanish-speaking clients as necessary.
- Interpreted and translated for Spanish-speaking client families.
- Created, implemented and facilitated Spanish-speaking women's support group.

English as a Second Language Instructor, August 1997-October 1997

- Researched appropriate curriculum materials.
- Designed and developed lesson plans.
- Provided classroom supervision and instruction.
- Assessed student progress and maintained student records.
- Supervision of volunteer instructors.

EDUCATION**Bachelor of Arts, Cum Laude**, in Spanish Language and Literature

University of Puget Sound, Tacoma, WA, December 1997

LANGUAGES

English, Native proficiency

Spanish, Advanced verbal and written proficiency

COMPUTER PROFICIENCIES

MS Word, MS Excel, PowerPoint, Adobe Acrobat Pro, Outlook, KC Script, JABs, PbK, PeopleSoft



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September 12, 2022

Honorable Steven C. González
Washington State Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

Re: SCJA Representative Nomination to the Court Interpreter Commission

Dear Justice González:

The Superior Court Judges' Association (SCJA) nominates Judge Edirin O. Okoloko, Snohomish County Superior Court, to serve the remainder of Judge J. Michael Díaz's term, which is set to expire September 30, 2023. It is my understanding that Judge Okoloko is eligible to be appointed to the Commission for a full three-year term with the possibility of being reappointed to a second three-year term. I am confident Judge Okoloko will represent well the interests of all judicial officers while serving on behalf of the SCJA.

If appointed, I understand Judge Okoloko's term will begin immediately.

Thank you for your consideration of SCJA's nomination to the Court Interpreter Commission. Please let me know if more is needed to support Judge Okoloko's nomination.

Sincerely,

Judge Jennifer Forbes, President
Superior Court Judges' Association

cc: Judge Edirin O. Okoloko
Judge J. Michael Díaz
SCJA Board of Trustees
Dawn Marie Rubio, Director, AOC
Allison Lee Muller, AOC
Robert Lichtenberg, AOC
Kelley Amburgey-Richardson, AOC

Washington State Supreme Court Interpreter Commission

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Luisa Gracia Camón
Interpreter Representative

Diana Noman
Interpreter Representative

Donna Walker
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Interpreter Representative

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Katrin Johnson
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Francis Adewale
Public Defender Representative

Anita Ahumada
Community Member Representative

Naoko Inoue Shatz
Ethnic Organization Representative

Florence Adeyemi
Public Member Representative

March 25, 2022

Honorable Steven C. González
Chief Justice of the Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

RE: Re-Appointment of Ethnic Organization Representative,
Public Member Representative, and ASL Interpreter
Representative to the Interpreter Commission

Dear Chief Justice González,

It is my pleasure to re-nominate Naoko Inoue Shatz, Florence Adeyemi, and Donna Walker to serve their second three-year term on the Interpreter Commission. Their current terms will end September 30, 2022. If re-appointed, each would serve their second and final term from October 1, 2022 until September 30, 2025.

All three individuals are actively involved in the work of the Commission. Commissioner Shatz has been involved in advancing improved communications access features for immigrant LEP families involved in family law matters and serves on the Education and Issues Committees. Ms. Adeyemi has provided leadership and guidance to the Disciplinary Committee and is serving as the lead on the re-drafting of the Disciplinary Process Manual. She remains active in the work of the Education and Disciplinary Committees. Ms. Walker has been instrumental in providing critical guidance on the needs of sign language users, the access to justice challenges of people with hearing loss, and has advocated for more inclusion of Certified Deaf Interpreters as a critical component of language access service delivery.

I am pleased to know that Ms. Shatz, Ms. Adeyemi, and Ms. Walker continue to be willing to represent the interests of the judiciary on court interpreting and language access matters. I appreciate their willingness to fit the work of the Commission and its committees into their schedules.

Thank you for your consideration of this reappointment request.

Sincerely,

A handwritten signature in black ink that reads "J. Michael Diaz". The signature is written in a cursive style with a large, stylized initial "J".

Judge Michael Diaz
Chair, Supreme Court Interpreter Commission

CC: Mr. Robert Lichtenberg, Interpreter Commission Staff

Interpreter Commission 2023 Meeting Dates

Date	Time	Location
Friday, 2/10/2023	8:30 AM – 12:00 PM	Zoom Videoconference
February <u>Legislative Session Call TBD</u>	TBD	Zoom Videoconference
Friday, 5/12/2023	8:30 AM – 12:00 PM	TBD*
Friday, 9/08/2023	8:30 AM – 12:00 PM	TBD*
Friday, 12/08/2023	8:30 AM – 12:00 PM	TBD*

*Meetings Held By Videoconferencing Until Further Notice

Please contact Bob Lichtenberg at Robert.Lichtenberg@courts.wa.gov or 360-350-5373 if you have any questions.

Final Report

**Ensuring Language Access in the
Courts:**

**Improving the Recruitment and Retention of Court
Interpreters**

By Shiki “Natsuya” Izuka at Seattle University School of Law

**For the Washington State Interpreter Commission and Interpreter
Program**

April 5, 2022

Preface

I submit this Final Report (“Report”) to the Washington State Interpreter Commission (“the Commission”) and Interpreter Program as a culmination of my Fall Semester 2021 externship at the Commission. It has been my honor to be able to work for the Commission with support of my externship supervisor, Cynthia Delostrinos. As a former interpreter and now an aspiring attorney, I was able to apply my knowledge and experience to the assignment given to me.

Throughout the externship, I learned the difficulty of policy making, and more specifically, coming up with policies that solve existing problems without creating new problems. I did my best to strike the right balance between making changes and maintaining status quo, considering all the stakeholders’ interests. The stakeholders include, among other things, parties to the lawsuit, individuals with limited English proficiency (LEP individuals), courts (e.g., judges), attorneys, the Administrative Office of the Courts (AOC), court interpreters, and taxpayers. Among those stakeholders, I centered LEP individuals because courts must be able to provide “meaningful access” to so that the LEP individual is not disadvantaged just because of their lack of English proficiency.¹

“Language access” in courts is increasingly being recognized as basic rights, not privileges. For example, the United Nations Universal Declaration of Human Rights Article 10 (“the Declaration”) states, “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his

¹ Board for Judicial Administration Interpreter Services Funding Task Force, *FUNDING COURT INTERPRETERS 1* (2018)

rights and obligations and of any criminal charge against him.” Implied in the Declaration is that parties must have language access in courts so that they are not disadvantaged due to their limited proficiency in certain languages. Similarly, the Washington State government recognizes the importance of “language access” as well. For example, the State constitution states, “Justice in all cases shall be administered openly, and without unnecessary delay².” Furthermore, the Board for Judicial Administration adopted a resolution recognizing the problem mentioning “language access” as a requirement for the courts³. Finally, a recent decision in the Court of Appeals, Division Three, states a LEP individual should be provided with a language interpreter when the LEP individual holds a private consultation with his or her or their attorney⁴.

Although the laws are clear around the right to an interpreter and the necessity of providing language access, that right is still not fully realized. For example, there are times when courts cannot find appropriate court interpreters on a timely manner. Sometimes, they may settle with court interpreters who are mediocre.

One of the reasons we haven’t fully realized true language access in the courts is because of racism. The problem is in part being caused by Americans’ condescending attitude toward LEP individuals. For example, as an immigrant myself, I struggled in communicating with Americans when I initially moved to the U.S. because my English was not as good, and Americans simply expected I spoke English as if they were telling

² Wash. Const. art. 1, § 10

³ Washington State Administrative Office of the Courts, *Washington State Supreme Court Interpreter Commission September 24, 2021 Meeting Packet 32* (2021).

⁴ *State v. Anderson*, 19 Wn. App. 2d 556, 497 P.3d 880 (2021)

me that “everyone should speak English.” This attitude ignores the fact that English is not a global language and that there are a lot of people in this country whose primary language is not English. As the global economy continues to grow, the mutual respect and the role of language interpreters will be more needed than ever.

Also contributing to the lack of adequate language access is the issue of gender justice. Female interpreters outnumber male interpreters in the United States⁵. How we are treating court interpreters reveals how we are treating women in our society. Court interpreting requires high level skills and a great dedication. We need to recognize the importance of court interpreters and treat them with the respect that they deserve.

Also contributing to the problem is American’s attitude toward immigrants. We need to recognize that immigrants play important roles in this society. Not only the LEP individuals tend to be immigrants but also court interpreters themselves can be immigrants. Immigrants tend to be more creative and beneficial to society⁶. For example, although immigrants are only about 14% of the population, they are involved in the founding of about 40% of all startups.⁷ As the Hon. Robert F. Utter, Retired Justice, Washington State Supreme Court said, “the vibrancy of our democracy depends upon our willingness to ensure that the fullest range of voices and interests is represented and heard. This is what the fight for equal justice is all about.”⁸ I hope this

⁵ Kelly, Nataly; Stewart, Robert; Hegde, Vigayalaxmi, *The Interpreting Marketplace*, A Study of Interpreting in North America Commissioned by InterpretAmerica, Common Sense Advisory, Inc.

⁶ Cultural Humility and Bias In House Gov. (Presentation Slide attached as Exhibit E)

⁷ *Id.*

⁸ Washington Courts Administrative Office of the Courts, *Deskbook on Language Access in Washington Courts, Providing Access to Courts for Limited English Proficient (LEP), Deaf, Hard-of-Hearing, and Deaf-Blind (D/HH/DB) Individuals*, June 2017.

Report will contribute to ensuring “equal language access in courts” across Washington State (“the State”).

Acknowledgement

This Report would not have been possible without all the help that I received from the following people that I appreciate and respect:

Honorable Judge Mafé Rajul

King County Superior Court judge and the former Chair of the Interpreter Commission

Robert Lichtenberg

Interpreter Commission Staff

Cynthia Delostrinos

The Associate Director of the Office of Court Innovation at the Washington State Administrative Office of the Courts

James Wells

Interpreter Program Staff at the Washington State Administrative Office of the Courts

Luisa Gracia Camón

A member of the Interpreter Commission (Interpreter Representative) and a veteran English and Spanish interpreter

Professor Gillian Dutton

The Director of the Externship Program at Seattle University School of Law

Saori Sanpa

The Director of the Translation and Interpretation Certificate Program at Seattle Central
College Continuing Education

Noriko Beck

A veteran English and Japanese interpreter

Janis Palma

A Board Member at the National Association of Judiciary Interpreters and Translators
(NAJIT)

Hilda Zavala

A Board Member at the National Association of Judiciary Interpreters and Translators
(NAJIT)

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Introduction

Court interpreters are essential for courts and yet courts are struggling with court interpreters' recruitment and retention. This problem causes the deterioration in the quality of courts, and more specifically, the most adversely affected are those who are "vulnerable" such as those whose English proficiency can be limited, who also tend to be people of color⁹. Single women of color are also being disparately affected by this existing problem of the lack of language access in the courts¹⁰.

It is often said "justice delayed is justice denied." Most of the state courts have experienced difficulties with timely finding court interpreters, especially when they need interpreters in rare languages and/or when they need interpreters right away or the following day.¹¹ In such situations, these cases usually needed to be rescheduled.¹² Alternatively, even when courts managed to move on with scheduled proceedings, the courts could not find certified court interpreters, meaning they could only find non-certified interpreters.¹³ Non-certified interpreters are not desirable because of the risk of inconsistencies or inaccuracies in interpreting, which in the legal context can have serious a negative impact on parties¹⁴.

A 2018 Washington State study on Court Interpreters stated, "state and federal laws require Washington courts to provide meaningful access to court proceedings and

⁹ Washington Courts Administrative Office of the Courts – Gender and Justice Commission, *2021: How Gender and Race Affect Justice Now – Final Report*, 2021.

¹⁰ *Id.*

¹¹ Board for Judicial Administration Interpreter Services Funding Task Force, *Funding Court Interpreters – A survey report on court interpreter services and funding needs in Washington State*, March 2018.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

court services for persons who have functional hearing loss or have limited English proficiency...Additionally, the Department of Justice requires recipients of federal funds to provide interpreter services for all court cases as well as meaningful access to all court managed programs and activities, including those outside the courtroom.”¹⁵ Court proceedings are only as good as the quality of court interpreting. Interpreters are the nexus of court proceedings. ABA standards eloquently articulate this reality stating, “[c]ompetent and timely language access services also support the administration of justice by ensuring the integrity of the fact-finding process, accuracy of court records, and efficiency in legal proceedings. Both LEP persons and English speakers alike benefit, as courts often decide issues which affect the interests of both.”¹⁶

This Report addresses an urgent problem regarding court interpreters’ recruitment and retention. Due to the limited time of the externship, this Report focused only on language interpreters without addressing issues concerning sign language court interpreters. While acknowledging existing issues, the Report suggests potential solutions to the existing issues.

The Report consists of three parts: 1) background, 2) analysis, and 3) conclusion. The first part covers some basic information related to court interpreting as a profession and existing problems of court interpreters’ recruitment and retention. The second part addresses how we might be able to solve the existing problems. Finally, the Report addresses potential subjects that we might want to explore in the future. The

¹⁵ Board for Judicial Administration Interpreter Services Funding Task Force, *Funding Court Interpreters – A survey report on court interpreter services and funding needs in Washington State*, March 2018.

¹⁶ American Bar Association – Standing Committee on Legal Aid and Indigent Defendants, *Standards for Language Access in Courts*, February 2012.

Exhibits attached at the end of this Report are A) a survey for law students, B) a sample advertisement material, C) a sample annual survey for court interpreters, and D) a sample press release.

Part I: Background

Court interpreters need to meet at least one of the following requirements before they can work as court interpreters: 1) passing certification or registration exams; 2) being “qualified” by courts; or 3) receiving “reciprocity.” The most common and “preferred” method is to pass certification or registration exams. Although they are said to be difficult, fortunately, aspiring court interpreters can use some resources provided by the State. For example, the State offers oral exam and written exam preparation courses.¹⁷ Additionally, the trainings intended for those people nearly passed the exam are in the pipeline. Although not across the State, a mentorship program was (or is) available at the City of Seattle Municipal Court (12-week session)¹⁸. This program was spearheaded by Ms. Louisa Garcia Camon, a Commission member. Finally, aspiring court interpreters also have access to online resources. For example, glossaries are available at the following website.¹⁹ Forms and Policies are also available online.²⁰

Regarding the third method, “reciprocity” is used for certain out-of-state interpreters. If it is granted, they are to be deemed to have passed either a certification or registration exam. The requirements are described below:

“Interpreters who have credentials in registered languages from other states and who have passed the written exam developed by the Consortium for State Court Certification and passed the oral language comprehension exams to the same standards as Washington requires may become certified upon: (1) providing written documentation of

¹⁷ offered https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=WrittenExamCourtInterpreters

¹⁸ Luisa Gracia Camon, Mentoring SMC 9/17-12/17 (See Attached Slides - Exhibit F)

¹⁹ https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=glossary/index

²⁰ https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=policiesandforms;

https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=resourcesForInterpreters

passing the oral language comprehension exams from the administering state; (2) attending a mandatory class on the Introduction to Court Interpreting, provided by the Washington Administrative Office of the Courts, (3) submitting to a fingerprint background check; (4) executing the Oath of Interpreter, and (5) obtaining an interpreter ID badge from the Washington Administrative Office of the Courts. If the interpreter has credentials from the Oregon Court Interpreter Certification Program, they are exempt from requirement (2) above. Reciprocity for interpreters with credentials in registered languages who have passed language comprehension exams that are not used in Washington will be decided on by the Issues Committee on a case-by-case basis.”

Source:

https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=policyManual/finalAccreditationRegistered

“(a) Interpreters certified by the Oregon Court Interpreter Certification Program or the Federal Court Interpreter Certification Examination Program may become certified by the Washington Administrative Office of the Courts upon: (1) providing formal written documentation of certification status; (2) providing a letter from the certification program stating that the interpreter is in good standing; (3) submitting to a fingerprint background check; (4) executing the Oath of Interpreter, and (5) obtaining an interpreter ID badge from the Washington Administrative Office of the Courts. (b) Interpreters who have taken and passed the written and oral certification exams developed by the Consortium for State Court Interpreter Certification, but administered by another state court interpreter program under the same testing standards used by the Washington Administrative Office of the Courts, or interpreters who have taken and passed the written and oral certification exams developed by the California Administrative Office of the Courts, may become Washington certified upon (1) providing written documentation of passing the oral certification exam from the administering state; (2) attending a mandatory class on the Introduction to Court Interpreting, provided by the Washington Administrative Office of the Courts, and (3) meeting requirements three through five in paragraph (a) above. The Washington Court Interpreter Program reserves the right to reject oral certification exam test scores for individuals who passed the exam more than four years prior to application for certification in Washington and have subsequently performed little or no court interpreting. (c) Interpreters who have credentials in registered languages from other states and who have passed the written exam developed by the Consortium for State Court Certification and passed the oral language comprehension exams to the same standards as Washington requires may become certified upon: (1) providing written documentation of passing the oral language comprehension exams from the administering state; (2) attending a mandatory class on the

Introduction to Court Interpreting, provided by the Washington Administrative Office of the Courts, and (3) meeting requirements three through five in paragraph (a) above. If the interpreter has credentials from the Oregon Court Interpreter Certification Program, they are exempt from requirement (2) above. Reciprocity for interpreters with credentials in registered languages who have passed language comprehension exams that are not used in Washington will be decided on by the Issues Committee on a case-by-case basis. (d) Interpreters certified under provisions (a), (b), or (c) above are subject to all Washington Certified Court Interpreter requirements for continuing certification, including continuing education.”

Source:

https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=policyManual/finalAccreditationCertified

Work Environment

Because the Report focuses on court interpreters’ recruitment and retention practices, the rest of the Part I covers their work environment. First, while court interpreting is a difficult job, court interpreting as a profession does not yield stable income streams for court interpreters. Court interpreting requires high level skills and court interpreters tend to have master’s degrees.²¹ However, Court interpreting (or interpreting in general) can be characterized as a part-time job where interpreters work as independent contractors.²² There are very few opportunities for full-time paid work for interpreters, especially for the courts. This explains why other interpreting jobs such as interpreting for private companies, often called “business interpreting” or “interpreting in business settings”, are said to be more attractive to language professionals.

Certain language combinations tend to get enough work as court interpreters, for example Spanish interpreters, whereas less commonly used languages like Japanese

²¹ Kelly, Nataly; Stewart, Robert; Hegde, Vigayalaxmi, *The Interpreting Marketplace, A Study of Interpreting in North America Commissioned by Interpret America*, Common Sense Advisory, Inc.

²² Interpreters United Local 1671 AFSCME Council 28 (WFSE), *Spring 2016 Demographics Survey N = 188*, February 14, 2017.

prefer "business interpreting" due to lack of volume of work for court interpreting. Although it depends on a language combination, it is said that "business interpreters" get paid by a higher hourly rate and they get a greater number of billable hours. Additionally, some private companies have full-time positions for language specialists and those positions are more attractive because of the pay stability and benefits that come with the positions such as 401 K and basic plans including medical, dental, and vision (e.g., Honda hires interpreters as a full-time employee with benefits.)

Second, although it might be a gross generalization, interpreters do not get paid well. The sizable percentage of interpreters (about 20%) earn less than \$10,000 a year.²³ What is shocking is that even those interpreters who work 60 hours or more only earn \$47,173 on average.²⁴ Regarding court interpreters, based on anecdotal and research data, they get paid \$30-90/hour (see below). These numbers are low compared to the median income for the Seattle area or even the State. Although the purpose of work is more than just workers receiving compensation for their labor or services, the amount of compensation is a huge factor when people choose their profession. The median income per capita in Seattle is \$59,835/year.²⁵ The Washington state per capital income is \$ 64,758 (Two counties bettered the state average: King County at \$94,974 and San Juan County at \$81,351.)²⁶ As mentioned

²³ Kelly, Nataly; Stewart, Robert; Hegde, Vigayalaxmi, *The Interpreting Marketplace*, A Study of Interpreting in North America Commissioned by Interpret America, Common Sense Advisory, Inc.

²⁴ *Id.*

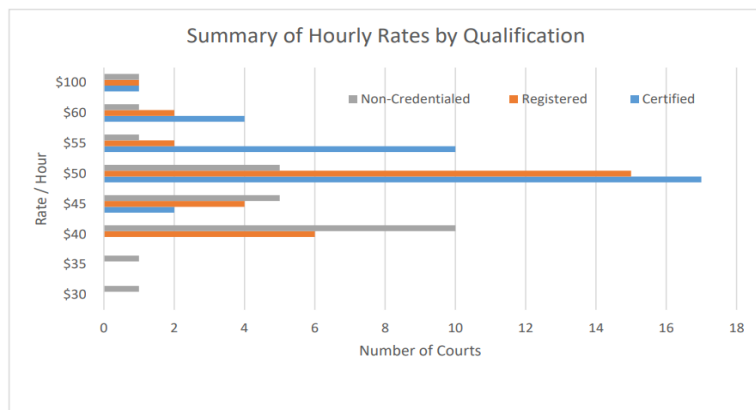
²⁵ <https://www.census.gov/quickfacts/fact/table/seattlecitywashington/EDU685219>.

²⁶ <https://ofm.wa.gov/washington-data-research/statewide-data/washington-trends/economic-trends/washington-and-us-capita-personal-income/capita-personal-income-county>.

above, even those interpreters who work 60 hours or more only earn \$47,173 on average.²⁷

Independent Interpreters

Most, if not all, courts hire independent/freelance interpreters when necessary. Courts generally pay interpreters based on the interpreter's qualification. A summary of the rates is below:

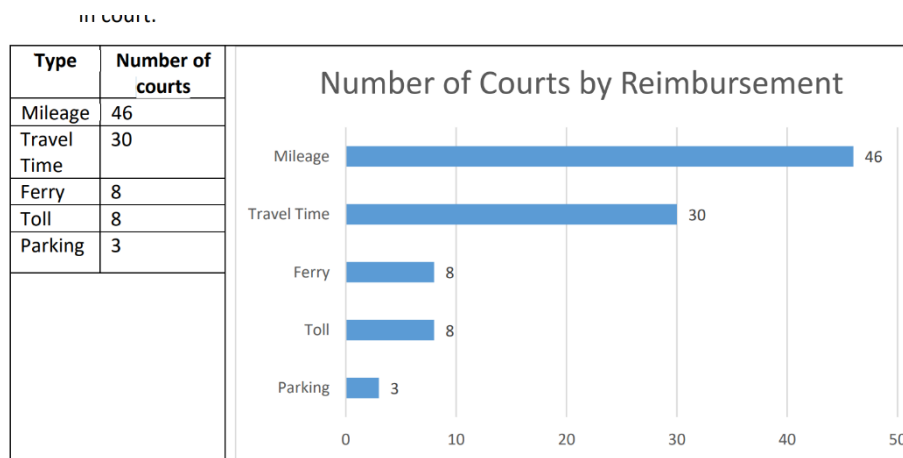


Average Hourly Rates:
 Certified: \$54
 Registered: \$50
 Non-Credentialed: \$46

Source: Court Interpreter Compensation Survey – Summary for Courts (Exhibit G)

As a side note, court interpreters get reimbursed for their travel and stay expenses (See below). The travel expense reimbursement practices vary from court to court (68% of courts reimburse for mileage. 46% of the courts reimburse for travel time. 60% of the courts that reimburse travel time do so at the same rate as interpreting time in court.) *Id.*

²⁷ Kelly, Nataly; Stewart, Robert; Hegde, Vigayalaxmi, *The Interpreting Marketplace*, A Study of Interpreting in North America Commissioned by Interpret America, Common Sense Advisory, Inc.



Source: *Id.*

Third, some courts do not honor rules that protect court interpreters. Courts often reserve interpreters' time by blocks and these time blocks are often referred to as "hourly minimums."²⁸ "Hourly minimums guarantee that interpreters will receive at least that amount when they accept an assignment at that court...When the court hires an interpreter using a 2-hour minimum, it cannot expect the interpreter to be available past that two-hour block of time."²⁹ Additionally, according to the Interpreter Compensation Survey, "about half of the courts have a cancellation policy if the event an interpreter is scheduled for is cancelled."³⁰ But, based on anecdotal data, some courts do not honor this policy and do not pay court interpreters guaranteed minimum hours. Similarly, other examples of mistreatment include courts not ensuring interpreters' working as a team of two when they should be. Finally, based on anecdotal data, courts have ignored to provide required breaks to court interpreters.

²⁸ Court Interpreter Compensation Survey – Summary for Courts (Exhibit G)

²⁹ *Id.*

³⁰ *Id.*

Lastly, interpreters feel that they are not respected by the society. This sentiment is backed up by research data.³¹ Based on anecdotal data, this sentiment is also common among court interpreters. Similarly, based on anecdotal data, some interpreters refrain from court interpreting because 1) they perceive court interpreting to be too difficult, too stressful (e.g., a mistake might bring about a serious consequence to a party), and too scrutinized (e.g., a proceeding is recorded); 2) and overall compensation is not sufficient.

Part II: Analysis

Section A: Recruitment

Subsection a: Suggestions for the Commission

1. Remote Interpreting

Remote interpreting has a great potential for attracting aspiring court interpreters. Currently, in-person interpreting is preferred over remote interpreting.³² The Commission has submitted a proposed amendment that would make it easier for courts to use remote interpreting but only for non-evidentiary hearings. I suggest that an amendment be bolder, meaning courts should be allowed to use remote interpreting even for evidentiary hearings as well if all the parties can participate with videos on.

First, based on anecdotal data, court interpreters can function remotely without any problem as long as they can see everyone's facial expressions through video screens. These visual cues are important to court interpreters. Without them, it is

³¹ Kelly, Nataly; Stewart, Robert; Hegde, Vigayalaxmi, *The Interpreting Marketplace*, A Study of Interpreting in North America Commissioned by InterpretAmerica, Common Sense Advisory, Inc.

³² GR 11.3

harder for them to render competent court interpreting if not possible. Second, the interpreters prefer working from home, saving their travel time. Third, courts will benefit as well since they do not have to pay for interpreters' mileage/travel expenses.

Now, although remote interpreting might bring about benefits, before proposing the above amendment for GR 11.3, whether liberalizing remote interpreting may raise constitutional issues and should be carefully examined. In order to address recruitment and retention of interpreters, one suggestion is to conduct a survey for non-court interpreters to find out whether they might be willing to become court interpreters if remote court interpreting rules were to be liberalized. I have read many results of surveys, of which were taken by existing court interpreters, but I have not seen any surveys by non-court interpreters who might be wanting to work as court interpreters or by credentialed interpreters who are not active. Although it is important to gather data on existing court interpreters who are actively working, it is equally important to gather data on non-court interpreters or inactive credentialed court interpreters when wanting to boost the pool of potential court interpreters that the courts can reach out to.

2. Out-of-State Interpreters

Rules regarding reciprocity should be liberalized so that out-of-state interpreters work as court interpreters for the State courts. As of now, there is no blanket reciprocity policy. That should change. From out-of-state interpreters' perspectives, there are two issues: 1) the speed with which reciprocity can be approved; and 2) the difficulty of them receiving reciprocity. In-state interpreters might not like this solution because adding more out of state interpreters to the potential pool of court interpreters that the courts can use will naturally make the environment more competitive among court interpreters.

But, in my opinion, that should not be the reason why “justice is delayed” from LEP individuals’ perspectives. As mentioned in the beginning, among all the stakeholders, I believe LEP individuals’ needs should be prioritized and brought to the front and center.

When recruiting out-of-state interpreters, it is important that the courts understand what rate will constitute a competitive pay for the out-of-state interpreters. According to board members of NAJIT, the hourly rate should be \$55-75/hour. Also, it should be noted that some jurisdictions have different pay practices. For example, court interpreters in California use either half a day rate or a full date rate, meaning they don’t use hourly rate. Additionally, different jurisdictions come with different average hourly rates (e.g., Average hourly rate in NY is higher than average hourly rate of most states).

Finally, the State probably should make it easier for out-of-state aspiring interpreters to take Washington state certification or registration exam. For example, the tests should be administered online with help of government staff members of an appropriate state.

Section b: Suggestions for Interpreter Program (AOC)

1. Bilingual Law Students

Another possible solution to increase court interpreters is are finding potential candidates who are either 1) willing to work with compensation that is below the median income; and/or 2) dedicated to court interpreting so much that they care less about compensation. One potential group that we can pursue is law students. Law students often do not mind working with compensation that is below the median income level. Additionally, some law students are bilingual and have sufficient legal knowledge to express themselves in legal terms in more than one language. One shortcoming of

those bilingual law students might be that they might not know about the basics of court interpreting (e.g., they might not know different modes of interpretations such as consecutive interpretation, simultaneous interpretation, and sight translation).

One way to find out whether there are enough law students who are interested in working as court interpreting is to distribute a survey to gauge their interest levels. I have contacts with school student representatives at both University of Washington School of Law and Gonzaga University School of Law. I am currently a student representative of Seattle University School of Law. Thus, it is possible to distribute a survey to the student bodies through respective student representative to gauge interest levels of the students at all three law schools. Exhibit A is a sample survey for law students.

2. Pipeline

A pipeline from a training school to the profession should be created. For example, Seattle Central College has a certificate program in translation and interpretation.³³ The State should work together with such school to establish a pipeline so that the graduating students have some prospects of working as court interpreters. Moreover, the AOC should provide some help to the students while they are studying at the training school. Such help can include 1) training intended for beginner to intermediate level aspiring interpreters, 2) scholarships, 3) a field trip to court houses, 4) information on appropriate attire inside the courts, 5) information on

³³ <https://ce.seattlecentral.edu/category/language-travel/translation-interpretation>

anatomy of courts and court systems, 6) tech seminars (e.g., how to use Zoom for court interpreting), and 7) seminars on confidentiality issues.

3. Community Mapping

Based on community mapping, recruiting efforts should be focused on certain regions looking for a certain language combination. For example, distribution of handouts or electronic materials should be focused on a certain area, seeking potential candidates in a certain language combination. In doing so, community mapping should be used. Mapping means that the handouts be distributed based on statistical information. For example, when distributing the hand outs, the area of distribution can be tailored depending on the demographics of the populations in the area, and therefore, if the courts anticipate or know that they lack Indian interpreters, then the courts can use the statistical information to figure out the area within the state that is densely populated by Indian people and then distribute the advertisement materials. The AOC and the courts (interpreter scheduling staff members) can work together to get this done. Such advertisement is also beneficial to the community because even if the people might not apply to become court interpreters, they will at least know that the court interpreters exist and they are available to them should they need such services. The advertisement should be written in English and also the language spoken by the people in the area. Some of the useful websites to obtain the statistics are as follows.³⁴ A sample advertisement material is listed as Exhibit B.

4. Mentorship Programs

³⁴ <https://www.census.gov/library/publications/2013/acs/acs-22.html>; <https://ofm.wa.gov/washington-data-research/population-demographics/gis-data/census-geographic-files>

We should create such an environment where aspiring court interpreters feel comfortable entering the profession. Based on anecdotal data, they hesitate to join the profession because their perception is that support for them to become successful court interpreters is insufficient. It is unreasonable for us to expect those who are just about to enter the profession to adequately perform on day one. Court interpreting requires high level skills. Experienced interpreters (ideally those whose language combinations are the same) should support them as their mentors. Pairing based on language combinations might be difficult for those interpreters with “rare” languages. If a precise language combination cannot be maintained as a pair, then the groups should at least be divided into groups of meaningful differences. For example, one group might be comprised of Asian interpreters. This might be helpful because of the shared characteristics or commonality that exist in respective groups (e.g., Asian interpreters tend not to be familiar with legal terms that derive from Latin whereas Spanish interpreters do not need to focus on learning those terms because they already know them.)

Mentorship is beneficial to mentees in multiple ways. First, mentors can pass down their knowledge and skills to mentees. They also can counsel mentees on emotional levels. These dual aspects of technical and emotional support will make a difference in terms of making newbies feel like they are being supported and encouraged to try.

Such mentorship programs should make sure that the mentees are learning basic interpretation skills, court procedures, legal terms and concepts, and any other useful tips. This mentorship should be provided to everyone who is about to enter the

profession regardless of whether they are credentialed or not. The effectiveness of a mentorship program is evidenced by a pilot program that was run by current Interpreter Commission member, Louisa Gracia Camon. But, a mentorship program should be implemented not just by the Seattle Municipal Court but by all the courts of Washington. Moreover, the AOC should incorporate such mentorship program into its initiative. This Report will not take a position as to whether mentors and mentees should get paid for their time, but based on the anecdotal data, a lot of the mentorship programs do not accompany payment.

Additionally, the mentorship program should have some components of shadowing. Shadowing allows the mentees to accompany the mentors when mentors provide actual interpreting services for the courts. The benefit of the shadowing is documented in research.³⁵ The research shows that 100% of the mentees said shadowing was helped them decide whether they want the job or not.³⁶ In short, early on, a shadowing can weed out those who are not good fit for the profession. The research also reveals that the mentees benefitted from meeting the people in the industry because meeting the practitioners made the environment less intimidating and more welcoming for them.³⁷ Finally, a mentorship program, if monitored correctly, can provide feedback regarding the way mentors are treating their mentees as well.³⁸ During the shadowing, mentees may even be allowed to do some light work. It is also

³⁵ Nursing Management, *Shadowing A winning recruitment tool*, November 2006, www.nursingmanagement.com (Exhibit H)

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

worth noting that, based on anecdotal data, first Judicial District's Court Interpreter Shadowing Program has been successful.

Of course, this mentorship program will require cooperation of experienced or veteran interpreters. The AOC needs to have conversations with those so-called senior interpreters to see whether they are willing to mentor younger interpreters.

All the participants who attended the City of Seattle Municipal Court mentorship program currently work as active court interpreters, suggesting the effectiveness of the mentorship program. The program provided the participants the following information and trainings: court protocols, interpreter ethics, note taking techniques, sight translation practices, consecutive interpreting, simultaneous interpreting, remote interpreting, glossaries, jury instructions, and court forms.

Although a mentorship program is a promising tool, we need to ensure that it will be implemented correctly. For example, "mentoring relationship is adversely affected when mentor relationships are not defined."³⁹ The report further states, "formal and informal – without metrixs, the participants might end up feeling 'good' about the program."⁴⁰ Research finds broad support for identifying and aligning expectations.⁴¹

5. Medical Interpreters

It is worth exploring whether medical interpreters might be interested in working as court interpreters. Medical interpreters are desirable candidates because they possess language proficiency and interpreting experiences/skills. The only thing that

³⁹ Neal E. Chalofsky, Tonette S. Rocco, Michael Lane Morris, *Handbook of Human Resource Development* - Chapter Twenty-Five - *Mentoring Perpetuated on a Myth?*, Marymount University.

⁴⁰ *Id.*

⁴¹ *Id.*

they potentially lack is their knowledge of legal terms and concepts as well as knowledge on court procedures. One difficulty for convincing them to work as court interpreters might be that, based on anecdotal data, some medical interpreters have a perception that court interpreting is much harder than medical interpreting. This is a misconception. Although some people might feel that legal terms and procedures are beyond them, that is not true because they can be learned. Similarly, based on anecdotal data, another misconception exists, which is that court interpreting will be recorded. That is not entirely true. Based on anecdotal data, as of now, English is the only language kept in the record as a transcript, meaning a second language is not transcribed. Additionally, based on anecdotal data, regarding audio recording, English is always recorded, and a second language is recorded for an in-person proceeding but not for a remote proceeding.

Section B: Retention

Subsection a: Suggestions for the Commission

1. Annual Survey for Gauging Court Compliance Level for Court Rules

The Commission should conduct annual surveys to find out whether courts are complying with rules that are protective of court interpreters. As mentioned above, some court interpreters voiced their personal experiences of their rights being violated by courts. To boost courts' compliance, an annual voluntary survey should be distributed to court interpreters. As examples, the survey should ask following questions: "Did the courts honor minimum hours?"; "Did the courts give you appropriate break time?"; "Did you interpret as a team of two?"; "Did you feel you were respected by all the parties including a judge, an attorney, and a party to the lawsuit?"; and "What can

we change to ensure you will feel respected by courts?” When answering the survey, the interpreters should be able to specify a name of the court and the judge. This annual survey has potential to provide oversight on the treatment of court interpreters. Finally, the survey probably should be conducted electronically (See Exhibit C).

We need to ensure that court interpreters feel respected and appreciated by all the personnel involved (e.g., parties to the lawsuits, judges, attorneys, and other employees of the courts) every time they provide their court interpreting services.

Subsection b: Interpreter Program

1. Online Scheduling

Administrative efficiency should be improved. Use of an online scheduling platform can be a potentially useful tool making court interpreter scheduling more efficient. For example, 1Lingua is an intermediary company that lets courts find court interpreters on their platform (NOTE: 1Lingua is not an agency). The platform offers a couple of useful features: 1) it provides courts with a tablet at each site that court interpreters use to check in and check out to keep track of time; 2) it lets court interpreters auto-generate invoices for them to submit to courts; 3) it prevents double booking; and 4) it lets court interpreters declare their types of court interpreting that are off limit (e.g., they can declare that they will not interpret for a domestic violence case). Currently, the following courts use 1Lingua: Tukwila Municipal Court, Everett Municipal, Edmonds Municipal, Bothell Municipal, Des Moines Municipal, Kirkland Municipal, SeaTac Municipal, and Lynnwood Municipal. Lastly, courts pay a monthly subscription fee and there is no fee or charge for court interpreters to create an account to maintain their presence on the platform.

2. Free Seminars

We should provide court interpreters with free seminars instead of seminars that they need to pay for. Based on anecdotal data, court interpreters and aspiring court interpreters want education and training. Such seminars can include seminars on legal terminology, legal concepts, legal procedures, and so on, but most importantly, tech seminars so that they feel comfortable providing remote interpretations. In light of many court proceedings being conducted on virtual platforms due to COVID, a lot of court interpreters want tech seminars.⁴² The potential instructors for these seminars include volunteers (judges or attorneys), AOC staff members, and/or senior court interpreters.

Additionally, continuing education credit courses should be free. One reason court interpreting as a profession is not appealing to some people is that the compensation is insufficient. We should ensure that aspiring court interpreters do not worry about costs of attending continuing education courses. Based on anecdotal data, some credentialed interpreters are dissatisfied with the fact that some continuing education classes are expensive. They should not have to worry about that when they already are underpaid for what they do.

Section C: Recruitment and Retention

1. Press Release

We should get word out educating the people on court interpreters' contributions to communities. The reality is that what is right does not necessarily win all the time (at least not immediately). As mentioned earlier, court interpreters feel that they are not

⁴² Court Interpreting During COVID Survey Summary (Exhibit H)

receiving due respect. A social movement is needed to change how people perceive a certain group of people. The media (mass media and social media) are a powerful tool in terms of influencing people's minds and perceptions. If we can get word out on court interpreters' contributions to the community, they might feel more appreciated for what they do, and it may also inspire others to become court interpreters. The Exhibit C is a sample press release that either the Commission or the AOC is free to use for highlighting court interpreters' contributions to the community. We should work towards acquiring social recognition to ensure people appreciate what court interpreters do for society.

Section D: Miscellaneous

1. Database

A database of court interpreters is a tool that the courts can use to improve their court interpreter search efficiency. In 2016, National Center for State Courts (NCSC) released "a national database of 1,335 qualified court interpreters in 49 languages to state court language access program managers."⁴³ It further states, "future initiatives will focus on increasing the overall number of court interpreters and breadth of languages included in the database."⁴⁴ The national database might be useful if combined with another suggestion in this Report concerning reciprocity.

Additionally, although each court seems to have its own list of court interpreters, it is unclear as to whether there is a state-wide database for court interpreters. If such a

⁴³ National Center for State Courts, *the Future of Language Access in the State Courts*, <https://www.ncsc.org/services-and-experts/areas-of-expertise/language-access/called-to-action/the-future-of-language-access-in-the-state-courts>

⁴⁴ *Id.*

state-wide database does not exist, then such database probably should be created for all the state courts to commonly use. Additionally, it might be a good idea to have a list of court interpreters who are overseas just in case courts experience unlikely situations where they cannot find anyone in the U.S.

The database should include basic information on court interpreters as such 1) years of experience, 2) field of expertise (family law etc.), 3) credentials, 4) membership in professional associations, and 5) recommendation by other credentialed interpreters.

45

2. Bilingual Judges, Commissioners, and Administrative Judges

Finally, although this will not work for all the proceedings, bilingual judges, bilingual commissioners, and, bilingual administrative judges can eliminate needs for court interpreters. For example, if a LEP individual shows up at a court to contest his parking ticket and a judge happens to be bilingual, then there might not be a need for a court interpreter. ⁴⁶

Part III: Conclusion

Section A: Summary

Court interpreters are essential for courts and yet courts are struggling with court interpreters' recruitment and retention. This problem needs to be fixed to ensure equity and equality, and more specifically equity and equality for immigrants, women, and

⁴⁵ National Association of Judiciary Interpreters & Translators, *NAJIT POSITION PAPER - Equal Access as it relates to Interpretation and Translation Services*, May 15, 2006

⁴⁶ Sarah Stuteville, *For bilingual judge, there's no translating the language of justice*, The Seattle Globalist, January 9, 2015, <https://seattleglobalist.com/2015/01/09/bilingual-judge-des-moines-galvan-spanish/32125>

people of color. Fixing this problem will serve LEP individuals better but that is not the only benefit. It will also serve non-LEP individuals better. In short, fixing this problem will serve everyone better.

Several issues have been identified as likely causes for the existing problem: 1) court interpreters feel courts or the society do not respect them; 2) compensation for court interpreters are insufficient; 3) some courts violate rules that protect court interpreters. The Paper suggested the following solutions: I) liberalization of remote interpreting rules (GR 11.3) provided that doing so will not raise a constitutional issue; II) a survey for inactive court interpreters and non-court interpreters to find out what potential changes are likely to make them become court interpreters; III) an annual survey for court interpreters to seek their input; and IV) loosening of restrictions on reciprocity.

Section B: Future Research

Although it was not the Report's focus, I believe the impact of artificial intelligence ("AI") development on interpreting as a profession needs to be discussed because it is clear that AI will bring about major changes in the language profession. We have already seen this change in document translations and there are already some machine interpreters.⁴⁷ It should be noted that although in the distant future these machines might sufficiently interpret court proceedings, that day probably will not come anytime soon. First, their capabilities are not up to the standards that are required for

⁴⁷ KUDO, *Will AI eventually replace human interpreters? A message from KUDO's Chief Language Officer Ewandro Magalhaes*, June 15, 2021, <https://kudoway.com/blog/will-ai-eventually-replace-human-interpreters-a-message-from-kudos-chief-language-officer-ewandro-magalhaes/>

interpreting in court. Second, even if their capabilities were to substantially improve, for a while, human court interpreters must supervise the machines in case they make a mistake during court interpreting. But, at the same time, we should not minimize the fear that language professionals or aspiring language professionals have. The AI technology is being developed with rapid speed. When addressing court interpreters' recruitment and retention, we should be sensitive to the fact that some people do not want to enter a dying industry. Similarly, people do not want to stay in a dying industry. Thus, we need to ensure that aspiring court interpreters have reasonable expectations as to what their career paths might look like in the future.

Section C: Concluding Remarks

It has been my honor to be able to write this Report. Although submission of the Report and an accompanying oral presentation at a Commission meeting will conclude my externship, I would like to continue engaging in the work toward achieving equal and equitable "language access in courts" for everyone no matter where they come from. Thank you for taking the time to read this Report.

Author: Shiki "Natsuya" Izuka

Signature:



Contact: sizuka@seattleu.edu

Definitions

Certified interpreter: The AOC certified court interpreters (the certification is available in the following languages: Arabic, Bosnian/Croatian/Serbia, Cantonese, French, Khmer, Korean, Laotian, Mandarin, Portuguese, Russian, Spanish, Tagalog, Vietnamese).⁴⁸

Credentialed interpreter: They are either certified or registered court interpreters.

Oral exam: The oral exam is a component of the certification exam that aspiring certified court interpreters need to pass before they can become certified court interpreters.

Qualified interpreters: The qualified interpreters are allowed to provide court interpreting even if the interpreters are not certified nor registered by the AOC. They need to be qualified by a judge.

Reciprocity: The out-of-state interpreters who have met certain requirements may be certified by the State without going through the certification process nor the registration process.

Registered interpreter: The AOC registered court interpreters (the registration is available in the following languages: Afrikaans, Akan-Twi, Albanian, Algerian, Amharic, Armenian, Azerbaijani, Baluchi, Bambara, Bengali, Bulgarian, Burmese, Cebuano, Chavacano, Chechen, Czech, Danish, Dari, Dutch, Ewe, Finnish, Fulfulde (Fulani), Ga,

⁴⁸ Washington Courts,
Certified Interpreters,
[https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=certified Interpreters](https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=certified_interpreters)

Georgian, German, Greek, Gujarati, Haitian Creole, Hausa, Hebrew, Hiligaynon, Hindi, Hmong, Hopi, Hungarian, Igbo, Ilocano, Indonesian, Italian, Jamaican Patois, Japanese, Javanese, Kashmiri, Kazakh, Kikongo-Kongo, Kinyarwanda, Kirundi, Krio, Kurdish, Latvian, Lingala, Lithuanian, Macedonian, Malay, Malayalam, Mandingo-Bambara, Mongolian, Navajo, Nepali, Norwegian, Oromo, Pashto, Persian Farsi, Polish, Portuguese, Punjabi, Romanian, Samoan, Sindhi, Sinhalese, Slovak, Somali, Swahili, Swedish, Tajik, Tamil, Tausug, Telugu, Thai, Tibetan, Tigrinya, Turkish, Turkmen, Uighur, Ukrainian, Urdu, Uzbek, Wolof, Wu, Yoruba.)⁴⁹

Written exam: The written exam is a component of the certification exam that aspiring certified court interpreters need to pass before they can become certified court interpreters. Also, the written exam is a component of the registered exam.

⁴⁹ Washington Courts, *Registered Interpreters*.

https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=registeredInterpreters

Exhibits

Exhibit A: Sample Survey for Law Students

This survey is intended to gauge law students' interest levels regarding them working as court interpreters. Currently, courts are experiencing difficulties recruiting and retaining court interpreters. Accordingly, the State is interested in recruiting law students who may be interested in working as court interpreters. Working as court interpreters is a great way to gain knowledge of court systems and legal concepts. You will have hands on experience while meaningfully contributing to the community. If you are a bilingual law student and have an interest, please fill out the survey below. Your cooperation is much appreciated.

1. What makes you think that you are bilingual? (Please describe in specifics (e.g., you have attended schools in foreign countries before you moved to U.S.; your parents speak different languages at home; or you dedicated yourself to self-studying a second language.)

2. Which law school do you attend?

3. Where do you reside? (City and State)

4. What are your available dates and hours (e.g., Monday between 3-6PM)?

5. Is there any specific proceeding or hearing that you are interested in (e.g., criminal case)?

6. Is there any specific proceeding or hearing that you absolutely are not interested in (e.g., domestic violence case)?

7. Do you have any experience working as an interpreter? (Regardless of court interpreting or not)

8. Is there anything that you would like us to know about you?

9. Do you have any other comment?

Please write down your name and contact information below.

Respondent's Name:

Respondent's Contact:

Exhibit B: A Sample Advertisement Material



Washington State Court Interpreter Program

[Vietnamese] Court Interpreters Wanted!!

Are you proficient in both [Vietnamese] and English?

Are you knowledgeable in court proceedings?

People need your help!



Please contact the Interpreter Program via Mail or E-mail at below:

Contact Person: [Name]

Email: []

Mail: []

Exhibit C: Sample Annual Survey for Court Interpreters

Your survey results are confidential and will be used only by the Interpreter Commission only for the purpose of improving courts' compliance with rules that protect court interpreters and ensuring due respect that court interpreters should receive. Retaliation based on the survey results is strictly prohibited.

1. Did courts comply with "minimum hours" rule?

Yes

No : If you selected "No," please describe specifics in the space below (make sure to include the details as much as possible, including court's name, judge's name, and case number etc.):

2. Did courts ensure that you were working with another court interpreter (team of two)?

Yes

No : If you selected "No," please describe specifics in the space below (make sure to include the details as much as possible, including court's name, judge's name, and case number etc.):

3. Did you feel respected by everyone (especially by a judge) when providing court interpreting?

Yes

No : If you selected “No,” please describe specifics in the space below (make sure to include the details as much as possible, including court’s name, judge’s name, and case number etc.):

4. Do you have any suggestions as to how we can ensure courts’ compliance with rules that protect court interpreters (e.g., compliance with “minimum hours” rule)?

5. Do you have any suggestions as to how we can ensure court interpreters feel respected by courts and the society in general?

6. Do you have any other comments?

If you do not mind a Commission member reaching out to you to ask for additional information, please list your name and contact information below:

Respondent’s Name:

Respondent’s Contact:

Exhibit D: Sample Press Release

Contact:

Name

EMAIL:

Address:

Phone:

Language Access in Courts: Court Interpreters Are Indispensable for Courts Ensuring Meaningful Access for LEP Individuals as Basic Human Rights

State Government Recognizes the Importance of Court Interpreters and Plans to Improve Recruitment and Retention Practices

January 31, 2022, Tacoma — Today the Washington State Interpreter Commission and the Washington State Interpreter Program launched new initiatives for solving an imminent problem the state courts currently struggle with, namely lack of court interpreters. Although the courts in the U.S. are required to provide a court interpreter if a party is a LEP individual, the reality is that the courts experience difficulties finding court interpreters when they are needed. When the courts cannot find a court interpreter, scheduled proceedings are often rescheduled to a later date. This is a serious problem in terms of the government's failure to ensure that LEP individuals are treated equally and fairly compared to people who are proficient in English. As the saying goes, "justice delayed is justice denied."

Although the Commission and the Interpreter Program have been long working to ensure that LEP individuals are put on equal footing as others who are proficient in English, they recognize that more needs to be done. The new initiatives that they are slated to implement, among other things, include the following: first, they will loosen restrictions for out-of-state court interpreters' participation in state court proceedings; second, they will loosen restrictions on remote interpreting; third, they gauge bilingual law students' interest in working as court interpreters; fourth, they will establish a pipeline so that trainees or students at language schools can start working as court interpreters after graduation; fifth, they will distribute advertisement materials to encourage aspiring court interpreters to start working as court interpreters; sixth, they will reach out to non-court interpreters such as medical interpreters so that we can make changes to the current system in order to make work environment attractive enough for medical interpreters to start working as court interpreters as well; seventh, they will implement mentorship programs so that aspiring court interpreters are adequately supported by veteran court interpreters; eighth, they will conduct an annual survey to ensure the courts are complying with rules that protect court interpreters; and ninth, they will recommend the courts streamline scheduling process so that it is easier for courts and interpreters to book a job.

If you are interested in working court interpreters or have any suggestions, please reach out to the contact person named above in this press release.

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Exhibit E: Cultural Humility and Bias In House Gov.

FILED
SUPREME COURT
STATE OF WASHINGTON
June 9, 2022
BY ERIN L. LENNON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED
AMENDMENTS TO GR 11—COURT
INTERPRETERS AND GR 11.1—PURPOSE AND
SCOPE OF THE INTERPRETER COMMISSION

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ORDER

NO. 25700-A-1448


The Washington State Supreme Court Interpreter Commission, having recommended the adoption of the proposed amendments to GR 11—Court Interpreters and GR 11.1—Purpose and Scope of the Interpreter Commission, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed amendments as attached hereto are adopted.
- (b) That the proposed amendments will be published in the Washington Reports and will become effective September 1, 2022.

DATED at Olympia, Washington this 9th day of June, 2022.



Johnson, J.



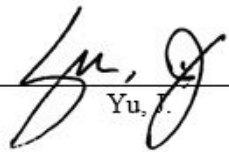
González, C.J.



Gordon McCloud, J.



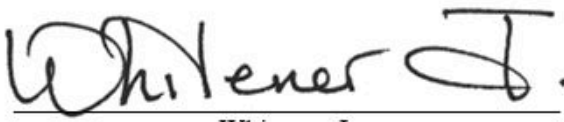
Madsen, J.



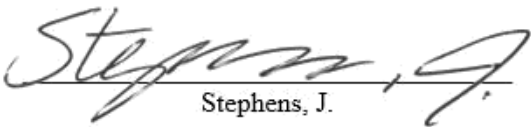
Yu, J.



Owens, J.



Whitener, J.



Stephens, J.

GR 11**Court Interpreters Interpreting and Language Access**

The use of qualified interpreters is authorized in judicial proceedings involving hearing impaired or non-English-speaking individuals and courts are authorized to provide vital information necessary to access judicial proceedings in languages other than English.

GR 11.1

PURPOSE AND SCOPE OF INTERPRETER COMMISSION INTERPRETER AND LANGUAGE ACCESS COMMISSION

(a) Purpose and Scope. This rule establishes the Interpreter and Language Access Commission (Commission) and prescribes the conditions of its activities. This rule does not modify or duplicate the statutory process directing the Court Interpreter Program as it is administered by the Administrative Office of the Courts (AOC) (chapter 2.43 RCW). The ~~Interpreter~~ Commission will develop policies for the Interpreter Program and the Program Policy Manual, published on the Washington Court's website at www.courts.wa.gov, which shall constitute the official version of policies governing the Court Interpreter Program. The Commission shall establish and promulgate guidelines on interpreting, translation, and language access matters affecting individuals who are Limited English-proficient or who use a signed language.

(b) Jurisdiction and Powers. Every interpreter serving in a legal proceeding must comply with GR 11.2, the Code of Professional Responsibility for Judiciary Interpreters, and is subject to the rules and regulations specified in the Court Interpreter Disciplinary Policy Manual. The Commission shall establish ~~three~~ four committees to fulfill ongoing functions related to language access issues, discipline, and judicial/court administration education. Each committee shall consist of at least three Commission members and one member shall be identified as the chair.

(1) The Issues Committee is assigned issues, complaints, and/or requests from or about interpreters and interpreting for review and response. If the situation cannot be resolved at the Issues Committee level, the matter will be submitted by written referral to the Disciplinary Committee.

~~(2)~~ The Issues Committee will also address issues, complaints, and/or requests regarding access to interpreter services in the courts and may communicate with individual courts in an effort to assist in complying with language access directives required by law.

~~(3)~~ ~~(2)~~ The Disciplinary Committee may sanction any interpreter serving in a legal proceeding for a violation of GR 11.2, the Code of Professional Responsibility for Judiciary Interpreters, and has the authority to decertify or deny credentials to interpreters based on the disciplinary procedures for: (a) violations of continuing education/court hour requirements, (b) failure to comply with Code of Professional Responsibility for Judiciary Interpreters (GR 11.2) or professional standards, or (c) violations of law that may interfere with their duties as an interpreter in a legal proceeding. The Disciplinary Committee will decide on appeal any issues submitted by the Issues Committee.

~~(4)~~ ~~(3)~~ The Judicial and Court Administration Education Committee shall provide ongoing opportunities for training and resources to judicial officers, court administrators, and court staff related to court interpretation improvement.

(4) The Translation Committee shall provide guidelines to courts on matters involving written documents of a legal nature or which is related to accessing the court through textual means, whether digital or otherwise.

(c) Establishment. The Supreme Court shall appoint no more than ~~15~~ 20 members to the ~~Interpreter~~ Commission and shall designate the chair and co-chair of the Commission. The Commission shall include representatives from the following areas of expertise: judicial officers from the appellate and each trial court level (3), spoken language interpreter (2), sign language interpreter (1), certified deaf interpreter representative (1), court administrator (1), attorney (1), public member (2), representative from ethnic organization (1), an AOC representative (1), deaf community representative (1), translator or translation services representative (1) who shall hold a certified interpreting credential from the AOC and be a practicing professional translator, and other representatives as need. The term for a member of the Commission shall be three years. Members are eligible to serve a subsequent 3-year term. Members shall serve on at least one committee and committees may be supplemented by ad hoc professionals as designated by the chair. Ad hoc members may not serve as the chair of a committee.

(d)-(g) [Unchanged.]



Washington State Supreme Court Gender and Justice Commission

Justice Sheryl Gordon McCloud, Co-Chair
Washington State Supreme Court

Judge Marilyn G. Paja, Co-Chair
Kitsap County District Court

Ms. Dua Abudiab
Washington Women Lawyers

Honorable Melissa Beaton
Skagit County Clerk

Ms. Barbara Serrano
Office of the Attorney General

Judge Anita Crawford-Willis
Seattle Municipal Court

Judge Michelle Demmert
Alaska Native Women's Resource Center

Judge Rebecca Glasgow
Court of Appeals, Division II

Mr. Kelly Harris
Seattle City Attorney's Office

Ms. Lillian Hawkins
King County District Court, West Division

Ms. Elizabeth Hendren
Northwest Justice Project

Commissioner Jonathon Lack
King County Superior Court

Ms. Erin Moody
Eleemosynary Legal Services

Ms. Riddhi Mukhopadhyay
Sexual Violence Law Center

Dr. Dana Raigrodski
University of Washington School of Law

Ms. Jennifer Ritchie
King County Prosecuting Attorney's Office

Judge Jacqueline Shea-Brown
Benton Franklin Superior Courts

Chief Judge Cindy K. Smith
Suquamish Tribal Court

June 21, 2022

Judge Michael Diaz, Chair
Court Interpreter Commission

Sent via e-mail

Subject: E2SHB 1320 Stakeholder Group

Dear Judge Diaz,

Thank you for your appointment of Francis Adewale to the Gender and Justice Commission's E2SHB 1320 Stakeholder Group on behalf of the Court Interpreter Commission. Francis's commitment of time, ideas, and energy was vital to informing the legislature and the courts about issues related to civil protection orders.

The stakeholder group's recommendations to the legislature and the courts are available at:

<https://www.courts.wa.gov/?fa=home.sub&org=gjc&page=Legislative&layout=2&parent=work>

The Gender and Justice Commission is committed to promoting gender equality in the system of law and justice. We hope that the Court Interpreter Commission will continue to be involved in that work in the future.

Sincerely,

Judge Jacqueline Shea-Brown, DSV Committee Co-Chair
E2SHB 1320 Project Lead

Erin Moody, DSV Committee Co-Chair
E2SHB 1320 Project Lead

DRAFT BYLAWS

WASHINGTON STATE SUPREME COURT INTERPRETER AND LANGUAGE ACCESS COMMISSION BYLAWS

PREAMBLE

On September 1, 2005, the Washington Supreme Court established the Washington State Interpreter Commission by General Rule 11.1, and further amended the Rule on September 1, 2022 under Supreme Court Order No. 25700-A-1448. The Supreme Court charged the Commission to develop policies for the Interpreter Program and to provide courts with guidance on the translation of legal forms and documents in order to support the courts in providing equal access to justice and access to court services and programs for all individuals regardless of their ability to communicate in the English language. These bylaws have been promulgated by the Commission to provide an orderly framework for carrying out its mission.

ARTICLE I. Name of Commission

1.1 This Commission shall be known as the Washington State Interpreter and Language Access Commission.

ARTICLE II. Purpose

2.1 The mission of the Interpreter and Language Access Commission is to support the courts in providing equal access to justice and access to court services and programs for all individuals regardless of their ability to communicate in the English language.

2.2 The Commission shall share its information about its activities and projects with all levels of Washington State government, the courts, the legal profession, the court interpreters, the law enforcement, the education community, and the public at large.

2.3 The Commission shall serve as a policy making and advisory body to the Washington Courts, including the Administrative Office of the Courts (AOC), concerning court interpreters and language assistance in general. The Commission shall set policy for the courts and the Court Interpreter Program, and is responsible for interpreter credentialing, testing, continuing education, training, and discipline. The Commission is also responsible for strategic planning and working with educational institutions and other interpreter program stakeholder groups to develop resources to support court interpreting in Washington.

2.4 The Commission shall exercise leadership in partnering with other organizations in addressing language access issues in the law and justice community.

2.5 The Commission shall cooperate and coordinate with municipal, county, state, national and regional language access programs, networks, committees, task forces and commissions. The purpose of this cooperation is to develop effective language access programs and to research projects, to share ideas, and to develop policies that will ensure equal access to justice.

2.6 The Commission shall provide upon request any report to the Governor, Legislature, and Supreme Court with respect to the work, findings and recommendations of the Commission.

2.7. The Commission shall devise ways of communicating its existence, goals, and projects to the legal, judicial and interpreter communities and to the public at large.

2.8. The Commission shall provide support for the implementation of the Strategic Plan for Language Access in Washington Courts, Court Interpreter Program and the Program Policy Manual, as well as advocate for sufficient funding to implement key components of these plans, programs and recommendations to ensure ease of access for litigants needing to request the assistance of interpreters.

2.9. The Commission may also be tasked with other works by the Washington State Supreme Court and state legislature. Such tasks may include but are not limited to carrying out the work assigned by legal statute, resolving challenges to language access as they arise, and looking for ways to promote and enhance language access across the state.

ARTICLE III. Membership

3.1. The Commission shall consist of no more than 20 members to be appointed by the Washington State Supreme Court. Members Terms, Transitions and Procedures are as set out in Appendix A of the bylaws.

3.2. When vacancies shall occur on the Commission, the Commission Chair, upon the approval of the Commission for certain representative positions, shall request the Supreme Court to appoint replacements.

3.3 The Commission shall consider subject matter expert nominees for new members. The Commission will keep an eye to the continued racial, ethnic, gender, geographical, professional and citizen diversity and balance of the Commission with particular emphasis on recruitment of individuals with knowledge and experience in providing and receiving interpreter services in Washington courts. The Commission may task a short-term recruitment subcommittee consisting of members of the Commission with the task of leadership recruitment.

3.4 Attendance at meetings is expected. If a member misses three consecutive Commission meetings, they will be deemed to have resigned from the Commission. If a Commission member knows in advance that they are unable to attend three consecutive meetings for any reason, they shall notify the Commission Chair and tender their resignation. The Commission Chair has discretion to choose to accept or decline the resignation (see appendix).

3.5 Terms of membership on the Commission shall be maximum of 2 terms of three years. Terms shall be staggered so that approximately one-third of the terms expire in any given calendar year. Members appointed to a full term may be reappointed only once to another full term without a break in service. Members appointed initially to a partial term may be reappointed only twice to full terms without a break in service. At the discretion of the Chair and Co-Chair, a member may be appointed to additional full or partial terms beyond these term limits. The Chair appointed by the Supreme Court may exceed the two-term limit.

3.6 The break in service period shall be no more than one year after the date of completion of two full terms by a member.

ARTICLE IV. Officers

4.1 The Supreme Court shall appoint a person with knowledge of court interpreting and language access best practices to serve as Commission Chair, who shall serve at the pleasure of the Supreme Court, subject to three-year terms without limit. The person shall count as one of the 20 Commission members.

4.2 The Supreme Court shall appoint one of the remaining Commission Members as Co-Chair, who shall serve at the pleasure of the Court for the length of their representative term

ARTICLE V. Standing Committees

5.1 The Commission shall have four standing committees: Issues, Education, Disciplinary, and Translation.

5.2 The Commission Chair shall appoint members to two or more standing committees as the work of the Commission shall require.

5.3. The Commission Chairs shall appoint a Chair for each standing committee, who shall serve at the pleasure of the Commission Chair.

ARTICLE VI. Ad Hoc Committees

6.1 The Commission and its committees may appoint an ad hoc committee, subcommittee, and/or taskforce with a committee member serving as chair to work on specific time-limited projects or assignments. Commission and non-Commission members may serve on these committees.

ARTICLE VII. Quorum and Majority Vote

7.1 A quorum shall consist of 50 percent or more members present at the commencement of the meeting. Vacancies shall not be considered. A member participating in a meeting by a remote means approved by the Commission shall be counted in the determination of the quorum.

7.2 A majority vote of the Commission is required on all action items.

7.3 On time-sensitive decisions, and in the absence of a quorum, absent Commission members will be contacted via email requesting their vote on the issue before the Commission. An agreement of a majority of a Commission shall entitle the Commission Chair to go forward with the approved decision.

7.4 No proxy voting shall be allowed.

ARTICLE VIII. Meeting Procedure and Scheduling

8.1 Meetings may be conducted informally and Commission decisions may be made by consensus. In instances where consensus cannot be reached, Roberts Rules of Order shall apply.

8.2 AOC shall assign professional staff support to the Commission. Meeting minutes and materials shall be sent to the Commission members 15 days prior to the next meeting. A limited number of materials may be added later in exceptional circumstances. The Chair shall call for any corrections of the minutes, which shall be approved as written or corrected. After approval, the minutes shall be deemed to reflect the action of the Commission and made available for public access.

8.3 Commission meetings shall be held at least quarterly. Additional meetings may be regularly scheduled or specially called at the discretion of the Chair. Regular and specially called meetings of the Commission may be held by remote means as approved by the Commission.

8.4 Meetings shall be scheduled in advance with notice being sent to Commission members in July for meetings taking place in the following calendar year.

ARTICLE IX. Special Funding

9.1 The Commission is authorized to seek and accept funding from grants, pilot project funds, and scholarships. Any funds so obtained shall be administered under proper auditing controls by AOC.

9.2 The Commission Chair shall appoint a committee to work with staff in identifying and recommending to the Commission which grants, pilot projects and/or scholarships would be appropriate for the Commission to seek. The Commission shall also set up a biennial Priorities Committee which shall work to establish the priorities of the Commission every 2 years.

ARTICLE X. Amendments to Bylaws

10.1 These bylaws may be amended by the following process:

- (1) proposed amendments shall be submitted in writing to Commission members at least one month in advance of any regularly scheduled meeting;
- (2) such proposed amendments shall be placed on the agenda for said upcoming meeting;
- (3) action may be taken at said meeting, or deferred for final action to the next succeeding meeting, by majority vote of the Commission;
- (4) if final action is not taken by adjournment of the second meeting, the proposed amendment shall be deemed rejected.

ARTICLE XI. Continuing Nature of Bylaws

11.1. These bylaws, as now written or as hereafter amended, shall continue to govern until such time as the Commission may cease to exist.

11.2 These bylaws will be reviewed at time of renewal of the order establishing the Commission.

APPENDIX A

Current Supreme Court Interpreter Commission Membership Procedures Approved by Commission

WASHINGTON STATE COURT INTERPRETER COMMISSION MEMBERSHIP PROCEDURES

September 2022

Per GR 11.1 (c), the Interpreter Commission shall consist of no more than 20 members. The Commission shall include representatives from the following areas of expertise:

- 3 judicial officers, one each from the appellate and trial court levels
- 2 spoken language interpreters
- 1 sign language interpreter
- 1 certified deaf interpreter representative
- 1 court administrator
- 1 attorney
- 2 public members one of whom shall have received services from the court and the other shall have knowledge and understanding of the judicial system.
- 1 representative from an ethnic organization
- 1 AOC representative
- 1 deaf community representative
- 1 translator or translation services representative who shall hold a certified interpreting credential from the AOC and be a practicing professional translator

The five additional members may be appointed by the Supreme Court and may come from the following: a second court administrator that is geographically diverse from the existing member, an additional attorney who may come from criminal or civil practice areas. The Commission Chair may be appointed without being a designated stakeholder representative.

MEMBERSHIP TERMS

1. Commission member appointments are for a three-year term commencing on October 1 of the year of appointment and ending September 30 three years later. In the event the fall Commission meeting is moved to a date beyond September 30, a member whose appointment would otherwise expire on September 30 is to continue to serve on the Commission until the next scheduled meeting.
2. Commission members are eligible for reappointment to the Commission for one additional term. The Appellate Court member, who is appointed to serve as ex officio Chair, may serve for an unlimited number of consecutive terms at the pleasure of the Supreme Court.
3. Mid-term vacancies shall be filled for the unexpired term in the same manner as original appointments, provided, however, the solicitation period for nominations may be abbreviated.
4. The appointee for a mid-term vacancy shall fill the remainder of the vacated term and shall be eligible for reappointment for up to two additional terms.

5. Commission terms shall be staggered in an effort to avoid more than one-third of the positions being open in any given year.

The current member positions have the following terms:

Ending September 30, 2022:

- Ethnic Organization Representative
- Public Member Representative (1)
- Public Member Representative (2)
- Spoken Language Interpreter (2)
- DMCMA Representative (an “other representative”)
- Public Defender Organization (an “other representative”)
- ASL Interpreter

Ending September 30, 2023:

- DMCA Member Representative
- SCJA Member Representative
- Community Organization Representative (an “other representative”)

Ending September 30, 2024:

- Appellate Court Representative
- AOC Representative
- Attorney Representative
- Spoken Language Interpreter (1)
- AWSCA Member Representative*

ABSENCES/MEMBERSHIP RESIGNATION: Attendance at meetings is expected. If a member misses three (3) consecutive meetings, he or she will be deemed to have resigned from the Commission, unless meetings were missed due to unavoidable or unplanned reasons (such as illness or injury). An absence may be excused with advance notice to the Commission Chair or upon determination of good cause by the Commission Chair. If a Commission member knows in advance that she or he is unable to attend three (3) consecutive meetings for any reason, he or she shall notify the Commission Chair and tender his or her resignation. The Commission Chair has discretion to choose to accept or decline the resignation.

MEMBERSHIP VACANCIES: Vacancies on the Interpreter Commission shall be filled by appointment of the Washington Supreme Court upon majority recommendation of the Commission.

For association representatives, the Commission shall request nominations from the association leadership. For other membership positions, the Commission shall make every effort to notify interpreter organizations, bar associations and other relevant professional and community

organizations/groups of upcoming vacancies to solicit viable and interested candidates. Nominations or applications will be reviewed at or before the fall Commission meeting for the terms beginning October 1 of that year.

Where there is an unfilled or unexpected vacancy, review or consideration of the applicants and recommendation for appointment to the Commission may be done by email prior to the next scheduled Commission meeting.

MEMORANDUM

TO: Kelley Amburgey-Richardson, Manager
 State of Washington Supreme Court Commissions
 Administrative Office of the Courts (AOC)
Kelley.Amburgey-Richardson@courts.wa.gov

CC: Bob Lichtenberg, Senior Court Program Analyst| Supreme Court Interpreter
 Commission
 AOC
Robert.Lichtenberg@courts.wa.gov

FROM: Jana J. Edmondson-Cooper, Esq., President and Chief A2J Officer
 Edmondson Consulting, LLC
aej@edmoconsultllc.com

DATE: June 7, 2022

RE: ***PSC 22518 Final Report***

As requested by the State of Washington Supreme Court Commissions/AOC (“Client”), Edmondson Consulting, LLC (“Consultant”) has reviewed all language access plans (LAPs) the Client provided to the Consultant in connection with PSC22518. In accordance with the final deliverable outlined in PSC22518, and Amendment 1 to PSC22518, the Consultant provides this final report.

DEFINITIONS¹

Many, if not all, of the following terms are used in this memorandum. The purpose of this section is to provide consistency regarding what is meant by the term’s use.

Alternative Dispute Resolution (ADR) – alternatives to traditional litigation, including mediation, non-binding arbitration, and case evaluation.

Bilingual (and Multilingual) Staff – staff proficient in English and a second (or more) language(s), and able to communicate effectively and accurately, orally and in writing, in all working languages. The language proficiency of bilingual and multilingual staff should be

¹ Generally, the definitions used are adapted from the Supreme Court of Georgia Commission on Interpreters Model Administrative Protocol for the Provision of Language Assistance Services for Limited English Proficient and Deaf/Hard of Hearing Persons in Georgia Courts, <https://georgiacourts.gov/wp-content/uploads/2020/06/Supreme-Court-of-Georgia-Commission-on-Interpreters-Model-Administrative-Protocol-Final-Version.pdf> (Sept. 2020). Definitions have also been adapted from the Deskbook on Language Access in Washington Courts.

determined by the court through valid assessment tools, rather than reliance on a staff person's self-evaluation.

Certified Interpreter² - any person who passes both an English written and a bilingual oral interpreting exam. The oral interpreting exam tests the three primary modes of interpretation: consecutive, simultaneous, and sight translation.

Deaf or Hard of Hearing (DHH) – any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit him or her from understanding oral communication when spoken in a normal conversational tone. Pursuant to guidance from the National Association of the Deaf, DHH is the preferred term over “hearing impaired,” which is widely considered to be pejorative within Deaf culture.

Deaf Interpreter – a specialist, who is deaf, who provides interpreting, translation, and transliteration services in American Sign Language (ASL) and other visual and tactual communication forms used by persons who are deaf, hard of hearing, and deaf-blind. Deaf interpreters most often work in tandem with hearing sign language interpreters. The National Consortium of Interpreter Education Center (NCIEC) studies indicate that in many situations, use of a deaf interpreter enables a level of linguistic and cultural bridging that is often not possible when hearing ASL-English interpreters work alone.

Interpretation – the process of rendering verbal communications from one language (source language) into another language (target language) effectively, accurately, and impartially. Interpreting effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the target language. Additionally, interpreting effectively, accurately, and impartially means correctly expressing the voice, tone, emotion, and non-spoken message of the communication audibly and/or visually. The person who performs this task is an interpreter.

Licensed Interpreter – any person on the Certified or Registered interpreters registry regulated by the Washington State Court Interpreter Program (“Program”); or any person certified through the Registry of Interpreters for the Deaf (RID), National Association of the Deaf (NAD), or other industry-recognized credentialing entity. The Program extends reciprocity to foreign language interpreters licensed by any active member state of the Council of Language Access Coordinators (CLAC), or by the Administrative Office of the United States Courts through its Federal Court Interpreter Certification Examination (FCICE).

Limited English Proficient (LEP) – any person who speaks English “less than very well,” cannot readily understand or communicate in spoken English, and who consequently cannot equally participate in or benefit from the proceedings without an interpreter to assist him or her. The fact

² Deskbook on Language Access in Washington Courts: Providing Access to Courts for Limited English Proficient (LEP), Deaf, Hard-of-Hearing, and Deaf-Blind (D/HH/DB) Individuals (June 2017), <http://www.courts.wa.gov/programs/orgs/pos/interpret/content/pdf/StateLAP.pdf>

that a person for whom English is not a primary language knows some English does not mean that person does not need an interpreter or should not be allowed to have an interpreter.

Non-Licensed Interpreter – any person not licensed by the Program through its established licensing requirements or through licensing reciprocity considerations as mentioned above in the definition of “Licensed Interpreter.” Any person not certified through RID, NAD, or other industry recognized credentialing entity mentioned in the definition of “Licensed Interpreter.”

Qualified Interpreter – a person who is able to orally interpret effectively, accurately, and impartially. Interpreting effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the language into which it is interpreted. Interpreting effectively, accurately, and impartially also means correctly expressing the voice, tone, emotion, and non-spoken message of the communication audibly and/or visually. A qualified interpreter will also be knowledgeable of and abide by industry-recognized ethical and professional standards of conduct for interpreters.

Washington’s Trial Court LAP definition – any person qualified to work in the particular setting.³

Qualified Translator – a person who can translate written text effectively, accurately, and impartially. A qualified translator preserves the tone and level of language used in both languages, renders specialized vocabulary precisely so that the meaning of the written communication is clear and conceptually correct, and abides by industry-recognized ethical and professional standards of conduct for translators.

Registered Interpreter⁴ – any person who passes an English written exam and an oral proficiency interview (OPI) which tests the person’s ability to speak and comprehend the non-English language. The OPI does not test interpreting abilities.

Translation - the process of rendering a written communication from the source language to the target language effectively, accurately, and impartially. Translating effectively and accurately means rendering any specialized vocabulary precisely so that the meaning of the communication is clear and conceptually correct in the target language. Additionally, translating effectively and accurately requires preserving the tone and level of language used in both languages. The person who performs this task is a translator.

Transliteration – in American Sign Language (ASL), transliteration means English signing that incorporates grammatical features of ASL, and is often used for making auditory information accessible in a visual way. Transliteration is performed by a transliterator.

Vital Document – a document, paper or electronic, that contains information that is critical for executing a federal-funding recipient’s mission/duties, including pleadings and letters or notices that require a response from party, witness, or other intended individual; also, documents that

³ *Id.*

⁴ *Id.*

inform parties or witnesses of their right to, and the availability of, free language assistance services.

SUMMARY OVERVIEW

The Client retained Consultant to evaluate the LAPs of courts across the state who participate in the State of Washington Language Access Interpreter Reimbursement Program (“Program”). Per the Client, the Program has over one-hundred (100) participating courts. The Client scheduled two rounds of review to occur March 2022 through May 2022. Ultimately, the Client amended that schedule to permit review to occur between March and June 2022. During the first round, Client provided Consultant with thirty-seven (37) LAPs for evaluation. For the second round, Client provided Consultant with a total of forty (40) LAPs, for a total of seventy-seven (77) LAPs evaluated by Consultant. Consultant reviewed the LAPs using a rubric that included mandatory and suggested criteria created and provided by Client in two documents entitled *Court LAP Review Guidance and Approval Tool Final 2022* (“Tool”) and *Annotated Template-draft* (“LAP Template”). The Tool identified **mandatory** criteria that had to be met in order for the LAP to be ultimately approved by the Client for the court’s continued participation in the Program. The Tool also identified *optional/suggested* criteria that Client recommended courts consider and implement in order to have the most effective LAP possible.

Consultant created a rubric for review that was adapted from the chart included in the Tool. The rubric identified the mandatory criteria as well as the optional/suggested criteria specified by Client. Specifically, the rubric used a color-coded system to denote whether the LAP included all of the required components, as predetermined by the Client. Consultant also offered feedback on optional criteria, also predetermined by the Client, that the Client requested the Consultant to evaluate as well. The rubric compliance key was as follows:

Required/Mandatory Criteria Compliance Key⁵

Green Highlight = In Compliance

Yellow Highlight = Partial Compliance – Revision Needed

Red Highlight = Not in Compliance – Revision Needed

⁵ Per Client, a plan must meet all of the mandatory criteria to have a LAP that is fully compliant for the purposes of the court being able to participate in the Program. Full compliance means **all** mandatory criteria will have to be highlighted green at the end of the review process.

Key for Optional Criteria Feedback⁶

Green writing = Plan Includes Suggested Optional information

Yellow writing = Plan Partially Includes Suggested Optional Information

May include recommendations for updating plan.

Red writing = Plan Does Not Include Suggested Optional Information

May include recommendations for updating plan.

For first round of review, Courts focused on updating their LAP to address any “Required/Mandatory” Criteria highlighted as either yellow or red, signifying partial compliance or not in compliance. Once courts addressed those updates, if courts were able before the first round submission deadline, they were asked to please consider making additional updates that would permit the court to include recommendations suggested under the optional criteria. For the second round of review, Consultant evaluated the second drafts of the LAPs to determine if all mandatory criteria identified as out of compliance in the court’s first draft had been brought into compliance. Consultant also re-iterated recommendations regarding optional criteria.

Consultant Takeaways

Below are specific takeaways regarding each of the criteria – mandatory and optional - on which LAPs were assessed.

- I. **Procedures to identify and assess the language needs of non-English-speaking persons using the court system. RCW 2.43.090 (1)(a).**
 - A. **Assessment of language need [Template Section III, Data Collection and Needs Assessment, *Deskbook* pages 63-65]**

⁶ Please note that optional criteria have no bearing on Plan’s overall compliance status with the reimbursement program. However, the optional criteria do affect the overall *effectiveness* of a Plan and thus possibly affects the court’s ability to provide meaningful access to its services to LEP persons and persons with disabilities at no cost, as required by Title VI of the Civil Act of 1964, the ADA, and other similar federal laws.

Does the LAP:

- Identify how often language data is collected and reviewed.

Majority of, if not all plans, identified that language data was collected and reviewed on an annual basis.

- Identify the most commonly spoken languages in the service area.

Compliance with this mandatory criteria was varying. Majority of courts identified at least five languages that comprised their most frequently encountered languages by geographic area and frequency by which the court required services in those languages. Spanish appeared to be the most frequently encountered language along with Vietnamese, Chinese, Khmer/Cambodian, Russian, Mam, Korean, and Qanjobal. In meeting with participating courts one on one throughout the process, Consultant learned that sometimes it is difficult for courts to find qualified ASL interpreters. Not all courts were aware of contractors and other resources they could access through the AOC.

Recommendation – Client communicate to all courts on a consistent basis, perhaps quarterly, a list of possible vendors who provide language assistance services for persons with disabilities.

- Identify the source of data. (Optional)

Majority of courts identified the source of their data. The most commonly referenced resources were the American Community Survey (ACS) and the U.S. Census. A small number of courts cited to the 2010 Census and were informed that they should primarily reference the 2020 Census since that data would be most accurate. Several courts did an excellent job of really tapping into community resources to evaluate the language needs of the specific communities the court serves. Many courts simply relied on available national data which unfortunately does not provide as accurate a picture when local data is also available.

Recommendation – Require courts to utilize the most current data available, at the national, state, and local levels. Encourage courts to prioritize collecting and assessing local data from entities such as local school districts, social services agencies, community organizations, and other entities that have the closest pulse to the ongoing language trends. The most accurate assessment will come from assessing language trends at national, state, and local levels.

Additionally, Consultant encourages courts to consider that data collection, and tracking, is critical to helping inform court efforts to “deliver the most appropriate language access services given that court’s LEP and DHH users.” Some of these potential sources may include national data collection efforts, such as ACS; state agencies and community partners, including the district attorney, public defender,

legal services agencies, county jails, law enforcement, etc.; school districts, health providers, and public assistance and other social services agencies; and agencies that target refugee or immigrant groups, and may therefore be in a better position to accurately capture language trends, immigration patterns, and emerging languages. Note that language services, including, but not limited to, interpretation, translation, signage, brochures, and other information provided to the court, should not automatically be limited to English and Spanish. Courts should recognize that the communities they serve may have speakers of other languages who require the court's assistance. It is important that accessibility for all LEP and DHH persons be considered, especially in rural counties where a non-Spanish speaking LEP community may be particularly small and isolated."⁷

B. Identification of LEP persons in need of language services [Template Section IV, Language Assistance Identification, and Resources, *Deskbook* page 65]

Does the LAP:

- Establish procedures court staff will use to identify LEP persons and the languages needed. [Template, Section IV B]

Majority of plans adopted LAP Template language to establish procedures court staff would use to identify LEP pers and the languages needed.

- Establish a court process and mechanism for tracking requests for language services. (Specifically how the court tracks language needs).

Majority of the courts acknowledged they would track requests for language services but did not actually articulate in the LAP an established process and mechanism for how the court would achieve this.

Recommendation: Based on one-on-one meetings Consultant had with courts, it was clear that majority of the courts had processes and procedures they followed on a routine basis to track requests, however they did not articulate it in their LAP. Consultant encourages courts to remember that the LAP should be a written reflection of all policies, procedures, practices the Court engages in, or plans to engage in, to provide meaningful access to LEP persons and persons with disabilities.

- LAP refers to I-speak cards or other resources that are available for staff to identify the language needed. (Optional)

⁷ See also, Georgia MAP, pp. 9-10

Majority, if not all, LAPS referred to I-speak (or comparable documents) and other resources available to staff to identify language needed.

Recommendation – None.

II. Procedures for the appointment of interpreters as required under RCW 2.43.030. Such procedures shall not require the non-English speaking person to make the arrangements for the interpreter to appear in court. RCW 2.43.090 (1)(b).

Does the LAP:

- Establish a process the court will use to appoint and provide interpreter services in legal proceedings consistent with RCW 2.43.030. [Template Section V, *Deskbook* page 67]

Across the board, courts adopted the language from the LAP Template developed by the AOC. The standard language provides clear processes for appointing and providing interpreters for legal proceedings in the courtroom.

Recommendations – None.

- Identify an individual or department responsible for coordinating language access services and procedures for providing in-person, video remote, and telephonic interpreter services. [See Template Section IV, subsection A, 2, *Deskbook* page 65] (Optional)

Majority of LAPs evaluated identified an individual or department as required. Initially, some of the LAPS identified individuals by title only, but did not provide the person or person's name. Majority of courts corrected this in their subsequent drafts.

Recommendation – None.

III. Procedures for notifying court users of the right to and availability of interpreter services. Such information shall be prominently displayed in the courthouse in the five foreign languages that census data indicates are predominate in the jurisdiction. RCW 2.43.090 (1)(c).

- A. [Template Section IV, subsections A and B, Notice of Availability of Language Access Services, *Deskbook* page 65]**

Does the LAP:

- Provide a description of how the court notifies court users of the right to and availability of interpreter services and how to request those services.

Majority of plans acknowledged that the courts had a Notice of Availability of Language Services (“Notice”) which notified court users of the right to and availability of services. Notices generally did provide how to request the services. Consultant did notice that quality of notice varied in terms of how effectively the Notice communicated how to request services. For example, some notices only described “interpreter services” instead of the more inclusive “language assistance services” which encompasses interpretation, translation, and other applicable services available to LEP persons and persons with disabilities. Some notices stated the person needing service should contact the “Court,” “Clerk,” or “Court Administrator” (or whomever the designated person/office was) without providing detailed information to include person’s full name (if it was a specific person and not an office generally), physical location, telephone number, email, and other contact information as applicable. Several notices also failed to inform the LEP or person with a disability that the services are court provided and at no cost to the individual, which is critical for promoting and providing notice to the community.

Example Notice language from courts included:

- *“You have the right to a court-appointed interpreter in a court case. Please ask someone in the Clerk’s Office.”*
- *“You have the right to language access services at no cost to you. To request these services, please contact the Court Administrator.”*

Recommendation: Consultant recommends there be more uniformity for language used in Notices of Availability. Recommend Client require that at a minimum all Notices contain following language.

“You have the right to court-provided language assistance services, at no cost to you. Please contact ::designated office or person:: located at ::physical address, including floor and room number, if applicable::, ::email, fax, etc. (if applicable).

Recommend that Client create a standardized form all courts may provide for individuals to request language assistant services. The form should indicate that all of the methods by which the form may be submitted (e.g., in-person, via email, fax, etc.) Recommend having as many methods (e.g., in-person, email, fax, website submission)

to submit the form as possible and each court developing a process by which requests may be tracked and evaluated.

- Identify specific locations where the notice will be placed or acknowledge that the court will prominently display the translated notice in the languages identified in RCW 2.43.090 (1)(a).

Majority of LAPs included specific locations where the Notice was placed, however there was inconsistency across the state with how comprehensive the list was.

Recommendation: Consultant recommends that Client update LAP template to include an as comprehensive list, as possible, of places where Courts should post their Notice. Places include, but are limited to,:

- alternative dispute resolution programs
- detention facilities
- information counters
- intake or filing offices
- cashiers/ cashier windows
- information counters
- probation offices
- Therapeutic Court Program offices
- elevators
- restrooms
- Clerk's Office
- Jury Rooms,
 - Bulletin Boards

Courts of course would only post if the location was applicable to their courthouse/location. The more uniformity there is within the courts on where Notices are posted, the more consistency there will be across the state with educating the communities served about language assistance services provided by the courts.

IV. A process for providing timely communication with non-English speakers by all court employees who have regular contact with the public and meaningful access

to court services, including access to services provided by the clerk's office. RCW 2.43.090 (1)(d).

A. [While this component is not a specific item in the template, courts may have addressed this in Template Sections III, Intro; Section IV; Section V, subsections A and B, and Section VII]

Considering the entire LAP, does it:

- Establish procedures for providing timely language services outside of the courtroom.
- Identify a mechanism to identify and address delays in access to courts due to language barriers.
- Acknowledge the commitment to provide timely services. (Optional)

Majority of courts did establish providing timely language services outside of the courtroom. Courts overwhelmingly adopted the same processes they established for in-court services and applied to procuring services for outside of the courtroom. Courts overwhelmingly acknowledged in their plans a commitment to provide timely services.

V. **Procedures for evaluating the need for translation of written materials, prioritizing those translation needs, and translating the highest priority materials. These procedures should take into account the frequency of use of forms by the language group, and the cost of orally interpreting the forms. RCW 2.43.090 (1)(e).**

A. [Template Section V C and Section VIII B; *Deskbook* page 70]

Does the LAP:

- Include procedures to evaluate the need for translation of written materials.
- Identify the languages for which translations will be prioritized.
- Identify a process for translation requests, maintenance, and quality.
- Identify how the public is provided access to printed materials where no translation is provided.
- Identify existing translated materials and a process for adding future translations as needed. (Optional)
- Identify the qualification of translators and include a prohibition of machine translation. (Optional)

Overwhelmingly, LAPs were not compliant in this area, both in first and second drafts. The majority of courts provided no procedures for evaluating the need for translation. Majority of courts did not identify language for which translations will be prioritized.

Majority of courts did not identify a process for translation requests, maintenance, and quality. Majority of courts did identify existing translated materials by referencing materials translated by Client. Majority of courts did not identify a process for adding future translations as needed. Majority of courts did not identify qualification of translators, but did include a prohibition of machine translation.

Recommendation: It appeared from one-on-one meetings with the courts that a significant number of courts had some processes regarding translations but they did not articulate what those processes were in their LAP. For those who did have some processes however, most of those processes did not contain the majority of identified criteria above. It is unclear to Consultant if perhaps some of these courts have not developed these processes due to fiscal constraints. Recommend the Client develop a survey to specifically assess court translation processes/policies and obtain data from the respective courts which identifies the court's respective translation needs, costs, etc. so that the Client may consider how it may be able to address funding barriers.

Additionally, a majority of courts solely relied on Client-translated documents as the translated materials they made available to their communities. Encourage Client to work with courts to ensure courts are also doing their own assessment of what local documents the court needs in addition to Client-provided documents. More likely than not, there are local forms that the courts use routinely that perhaps are not part of the Client-translated bank of forms. Local courts should assess their local needs and make a plan for getting such local forms translated, perhaps beginning with those that are most frequently used. Additionally, because it may not be feasible to provide a physical translated document for every form or do so in every language, recommend that Client require all courts to have process/procedures in place that allow for sight-translation by a qualified interpreter. If the court intends to utilize bilingual staff as translators, then each court should have clear written processes that assess and verify the bilingual staff person's ability and skill to provide translation services on behalf of the court. This same assessment and verification should occur with any bilingual staff member on whom the court will rely to provide interpretation and translation services.

Lastly, Consultant encourages Client to routinely remind courts that interpretation and translation are two distinct skill sets and not one in the same service. A qualified *interpreter* is not automatically qualified to provide professional *translation* services and vice versa. Interpretation (verbal communications) and Translation (written communications) are two distinct skill sets. A person who is a trained and qualified interpreter is not automatically qualified to serve as a translator. Second, self-identification as bilingual does not automatically qualify a person to serve as a translator (or interpreter). This is especially heightened when dealing with vital documents with high level language, including legal terms of art. To that end, courts utilizing bilingual staff or others to translate vital or other essential documents are

strongly encouraged to develop and implement processes for assessing/evaluating the employees'/person's competency in the foreign language and ability to provide translation services that are commensurate with the quality of service provided by professionally trained translators.

VI. A process for requiring and providing training to judges, court clerks, and other court staff on the requirements of the language assistance plan and how to effectively access and work with interpreters.

A. [Template Section VI, Deskbook page 73]

Does the LAP:

- Identify a process for requiring and providing training to judges, court clerks, and other court staff.
- Identify the topics of the training to include requirements of the language access plan and how to effectively access and work with interpreters.
- Identify procedures to ensure existing staff and new staff are trained in an ongoing manner. (Optional)

Majority of courts were compliant in this area for the most part. The most common deficiency was failing to include “how to effectively work with an interpreter” in the list of training topics, as required by Client. Additionally, the majority of plans appeared to indicate that existing staff would only be trained when there were updates to the LAP.

Recommendation: Recommend Client encourage more uniformity across required training topics and require that in addition to the recommended training topics already provided in the LAP Template, all trainings include:

- 1) how to best handle when LEP or D/HH/DB court participant indicates or appears to have trouble communicating with the appointed interpreter;
- 2) how to handle when LEP or D/HH/DB tries to refuse court appointed interpreter and wants to insist on using their own (who is not qualified to serve).
- 3) Role of Interpreter/ Interpreter Ethical Obligation
- 4) Cultural Competency

Note: Strongly encourage Client to include cultural competency on the list of required training topics, and not make optional. Court personnel understanding cultural differences and customs is critical to effective provision of language services to both LEP persons and persons who are D/B/HH. Without adequate cultural competency training, the court increases the risk of creating barriers to the provision of

services and impeding the court's ability to provide meaningful access for all LEP persons and persons who are D/B/HH.

The Consultant also strongly encourages Client require, as a criteria of participating in the Program, that an annual refresher training be provided for all court personnel whether revisions are made to the LAP or not. It is important for all staff to have annual refresher of legal obligations and court policies/expectations surrounding provision of language services. If annual training of all staff is not feasible due to fiscal restraints, recommend Client work with court to see if it is possible to identify additional funds that can assist with executing the training. Courts might consider having a pre-recorded webinar style training to show on years where there are no updates and executing an live in-person training whenever there are updates made to the LAP.

VII. A process for ongoing evaluation of the language assistance plan and monitoring of the implementation of the language assistance plan. RCW 2.43.090 (1)(g).

A. [Template Section VIII C and D, Deskbook page 76]

Does the LAP:

- Identify a process for ongoing plan evaluation and updating.
- Identify a process for monitoring implementation.
- Include the frequency of review, who is responsible for the review, and how the evaluation will incorporate stakeholder feedback. (Optional)
- Include a process to assess utilization of interpreter services, including reports. (Optional)

Majority of plans identified process for evaluating implementation (on an annual basis),but did not identify a process for monitoring. Majority of plans identified that reviews would occur on an annual basis and properly identified who would be responsible for the review. A significant number of plans, initially, did not describe how evaluation would incorporate stakeholder feedback. Majority of plans did identify a process for assessing utilization of interpreter services.

Recommendation: Consultant encourages Client to encourage courts to consider that monitoring and evaluation are distinct elements of ensuring provision of effective language assistance services. Both are required for the effective provision of language assistance services. As the courts develop processes for monitoring, strongly recommend not leaving monitoring to an annual cycle as the court would want to be made aware- as soon as practically possible -of any deficiencies that prohibit or impede the court's ability to provide services.

VIII. Section VII - Complaint Process for Non-Compliance

A. Local Complaint Process

The AOC Template had a dedicated section, Section VII, for a complaint process for non-compliance.⁸ The Template specified between local processes and filing complaints with the AOC and/or U.S. Department of Justice (DOJ). Review of the LAPs revealed that a significant number of courts have very limited local processes that either did not identify an actual process at all or provided little direction on how to submit a local complaint. Some Courts clearly had a process, but simply did not include it in the LAP (e.g. referenced external document that was posted on their website or in the courthouse). Those courts were asked to include either the external document as an Appendix to the LAP. For procedures that were housed on a website, it was recommended the actual language be included in the LAP itself in addition to the link to the website. Other courts had no local process. Consultant also noted that for courts who did have a local process, it was common for local complaints to be submitted to the Court Administrator, Interpreter Coordinator, or other comparable person. Consultant asked those courts to consider that possible conflict of interest concerns presented when a court's Presiding Judge is not also included as a recipient of the complaint.

Recommendation: The Consultant encourages the Client and all courts to consider that if a complaint happens to be against the conduct of the Administrator or designated persons (vs with the interpreter appointed or other court personnel involved in provision of services), then requiring the complaint be filed with the subject of the complaint poses conflict of interest concerns. Recommend complaints be filed to the attention of both the Court Administrator (or designated person) *and* Presiding/Chief Judge to help mitigate conflict of interest concerns. Additionally, recommend that part of the local court's adjudication process for local complaints also include notifying the AOC (a designated contact) of all local complaints and what the local disposition of the matter was. Also recommend that the Client develop a standardized form that local complaints that Courts may use/adapt as needed. This would help streamline consistency of the local complaint process across the state.

⁸ The Consultant noted that while the AOC Template had a Section VII, the AOC's Tool did not include Section VII as one of the areas for review in the table it created. Consultant added Section VII to the review rubrics provided to the courts with individualized feedback.

IX. Internal Considerations

A. Alleged Inconsistencies between Contents of Template LAP and Tool

After the first round of rubrics were disseminated to the courts, courts indicated that there were inconsistencies between the criteria in the Template LAP and the Tool, which caused a number of courts to be unclear about why portions of their LAP were determined to be out of compliance or only partially compliant. There were also courts who questioned why certain criteria were deemed mandatory by the Client when state law did not have the same requirements.

Recommendation: Consultant strongly encourages that the Client reevaluate the Tool and Template LAP to ensure criteria are consistent and participating courts have a clear understanding of what the mandatory criteria are. Also encourage the Client emphasize to the courts that the mandatory, and suggested criteria, developed by Client were designed not just for compliance with state law⁹, but also to ensure that LAPs are as comprehensive as possible and are effective tools with assisting courts in being compliant with their duties in accordance with federal law and federal/national guidance, including but not limited to, Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act (ADA) of 1990, the American Bar Association's Standards for Language Access in Courts (2012), Conference of Chief Justices (CCJ) & Conference of State Court Administrators (COSCA) Resolution No. 5, and the Judicial Conference of the United States, Strategic Plan for the Federal Judiciary (2020). Consultant believes this reevaluation and additional communication with courts by the Client is critical and necessary and should occur before the Client engages in any new cycles of LAP review.

B. Court Participation in Review and Timeline for Review

A number of courts either did not submit a LAP or submitted their first draft after the deadline established by the Client. In an effort to maximize the number of courts that could participate in the review process with the Consultant, the Client continued to accept LAPs for review after established deadlines which affected Consultant's internal schedule for review.

A number of courts also requested additional time to implement the edits identified in their rubrics, citing that the initial updating period identified by Client was not enough time. Consultant and

⁹ RCWA §§ 2.42.120, 2.43.010, 2.43.030(1)(c), 2.43.060, 2.43.090; *State v. Gonzales-Morales*, 91 Wash.App. 420, 423 (1998); *Kustura, et al. v. Department of Labor and Industries*, 142 Wash.App. 655 (2008).

Client were able to develop an alternative timeline to provide courts with additional time both for round 1 and round 2 of LAP review.

Recommendation: Courts not submitting a LAP at all risks the court's LEP constituents and constituents with disabilities being penalized because the court they depend on may lose critical funding that would assist with the continued provision of language assistance services. It appears that the Client provided more than ample opportunity for all participating courts to submit their initial LAPs, including additional time that initially was not part of the Client's initial timeline. The Client appears to be providing an excellent opportunity through the Program. The Consultant hopes participating courts will become encouraged to prioritize participation so that they do not miss out on the awesome benefit available.

As far as late submissions, Consultant encourages Client to enforce firmer deadlines for LAP submission by the courts while of course being reasonably flexible to accommodate special circumstances on a case-by-case basis. In the future, the Consultant recommends the Client build into its review timeline room for a limited number of late submissions. However, the Consultant does not recommend that the Client design future review processes around accepting LAPs on a rolling basis throughout the fiscal year. It appears that a rolling basis model will continue to impede the Client's ability to execute a predetermined review schedule and also engage in other administrative processes required to maintain and execute the Program. A rolling review basis also seems to be more taxing on what is appears to already be a limited number of Client staff available to manage and facilitate the review process.

ADDITIONAL CONSIDERATIONS IN LIGHT OF THE COVID-19 PANDEMIC

The below are additional items the Consultant recommends be addressed in Client's Template LAP and that the Client encourage courts to address in their respective LAPs.

I. Access to technology for LEP and DHH litigants (pro se and represented) during legal proceedings¹⁰

In court systems where an electronic filing ("e-filing") system was established prior to the pandemic, a noticeable increase in its usage occurred.¹¹ Where and whenever possible, many courts resumed conducting legal proceedings, albeit virtually, to minimize the occurrence of in-person appearances. Such increased utilization of technology shed light on the socioeconomic divide of litigants as access to technology is inequitable. Further, within access itself to technology, lack of access was demonstrated by litigants who possessed a device, such as a desktop computer,

¹⁰ "Digital Divide Considerations: A Pandemic Resource from NSCS." https://www.ncsc.org/data/assets/pdf_file/0026/53738/PPP-Technology-Digital-Divide-Considerations.pdf (May 9, 2022).

¹¹ "Appellate Courts – Staffing & Functional Adaptations to the Pandemic: A Pandemic Resource from CCJ/COSCA." https://www.ncsc.org/data/assets/pdf_file/0019/53533/RRT-Appellate-Staff-and-Functional-Adaptations.pdf (May 9, 2022).

laptop, tablet, etc., but the device lacked a sufficient and reliable internet connection. Prior to the pandemic, individuals may have circumvented this issue by utilizing the services of their local, public library; however, some libraries currently only provide curbside or walkup services to pick up or return reading materials. Some courts also encountered litigants who possessed internet, but no device, or lacked both a device and internet. An additional aspect of the socioeconomic divide is any potential cost of a particular technology platform serving as a barrier to litigants.¹²

In court systems where the chosen approach is a hybrid modality of interpretation, different considerations for effective communication are required.¹³ Each is dependent upon who is and is not appearing in person; such as the LEP individual being physically present in the courtroom while the interpreter is remote, the interpreter being present in the courtroom while the LEP individual is remote, or having the non-LEP party present while the LEP party is remote. It is best to avoid situations where the interpreter is remote while LEP/DHH individuals are present in the courtroom with others.

II. Ensuring due process during virtual hearings¹⁴

Since the pandemic began, it has become common place for courts to provide specific guidance for ensuring due process during virtual proceedings with regard to protecting attorney-client privilege, ensuring the proceedings are open to the public, and limiting the proceedings to less complicated matters. During the virtual proceeding, it is important that courts ensure a method for protecting attorney-client communications. A dedicated phone line or a breakout room that allows the defendant to be able to communicate with his or her attorney privately may accomplish privileged communication needs. The Consultant recommends that Client consider development of such guidance that would be included in the Template LAP and that Client would encourage Courts to adopt in their local LAPs.

Notice to the public and either streaming the proceeding online or having the judge physically present in an open courtroom may satisfy open courtroom requirements. Another option would be to have the information as to a particular judge's proceedings published on a local website with a number for the public to call if they wish to observe. The assigned judge should carefully consider the nature and sensitivity of a proceeding before using livestreaming as a means of ensuring an open courtroom. For example, issues related to family law are particularly sensitive and may be better suited for having the judge physically present in an open courtroom.

In criminal cases, the state and the defense must consent to virtual hearings. If a court elects to go forward over an objection, then the court should conduct a hearing on the objections and

¹² "Remote Hearings and Access to Justice." https://www.ncsc.org/_data/assets/pdf_file/0018/40365/RRT-Technology-ATI-Remote-Hearings-Guide.pdf. See also "Recommendations for In-Person Court Interpretation: A Pandemic Resource from NCSC." https://www.ncsc.org/_data/assets/pdf_file/0030/38478/Recommendations-In-Person-Court-Interpretation.pdf (June 2020, v.1).

¹³ "Judicial Covid-19 Task Force Report: Guidelines, Best Practices, and Resources." https://georgiacourts.gov/wp-content/uploads/2020/07/072720_Judicial-Council_Em-Meeting_online-full.pdf (July 27, 2020).

¹⁴ *Id.*

make findings of fact and conclusions of law to support the court’s decision to proceed with a hearing.

Waiver of right to be present in person in the courtroom: The defendant should waive his or her right to an in-person hearing, either in writing before the proceeding or on the record at the proceeding. To the extent possible, the passing of documents should be limited. There must be a method of allowing and protecting attorney-client communications. Virtual hearings should be limited to less complicated matters, such as calendar calls, status hearings, ministerial hearings, scheduling matters, arraignment, preliminary/probable cause hearings, bond hearings, guilty pleas in non-complex cases, ex parte hearings regarding the safety and health of the defendant, objections to virtual hearings, motions for new trial involving legal argument only, out-of-time motions for new trial involving legal argument only, and probation revocations.

III. The effect of wearing masks or other face coverings on the effective provision of sign language and other communications services for DHH persons

Masks or other face coverings have become a commonplace feature of in-person legal proceedings. While offering some protection, the utilization of such impedes on a DHH individual’s to effectively communicate and to effectively understand what is being communicated to him or her, regardless of their communication preferences. Many masks hide the lower portion of one’s face, which affects a lip/speech reader’s ability to see one’s lips. The wearing of masks also affects those who rely on residual hearing who tend to struggle with hearing muffled speech behind masks, and also those who do not speechread as being able to see mouth movements and facial expressions assist as cues in the conveyance of basis communication. The issue of masked communications is not restricted to DHH persons as interpreters also have difficulty in interpreting due to masks obscuring the DHH person’s facial expressions; thus, inhibiting an interpreter’s ability to read one’s face clearly.¹⁵

To maintain safety while also accommodating the needs of DHH persons, it is best for individuals to wear clear masks or clear face shields, preferably those which do not offer a glare to prevent obscuring the speaker’s lips and other facial cues.¹⁶ Although the issue of muffled speech remains, clear masks or face shields show the lips and enough of the face to understand facial expressions.

Specifically, in situations where lengthy communication may be required, such as court proceedings, American Sign Language (ASL) interpreters (including Certified Deaf Interpreters), Cued Language Transliterators, professional captioning (often referred to as CART), and/or assistive listening devices and systems are likely to be very helpful. In proceedings where a litigant,

¹⁵ “Pandemic causes additional hardships for deaf individuals.” https://www.albanyherald.com/news/pandemic-causes-additional-hardships-for-deaf-individuals/article_e74a2936-0414-11eb-a2fd-abf42e2926da.html (Oct. 1, 2020). See also “Frustration and misunderstanding: For deaf folks, masking can cause communication barriers” <https://why.org/articles/frustration-and-misunderstanding-for-deaf-folks-masking-can-cause-communication-barriers/> (Aug. 1, 2020).

¹⁶ ALDA, “Best Practices for Wearing Masks When Communicating with Deaf and Hard of Hearing People.” <https://alda.org/best-practices-for-wearing-masks-when-communicating-with-deaf-and-hard-of-hearing-people/> (Aug. 26, 2020).

witness, etc. who is DeafBlind is present and requires communication through touch, it has been recommended that interpreters and Service Support Providers (SSPs) are provided with a clear mask/shield and personal protective equipment.¹⁷

The usage of cloth or surgical masks is not recommended as such covers most of the face and are not see-through, which makes it difficult to communicate.¹⁸ Other means of communication, such as typing messages on a phone and showing it to another person or writing a message on a sheet of paper or whiteboard, without sharing the writing tool used, can also assist a DHH person in participating in proceedings.¹⁹

IV. Ethical considerations

Due to the COVID-19 pandemic, courts have had to continue administering justice via unprecedented methods. Some ethical considerations to take into account include the SC:L credential moratorium and how sign language interpreting is administered.

DHH persons have a legal right to have a qualified interpreter during legal proceedings. The Specialist Certificate: Legal (“SC:L”) is a credential fully recognized the Registry of Interpreters for the Deaf (“RID”).²⁰ Holders of the SC:L credentials demonstrate a “specialized knowledge of legal settings and greater familiar with language used in the legal system.”²¹ This credential was offered beginning in 1998.²² In 2016, prior to the pandemic, RID placed a moratorium on credentialing pending the results of the Risk Analysis of the certification program.²³ The moratorium remains in place and its significance is that, while holders of SC:L credentials prior to 2016 remain certified, RID has not held any performance exams nor issued any additional certificates since 2016.²⁴ Accordingly, the State of Washington is encouraged to continue taking into consideration who may be available to provide qualified sign language interpretation.

An additional item to take into consideration with regard to DHH persons and court proceedings being held virtually during the COVID-19 pandemic is how sign language interpretation was performed prior to the pandemic. Generally, a court will hire at least two interpreters, a proceedings interpreter and a party or table interpreter. The former is an individual who will “interpret all of the witness testimony and all of proceedings in a contested case. . . [and] will be sworn to interpret accurately for the record and to ensure the participants are

¹⁷ *Id.*

¹⁸ National Association of the Deaf, “Position Statement on Communicating with Deaf and Hard of Hearing People While Wearing Masks.” <https://www.nad.org/position-statement-on-communicating-with-dhh-while-wearing-masks/> (Aug. 26, 2020).

¹⁹ *Id.*

²⁰ “Certifications Under Moratorium.” [https://rid.org/rid-certification-overview/certifications-under-moratorium/#:~:text=Specialist%20Certificate%3A%20Legal%20\(SC%3A,moratorium%20effective%20January%201%2C%202016.](https://rid.org/rid-certification-overview/certifications-under-moratorium/#:~:text=Specialist%20Certificate%3A%20Legal%20(SC%3A,moratorium%20effective%20January%201%2C%202016.)

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

present.”²⁵ The latter is an individual who assists counsel with the preparation and defense of the case and is placed at counsel’s table between the attorney and the client to facilitate privileged communications.²⁶ Should the sworn court interpreter’s interpretations contain any errors, the party or table interpreter generally alerts counsel to the nature of error in order to provide counsel an opportunity to object; thereby preserving the issue for appeal.²⁷ Certain instances require additional interpreters, such as when a juror or multiple parties in a matter are DHH persons.

Conclusion


The Consultant thanks the State of Washington Administrative Office of the Courts and judiciary for the opportunity to assist in its continued efforts to increase access, promote equity, and preserve justice for all. It was evident from the several on-on-one meetings with participating courts and AOC staff that Washington’s judiciary has no shortage of dedicated judges and court personnel who are making a diligent effort to ensure meaningful access for LEP persons and persons with disabilities. The Consultant hopes that the services provided and the recommendations contained in this final report are helpful and assist Client with its future efforts.

²⁵ “Working with Sign Language Interpreters in Court: Fact Sheet.” The National Consortium of Interpreter Education Centers. (2010). [https://www.unco.edu/marie/pdf/archived-literature/FactSheet Working with Sign Language Interpreters in Court.pdf](https://www.unco.edu/marie/pdf/archived-literature/FactSheet%20Working%20with%20Sign%20Language%20Interpreters%20in%20Court.pdf).

²⁶ *Id.*

²⁷ *Id.*

Committee Reports

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission – Issues Committee Meeting Tuesday, June 14, 2022 Videoconference Meeting 12:00 PM – 1:00 PM Zoom</p>
<p>MEETING MINUTES</p>	

Present:

Francis Adewale, Anita Ahumada, Kristi Cruz, Luisa Gracia, Bob Lichtenberg, Diana Noman, Judge Lloyd Oaks, Frankie Peters, James Wells

Approval of May Meeting Minutes

- Approved without modification. Luisa Gracia abstained as she was not present at the April meeting.

Bylaws Workgroup

- Francis will begin the process of updating the bylaws with working Frankie Peters and Luisa Gracia

Whistleblower Policy and GR 11.2

- Changes may not be necessary for GR 11.2 and the Disciplinary Manual could be updated. The Manual can be modified so that an interpreter would not be subject to sanction if they disclose certain kinds of information in limited situations.
 - There was a concern that carving out an exception could put a burden on interpreters and affect their ability to stay unbiased. How much of a responsibility would be put on the interpreter to report certain situations such as inadequate representation by an attorney.
- Judges also need to be certain that a litigant is entering into an agreement that they are doing so knowingly, voluntarily, and intelligently and that the situation has been adequately explained to them.
- Advantages and disadvantages of limited exceptions to 11.2 can be shared by email. This can then be discussed at the next meeting. A draft document was written Katrin Johnson was shared by email and can be reviewed.

Interpreter Scheduling for Deaf Jurors

- An advisory letter could be drafted by Bob Lichtenberg and can then be reviewed by Kristi Cruz and anyone else on the Commission who with expertise can review. After review the letter can go to Cynthia Delostrinos to see who the letter should be sent from.
- At a previous meeting the Commission discussed reaching out to ADA coordinators to build a relationship with them as this is a new issue. In the past, letters have gone to Judges, but it may be more appropriate to go to the ADA coordinators or court administrators.

- The AOC will be hiring a part-time ADA coordinator to assist courts in these issues.

Interpreter Confidentiality and Reporting

- The Committee discussed what kind of previous employment or contact can affect an interpreters work in a similar case.
- From one perspective an interpreter is a neutral conduit of the message and previous assignment with a party should not affect the interpreter. There may be a perception that the interpreter is. The interpreter must disclose any interactions about previous work and then the court can make the determination if the interpreter should continue.
- In ASL, the choice of signs used could be influenced by previous experience working with a particularly party in a case.

Strategic Planning Priorities.


- A two-year strategic document could be drafted for the Commission. The drafting should not be don just by the Issues Committee since other committees will have their own priorities.
- The Issue Committee passed the following motion:

Motion: Ask the chair of the Commission to form a committee to review strategic planning and priorities for the Commission

Action Items – Bob Lichtenberg send email to Judge Diaz indicating it's the consensus of the Issues Committee we need a committee for long range planning priorities.

State-wide Language Access Plan

- The Committee would need a more context on what a state-wide plan would look like.
- The Committee should review the existing resources to help identify gaps on where more help to courts can be provided.

 <p>WASHINGTON COURTS</p>	Interpreter Commission – Issues Committee Meeting Tuesday, July 12, 2022 Videoconference Meeting 12:00 PM – 1:00 PM Zoom
MEETING MINUTES	

Present:

Francis Adewale, Bob Lichtenberg, Judge Lloyd Oaks, Frankie Peters, James Wells
Katrin Johnson (guest)


A quorum of committee members was not present. Most agenda items were postponed.

Interpreter Tiers

- James Wells gave presentation discussing the current credentialing system for interpreter in Washington and certain challenges to that system. Potential ideas for a tier system was discussed.
- Committee members suggested adding to the slides some of the discussion points brought up during the meeting in anticipation of questions other Committee members may ask.
- This is a complex topic and there would not be time to create recommendations before the next Commission meeting in September. A short description of the issues can be provided there.
- Since some members of the Issues Committee will be leaving the Commission at the end of September, it would be good to have the new members be apart of the discussion.

Next Meeting

- August 16

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission – Issues Committee Meeting Tuesday, August 23, 2022 Videoconference Meeting 12:00 PM – 1:00 PM Zoom</p>
<p>MEETING MINUTES</p>	

Present:

Francis Adewale, Anita Ahumada, Ashley Callan, Kristi Cruz, Bob Lichtenberg, Judge Lloyd Oaks, James Wells

Approval of June Meeting Minutes

- Approved with modification. Ashley Callan abstains from vote as she was not at the meeting.

Whistleblower Policy and GR 11.2

The Committee discussed the issue of whether there should be changes to GR11.2 regarding and creating a whistleblower policy. There was some disagreement at the beginning of the discussion but a consensus was reached by the end. Some opinions and points included:

- There should not be an exception in this situation and making an issue under discussion would be a breach of confidentiality.
- Making a complaint could give up information that was received under privileged situation. The entity that the complaint was made to may have public reporting requirements.
- In some situations, it may only be an interpreter who knows that the LEP's rights are not being protected.
- Protecting confidentiality is extremely important except in some limited situations such as threats of violence.
- In the situation that brought this discussion, the safety net worked and judge caught the issue. The role and responsibility of the judge could be emphasized in trainings to ensure things are done properly.
- If an exception is made in this situation, it could open the door to many other exceptions. Interpreters can witness to many problematic and questionable situations in privileged situations.
- What the role is for a court officer in reporting inappropriate behavior or criminal behavior.
- The consensus of the Committee was that checks and balances are in place. An exception to GR11.2 is not warranted in this situation. The Committee passed the following motion:

Motion:

This situation does not warrant any changes to GR 11.2 or changes to the disciplinary process.

Action Item

- Kristi Cruz will help draft the paragraph on whistle blower topic.

Interpreter Scheduling for Deaf Jurors

- A letter for courts about the scheduling of interpreters for deaf jurors is being drafted. The letter will be informed by a situation that recently occurred in Washington D.C. and previous letter sent to courts.

Planning for distribution of DRAFT Bylaws Revisions

- A sub-committee is looking at the bylaws and has an upcoming meeting.
- The timing of when the draft is reviewed will depend on the dates of the Issues Committee and Commission meeting.
- The discussion of the bylaws could require time and will come back to the Issues Committee before it goes to the full Commission

Proposed Changes in Court Interpreter Credentialing


- AOC staff will send a written version of a presentation to the Issues Committee for including in the Commission meeting. It will be a preliminary report with a discussion of certain challenges to the system and possible avenues the Commission can take.

Scheduling of Issues Committee meetings and reporting/meeting needs of workgroups

- Currently the Issues Committee traditionally meets on the first Tuesday of the month.

Next Meeting

- Either 9/6 or 9/13 decided by Doodle Pool

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Issues Committee Meeting September 13th, 2022 Zoom Videoconference 12:00 PM – 1:00 PM</p>
<p>Meeting Minutes</p>	

Present: James Wells, Bob Lichtenberg, Avery Miller, Naoko Inoue Shatz, Judge Oaks, Ashley Callan, ASL Interpreter Melissa Shaw, Kristi Cruz, Jennifer Johnson, Kelley Amburgey-Richardson, Anita Ahumada, Diana Noman

Previous Meeting Minutes

- August 23rd minutes approved.

12:03 PM- Quorum found, meeting called to order.

Discussion of Changes in Interpreter Credentialing and Reciprocity

- Bob began the discussion with an explanation of reciprocity for out of state interpreters certified in their own states and request by court administrators to have a list of states that are pre-approved/ considered to be qualified.
- Question about why credentials on interpreting would be different state to state and what the process is for making interpreters credentialed in WA.
 - There's an ethics and protocols class that is mandatory covering WA specific code of conduct. About an 8 hr class.
 - States vary with what they require as a passing rate for the exams and what their terminology is. Some states might have other/different requirements for classes, modes of interpreting, ongoing skills practice etc.
- Discussion of proposed change in reimbursement for interpreters qualified by a judge in a non-credentialed language.
 - Kristi voiced concern that it would be a change against the original intent of the program, to encourage use of credentialed interpreters and to offset the higher costs of using credentialed interpreters. Suggests determining a threshold, say a language with fewer than 10 credentialed interpreters in WA where courts could open up to non-credentialed. Voiced preference for figuring out how to apply reciprocity faster, make the process less onerous so WA courts can tap into pool of other states credentialed interpreters.
 - Question about the costs expended of languages that don't have credentialed interpreters? Based on numbers from last year, about 10% of the costs in LAIRP were non-reimbursable (rejected).
 - Suggestion that there may not be a lot of motivation for interpreters to go through the process of seeking credentials in WA, if they're in high demand in their own state.
 - Comment on difference between legal-certified and DSHS certified, that sometimes interpreters will misrepresent credentials and judges may not be aware of the difference. Concern with out of state interpreters.


- Discussion on VRI offered post-pandemic which makes out of state interpreters financially feasible for the first time, courts preference for in-person interpreters vs. remote.
 - With VRI, different modes of interpreting can make it less efficient. It's hard to do simultaneously and if they're doing it consecutively, we have to think about double the amount of time, which if there's an attorney means doubling cost to client.
 - Consecutive is more or less standard and there's dual architecture for that, but interpreters/courts need to be trained.
- Wrapping up discussion, request by Judge Oaks to write down the scope of the issue, the motivations to get certified/ get reciprocity, process to make it quicker.
- Suggestion that the committee look at the issue further and then send to full commission.
- Judge Oaks requests Bob send out an email soliciting comments from every one of their thoughts on the two questions (reciprocity and non-credentialed reimbursement). Bob will collect comments through Monday (or whenever he thinks it's appropriate) and condense them, put together a white paper.

Bylaws and Whistleblower Policy

- Brief discussion of bylaws and whistleblower topic.
 - Kristi drafted recommendations on whistleblower topic, stating the issues committee discussed the issue and don't believe there needs to be an exception, considers the issue a training issue for judges.
 - Agreement, that judges are gatekeepers and need to have the training to ask the correct questions to ensure the interpretation is up to standards. Ideally, all parties (judge, defense attorney, prosecutors, etc.) are all trained to determine if an LEP litigant has appropriate interpretation.
 - Discussion of duty to report concerns, confidentiality, privilege issues for if an interpreter finds out if a lawyer violated ethics, can they report to WSBA?
 - Judge Oaks suggests framing the issue as one of training/education and report to the full commission about it, see what the consensus is. Potential for a chilling effect. Analogous to when an attorney has to report some things (ie, threats to kill/do harm).
 - Judge Oaks will send Bob an email putting down these thoughts to put them in front of the commission with some framing about what the concerns of the committee are.
 - On issue of bylaws, question whether to put into this Commission meeting or put off to next meeting?
 - Several Commission members that were on the bylaws workgroup are leaving the commission, terms end in September.
 - Judge Oaks suggests we reach out to them by email to discuss.

1:02 PM—Meeting adjourned

Next Meeting

 WASHINGTON COURTS	Interpreter Commission Education Committee Meeting June 24, 2022 Zoom Videoconference 12:00 PM – 1:00 PM
Meeting Minutes	

Present: Francis Adewale, Ashley Callan, Kristi Cruz, Jeanne Englert, Luisa Gracia, Katrin Johnson, Bob Lichtenberg, Frankie Peters, James Wells

Previous Meeting Minutes

- April and May meeting minutes approved.

Fall Conference Update

Remote Interpreting Lessons Learned

- Claudia A'zar and Judge Shea-Brown have been sharing some materials with one another.
- Donna Walker may join the presentation to present on topics related to sign language.

All of the present committee members supported adding Donna Walker to the presentation to speak on topics related to sign language.

Email from ed committee: Judith is assigned to these two sessions. Needs names of faculty and descriptis

Bob Lichtenberg can create a final description of the session based on the descriptions in the proposals and send the descriptions for review.

Standards of Practice Session

- Judge Rajul, Laurie Reinhardt, Emma Garkavi and Linda Noble are the presenters.
- Bob will work Judith and Luisa Gracia on further coordination.


ASL Webinar

- The Judicial College did not address issues around sign language.
- There are different best practices for sign language and spoken language interpreters. Sign language happens less often in courts and so judges may slip into practices like spoken languages.
- Donna Walker will be working on the Fall Conference presentation and may not be available to work on the judicial conference presentation. She can be asked for recommendations for other presentations. Laurie Reinhardt could be another possibility.
- Compensation should be considered for the interpreter presenters given the amount of time commitment and expertise. An honorarium may be possible.
- Including a Deaf interpreter could be very beneficial.
- The benchcard should be included and helps guide the audience.

Next Meeting

- July 20 at 12 PM

DRAFT

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Education Committee Meeting August 17, 2022 Zoom Videoconference 12:00 PM – 1:00 PM</p>
<p>Meeting Minutes</p>	

Present: Francis Adewale, Ashley Callan, Kristi Cruz, Luisa Gracia, Katrin Johnson, Bob Lichtenberg, Linda Noble, Judge Mafe Rajul, Laurie Reinhardt, James Wells

Previous Meeting Minutes

- Minutes for May 25 approved.

Fall Conference

New Rules and Standards of Practice

- The presenters for this session joined the meeting and the draft slides and content of the session was discussed.
- There will be a panel with Judge Rajul acting as a moderator and also adding in her own expertise.
- GR11.2 and GR 11.4 would be covered during the presentation.
- The presenters felt it was important to cover many details about team interpreting and specify the best way of using multiple interpreters.
 - It was suggested that a distinction should be made between the requirements in the general rules and best practices. There are some circumstances where certain best practices might not be appropriate and exceptions will need to be made.
- Some suggestions to add to the presentation included,
 - Who and where can judges go to when they have questions (such as court's local interpreter office, AOC, interpreters themselves).
 - Standby interpreting.
 - Interpreting transcripts.
 - Information about the complaint form so judges know where to go.
 - Relay interpreting.
 - Expand on the points on how what the judge can do to assist on slide 30.
 - Move the topic of complexity earlier in the presentation since it could inform a lot of the other discussion.
- For some topics, using absolutes should be avoided when there may be some grey areas.
 - Looking at the different modalities of interpreting (sign versus spoken language) and how there is variation could help avoid some of the absolutes.

- Certain parties may have reasons that parties request their own interpreters. Although it isn't the regular practice, it may be important that the rules.

Other Education Conferences

- The Committee discussed its priorities and how much they wanted to focus their time on proposing and sponsoring sessions at the annual judicial and court administrator conferences versus other education activities.
 - There was a consensus to focus less on the fall and spring conferences.
 - The judicial college is still an important presentation for the Committee to be involved in.
- Court staff other than administrators are often the people who work most closely with interpreters, but they do not attend the annual trainings.
- Looking at other training outlets provides more freedom on topics and wouldn't rely on matching the theme of the annual conferences.
- The shift to online trainings since the outbreak of COVID provides more avenues to hold online trainings.
- The Commission could create a repository for new and previous trainings. Recorded trainings and links could be centralized to make it easier for courts to find.
 - If recordings aren't available, other materials such as PowerPoints could be made available.
 - If trainings are made available on the public website instead of Inside Courts, they would be more accessible to interpreters, attorneys and others.
- The Commission could begin developing a group of interpreters or other subject matter experts who could speak on certain topics as they arise. Materials from previous trainings could also be collected so that they can be adapted for future trainings, which would help alleviate the need to re-create content for each training.