

**Washington State Supreme Court
Interpreter Commission**

February 10, 2023

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**



WASHINGTON
COURTS

Language Access and Interpreter Commission Quarterly Meeting

Friday, February 10, 2023 - 8:30 AM to 12 Noon PM

Join Zoom Meeting

<https://wacourts.zoom.us/j/85023362710> Meeting ID: 850 2336 2710

One tap mobile

+12532158782,,85023362710# US (Tacoma)

AGENDA

<ul style="list-style-type: none"> • Call to Order • Member Introductions & Meeting Rules 	Judge Michael Diaz	
Chair's Report (Order Subject to Change)		
<ul style="list-style-type: none"> • Approval of December 2, 2022 Minutes 	Judge Diaz	Pg. 2
<ul style="list-style-type: none"> • Translator Representative Nominee <ul style="list-style-type: none"> ➤ CDI and Deaf Community Rep Nominations: Update 	Judge Diaz AOC Staff	Pg. 11
<ul style="list-style-type: none"> • Bylaws Adoption-Final Vote 	Judge Diaz	Pg. 13
<ul style="list-style-type: none"> • Strategic Plan Finalization and Task Teams 	Judge Diaz	Pg. 20
<ul style="list-style-type: none"> ➤ LFO-Racial Justice Consortium Recommendations 	Florence Adeyemi	
<ul style="list-style-type: none"> • SB 5051 Action Update <ul style="list-style-type: none"> ➤ Hold: Other Legislation-SB 5304 	Judge Diaz AOC Staff	Pg. 36
BREAK		
<ul style="list-style-type: none"> • Member Online Orientation Date 	Judge Diaz/AOC Staff	
<ul style="list-style-type: none"> • Appellate Court Language Access Plan 	Judge Diaz	
<ul style="list-style-type: none"> • Disability Justice Study Funding Proposal: ILAC Support Requested 	Judge David Whedbee, KCSC Justice Whitener	Pg. 43

<ul style="list-style-type: none"> • In-Person/Hybrid Commission Meeting and Community Forum Partnership-September • Interpreter Program Update <ul style="list-style-type: none"> ➤ Near-Passers and Tiering 	<p>Judge Diaz AOC Staff</p> <p>James Wells</p>	<p>Pg. 53</p>
<p>Committee and Partner Reports <u>Issues Committee Meetings Report</u></p> <ul style="list-style-type: none"> • Topics TBD with Judge Oaks <p><u>Education Committee Meetings Report</u></p> <ul style="list-style-type: none"> • 2023 Fall Judicial Conference Presentation-ILAC Support • 2023 Judicial College Update • Court Staff Training <p><u>Disciplinary Committee Report</u></p> <ul style="list-style-type: none"> • Tentative: Complaint Report • Manual Workgroup Update <p><u>Liaison Reports (placeholder)</u></p>	<p>Judge Lloyd Oaks or Designee</p> <p>Ashley Callan AOC Staff</p> <p>Donna Walker AOC Staff</p> <p>Justice Helen Whitener or designee</p> <p>OAH and ODHH</p>	<p>Pg. 57</p> <p>Pg. 69</p>
<p>Commission Staff Report</p> <ul style="list-style-type: none"> ➤ Reimbursement Program Report Compensation Study Planning ➤ Commission Manager Report 	<p>Tae Yoon</p> <p>Kelley Amburgey-Richardson</p>	<p>Pg. 75</p>
<p>Announcements:</p>		
<p>Next Commission Meeting</p>	<p>May 12, 2023 8:30 AM-12 PM Possible In-Person/Hybrid Meeting</p>	

Meeting Minutes



Interpreter Commission Meeting
December 2nd, 2022
 Zoom Videoconference
 8:30 AM – 12:00 Noon PM

Meeting Minutes

Members:

Donna Walker
 Jennefer Johnson
 Kristi Cruz
 Michelle Hunsinger de Enciso
 Ashley Callan
 Judge Lloyd Oaks
 Judge Michael Díaz
 Anita Ahumada
 Iratxe Cardwell
 Diana Noman
 Florence Adeyemi
 Judge Edirin Okoloko
 Justice Helen Whitener
 Kelly Vomacka
 Jeanne Englert

Liasons:

Berle Ross
 Ernest Covington
 Vanna Sing
 Tony Griego

AOC Staff:

Avery Miller
 James Wells
 Robert Lichtenberg
 Cynthia Delostrinos
 Dr. Arina Gertseva
 Tae Yoon
 Kelley Amburgey-Richardson
 Mishani Jack-Gonzalez
 Alex Donnici

Guests:

Chela Fisk
 Natalia
 Yolanda Lopez
 Elianita Zamora
 Nicole Pierce
 Jeanine Sword
 Jonas Nicotra
 Linda Noble
 Tonya Smith
 Adrian Arias
 Grasa Barbosa

CALL TO ORDER

The meeting was called to order at 8:30 AM.

Approval of Previous Meeting Minutes:

- The September 23rd, 2022 Meeting Minutes were approved with the note that Tae Yoon attended at the time as a guest, not Administrative Office of the Courts (AOC) staff.

Welcome New Members and Committee Appointments— Judge Michael Diaz

- Judge Michael Diaz introduced the two newest commissioners, Judge Edirin Okoloko and Ms. Kelly Vomacka. Commission Members and liaisons introduced themselves. The chair noted that the liaisons are welcome to join the new onboarding progress for new members of the Commission. New members of the Commissions selected the committees they would like to join. Chairs of the committees described the focus of each (Education, Issues, Disciplinary) and general structure and expectations.
 - Michelle Hunsinger de Enciso selected Education and Issues.
 - Iratxe Cardwell selected Education, Issues and Disciplinary Committees.
 - Judge Okoloko selected the Disciplinary Committee and will consider a second committee.
 - Kelly Vomacka selected the Issues Committee and the Translation Committee.
- The Commission welcomed Ms. Vanna Sing, newly appointed liaison from the Access to Justice Board and Tony Griego, from the Office of Administrative Hearings and diversity, equity and inclusion manager.

Misc.

- Ernest Covington, new Director of the Office of Deaf and Hard of Hearing (ODHH), shared thoughts on how to recruit deaf members of the community to serve on the Commission.
 - Firstly, make sure that the Commission has an announcement done in ASL, because it's a visual mode of information and may be their first language.
 - It's also important to ensure that BIPOC people in the community have equitable access, to reflect the Commission's constituency.
 - ODHH is happy to assist in developing that message and reaching out to organizations that serve the community, and they have access to plenty of different avenues to send out the message to find a good candidate.
 - The Commission may want to consider budgeting for compensation for community members, or ensuring some release from their employer for them to be able to serve on the Commission and required committees.
 - Robert Lichtenberg will follow up with Ernest Covington on these ideas.

CHAIR'S REPORT

Bylaws Adoption— Judge Lloyd Oaks

- Judge Lloyd Oaks presented on the draft of the bylaws created by the bylaws workgroup, with appreciation for members and staff time and commitment. An overview of changes was provided and then opened up for member discussion.
 - There were a few clerical errors and typos to be corrected.
 - Discussion occurred around the requirement for members to serve on two committees, especially for interpreter members, who are volunteering their time. This is weighed against occasional difficulty forming a quorum for committee meetings and the importance of participation in the work of the Commission.
 - Justice Whitener had a suggestion to consider recruiting liaisons from the law schools to can participate in some of these committees.
 - Additional discussion around the topic of consequences for missing the proposed number of committee meetings. Suggestion to add language such as 'non-responsive' or 'non-engaging,' as some members may not be able to make the scheduled meetings but complete work in the background.
 - With the final corrections and discussion points, the group will discuss in the next committee meeting, distribute a final draft and vote for approval electronically.

Strategic Planning Workgroup and Commission Direction for 2023-2024— Judge Michael Diaz

- Judge Diaz presented on the priorities developed by the Strategic Workgroup.
 - Onboarding: With several new members of the Commission joining, it's important to integrate them into the work of the Commission overall, as well as broaden education around the work of interpreters, clerks, judges, etc.
 - Training Modules: Gather materials and training opportunities for all commission members, and for the broader community as well. This is the core work of the education committee.
 - ASL Test: There has not been a certified test for ASL interpreters, which is a huge concern. Developing a test is a first-tier priority, with the short-term action of spotlighting the issue, recruiting stakeholders, and identifying experts.
 - Interpreter pipeline: This is another extremely high priority, first-tier issue, as many courts lack access to qualified interpreters. The Commission is working to partner with local colleges to develop a pipeline and considering how best to recruit, or retain interpreters.
 - Disciplinary Manual—The Disciplinary Committee is currently working on this.

- Data—This is a broader priority, but in the short-term, the Commission is partnering with the Washington Center for Court Research to conduct an end-user satisfaction survey to see how recent changes in the courts are affecting access to language services.
- RCW 2.42 Revisions—There is an ad hoc committee currently working on this and will put the draft forward to the full Commission and for community comment when ready.
- Translation—This is being addressed in the new committee formed by Commission members who will get it up and running to look at translating pattern forms, which places this as a medium-term issue right now.
- Needs of the Deaf and Hard of Hearing Community—This should not be considered a standalone issue, but rather woven throughout the rest of the priorities and work areas of the Commission.
- Language Access Outside the Courtroom: Kristi Cruz discussed the issue of translation and interpretation outside of just the courtroom, which includes signage, interactions with clerks, mandatory court-ordered services. Kelly Vomacka suggested also looking at language access issues in jails and prisons. Anita Ahumada added mental health facilities involving court hearings.
- Language Access Plans: AOC is waiting to hire a statewide LAP coordinator and a lot of the work around this issue will have to wait until that person is hired.
- Robert Lichtenberg added a suggestion that among all these priorities is the commitment to racial equity, and to keep in mind throughout our work the ways in which it intersects with the work of the Commission.

Court Interpreter User Survey— Dr. Arina Gertseva

- At the last strategic oversight committee, WSCCR received a request from the Commission to develop a court user survey about the quality and efficacy of interpreter services. Researchers designed two forms as examples, and both are included in the meeting packet.
- She offered a suggestion to the Commission to draft a series of surveys to address some of the Commission's long term priorities as well as immediate questions to identify needs of other stakeholders.
- WSCCR is available to address any corrections or feedback members have for the survey, and to assist with any necessary consultation in programming the survey into Survey Monkey, coding paper forms, cognitive testing, helping with data monitoring, summarizing and analyzing the results.
- Cost of implementing the survey will depend on many factors, such as modes of surveying (paper, web, QR codes, etc.); translation of documents and into how many different languages, with costs estimated to be between \$200 and \$750 per questionnaire; time for people to collect and analyze survey data; recruitment to potential respondents in small communities (rare languages, etc); and offer of incentives to complete the survey (candy, gift certificates, lottery tickets).

- She also suggested a pilot project to assist with building a learning curve among researchers and to get buy in from local courts to assist with data reporting, and to get accustomed to local courts physical building and logistics (ie, where to place flyers, drop boxes, etc.) because this is a difficult-to-reach and hard-to-engage population.
- Justice Whitener raised a question about how to predict what languages will be in a given region to translate the survey into. There is data from the Office of Financial Management that can answer the question.
- WSCCR will need an implementation group from the Commission to work with on the design, programming, organizing and creating the structure for the user survey project.

RCW 2.42 Revision and Timeframe— Donna Walker

- Donna Walker confirmed that the RCW 2.42 revisions will be discussed at the February meeting of the Commission instead. She provided an overview to the revisions made to the text of RCW 2.42.
- There are a few minor changes of reordering and a few text changes to make it more consistent and intentional (capitalizing Deaf for ex.) as well as adding several definitions. The following larger revisions were made:
 - Included language about appointing a certified Deaf interpreter.
 - Proposed that AOC become the gatekeeper of the ASL interpreter directory, as is currently done for spoken language interpreters.
 - Added procedure for using qualified interpreters when a certified interpreter is not available.
 - Removed in the current RCW the appointment of interpreters regarding law enforcement and arrest, while important, does not fit with the rest of the RCW regarding courts of record.
 - Added some wording to waiving the right to an interpreter.
 - Restructured the Interpreter Oath
 - Added section on conduct required of interpreters.
 - Added a new section on team interpreting.
 - Visual Recording of testimony - Currently, the RCW says it is only required to have visual recording of an ASL trial during a capitol offense; they are proposing changing that to require visual recording for any felony.
 - Restructured the section on privileged communication.

AOC Staff Report— Kelley Amburgey-Richardson

- Kelley Amburgey-Richardson, manager for the Supreme Court Commissions, discussed funding request submitted as part of the judicial branch's budget for this coming legislative session.
 - This includes two new staff positions, a language access plan program coordinator and a program assistant.

- Since many more courts are participating in Language Access and Interpreter Reimbursement program (107 courts up from 33), many of these courts will need assistance in creating their language access plans. The new LAP Program Coordinator would be able to help develop resources, education, templates and work directly with the courts to revise their LAP when needed. The new program assistant would take on administrative duties, such as processing invoices, and free up staff.
- The full funding request is in the meeting packet, and Kelley is available to answer any questions from members.

ACTION ITEM: Vote on the Extension of the Requirement for Credentialing

- James Wells gave background information on the credentialing requirement extension. A few years ago, the Commission moved two languages from the 'registered' category to the 'certified' category in Washington, which means those interpreters will take a comprehensive bilingual exam in order to get that credential. There was an initial three-year transition period granted to those interpreters and then it was further extended during COVID because we weren't able to offer the oral exam.
- The commission is currently discussing issues surrounding credentialing and reimbursements for interpreters. James requests approval from the Commission to continue the extension of the transition period to achieve the credential in those languages.
- Justice Whitener moves to continue the extension of the transition period to achieve the credential. The vote passes.

COMMITTEE AND PARTNER REPORTS

Issues Committee— Judge Lloyd Oaks

- Judge Lloyd Oaks provided an overview of the issue of reciprocity and reimbursement. Currently, the statute prevents reimbursement to courts for interpreters not certified in Washington state if they do not receive credential recognition by the AOC. Whether we grant reimbursement for interpreting services provided by interpreters certified in other states but not yet by the AOC may need to be revised in the statute.
- A brief discussion ensued regarding of the need for courts to be able to widen the pool of available interpreters versus ensuring that the quality remains at an acceptable level. This is primarily regarding the languages that have very few interpreters in WA and members discussed how to identify which ones should be granted this exception.
- The Issues Committee will send recommendations at the February meeting based on Robert Lichtenberg's September 19th memo to the Issues Committee.

Education Committee— Ashley Callan

- The Education Committee are working on trainings for court staff, onboarding materials, interpreter trainings and refresher courses for judicial officers.
- They are working to ensure ASL interpretation is included in judicial college.
 - Justice Whitener emphasized the importance of maintaining the trainings for judicial officers at judicial college, and of providing refresher materials for judges who may not have language access cases all the time.
 - Members discussed how to ensure the material presented is not repetitive and fully engages the judges on the training topic issues.
 - If members are interested or know of judges interested in participating at the 2023 Judicial College as shadow for Judge Riquelmé, they are to let Judge Diaz know. There is also an upcoming Washington State Bar Association training to practicing attorney members on March 14th, 2023 and Robert Lichtenberg is seeking as faculty an interpreter and a judge, so if anyone is interested, members were encouraged to refer interested persons to him.

Disciplinary Committee— Justice Whitener

- The Disciplinary Committee is engaged in rewriting the manual and have met several times over the year. It has been an intensive review, and a draft should be available before the February meeting.
- The Committee did not handle any disciplinary actions in the last quarter.

Liaisons Reports—

- Vanna Sing (Access to Justice Board) and Tony Griego (OAH) have nothing further to add, but Tony notes they recently had a training on working with interpreters and is working on a language access plan.

AOC Staff Report— Tae Yoon

- Tae Yoon, Language Access and Interpreter Program (LAIRP) Coordinator, gave an overview of the program and a status update for Fiscal Year 2023. This report is on page 54 of the meeting packet.
- LAIRP partners with courts to improve language access and saw a large increase in the past year with 42 new contracts, which were sent out on Nov. 2nd.
- About \$3 million is allocated in funding for these courts. The program is also planning to develop some education and training modules, or do a program analysis, depending on the remainder of the funding.
- An upgraded version of the web application to submit A19 invoices has launched. The deadline to submit this invoice is Dec. 31st.
- Court administrators or anyone with questions about the program can contact interpreterreimbursement@courts.wa.gov.

Announcements:

James highlighted that on pg. 38 of the meeting packet there will be an ethics and protocol class on March 30th and 31st, which is the last class interpreters take before they get their credential. It is a half day on court interpreter ethics, and a half day on protocol that covers everything from how to dress in court, to accepting assignments, things to expect and team interpreting, etc. There's an invitation extended to all Commission members to attend and will help members to get a better sense of what an interpreter's job entails. When registration is open, James will send out a link.

- Jonas announced that Bellevue College has gotten their program back on its feet, and revamped the curriculum. It now has a court document translation certificate program that runs 22 weeks which is not language specific, and then there is an advanced certificate for another 22 weeks in one of three languages (Portuguese, Spanish and Japanese). The College has just launched the first cohort this past Spring

Next meeting will be via Zoom February 10th, 2023 at 8:45 AM.

- The May 12th Meeting has been proposed to potentially be an in-person/ hybrid meeting, and the members will need to coordinate for that with AOC staff to help with logistics and reimbursements of travel.

The meeting was adjourned at 12:00 PM

Chair's Report

7078 Muirkirk Ln SW
Port Orchard, WA 98367
January 25, 2023

Supreme Court Interpreter Commission
c/o Robert Lichtenberg
P.O. Box 41170
1206 Quince St. SE
Olympia, WA 98504-1170

Re: NOMINATION OF ATA-CERTIFIED TRANSLATOR REPRESENTATIVE TO THE
INTERPRETER AND LANGUAGE ACCESS COMMISSION

Dear Mr. Lichtenberg,

I am writing to express my interest in being considered as a translator representative on the Washington State Supreme Court Interpreter and Language Access Commission. I am an ATA-certified translator, certified for translation from Russian into English (since 2007) and French into English (since 2015). I have my own business, Laura Friend Translations LLC (since 2012), and I specialize in legal and business translation. I am a resident of Washington State.

As President of NOTIS, I am eager to become more familiar with ILAC and its mission of ensuring access to justice through language access. Although NOTIS represents primarily language professionals (providers) rather than consumers, the two are inextricably intertwined, and I believe our members are passionately committed to ensuring justice for all to the extent of their ability.

I think it would be mutually beneficial for NOTIS to have a translator representative on ILAC. I have not previously been associated with the courts, but I am willing to do the work necessary to help shape best practices, guidelines and professional standards for the translation and use of legal documents and other text-based legal information.

If you think it is a good match, I would consider it an honor to serve.

Thank you for your consideration.

Best regards,

Laura Friend
President, NOTIS

Email: president@notisnet.org

Tel: 206-617-9869

LAURA FRIEND

Port Orchard, Washington, USA 1-206-617-9869

laurafriend@wavecable.com**Russian into English and French into English Translator****ATA certified****Native language: English (U.S.)****Experienced translator specializing in legal and business documents**

Court rulings; expert opinions; case law; commercial arbitration; laws, regulations and decrees
 Investigative, police and process server reports; transcripts of testimony and voice recordings
 Meeting minutes; articles of incorporation; agreements and leases; concessions; market research
 Press releases and status reports, including on human rights; articles on legal and business subjects; correspondence

Bilingual editor working successfully in a collaborative team setting

- Review, revise, proofread and harmonize professional translations
- Create and update project glossaries

Program and project management

- Law Office Administrator. Helped establish the bilingual Moscow Office of a large New York law firm. Trained translators and support staff. Supervised human resources and accounting. Liaised with government officials and suppliers.
- International Program Assistant. Coordinated technical training missions for agricultural specialists in USA and USSR/Central Europe, Latin America and Asia.

Cross-cultural training and education

- Designed and developed multimedia language learning resources; trained users; edited and curated audio/video resources
- Taught and coordinated Russian language and culture classes at Georgetown University and University of Washington

Work History

Free-Lance Translator - Laura Friend Translations LLC	2007 - present
Staff Associate - Language Learning Center, UW, Seattle, WA	1998 - 2002, 2004 - 06
Russian Language Instructor (TA) - Department of Slavic Languages & Literatures, UW, Seattle, WA	1997 - 2002
Law Office Administrator, Translator - LeBoeuf, Lamb, Greene & MacRae, LLP, Moscow, Russia	1992 - 95
Paralegal, Legislative Analyst - LeBoeuf, Lamb, Leiby & MacRae, LLP, Washington, D.C.	1990 - 92
International Marketing Assistant - U.S. Feed Grains Council, Washington, D.C.	1988 - 89
Adjunct Professor, Continuing Education instructor - Georgetown University, Washington, D.C.	1986 - 89
Research Assistant/Abstractor - National Science Foundation study of the Soviet Educational System	1986 - 88
Research Intern - Kennan Institute for Advanced Russian Studies, Washington, D.C.	1984 - summer

Education and Associations

MA (Honors), Russian and East European Studies - Yale University, New Haven, CT, 1985
 Soviet politics, history, law, ideology and nationalities policy. Yale University Fellowship
 MA, Slavic Languages & Literatures - University of Washington, Seattle, WA, 2002
 Russian and Central European linguistics, literature, film, culture and language pedagogy; Old Slavic; Advanced Czech
 BA Cum Laude, Russian; minor in Political Science/International Relations - Middlebury College, Middlebury, VT, 1982
 Translation coursework at Pushkin Institute (Moscow, USSR); Leningrad State University (USSR); & University of Washington
 Studied and lived in Russia (5 years), Germany (3 years), Spain (2 years), France (2 years) and Japan (7 months)

American Translators Association (ATA) member in good standing since 2006; Slavic Division Nominating Committee, 2018
 Northwest Translators & Interpreters Society (NOTIS) – President, 2022 to present

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 Court Interpreter and Language Access Commission (Commission).

ARTICLE II. Purpose

2.1 The mission of the Commission is to support the courts in providing equal access to justice and access to court services and programs for all individuals who are Deaf, Deaf-Blind or Hard of Hearing or have limited English proficiency.

2.2 The Commission shall share information about its activities and projects with all levels of Washington State government, local governments, the court community, interpreter communities, 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 AOC Court Interpreter Program, and carry out its functions as set in General Rule 11.1. 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 support for the AOC Court Interpreter Program and the language access needs of the courts, as well as advocate for sufficient funding to implement key components of language planning, programs and recommendations to ensure provision of language access services. The

Commission shall also have authority to promulgate provisions of the AOC Court Interpreter Program Policy Manual.

2.7 The Commission shall engage in periodic strategic planning to evaluate its efforts and plan for implementation of its prioritized goals.

2.8. 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. Officers

3.1 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.

3.2 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 IV. Membership

4.1. 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 these bylaws.

4.2. When vacancies occur on the Commission, the Commission Chair shall request the Supreme Court to appoint replacements. As described in Appendix A, selection of certain replacements will require a majority vote approval of the Commission.

4.3 The Commission shall consider subject matter expert nominees for new members. The Commission will keep an eye to the continued racial, ethnic, gender, geographical, and professional 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 membership recruitment.

4.4 The Commission is encouraged to involve students from Washington State law schools to participate in the work of the Commission, but who shall not have voting rights. In the event the Commission desires the involvement of such persons, the Commission Chair, upon majority approval, may appoint one law school student liaison per standing committee as recommended by the student's law school Dean.

4.5 Attendance at meetings is expected. The Commission Chair, in consultation with standing committee chairs, may dismiss a member of the Commission due to the member's lack of attendance or inactivity on Commission business for a period of more than 90 days.

4.6 Terms of membership on the Commission shall be maximum of two terms of three years. Terms should 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. The Chair appointed by the Supreme Court may exceed the two-term limit.

4.7 The break in service period shall be at least one year after the date of completion of two full terms by a member.

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

5.3 The Commission Chair shall appoint each member to at least one standing committee or, as the work of the Commission shall require, two standing committees. Chairs of each standing committee need not serve on more than one committee.

ARTICLE VI. Ad Hoc Committees

6.1 The Commission and its committees may appoint an ad hoc committee, subcommittee, and/or taskforce to work on specific time-limited projects or assignments.

6.2 The Commission may, as needed, establish a Priorities Committee which shall work to establish the priorities of the Commission for the forthcoming years.

6.3 Commission and non-Commission members may serve on these committees, as directed by the Commission Chair.

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. Commission 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 3 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.

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 the Commission Chair at least one month in advance of any regularly scheduled Commission meeting;
- (2) at the discretion of the Commission Chair, such proposed amendments will 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
February 2023

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 deaf interpreter
- 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 will be considered members-at-large. Priority will be given to appointing a second court administrator that is court-level diverse from the existing member and one 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 April 1 or October 1 of the year of appointment and ending March 31 or September 30 three years later, as applicable. In the event a Commission meeting is moved to a date beyond either of the three-year term ending dates, a member whose appointment would otherwise expire on one of those dates 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 Chair and 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 should be staggered in an effort to avoid more than one-third of the total member positions being open in any given year.

MEMBERSHIP VACANCIES

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

Seat Name as Specified in GR 11.1	Current Seat Title
Chair Position	Chair of Interpreter and Language Access Commission*
Judicial Officer - Appellate	Appellate Court Representative*
Judicial Officer - Superior	Superior Court Judges' Association Member Representative*
Judicial Officer - District/Municipal	District and Municipal Court Judges' Association Member Representative*
Court Administrator	Association of Washington Superior Court Administrators Representative*
Other	District and Municipal Court Management Association Representative*
Other	Public Defender Organization*
AOC Representative	Administrative Office of the Courts Representative*
Attorney	Attorney Representative
Public Member	Public Member Representative (1)
Public Member	Public Member Representative (2)
Spoken Language Interpreter (1)	Spoken Language Interpreter (1)
Spoken Language Interpreter (2)	Spoken Language Interpreter (2)
Sign Language Interpreter	ASL Interpreter
Ethnic Organization Representative	Ethnic Organization Representative
Other	Community Organization Representative
CDI Interpreter Representative	CDI Interpreter Representative
Deaf Community Representative	Deaf Community Representative
Translator Representative	Translator Representative

<i>Open Position</i>	Vacant
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* Member is nominated by an association or group.

DRAFT

Priorities

Priority	Presenter	Tier	Timing (short/med/long term)	Commission/ AOC Participants	Partners	Funding Needed
1. On board new/train all commissioners	Jeanne	-First -Second	-Short: onboarding for new members -Medium: curriculum for current members	AOC Staff and Education Committee		
2. Training modules for court staff especially onboarding	Ashley	First	Short	Education Committee and AOC Court Education		
3. ASL Test	Donna	First	-Short: spotlight, engage and lead on national effort, experts and funding -Medium: see it through	AOC staff and Donna	NCSC; other national groups.	Yes. Estimated cost is \$560K to develop new test
4. Interpreter recruitment/pipeline, especially eastern WA & including reimbursement/waive in from other states	James (with Luisa/Donna)	First	-Short: outreach event, develop partnerships, spotlight issue -Medium: scholarships -Long: create programs at additional CC	Commission meeting with community during May meeting?	Office of Equity; OSPI; Seattle Central CC; Bellevue College; WASCLA	Depends on whether translation/interpretation costs are involved when meeting with language communities. Commission has budget for that.

5. Disciplinary Manual Revision	Assigned to Justice Whitener previously	First	Short: submittal for Feb 2023 review/adoption	Manual Revision forthcoming		
6. Issues Committee	Judge Oakes	First	Possible Legislation review for 2023	AOC Staff	AOC Legislative Relations	
7. Data Collection	Jeanne	Second	-Short: Assist with end user satisfaction survey and review data; identify issues for action. -Medium: Interpreter compensation, working conditions, and availability is in an earlier survey, so can be reused.	ILAC staff and WA State Center for Court Research (WSCCR) (Data for interpreter compensation and availability may need to be reviewed and updated with new survey due to more remote hearings)	AWSCA DMCMA	Yes. User survey needs to be translated into X number of languages and a signed ASL questionnaire online
8. Finish revising statutes	Bob	Second	Medium: To Leg 2024	Ad hoc WG	AOC Legislative Relations	
9. Scope new translation work	Luisa	Second	Medium: Within 2023	Need new committee members for	AOC Pattern Forms Staff	Translation needs survey needs to be created but need several audiences to query. WSCCR end

				translation committee		user survey will need translation soon.
10. Scope Needs of Deaf and Deaf-blind Persons.	Donna (with Kristi)	Priorities are weaved into other priorities but must be included as needed	Medium; court user survey will assist with the integration of needs of deaf parties into other strategic activities	May want ad hoc stakeholder workgroup to help with priorities gathering	ODHH, WA State Association of the Deaf, WA Deaf Blind Citizens organizations	Yes. Interpreters will be needed but if AOC staff is involved, AOC staff can pick up interpreter costs without affecting ILAC budget.
11. Language access outside courtroom doors	Kristi	Second	– Short: clerk’s office -Medium: study/survey -Long: engage all services outside the court room.			
12. Language Access Plans	Ashley	Second	Medium: depends on hiring LAP coordinator	AOC staff	DMCMA and AWSCA for content of LAP template	LAP may be revised if Legislature changes terms of RCW 2.42.090 regarding participation in LAIRP. No enforcement authority is in place re: updating by all courts.
LFO (RSJ)	Florence	Third	As needed for priorities above	TBD	WSCCR; LAIRP	Language access costs from Commission budget
Outreach (including link between commissions and other governmental bodies)	J. Oakes	Ongoing	Short: support for LAP Coordinator position; medium: conversation about pipeline	AOC staff	AOC, DOL, L&I, OAH, DSHS, Office of Equity, OSPI	Need to explore with other govt bodies need for legislative seed funding for interpreter training programs at post-secondary programs.

Timeline for Strategic Planning Workgroup, version 2

Timeframe	General Task	Source Documents
September 2022	Discuss self-assessment/prior strategic planning attempts; identify universe of priorities; assign; logistics	<ul style="list-style-type: none"> • Report Card • Retreat docs • Self Assessment Drafts • Gender & Justice Report
October	Discuss priorities: meaning, scope, obstacles	<ul style="list-style-type: none"> • Priorities Identification by Chair • Commissioners and staff forward docs to be considered for review
November	Advocate and Vote on priorities and tier/time them (short/medium/long term)	<ul style="list-style-type: none"> • AOC worksheet laying out possible tiers/timing
December	Present preliminary priorities to the entire Commission	<ul style="list-style-type: none"> • Task outline and review materials
January 2023	Outreach/Feedback	
February	Present final priorities to the entire Commission for vote	<ul style="list-style-type: none"> • Compiled materials refined by ad hoc committee
March	Outreach planning	<ul style="list-style-type: none"> • Possible surveys and promotion to communities of Commission May meeting
May	Commission meeting with Community???	

Interpreter Commission – Strategic Priorities Fall/Winter 2022

Priority: Onboard new commissioners and provide ongoing training for all commissioners

Objective – identify orientation and ongoing training for commission members to help them be successful in their positions.

Scope/Activities

- 1) Determine orientation needs – roles, responsibilities, basic knowledge of interpreter process (recruiting commission members for diverse perspectives and critical thinkers so no one member will know all the things).
 - Can ask members what they wish they had known when they started.
- 2) Identify committee orientation needs – are there any committee roles that require additional orientation and specific training?
- 3) Ongoing training – related to specific topics, core position functions, and around decision making needs (are there decisions coming up that require framing, education, etc.?).

Work Hours – orientation development (30 hours to develop a 2-3-hour orientation (to include an interpreter overview training))

Timeline – immediate for onboarding, longer term for ongoing

Obstacles (from IC perspective)

- Expectations of members needs to be considered for any orientation/training program – already a working group.
- Resources to develop new training.

Resources

- Existing recorded trainings could be used (ex: judicial college).
 - Some recorded trainings could be used as is (ex: judicial college) and other training materials could be repurposed.
- Older commission handbook.
- External trainings could be passed onto commission members from the AOC or from other commission members. (ex: NCSC webinars.
- Personal meetings (ex: meet-and-greet with AOC staff and/or chair)

Priority: Data/actual usage (including feedback from courts)

Objective is to collect and utilize data to evaluate interpreter program effectiveness, receive ongoing state funding, and identify future interpreter needs.

Scope/Activities

1. **Evaluating effectiveness of the interpreter program.** (Are court users understanding proceedings/getting information, are interpreter program funds being used, and is there timeliness of certified/trained interpreters at court proceedings?)
 - Develop consistent and accurate statewide data regarding interpreter demand, interpreter availability / skill levels, and interpreter usage and costs.
 - Develop the means to measure and assess the impact of state funding and best practices implementation.
 - **Develop reliable and consistent performance measures and method of obtaining feedback for interpreter service provision and user satisfaction.** Gathering court user feedback identify groups to survey (advocacy groups, attorneys, court personnel, court users), develop survey questions and possible focus group questions, translation and format of surveys, distribute surveys and follow up. Look to a few courts to trial the survey.

2. **Identification of interpreter trends and immediate/future needs.** The data collection referenced in #1 should also help with this.

Work Hours (approximation – would need more information)

- Depends on process, timelines, and resources
- Development of process, measures, and formats approx. 80 - 100 hours
- Implementation and analysis (including some focus groups) approx. 100 - 150 hours

Timeline

- 12 - 18 months to develop and implement (middle priority)

Obstacles (from IC perspective)

- Consistency and frequency in data collection
- Individual court data collection outside of reimbursement program
- Court user feedback can be challenging to gather
- Resources for good data collection

Resources

- Data from Language Access and Interpreter Reimbursement Program (LAIRP) and systems used by courts such as court management systems and interpreter scheduling software.
- Washington State Center for Court Research (WSCCR) at the AOC
- Surveys, forums, interviews, or other methods of information gathering. Audiences could be courts, court users, interpreters, and community-based organizations depending on topic.
- Collaborating with community-based organizations.
- Court language access plans.

Interpreter Commission – Strategic Priorities Fall/Winter 2022

Priority: Training modules for staff especially onboarding

Objective – Develop on-demand training to be used as a refresher training for current staff and for use when onboarding new court employees.

Scope/Activities

- 1) Phase 1: Assess training resources currently available. If there are previously recorded sessions we could work with the AOC Educator Team to extract the content into an on-demand training.
- 2) Phase 2: Determine what gaps there are in the training available and prioritize which topics to focus on. Perhaps survey Interpreter Coordinator listserv to see what training would be helpful. Utilizing subject matter experts (AOC, Commission members, court staff and interpreters) record presentations to be included in the Learning Management System (LMS).

Work Hours – it is anticipated that the Interpreter Commission Education Committee would focus on this effort during normally scheduled monthly meetings with tasks being assigned to staff and committee members between meetings.

Timeline – this will be an ongoing effort but it is anticipated that Phase 1 can be completed in 2023. Phase 2 will be the primary focus in 2024.

Obstacles (from IC perspective)

- Locating and reviewing current training is time intensive.
- Availability of AOC Educator to assist with this effort. An email has been sent requesting permission for an AOC Educator to participate on the IC Ed Committee but I have not gotten a response.
- Subject matter expert availability.

Resources

- Existing recorded trainings
- Learning Management System

Interpreter Commission – Strategic Priorities Fall/Winter 2022

Priority: ASL Testing

Objective – research and implement a solution to the lack of a path for ASL interpreters to become certified to work in Washington state courts and other legal situations.

History and Justification

- AOC has relied on a national third-party test for ASL for decades (RID-Registry of Interpreters for the Deaf)
 - RID currently has a moratorium on SC:L (Special Certificate Legal) testing
 - The Commission has discussed this issue since RID paused the test in **2015**.
 - We need to invest in testing ASL interpreters and collaborate with other states and the RID Task Force to find solutions similar to spoken language tests and NCSC.
- Number of SC:L Interpreters
 - Currently, RID website indicates 304 SC:L Interpreters in the US (does not indicate if all are currently practicing)
 - **A decrease of 29 interpreters since 2019 (333)**
 - RID indicates Washington State has **19** SC:L Interpreters
- At the February 2020 Commission meeting, AOC leadership and The Commission were given detailed information regarding this crisis. Although there was agreement that something needed to be done, there has been no action to address this crisis.
- RID has created a Taskforce that is actively working on solutions to this issue.

Scope/Activities

- Create a Commission workgroup to focus on this issue
 - Possible tasks for workgroup
 - Research what is currently being done in other states and on a national level to address the need for an SC:L test.
 - Gather information from the RID Taskforce
 - What is currently happening?
 - What solutions are they looking at?
 - Can we partner with them?
 - If RID task force meetings are open, assign a representative(s) from the Workgroup to attend.
 - Workgroup to create goals and a timeline to address this issue
 - Possible workgroup collaborators

- ODHH
- AOCs in other states
- Commission representatives
 - ASL Representative
 - CDI Representative
- Council of State Court Administrators - COSCA
- NCSC-National Center for State Courts
- WSRID
- RID Task Force (SC:L)
- ODHH
- Deaf Community Members, ASL Interpreters, and Stakeholders not on the Commission
- Project Climb

Work Hours and Timeline

- ??????

Obstacles

- Cost and time to create a test

Interpreter Commission – Strategic Priorities Fall/Winter 2022

Priority: Translation Committee

Objective – Identify criteria to create the committee

Identify role and responsibilities of the committee

Scope/Activities

- 1) Determine scope and role
- 2) Translation protocols and CAT
 - Ask experts to serve in specific committees.
 - Collaborate with NOTIS (Chapter of ATA)
 - Collaborate with courts that have a translation protocol in place
- 3) Identify committee needs – this committee roles will require additional orientation and specific training for members
- 4) Provide guidance to courts
 - Where to find translators
 - What is the proper protocol to follow
 - In-house and outsource
 - Tools available

Work Hours – Set up and development (min. 40 hours). Working hours should be determined later based on need.

Timeline – Initiate as soon as possible within 2023.

Obstacles (from IC perspective)

- Recruitment of professional translators (should have both translation experience and good knowledge of the court system in Washington State) those with court credentials preferred.
- Lack of professional translators willing to serve as volunteers.
- Training for potential members of the Committee. Most people do not know the difference between translation and interpretation.

Resources

- ATA translation booklet. [Getting It Right – American Translators Association \(ATA\) \(atanet.org\)](http://atanet.org)
- Review the criteria followed in other states, countries, or international organizations regarding translation.
- Translator credentials (Other official credentials in other states or countries)
- Courts that have a translation protocol in place

- NOTIS Legal Division

Respectfully submitted by Luisa Gracia

Interpreter Commission – Strategic Priorities Fall/Winter 2022

Priority: Deaf and Hard of Hearing Focus

Objective – identify opportunities to be fully inclusive of Deaf and Hard of Hearing needs in all courts and all commission activities

Scope/Activities

- Don't consider this a stand-alone issue
 - Include Deaf/Hard of Hearing needs and access throughout all priority areas.
 - The commission is expanding now is the perfect opportunity to be fully inclusive.

- Consider the impacts on Deaf and Hard of Hearing litigants and those contacting/interacting with the court system at large. As well as Deaf and Hard of Hearing attorneys, court staff, etc.

- Include ASL Interpreters on the AOC listserv for training and education opportunities.

- Decisions and action around Testing and Recruitment- (see ASL testing priority)
 - AOC has relied on third-party tests for ASL for decades (RID) currently not an option.
 - The Commission has been talking about this issue since RID paused the test in 2016.
 - We need to invest in testing ASL interpreters and collaborate with other states and the RID Task Force to find solutions similar to spoken language tests and NCSC.

- Partner with ODHH
 - Revisit this relationship and the role each agency has.
 - ODHH knows interpreter standards
 - AOC knows legal standards
 - History has been to
 - Surrender all decisions and structure to ODHH
 - Rely on RID national legal test - no longer available (more information in ASL testing priority)

Work Hours and Timeline

- Include time and resources in each priority to consider the impacts on the Deaf and Hard of Hearing.

Obstacles

- Need participants/commission members knowledgeable about Deaf and Hard of Hearing must serve on all committees, strategic planning, and decisions.

Resources

- Commission members knowledgeable about Deaf and Hard of Hearing needs
- ODHH
- Deaf Community Members and Stakeholders not on the Commission

Considerations as we begin the work

- Common Issues that cross topic areas and impact services:
 - Court Interpreter Agency Contracts
 - One-stop shopping with Spoken language agencies providing ASL Interpreters
 - Use ASL-centric agencies to schedule ASL Interpreters
 - Create guidelines for courts and other legal entities for contracting with agencies that can provide ASL services.
 - Quality of ASL interpreters - while RCW requires courts to first look for SC:L, that doesn't always seem to happen, and the verification process is unclear.
 - ADA compliance requires different considerations than Title VI. For example, courts must give primary consideration to the requested accommodation, including the type of interpreter services, for a Deaf individual. Yet, when systems are built for spoken language interpreter services, they often leave out these considerations.
 - Careful monitoring of VRI usage; acceptable for short out-of-court interactions but not for legal communications.

Interpreter Commission – Strategic Priorities Fall/Winter 2022

Priority: Language Assistance Services Outside the Courtroom

Objective – increase access to court programs and services for court users (interactions at a courthouse that are outside of a legal proceeding) who have limited English proficiency or who are Deaf, Hard of Hearing, and Deafblind.

Scope/Activities

- 1) Start with identifying what language services are already being provided at court clerks' offices around the state. Create a structure for capturing this information.
- 2) In a second phase, create a list of court programs and services – map out what we mean by court services and court programs for WA Courts. Track the available language services across the identified programs.
- 3) Convene stakeholders to gather input and prioritize from among the list of services to identify areas to focus on in short term and longer term.
- 4) Evaluate the accessibility of these programs from the perspective of LEP and Deaf court users. Possibly through surveys and independent research.
- 5) Develop project proposals for increasing access or addressing an identified barrier. Consider partnering with a court or courts to expand their services, seek out funding, etc.
- 6) Provide training to court staff with a focus on staff in court services.

Timeline – Phase 1: identify language services in court clerks' offices; Phase 2: identify language services in court services and court ordered programs.

Obstacles (from IC perspective)

- No central source for the information needed.
- Prior surveys of court practices received low response rate.
- Limited staff time to gather information about what is happening in courts around the state related to language services in settings outside the courtroom.
- Differing practices make identifying programs and tracking language services a challenge.
- Prior commission work focuses largely on courtroom practices, etc.

Resources

- Relationships such as Court Administrators; AOC staff; DMCJA; Others
- Deskbook on Language Access in WA Courts
- 2010 DOJ letter to Court Administrators – emphasizing the importance and need for language services beyond the courtroom.
- Washington State Center for Court Research (WSCCR) at the AOC
- Surveys, forums, interviews, or other methods of information gathering.
- Court language access plans.
- Gender and Justice 2021 Report – Chapter 2, Communication Barriers.

Interpreter Commission – Strategic Priorities Fall/Winter 2022

Priority: Language Access Plans

Objective – Develop a strategy and resources to assist Courts in developing a comprehensive Language Access Plan as required in RCW 2.43.090. Improve the LAP review and approval process to provide meaningful feedback to Courts.

Scope/Activities

- 1) Increase outreach to the court administrators to explain the Interpreter Commission's interpretation of RCW 2.43.090.
 - a. Would the court administrator associations be open to the IC providing a training / open forum discussion?
 - b. Is the IC open to reevaluating the LAP template? It is unrealistic to expect every possible process/procedure will be outlined in the LAP.
 - c. How can we make the LAP more useful to LEP individuals? Procedures and Processes buried within the LAP are not helpful.
- 2) Develop a process to objectively review LAP's submitted by Courts. RCW 2.43.090 requires the IC to approve LAP's but what does that look like?
- 3) Assign an annual review of the LAP template to one of the standing Committees.

Obstacles (from IC perspective)

- This will be a time-consuming priority
- Pushback and frustration from Courts is anticipated.

Resources

- Current LAP template and RCW 2.43.090

By: FLORENCE O. ADEYEMI

WHAT: Legal Financial Obligation (LFO)

WHY: After a person is convicted of a crime in Superior, District, or Municipal Court and as a part of sentencing, the Judge orders the person to pay money to the Courts, city and/or victims involved, the money in reference is the Legal Financial Obligation (LFO).

HOW: The fines and fees which people are sentenced to for everything from a traffic citation to court costs following a felony conviction (\$2,540 for a felony in the State of Washington) - reveals the devastating consequences for the people involved, within a system that perpetuates racial and social injustice. These legal fees and fines have been found through various studies in the State of Washington to have vast ramifications on people's lives- distant from their potential ability to attain and build wealth, or to secure employment and housing stability, significantly diminished chances of health and wellness, even their ability to participate in public life through driving or voting. These prohibitions and limitations can and, do have direct negative impact on people's families, communities and casting similar clouds lacking hopes for their future generations.

WHO ARE MOST AFFECTED?- Studies through the Court system show that the penal debt creates a convoluted sequence of long-term 'punishment' for people who are regularly sentenced to jail or prison and who typically receive community supervision (probation) after their release. On top of all these consequences, these people still receive monetary sanctions (LFO). The most affected populations are Blacks, Indigenous People and other indigent communities, mostly language communities.

RECOMMENDED ROLE OF ILAC IN REFORMING LFO BY AMELIORATING ITS CURRENT STATUS- The Role of Interpreter and Language Access Commission (ILAC)-- 2000 census records show that 30% (2.3 million) of Washington State residents are immigrants with at least a second language and many of whom are usual consumers of the court system served by the Administrative offices of the Courts- who underscores the functions of the Supreme Court Commissions, including ILAC. The role of ILAC cannot be overemphasized in our Court system and particularly in this aspect. How can the ILAC integrate the LFO discourse into the larger outreach to the language communities as a part of her strategic planning process? Well articulated and culturally appropriate educational outreach, outreach, outreach.

Let the discourse begin with ILAC-- in the web role between the Court system and the language communities working alongside and can facilitate by creating useful educational materials and tools of the trade to effect familiarity with the rules that govern LFO.

I'm happy to work with others along with the AOC new initiatives in this process.

January 13, 2023

COMMISSION MEMBERS

Honorable J. Michael Diaz, Chair
WA Court of Appeals, Division One

Honorable Edirin Okoloko
Superior Court Judges Representative

Honorable G. Helen Whitener
Appellate Court Representative

Honorable Lloyd Oaks
District and Municipal Court
Judges Representative

Ashley Callan
Superior Court
Administrators Representative

Jennefer Johnson
District and Municipal Court
Administrators Representative

Jeanne Englert
Administrative Office of the Courts
Representative

Iratxe Cardwell
Interpreter Representative

Diana Noman
Interpreter Representative

Donna Walker
American Sign Language
Interpreter Representative

Kristi Cruz
Attorney Representative

Michelle Hunsinger de Enciso
Public Member Representative

Florence Adeyemi
Public Member Representative

Kelly Vomacka
Public Defender Representative

Anita Ahumada
Community Member Representative

Naoko Inoue Shatz
Ethnic Organization Representative

Sen. Manka Dhingra
239 John A. Cherberg Building
PO Box 40441
Olympia, WA 98504-0403
Via Email: Manka.Dhingra@leg.wa.gov

Sen. Lisa Wellman
218 John A. Cherberg Building
PO Box 40411
Olympia, WA 98504-0403
Via Email: lisa.wellman@leg.wa.gov

Re: Senate Bill 5051

Dear Senators Dhingra and Wellman,

On behalf of the Washington State Interpreter and Language Access Commission (ILAC), I want to thank you both for your advocacy and for the addressing the needs of individuals who are limited English-proficient, particularly, by including the provision of sight translation services for dissolution forms, as envisioned by SB 5051. ILAC has been and is now in support of the core purpose of that proposed legislation.

In 2021, ILAC collaborated with Senator Wellman's staff and submitted, however, an alternative version of SB 5255, which originally contained identical language to SB 5051. For example, the current bill language does not contain ILAC's recommendation that Deaf, Deaf-Blind, and Hard of Hearing persons who use sign language be also included in the bill. Moreover, ILAC has some on-going operational concerns.

As soon as we learned, on January 11, 2023, that the bill had been re-offered and a hearing set for Tuesday, January 17, ILAC alerted its subject matter experts, who plan to meet at noon also on that date to review and make recommendations. We hope to file an amendment, submit a substitute bill, or submit some other communication on the bill before the Law & Justice Committee's executive session on January 19.

On behalf of ILAC, we respectfully request that the Law & Justice Committee allow ILAC additional time to review and submit its position. We would appreciate any measure you could take to ensure our comments are considered, whether that means additional time for review in executive committee, rescheduling consideration for the next or subsequent executive session, or scheduling a later committee hearing date.

Letter to Law and Justice - SB 5051

Page 2

We would of course welcome a meeting at any time after Tuesday as well.

If there are any questions or need for additional information, please contact ILAC's staff lead, Robert Lichtenberg, at Robert.Lichtenberg@courts.wa.gov.

Most respectfully, and gratefully,

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

J. Michael Diaz, Judge
Washington State Court of Appeals, Division 1

E-CC: Ashley Jackson, Legislative Assistant to Senator Dhingra
Noah Burger, Legislative Assistant to Senator Wellman
Brittany Gregory, Associate Director, Judicial and Legislative Relations, AOC
Kelley Amburgey-Richardson, Manager, Supreme Court Commissions, AOC

Washington State Supreme Court Interpreter Commission

COMMISSION MEMBERS

Honorable Mafé Rajul, Chair
King County Superior Court

Honorable G. Helen Whitener
Washington State Supreme Court

Honorable Matthew Antush
Spokane Municipal Court

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Frankie Peters
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Jeanne Englert
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Kristi Cruz
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Anita Ahumada
Community Member

Naoko Inoue Shatz
Ethnic Organization Representative

Luisa Gracia Camón
Interpreter Representative

Diana Noman
Interpreter Representative

Donna Walker
American Sign Language
Interpreter Representative

Florence Adeyemi
Public Member Representative

February 8, 2021

Sen. Lisa Wellman
218 John A. Cherberg Building
PO Box 40441
Olympia, WA 98504-0403

Re: Senate Bill 5255

Dear Senator Wellman,

The Washington State Interpreter Commission strongly believes it is critical for the judicial system to take affirmative steps to protect the rights of litigants who are limited English-proficient or who are Deaf or hard of hearing. This is especially important in the context of dissolution proceedings and family court where it is not uncommon for parties to present agreed forms that require mutual party signatures.

Frequently, the parties reach an agreement on the division of property and child custody issues, such as residential schedules, medical and education decision-making, and other family matters, and submit those agreements to the court. Through their signature, the parties are bound by the terms and conditions of the written agreement without seeing a judge. When one party is not English-proficient, there is a risk that the English proficient party can take advantage of the other party's lack of English comprehension. This risk is compounded when the non-English proficient person has been subjected to the dynamics of power and control in Domestic Violence situations. Moreover, it is not uncommon for these individuals to not have the resources to hire counsel to ensure their rights are protected.

As a result, it is imperative that such documents be presented to the non-English proficient party in a language they understand. The spirit of Senate Bill 5255 seeks to achieve this procedural due

process. The Commission supports the policy and rationale behind SB 5255. However, the Commission has reservations with the current language of the Bill.

One concern the Commission has is the potential conflict of interest an interpreter may have by being required to conduct sight translation of the forms one-on-one with the non-English proficient party and nobody else present. This practice would be conducive to the interpreter violating the rules of the Code of Professional Responsibility for Judiciary Interpreters. The unfortunate consequence of this will be that professional and high-quality interpreters will not want to accept these assignments, hindering the main purpose of SB 5255.

The other concern the Commission has with the proposed language is with respect to when the court would know that a party needs an interpreter. These forms are provided to the court without the litigants being present in the courtroom. As such, the court has negligible information about the parties. The current language would result in the court making inappropriate assumptions based on the litigants' names.

The Commission has an earnest desire to ensure that the rights of litigants who are limited English-proficient or who are Deaf or hard of hearing are fully protected, and to that end, we would like to work collaboratively with you in drafting a Bill that accomplishes the goals SB 5255 seeks to achieve in a way that avoids ethical challenges for the professional interpreters and eliminates the possibility of implicit bias.

Thank you for your hard work and your dedication to justice. I look forward to hearing from you.

Sincerely,



Judge Mafé Rajul
Chair, Supreme Court Interpreter Commission

CC: Law and Justice Committee Members

S-0458.2

SENATE BILL 5304

State of Washington **68th Legislature** **2023 Regular Session****By** Senators Saldaña, Nguyen, Nobles, Valdez, and C. Wilson

Read first time 01/12/23. Referred to Committee on Human Services.

1 AN ACT Relating to testing individuals who provide language
2 access to state services; and amending RCW 74.04.025.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 74.04.025 and 2018 c 253 s 2 are each amended to
5 read as follows:

6 (1) The department, the authority, and the office of
7 administrative hearings shall ensure that bilingual services are
8 provided to non-English-speaking applicants and recipients. The
9 services shall be provided to the extent necessary to assure that
10 non-English-speaking persons are not denied, or unable to obtain or
11 maintain, services or benefits because of their inability to speak
12 English.

13 (2) If the number of non-English-speaking applicants or
14 recipients sharing the same language served by any community service
15 office client contact job classification equals or exceeds fifty
16 percent of the average caseload of a full-time position in such
17 classification, the department shall, through attrition, employ
18 bilingual personnel to serve such applicants or recipients.

19 (3) Regardless of the applicant or recipient caseload of any
20 community service office, each community service office shall ensure
21 that bilingual services required to supplement the community service

1 office staff are provided through contracts with language access
2 providers, local agencies, or other community resources.

3 (4) The department shall certify, authorize, and qualify language
4 access providers as needed to maintain an adequate pool of providers
5 such that residents can access state services. The department shall
6 develop and administer oral and written tests in accordance with
7 established standards to ensure that all language access providers
8 are fluent in English and a primary non-English language. Testing
9 shall include evaluation of language competence, interpreting
10 performance skills, understanding of the interpreter's role, and
11 knowledge of the department's policies regarding confidentiality,
12 accuracy, impartiality, and neutrality. Except as needed to certify,
13 authorize, or qualify bilingual personnel per subsection (2) of this
14 section, the department will only offer spoken language interpreter
15 testing in the following manner:

16 (a) To individuals speaking languages for which ten percent or
17 more of the statewide requests for interpreter services in the prior
18 year (~~((for department employees and the health care authority on~~
19 ~~behalf of limited English-speaking applicants and recipients of~~
20 ~~public assistance that))~~ went unfilled through any of the procurement
21 (~~(process))~~ processes in RCW 39.26.300;

22 (b) To spoken language interpreters who were decertified or
23 deauthorized due to noncompliance with any continuing education
24 requirements; and

25 (c) To current department certified or authorized spoken language
26 interpreters seeking to gain additional certification or
27 authorization.

28 (5) The department shall require compliance with RCW 41.56.113(2)
29 through its contracts with third parties.

30 (6) Initial client contact materials shall inform clients in all
31 primary languages of the availability of interpretation services for
32 non-English-speaking persons. Basic informational pamphlets shall be
33 translated into all primary languages.

34 (7) To the extent all written communications directed to
35 applicants or recipients are not in the primary language of the
36 applicant or recipient, the department and the office of
37 administrative hearings shall include with the written communication
38 a notice in all primary languages of applicants or recipients
39 describing the significance of the communication and specifically how
40 the applicants or recipients may receive assistance in understanding,

1 and responding to if necessary, the written communication. The
2 department shall assure that sufficient resources are available to
3 assist applicants and recipients in a timely fashion with
4 understanding, responding to, and complying with the requirements of
5 all such written communications.

6 (8) As used in this section:

7 (a) "Language access provider" means any independent contractor
8 who provides spoken language interpreter services for state agencies,
9 injured worker, or crime victim appointments through the department
10 of labor and industries, or medicaid enrollee appointments, or
11 provided these services on or after January 1, 2009, and before June
12 10, 2010, whether paid by a broker, language access agency, or a
13 state agency. "Language access provider" does not mean a manager or
14 employee of a broker or a language access agency.

15 (b) "Primary languages" includes but is not limited to Spanish,
16 Vietnamese, Cambodian, Laotian, and Chinese.

--- END ---

Washington State Judicial Branch **2023-25 Decision Package Template**

Answer all questions using complete sentences. Please ensure the text flows from one question to the next and there is no avoidable redundancy.

If you have questions about this template, please contact Angie Wirkkala at (360) 704-5528 or angie.wirkkala@courts.wa.gov

Agency: Administrative Office of the Courts

Decision Package Title: Disability Justice Task Force Study and Program Development Staffing

Budget Type: Operating Request

Budget Period: 2023-25 Biennial Budget

Cost Type: Ongoing

Program Contacts:

Robert W. Lichtenberg, Senior Court Program Analyst,
Supreme Court Interpreter Commission and Court Interpreter Program
360-350-5373
Robert.Lichtenberg@courts.wa.gov

Judge David Whedbee, Task Force Chair
King County Superior Court
206-477-1333
David.Whedbee@kingcouty.gov

Agency Recommendation Summary Text:

In January 2022, the Supreme Court of Washington created a Disability Justice Task Force. The Task Force proposes to conduct a 2-year comprehensive needs-analysis to determine the nature and extent of the deficiencies in physical and programmatic access to state court services and programs, and to develop solutions to address disability discrimination. The Task Force will provide subject matter expertise and support to state courts in addressing improvements to all policies, based on information gathered by the research and a thorough analysis of our state courts' practices from the perspective of disability justice and applicable state and federal law. The ultimate aim of the needs analysis study is to support the establishment of a Disability and Justice Commission. The Commission will provide statewide guidance to the Supreme Court and other Washington courts so that people with disabilities have access to justice that not only meets legal compliance, but also ensures dignity, equity, and full participation in the legal system and the profession through the implementation of consistent best practices and other reforms.

Package Description:

The Task Force submits this legislative funding request to support a 2-year comprehensive study of Washington courts to identify deficiencies in physical and programmatic access that persons with disabilities encounter, in addition to any cultural barriers experienced while engaging with services, benefits, and professional opportunities within the court system. This study will result in a statewide needs-analysis, report, recommendations for best practices and the

establishment of a Disability and Justice Commission. To this end, the Task Force will provide subject matter expertise and support to state courts in addressing improvements to all policies, based on and evidence-based analysis of our state's practices from the perspective of disability justice, utilizing an intersectional, anti-racist, and collective access framework created by Sins Invalid.¹

Washingtonians with disabilities² represent 22% of our state's adult population and 21% of the state's Bar members.³ In 2015, the Office of Civil Legal Aid's (OCLA) Civil Legal Needs Study found that our courts and programs were not accessible, despite Title II of the ADA and GR 33 requirements.⁴ Courts routinely receive requests for accommodations (*e.g.*, auxiliary aids/services, alternative formats, breaks, and communication support) and modifications of procedures and policies (*e.g.*, representation by counsel under GR 33(a)(1)(c), presence of personal care attendants, scheduling, and use of service animals). Yet Washington courts have not adopted a uniform set of best practices for collecting data and fielding GR 33 accommodation requests; creating strategic plans for disability access; achieving court website and record filing access for blind persons; ensuring persons with disabilities are not excluded from jury service; developing trauma-informed practices for identifying and communicating with parties and other court users who may have cognitive and/or developmental disabilities; ensuring that guardianship and other special proceedings are ADA compliant; or setting forth training models to remedy any of these deficiencies. These gaps, among others, resulted in Washington receiving 37.5 out of 100 points for its disability access from the National Center for Access to Justice (2020).⁵

The study and report with recommendations will result principally in a uniform set of best practices for assuring physical and programmatic access to state court services and programs for full ADA and GR 33 compliance, and for implementing solutions to address disability discrimination and marginalization in our justice system. In addition, modular training programs can be developed for use across all state courts. Such an evidence-based best practices approach will improve efficiency by replacing ad hoc and disparate approaches to GR 33 obligations that currently exist from court to court and reduce litigation and the diversion of resources. Finally, we plan to structure a Task Force that is representative of a full spectrum of disabilities and their respective stakeholder communities, and consists of Disability Rights Washington and groups with different legal/professional perspectives.

We propose that the 2-year comprehensive study, the report and recommendation be the foundation for a Disability and Justice Commission, comparable in mission and scope to the Minority and Justice Commission, Gender and Justice Commission, and Interpreter Commission.

Fully describe and quantify expected impacts on state residents and specific populations served:

Disability is the largest minority group in the nation,⁶ and all Washingtonians with disabilities will benefit from this proposal, which aims at improving the legal system's responsiveness to the needs of people with disabilities. Like other protected classes, how disabled people themselves identify and how others identify them vary. These differing perspectives on "disability" reflect a subjective construction that only approximates the objective reality people with

¹ Sins Invalid. Ten Principles of Disability Justice: <https://www.sinsinvalid.org/blog/10-principles-of-disability-justice>. The Disability Index contains 29 benchmarks: <https://ncaj.org/state-rankings/2020/disability-access/about-justice-index>.

² The Task Force uses both person-first language ("people with disabilities") and identity-first language ("disabled people") to honor preferences: <https://educationonline.ku.edu/community/person-first-vs-identity-first-language>.

³ CDC Disability Data (Adults 18+): <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/washington.html>; WSBA Study: <https://www.wsba.org/docs/default-source/about-wsba/diversity/factsheetfordiversity-disabilitiesimpairments.pdf?sfvrsn=b75638f10>; 2019 Washington Division of Vocational Rehabilitation Report: <https://www.dshs.wa.gov/sites/default/files/dvr/2019CSNAFinal.pdf>. See also Attachment A.

⁴ Civil Legal Needs Study (2015): https://ocla.wa.gov/wpcontent/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf.

⁵ National Center for Access to Justice: Disability Access Index (2020): <https://ncaj.org/state-rankings/2020/disability-access/about-justice-index>.

⁶ <https://www.dol.gov/agencies/odep/publications/fact-sheets/diverse-perspectives-people-with-disabilities-fulfilling-your-business-goals>.

disabilities experience. Due to the diversity of experiences described under the rubric of “disability”, it can be difficult to attribute clean numbers to exactly how many people will ultimately be impacted by improvements to our legal system. But if we look closely at individual aspects of the legal system, and the affected demographic, the scope of the potential impact is dramatic. The Center for Disease Control and Prevention documents that 22% of Washingtonians have a disability involving mobility, cognition, independent living, hearing, vision, and self-care.⁷ These metrics do not include mental illness, which according to the National Institute of Mental Health, impacts 21% of adults in any given year, and notably affects 30.6% of young adults from 18-25 each year.⁸ Thus legal system reforms that affect this population will have a distinct impact beyond those persons with physical- and sensory-defined disabilities.

Much of our legal system intrinsically involves Washingtonians with disabilities, albeit not necessarily with ADA protections in mind. The entire adult guardianship statutory scheme and all legal proceedings associated with it involve disability. Every hearing about a criminal defendant’s capacity to aid in their own defense involves disability. Every application and appeal of disability-related employment or social security benefits involve disability. Every case enforcing the civil rights covered by the ADA (or Washington Law Against Discrimination) involves disability. All legal advice that lawyers provide around the creation of special needs trusts involves disability. Every fair hearing and case about special education rights involves disability. Every petition for involuntary civil commitment involves disability. Outside these areas inherently related to disability, there are also areas with a heavily disproportionate impact on people with disabilities, including those arising in the context of public benefits,⁹ criminal law,¹⁰ juvenile justice,¹¹ and housing discrimination.¹² In light of this pervasiveness, it quickly becomes apparent how important it is to fund this research, the proposed needs-analysis with report and recommendations, and best practices, all with adequate staffing support, to ensure our courts are capable of meeting the access to justice needs of people with disabilities, including those with disabilities working in the legal profession.

Explain what alternatives were explored by the agency and why they were rejected as solutions:

There is no current program or service in place to provide such expansive guidance to all entities and individuals working in the justice system who are dealing with disability issues. The AOC has a program manager who is available on request to provide ADA guidance to individual courts, although it is not a primary duty of that position. But there is no programmatic structure, knowledge base, or set of best practices to support and empower individual court jurisdictions to address the needs of their county and city residents who seek justice or are in the justice system as witnesses, defendants, and legal professionals. The Task Force Steering Committee has consulted with the nationally renowned Coelho Center for Disability Law, Policy, and Innovation at Loyola Law School about potential experts. From our

⁷ CDC Disability Data (Adults 18+): <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/washington.html>; describing the prevalence of the following disabilities, “Mobility: Serious difficulty walking or climbing stairs; Cognition: Serious difficulty concentrating, remembering, or making decisions; Independent living: Serious difficulty doing errands alone, such as visiting a doctor’s office; Hearing: Deafness or serious difficulty hearing; Vision: Blind or serious difficulty seeing, even when wearing glasses; Self-care: Difficulty dressing or bathing.”

⁸ [https://www.nimh.nih.gov/health/statistics/mental-illness#:~:text=Prevalence%20of%20Any%20Mental%20Illness%20\(AMI\),-Figure%201%20shows&text=In%202020%2C%20there%20were%20an,%25\)%20than%20males%20\(15.8%25\)](https://www.nimh.nih.gov/health/statistics/mental-illness#:~:text=Prevalence%20of%20Any%20Mental%20Illness%20(AMI),-Figure%201%20shows&text=In%202020%2C%20there%20were%20an,%25)%20than%20males%20(15.8%25).).

⁹ 31% of Washingtonians who receive income based public benefits have a cognitive, ambulatory, self-care, or independent living disability. p.5 <https://www2.census.gov/library/publications/2013/acs/acsbr11-12.pdf>. This does not include vision, hearing, or behavioral health.

¹⁰ The U.S. Department of Justice found that 40% of state prisoners have a hearing, vision, cognitive, ambulatory, self-care, or independent living disability. <https://bjs.ojp.gov/content/pub/pdf/drpspi16st.pdf> An earlier study by DOJ that included jails found 40% of people in Jail also had one of these disabilities. <https://bjs.ojp.gov/content/pub/pdf/dpji1112.pdf>. These studies did not look at mental illness and substance use disabilities, but the state of Washington looked at what they knew about the people admitted to jail, and saw 78 percent of Medicaid recipients booked into jail had behavioral health treatment needs. (p.4). <https://www.dshs.wa.gov/sites/default/files/rda/reports/research-11-226a.pdf>

¹¹ 1 in 3 youth in a juvenile justice facility have a disability, which is 4-5 times higher than their representation in public schools. <https://ies.ed.gov/ncser/pdf/JuvenileJustice.pdf>

¹² Nationally, disability is the basis of most housing discrimination complaints. They comprise “55 percent of complaints..., followed by 19.6 percent based on racial discrimination and 8.5 percent based on discrimination against families with kids.” (p.7). <https://nationalfairhousing.org/wp-content/uploads/2017/04/TRENDS-REPORT-4-19-17-FINAL-2.pdf>.

preliminary discussions with The Coelho Center we understand that no state has yet to undertake such a comprehensive study of disability and court access.

What are the consequences of not funding this request?

Disability affects persons across all racial groups, gender identities, and sexual orientation. The Conference of Chief Justices predicts that state courts are likely to experience an increase in the number of adult court users with disabilities, and both the National Center for State Court's Center for Elders and the Courts and the American Bar Association have recommended that courts plan for accommodations for aging court users living with disabilities. Problem identification, remedial resources preparation, service delivery best practices training, and removal of bias against persons with disabilities is needed to address the impact on our courts. Additionally, communities of color are at risk of a disproportionately severe adverse impact if the statewide court system remains inconsistently compliant with ADA requirements and wanting in the full physical and programmatic access the study would be designed to address. The ability of our courts and legal profession to be fully inclusive of a protected class of citizens continues to be at stake, and there are grave social consequences, fiscal and systemic, when disabled individuals continue to be marginalized by our courts and the justice system.

Is this an expansion or alteration of a current program or service?

It is not. As noted above, the type of comprehensive study we envision is unprecedented.

Decision Package expenditure, FTE and revenue assumptions:

Job Title/Classification	# of FTEs	Workload assumptions?
Senior Court Program Analyst	1.0	<i>How did you get to this figure? How did you determine the job classification? What factors did you use in calculating the workload?</i>

The Task Force will be comprised of approximately 25 members, from various disability and legal perspectives. All members will serve as volunteers, but the Task Force requires staff assistance and consultant expertise to prioritize its work plan, conduct research, and develop a report and recommendations to advance disability justice in the courts. At this point, the total rough cost estimate for staffing the Disability Justice Task Force and producing the contemplated comprehensive report and recommendations is from \$750,000 to \$700,000 for the FY 2023-2025 Biennium. There is no IT component at this time. The \$750,000 to \$700,000 request includes the following expenses:

Staff Support - The Task Force requests a 1.0 FTE (Senior Court Program Analyst) to provide meeting coordination, outreach, grant writing, implementation, and other tasks related to coordinating the Disability Justice Task Force's study. **COST = \$280,000 (2 years at \$140,000/year, including salary + benefits).**

Research Report Consultants - The Task Force requests funding for 2 years of staffing and consulting support to conduct the contemplated comprehensive study about disability access and bias within the courts. The consultants' work will be guided by the benchmarks of the National Center for Access to Justice Study, qualitative research involving disabled litigants and lawyers, current equity and inclusion standards, and a review of other states' improvements. **COST = \$400,000.** The amount includes the following sub-costs:

- **Research Support (1 Full-Time research coordinator, 2-3 Part-Time research assistants)** – To coordinate research and assist with discrete aspects of the report (e.g., outside expert consultants, pilot projects and research development). **COST = \$300,000.**
- **Community Consultant Stipends & Accommodations** – Stipends and accommodations for impacted people contributing to the report (e.g., focus groups, ASL interpreting, interviews, and surveys). **COST = \$100,000.**

Meeting Accommodations/Access - The Task Force will meet remotely, but it will require funding for disability accommodations and language access (e.g., interpretation and translation). At present, we do not anticipate any travel or equipment budget. **COST = \$50,000.**

Total estimate: \$750,000 to \$700,000.

Budget/Cost: To accomplish the tasks in a manner consistent this request, we roughly estimate that it will cost between \$750,000 and \$700,000. This would cover, among other things, professional staffing and research support (whether in-house or contracted); essential research and consultation on both ADA compliance and equity and inclusions issues; engaging experts in LEP access and disability rights/accommodation, among other needs. This, of course, does not address the costs of implementation of recommendations, which are likely to be substantial.

We reach the \$750,000-\$700,000 estimation based on a comparison with similarly situated work of other Commissions and comparable statewide analyses, while also acknowledging that the scope of this proposal is in significant ways broader. For instance, the recent study of gender and race bias in Washington state courts by the Gender and Justice Commission (“2021: How Gender and Race Affect Justice Now”) cost \$350,000, not including primary staff support to the Commission, which the Commission’s existing Senior Court Program Analyst provided. The Gender and Justice Commission itself has already been established, whereas the proposal here relates to gathering data that will serve as a foundation for the formation of a Disability and Justice Commission and a baseline to guide future work including implementing any recommendations. This proposal encompasses the need for both primary professional staff support and expert level research.

Another comparator is the Disability Rights Washington investigation into physical and programmatic accessibility and other rights issues affecting people with disabilities in every county jail in the state. The inquiry involved reviewing jail policies, monitoring premises, and interviewed people living and working in these settings. DRW’s records indicate the development of facts and findings took approximately 2,500 hours. The going rate for non-profit expertise, such as DRW’s, is \$110-\$125 per hour., which in turn translates into approximately \$275,000 to \$312,500 for the project. Although the nature of the work is comparable, that investigation was narrower in scope than this proposal that aims to study all Washington courts.

Sequencing/Process/Timeline. We consider this a very significant project – one that must be done right if undertaken at all. While some work can be done prior to the engagement of necessary staff, for instance by identifying Task Force members and organizing the full Task Force, we do not believe the bulk of this work—the 2-year comprehensive study and report—can meaningfully be commenced until the project is funded. When fully staffed, we expect that the work can be accomplished, and recommendations forwarded to the Court within 24 months. We plan to assess preliminary study findings at the midpoint of the project and will determine at that time whether an additional funding request for the next biennium is needed. We also plan to provide periodic progress reports to the Washington State Supreme Court.

No Grants or Pass-Through Funding is expected.

How does the package relate to the Judicial Branch principal policy objectives? Are there impacts to other governmental entities?

The Task Force, through the proposed comprehensive study and resultant recommendations for best practices, will work toward advancing core Judicial Branch policy objectives of fair and effective administration of justice, accessibility, and access to necessary representation. The information gained from this study and report to the Supreme Court is intended to redress deficiencies in access to justice programs and services operated by state government entities that are currently interacting with individuals with disabilities. Numerous state executive branch entities have administrative proceedings of a legal nature that are accessed by individuals with disabilities, and state courts must deal with

guardianship issues where the participation of an individual with a disability is essential to the delivery of services that protect the most vulnerable in our population. We anticipate that the contemplated report and recommendations would have positive collateral impacts on these entities, too, because of the potential that best practices could be portable.

The Task Force Steering Committee has consulted with Chief Administrative Judge Lorraine Lee at the Washington State Office of Administrative Hearings (OAH) about the proposed comprehensive study and underlying funding request. Judge Lee in general supports this proposal. Judge Lee also recognizes overlapping interests between OAH and the judiciary in enhancing court access and the potential for shared benefits from the comprehensive study and resulting report and recommendations.

We do not foresee any opposition to the proposal because of the broad demographic that would benefit and the applicability across state courts and any administrative adjudicative proceedings.

Stakeholder response:

Identify non-governmental stakeholders impacted by this proposal. Provide anticipated support or opposition.

The Task Force Steering Committee has secured the support of the following non-government organizations for the proposed comprehensive study and related items under this request:

- Access to Justice Board
- Allies in Advocacy
- American Civil Liberties Union of Washington
- Autistic Self Advocacy Network
- Bazelon Center for Mental Health Law
- Carl Maxey Center
- Central Washington Disability Resources
- Chief Seattle Club
- Coelho Center for Disability Law, Policy, and Innovation at Loyola Law School in Los Angeles, California
- Columbia Legal Services
- Communities of Color Coalition
- Disability Action Center Northwest
- Disability Empowerment Center
- Disability Rights Colorado
- Disability Rights Washington
- Governor’s Committee on Disability Issues and Employment
- Greater Spokane Progress
- Health and Justice Recovery Alliance
- INDEx - Inland Northwest Disability Experience
- Justice in Aging
- Latina/o Bar Association of Washington
- Look2Justice
- National Alliance on Mental Illness – Seattle
- National Alliance on Mental Illness – Spokane
- National Alliance on Mental Illness - Thurston-Mason
- National Disability Rights Network
- Northwest Fair Housing Alliance
- Northwest Health Law Advocates
- Northwest Immigrant Rights Project
- Office of Developmental Disability Ombuds

- Spectrum Institute
- TeamChild
- The Arc of Washington
- University Center for Excellence in Developmental Disabilities
- Washington Attorneys with Disabilities Association
- Washington Civil and Disability Advocate
- Washington State Disability Inclusion Network
- Washington State Developmental Disability Council
- Washington State Independent Living Council

Are there legal or administrative mandates that require this package to be funded?

This proposal is essential to the creation of the Disability Justice Task Force by the Washington Supreme Court, for thoroughgoing and consistent ADA, WLAD, GR 33 compliance, and toward RCW 2.56.210's mandate to maintain a Reasonable Accommodations Program.

Does current law need to be changed to successfully implement this package?

If yes, describe in detail any necessary changes to existing statutes, court rules, or contracts. Also contact Brittany Gregory at Brittany.Gregory@courts.wa.gov in case you have not yet submitted a request for proposed legislation.

No.

Are there impacts to state facilities?

The answer is typically "no", but if yes, describe in detail all impacts to facilities and workplace needs.

No, but the contemplated study may identify impacts.

Are there other supporting materials that strengthen the case for this request?

Please attach or reference any other supporting materials or information that will help analysts and policymakers understand and prioritize your request. Please provide a short bit of context for each item so that the reader understands the connection between the attachment and the request.

See Attachment A.

Are there information technology impacts?

*Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts, or IT staff? If yes, please explain in detail below. **Please do not check "Yes"** if the only IT expenditures are standard computer equipment/software for new staff.*

- No
 Yes

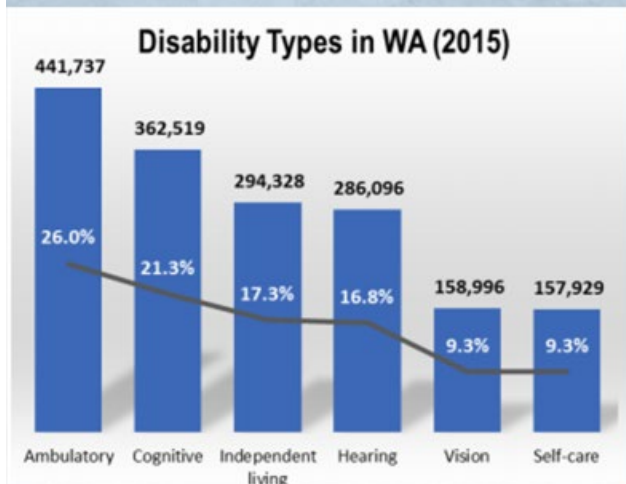
Appendix A

Containing:

- Incidence and Prevalence of Disability by Type (Includes people with more than one disability)
- Prevalence of Disability, Age 17-74
- Fact Sheet: WSBA Members with a Disability

Appendix A

Prevalence of Disability in WA

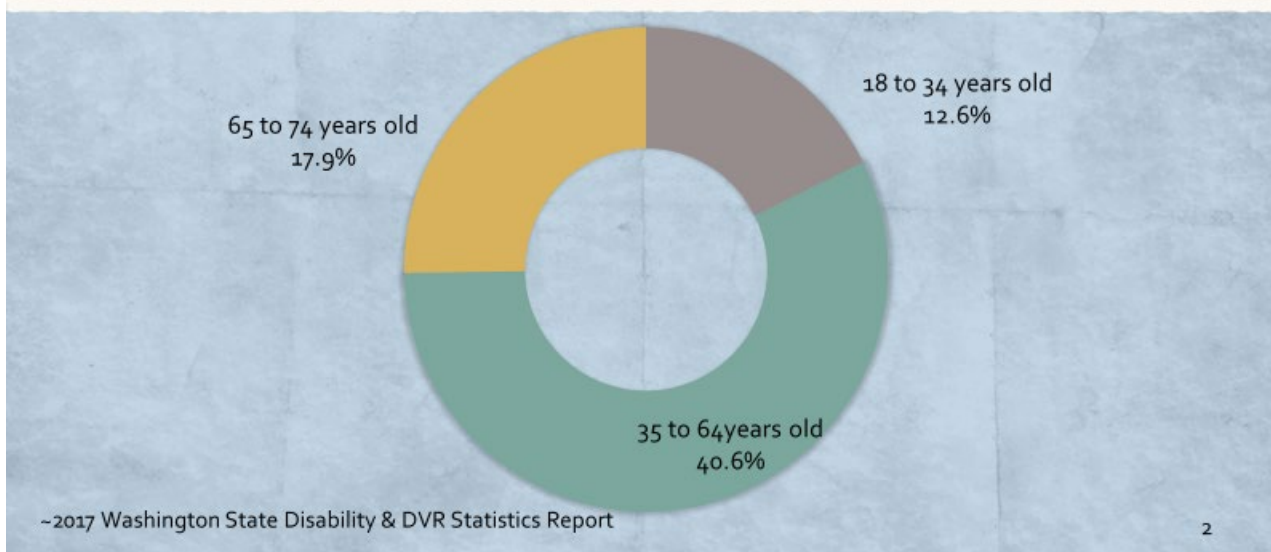


- American Community Survey (ACS) data for 2017 show that 942,318 individuals with disabilities reside in Washington State, a +40,000 increase over the 2015 numbers.
- The rate among disability types has remained unchanged since 2014.
- Adults with disabilities represent over 22% of the State's population.

~DVR 2019 Comprehensive Statewide Needs Assessment Report, [2019 Comprehensive Statewide Needs Assessment \(wa.gov\)](#)

1

Prevalence of Disability in WA



2



WSBA Diversity

Demographic Highlights for WSBA Members with Disabilities/Impairments

In 2012, the Washington State Bar Association conducted a statewide demographic survey of its membership. The goals of this effort were to understand the composition of those in the profession and examine career transitions. At the time of the study, WSBA membership totaled more than 35,000 attorneys. Data was collected and analyzed from active, inactive, and former members (those who ceased membership in the last five years). Seven diversity groups were identified and data was analyzed on group characteristics and job setting experiences. These groups included **persons with disabilities**, racial minorities, older members (40+), sexual minorities, women, primary parents and caregivers to older or disabled adults, and military personnel and veterans.

Quick Facts

For members with disabilities/impairments

- 15%** Report being a parent or caregiver
- 12%** Are women
- 11%** Report being in the military or a veteran
- 17%** Report being 40 years or older
- 8%** Report being a sexual minority

Membership

Members with a disability/impairment represent **21%** of the Washington State Bar Association membership**

Members with a disability/impairment report an average age of 53 years.

18% of all WSBA members practice outside of Washington. Of those, **15%** report having a disability/impairment.

Practice

Average years licensed for members with a disability/impairment is **21** years.

Employment Settings for Members with a Disability/Impairment

(includes active and inactive members)

Group Law Firm	27.5%
Solo Practice	24%
Govt., Fed./State/ Local/Tribal	18.1%
Retired	4.4%
Corporate	3.1%
Business, Outside Law	5%
Unemployed	3.1%
Public Interest/Other	
Nonprofit	3.1%
Education	1.9%
Public Interest, Legal	5.6%
Superior/District courts	1.9%
Mediation	*
Federal Court	*
Appellate Court	1.2%
Local/Municipal Court	*

* less than 1%

**The membership study used a broader definition than what is commonly utilized to collect Census data.

Key Findings

- **21%** of WSBA members fall within a protected class because they have a disability/impairment.
- Members with a disability/impairment experienced **social barriers** at a rate higher than all other diversity groups.
- **47%** of active members who report a disability/impairment are solo practitioners.
- Congressional Districts 3 and 6 have the second highest percentage of members reporting a **disability/impairment**.

The profession is changing. The business interests of attorneys, employers, and clients call for more diverse legal representation across the state. WSBA is committed to supporting and advancing diversity and inclusion in the profession. In demonstration of its ongoing commitment, WSBA seeks to:

- Ensure a more diverse Continuing Legal Education faculty that better reflects its membership and the clients they serve.
- Educate members statewide to develop cultural competency skills critical to achieving inclusion for this population.

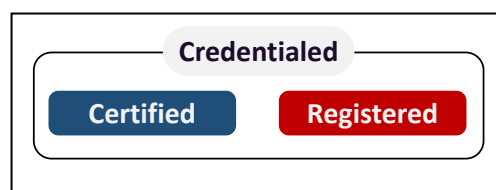
Tiering and Categories of Court Interpreter Credentials

Introduction

One of the main purposes of court interpreter credentialing is to help courts identify interpreters who can provide quality interpretation so that language is not a barrier for people to access our justice system. Washington was one of the first states to establish a court interpreter credentialing process. Since then, the field has matured and different models have arisen which includes adding additional tiers to the credential. Updating our system to include additional tiers will help solve some of the limitations of our current system and increase the resources available to courts so that they continue to provide quality interpreting services.

Current System

The credentialing of court interpreters in Washington began in the 1990s with the establishment of the certified credential. The languages available for certification were based on the languages needed in Washington and the testing instruments that were available or could be created. As more states recognized the need for court interpreter certification, they joined together to share resources expanding the number of languages that were available.



Certified exams assess a candidate's ability to interpret between English and the target language in the three modes of interpreting most used in courts. The exams are rigorous and are only available in a limited number of languages because of the high cost in creating and maintaining the exam. Because courts in Washington need interpreters in a diverse group of languages, Washington established the registered credential around 2008. The registered exams are available in a large number of languages. Registered exams assess a candidate's ability to speak and comprehend English and the target language, but they do not test interpreting skills.

In Washington, a language traditionally falls into either the certified or registered category but not both. A temporary exception to this occurs when a language transitions from one category to another. The figure below shows the differences between the categories.

Certified	Registered
Most frequent languages	Many rare languages
Available in 13 languages currently	Exams available in 80+ languages
Oral exam assesses ability to interpret between English and Target language	Oral Exams assess proficiency in Target language and English.
	No interpreting skills or legal terminology assessment.

Proposed Changes

Three proposed changes include:

- Allowing certain languages in the certified category to also fall in the registered category. This could be limited to only languages for which there is a high-demand but few certified interpreters.
- Creating a conditionally approved category for certified languages. This would allow interpreters who have had near-passing scores on the certified interpreter exam an opportunity to work in courts, focus on increasing their skills, gain experience, and take additional trainings before re-taking the exam. The time frame to stay in this category could be limited and they would be required to complete all other steps of the credentialing process. This could increase motivation to complete the process and aid in recruitment.
- Creating a tier that allows interpreters to be given official status in languages for which there is currently no exam.

The table below compares the current system to what a system with the above proposed changes may look like. Please note the terminology is only tentative.

Current System	Future System
Tier 1: Certified Languages	Tier 1 Certified Interpreters
	Tier 2 Conditionally Approved Interpreters
Tier 2: Registered Languages	Tier 3 Registered Interpreters (<i>includes registered languages and some certified languages</i>)
	Tier 4 Languages where no language exam exists

Current Challenges

Low Supply and High Demand

Courts and other partners in the justice system routinely cannot find enough credentialed interpreters in certain languages to meet their needs. State law required courts to look for credentialed interpreters first but it allows them to use non-credentialed interpreters if there is “good cause” (RCW 2.43.030). There are some languages where courts need to regularly hire non-credentialed interpreters.

The current credentialing system is in some ways an all-or-nothing system. When an interpreter has no credential, there are no requirements or guidance around which interpreters to hire, which means a non-skilled interpreter has the same status as an interpreter who may have decades of experience interpreting even if they are not credentialed. Bringing more interpreters into the system also assures that those interpreters have the same training and continuing education requirements as credentialed interpreters.

Changes to the Exam Availability

The availability of certified language exams is variable for many languages. Although exams for high-demand languages such as Spanish is likely to remain available, exams for languages with less demand nation-wide is less stable.

Example 1: Laotian

The Laotian exam has been discontinued. We do have one certified Laotian interpreter, but we can no longer certify new interpreters. There is a registered language exam and there are interpreters interested in taking it. Based on preliminary data the reimbursement program for FY22, 48% of the court events using a Laotian interpreter were served by a Laotian interpreter meaning courts are hiring interpreters who are untested in Laotian for the other cases. Allowing Laotian to be both certified and registered would allow us to test new interpreter, bring more people into the system, and give courts more options. Washington will face languages in similar situations in the future as the availability of exams evolve.

Example 2: Transitioning Languages – Filipino and Portuguese

In 2017, Portuguese was moved from registered to certified. A transition period granted to then registered interpreters allowing opportunity to pass the certified exam before losing their credential. This is the last year of transition period and one has passed the certified exam.

Based on preliminary data from the reimbursement program for FY22, 73% of the court events using Portuguese interpreters used one of the currently registered interpreters who face losing their credential next year. If none of the registered interpreters pass, most if not all of the court events requiring a Portuguese interpreter will use a non-credentialed interpreter. Courts in the reimbursement program will also not received reimbursement because there is one certified Portuguese interpreter on our roster who lives out of state and is not able to work many cases in WA.


Filipino is also in a transition period. Although WA does have some certified Filipino interpreters, they are not able to cover all of the court cases. Based on preliminary data from the reimbursement program for FY22, half of the court events requiring a Filipino court interpreter used one of the registered interpreters who may lose their credential next year.

Next Steps

It is recommended that the Issues Committee discuss and review the proposed changes. Some elements of the changes can be made with minor changes in current policy while others may require changes to RCW. There is currently a workgroup looking at RCW 2.43 making this an opportune time to make changes to allow more flexibility for future changes to the credentialing system.

If additional tiers are created, a court rule could be created to require courts look for the highest qualified interpreters first, or to require certified interpreters for complex events such as a trial. A court rule may be preferable since it would be easier to make future changes. Any proposed changes should be thoughtfully considered as to how they can increase language access to the justice system.

Committee Reports

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

Present: James Wells, Bob Lichtenberg, Avery Miller, Iratxe Cardwell, Ashley Callan, Kelly Vomacka, James Wells, Anita Ahumada, Michelle Hunsinger de Enciso

Previous Meeting Minutes

- November 8th minutes approved with one typo corrected.


12:00 PM- Quorum found, meeting called to order.

- The previously circulated draft advisory opinion regarding Mr. Harriman’s letter was approved to be presented to the full commission.
- The Committee corrected a few items identified by the Commission to be fixed in the Bylaws draft, including deleting a few typos.
- There was some discussion around section 4.4, regarding the suggestion by Justice Whitener to involve law school students, with no voting rights, appointed as observers from each law school.
 - There was consideration of asking for 1 law student per committee, as well as what obligation that carries in terms of outreach, training, etc.
 - Many of the law schools have professors with longstanding ties to the Commissions, who we might be able to connect with for recruitment.
 - Will need to be looking at diversity and equity when recruiting.
 - Following discussion, the Committee agreed to change the language to “may appoint one law student liaison per standing committee as recommended by the law school dean.”
- Regarding section 4.5 on attendance, the committee discussed the various factors of how many missed meetings or time elapsed should trigger consequences for members.
 - Members agreed that if the Commission is going to have this as official policy, we need to encourage participation at any level and highlights language around contacting people in advance when there’s an issue.
 - Settled on the language: “the chair may, in consultation with standing committee chairs, dismiss a member of the commission due to the member’s lack of attendance or inactivity on commission business after 90 days”
- The committee moved on to discussion of the appointment of members to committees. As it is, the language states the chair shall appoint members to two or more, but two committees may be very demanding, particularly for members with full time jobs who are volunteering their time.

- AOC staff indicate they are looking into payment for interpreters serving on the commission for lived experience expertise.
- Agreed language: “The commission chair shall appoint each member to at least one standing committee, or, if the work of the commission should require, two standing committees.
- With these final changes, the bylaw draft is approved to be presented to the commission.

1:00 PM—Meeting adjourned

Next Meeting

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Issues Committee Meeting January 17, 2023 Zoom Videoconference 12:00 PM – 1:00 PM</p>
<p>Meeting Minutes</p>	

Present: James Wells, Bob Lichtenberg, Avery Miller, Judge Lloyd Oaks, Ashley Callan, Kelly Vomacka, Iratxe Cardwell, Anita Ahumada, Michelle Hunsinger de Enciso, Tae Yoon, Diana Noman, Kristi Cruz, Naoko Shatz

Previous Meeting Minutes

- December minutes approved.

Notes

- The Committee has been asked by Judge Diaz to consider Senate Bill 5051.
- There was a hearing on this bill this morning and Judge Chung from SCJA opposed the bill. The bill provides sight interpretation in domestic relations cases. SCJA is concerned. DMCJA has some concern as well. The committee will need some kind of document to put forward our position.
- Naoko Shatz clarifies that this bill does not guarantee interpreters. With pro se litigants, when one party speaks English and the other doesn't, they'll sometimes force the other spouse to sign without understanding the contents. The purpose of the bill is when court sees pro se litigants with one spouse is LEP, the courts shouldn't sign a divorce order and instead send them back and say you need to find a Japanese interpreter (for ex.) and get documents translated first. This does not put burden on courts, or require courts to provide translators, just require litigants to do it themselves.
 - Judge Oaks affirmed that it needs to be stated explicitly as Naoko just explained, otherwise it will be interpreted as obligation on courts
- Kristi states she must refrain from most yes/no recommendations on legislation due to NJP work, but wanted to clarify if the bill includes Deaf and Hard of Hearing populations and the Committee confirms it does.
- Ashley Callan reads this bill as the court providing and paying for interpreter. If the courts don't pay for it, what does an LEP litigant do? If they can't pay to hire translator?
 - Naoko pointed out that compared to attorneys fees, translation is not that expensive. Confidential information form, there's a section to ID language, whether they need an interpreter and that can help a Judge determine if this applies in a particular case.
- Bob pointed out the testimony before the committee was about implementation problem, because it's hard to know from a judges position if a person doesn't read English. People should be able to look at documents they can read in their own language. Some states writing documents in both ie Spanish and English on

one paper. WA Courts and judges don't have resources for this. It's a big burden. Once you start translating forms, you'll only pay for it one time and that allows litigants to take forms home and read it in their own language, because having to find someone to sight translate is not always practical. Courts are currently delaying hearings because interpreters are not available.


- Michelle Hunsinger de Enciso states that she read through the bill and the last line of it says "when requested and upon reasonable advance notice must be provided for sight translation, at no cost to the party."
 - Naoko notes it seems like it was revised since last year. There's a request for \$150,000 provided—not sufficient for interpreters, but where did that number come from?
 - Robert states the fiscal note was given to Legislature was 300k, that was based on the bill as written last year, the real fiscal note will likely be larger.
- Iratxe voice concern from personal experience that she has interpreted for pro se litigants and sight-translated documents. Usually, they have trial and the other litigant with an attorney while the pro se person has an interpreter, and no exhibits for presentation of the case, can't understand the ones given to them by the opposing party anyway. Sometimes in dissolution cases, they'll send documents to Mexico, etc. and then get a default judgement with no opportunity for the respondent to understand or answer the petition. Regarding the cost of the interpreter, it seems like attorneys don't want to hire interpreters as it can come out of their fees. For example, a paralegal reached out regarding rates for mediation all day, when Iratxe provided rates, they said family member going to do it instead. It would be good to have all the forms translated would help a lot and save money.
 - Judge Oaks points out that when attorney takes money on retainer, they want money to go towards their salary, not towards translation and interpretation costs.
- Diana agrees with Iratxe, regarding having the forms translated as a good idea in principle, but have to keep in mind, depending on where the LEP person comes from, their literacy levels may vary. Even if forms are translated, they may not be able to read them. Verbal interpretation/ sight translation is what they would rely on. Diana has seen cases where the spouse doesn't speak any English, usually immigrant and low-income women, no control of the money doesn't know where to turn, what to do, etc. This creates a catch-22 where they see an interpreter in court and ask 'Can I hire you?' but because the interpreter has already been retained by the court, they are discouraged from offering private services. If courts provides interpreter with sight translation of documents that helps covers the bases.
- Kelly does a lot of dissolution cases for immigrant clients, and usually for an initial 1 hr meeting, the client pays for interpreter and charges about 100\$, usually \$200. Unfortunately, not within purview of the commission to solve pro ses in family court. Court has an obligation to make sure pro se litigants understand what's happening in the case. Also the bill as written might mean the

dissolution order, or final parenting plan, but doesn't include petitions/motions/ etc.

- After a lot of discussion on thoughts on access to justice for pro se litigants, conversation shifts towards addressing the ask of the committee right now. On the practical side of things, there seem to be many details of the bill that still need to be worked out.
- Naoko suggests to make this happen, we should separate funding issues from the language on the law. The purpose should be to ensure pro se litigants have the opportunity to hire interpreters/ translators. Courts have an obligation to ask, but not to accommodate for translation/ interpretation. As long as they're bringing the funding issue, it makes it more complicated. Naoko suggests eliminating the last line of the bill.
- Interpreter Diana believes the language should be kept in the bill. Iratxe concurs.
- Multiple members of the commission (Naoko, Michelle, Kristi) raise the issue of Litigants coming to them after the final dissolution order has been issued, where the opposing party tricked or lied to them about what was in the order because they were unable to read the documents.
- Bob states the bill is being heard in executive session Thursday, not sure we can submit replacement bill in time. We could write letter and ask to be able to consider drafting alternative or substitute legislation during February 15th Commission Meeting. Judge Oaks raises some contacts with SCJA, as it seems that their issue is our issue, can work with them on this on a parallel course.
- Anita's view is that it should be the courts who provide the interpreter in these cases. Diana states courts should be funding this, otherwise litigants will not get this service. Iratxe agrees.
- The Committee's consensus is there are a few different possible ways forward.
 - 1. Bifurcate the funding issue from the legislation
 - 2. Language as it stands creates obligation for courts to pay. May need to be severed or made clear.
 - Bob suggests working on the questions of implementation of the bill, as right now it doesn't seem like it works for judges and for LEP parties. Staff can work on a memo about possible alternative implementation. The Commission also now has responsibilities about translation.
 - Judge oaks will call with Judge Chung and Judge Diaz, on how we can make this bill better as it works better as it moves forward.
- The Committee didn't have the time to discuss 5304 and so agreed to have another emergency meeting of the Issues Committee January 24, 2023 at 12 PM. Bob will send out the link.

Meeting adjourned at 1:00 PM.

Next meeting—January 24, 2023 at 12 PM.

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Issues Committee Meeting January 24, 2023 Zoom Videoconference 12:00 PM – 1:00 PM</p>
<p>Meeting Minutes</p>	

Present: James Wells, Bob Lichtenberg, Avery Miller, Judge Lloyd Oaks, Ashley Callan, Kelly Vomacka, Anita Ahumada, Michelle Hunsinger de Enciso, Tae Yoon, Naoko Shatz, Jennefer Johnson, Diana Noman

Previous Meeting Minutes

- Last weeks meeting minutes are distributed to be approved.
- January 17th, 2023 minutes were approved at the end of the meeting after members had a chance to review.

Notes

- The committee discussed the letter to be sent regarding SB5051 and the commission's position on it. Kelly Vomacka circulated final edits.
 - Naoko asks about the \$500,000 number. Bob says asking for half million to be added to LAIRP funds so that courts translation work would be reimbursable. He suggests moving away from sight translation towards translation of documents.
 - Judge Oaks suggests the committee's comments don't necessarily have to be detailed on dollar amounts, as if the bill goes forward, they will have a fiscal note.
 - There was a concern raised regarding interpreters signing a document on sight translation that gets filed with the court. Interpreters discussed their experience and suggested it wasn't a major problem.
 - The committee came to a consensus on not taking a stand on the funding, but saying it needs to be paid by court resources.
 - Kelly Vomacka moves to accept letter with previously circulated edits. Naoko Shatz seconds. The motion passes.
- There was discussion on SB 5304: regarding third party agencies testing of interpreters by DSHS.
 - Anita Ahumada was the co-founder of the DSHS testing program years ago. She states concern that agencies administering the exams constitutes a conflict of interest. They used to contract retired interpreters to administer the exam, but may be a plausible option to do it online that would work better.
 - Anita expands on her concerns: testing should not be a commercial agency because they also hire and recruit interpreters and translators, and then they are also grading and developing the test, real impression of conflict.

- Diana agrees and is not in favor of 3rd party agencies providing testing because things becomes less transparent, and costs are potentially higher. Profit incentives create appearance of impropriety.
- Iratxe Cardwell agrees.
- Anita provides historical context of developing testing for employees and from the beginning 3rd party agencies were not acceptable. DSHS is supposed to develop and administer the test for candidates. There was a related lawsuit in the 1980's and then the development of the testing occurred in the 1990's. People then knew the issues they were facing in how to develop the test. As different administrations came and went, some people didn't agree on importance, so they end up back at the beginning.
- Jennefer voices a concern that if you outsource the testing it lowers the standard. Keep in mind medical interpreting still has high standards and critically important states. A 3rd party agency would also need to be managed/ overseen to ensure they're doing the testing accurately and fairly.
- Bob suggests that ILAC relates to this bill even though it concerns DSHS certified, not court certified interpreters because there are administrative hearings, which are quasi-judicial and can involve DSHS interpreters.
- Kristi Cruz was not able to be present today, but the committee wants to seek her input as well.
- Judge Oaks proposes drafting an advisory email to Judge Diaz regarding commenting to the Legislature supporting alternatives.
 - He invites comments to himself, Bob, James, Avery, and then will get them to Kristi. Questions to be addressed include: how it matters to the Commission and whether we support or not support outsourcing with the reasons for/ reasons against. Comments due by **Friday, January 27**.
- The Committee discussed the final draft of the Commission Bylaws. The final question to be addressed was requiring either geographical diversity or court-level diversity for the second Court Administrator position.
 - Ashley points out it always been a practice to have superior court administrator and court of limited jurisdiction court administrator. DMCMA and AWSCA both put forward nominations. The bylaws should reflect our current practice.
 - Jennefer asks to define a 'diverse' geographical area. Does that indicate racial/ ethnic/ identify based diversity?
 - Judge Oaks states this was a proposal to change the bylaws to require eastern/western Washington representation, and asks if committee

members recommend dropping that change and keeping our current practice.

- Ashley moves to change to 'court-level diversity', Jennefer Johnson seconds. The motion passes.

Meeting adjourned at 1:00 PM.

Next Meeting is Feb. 7th, 2023

DRAFT

Memorandum

To: Members, Supreme Court Interpreter and Language Access Commission

From: Judge Lloyd Oaks
Chair, Issues Committee

Date: January 24, 2023

RE: Interpreter Commission Reply to Referral for Advisory Opinion on Question Raised by Frederick Stimson Harriman, Washington State Court Registered Japanese Interpreter # 10860

Attachment: Response Letter to Mr. Harriman

AOC staff referred this advisory request matter regarding an interpretation of GR 11.2(4) provisions to the Issues Committee for review and response. A letter from myself, as Chair of the Issues Committee, is furnished as an attachment to this cover memorandum.

Factual Summary: Mr. Frederick S. Harriman, a Japanese Interpreter who is registered with the Administrative Office of the Courts asked for interpretation of GR 11.2 (4) [3] (vi) by the Commission.

He identified the following question about this rule:

- Does having contracted with a party constitute “retained for employment?”

His letter asserts two points in working thru the concern:

- “Any contract I have signed with a client specifies clearly that I am not an employee.”; and
- “Given the duty of an Interpreter to interpret faithfully and accurately, I do not see how having worked for any party in the past constitutes a conflict of interest.”

Specifically, he requested a determination of what constitutes previous “employment” by one of the parties in a legal matter for which a potential conflict of interest must be disclosed to the court and/or parties by the interpreter. He notes that this rule can be more problematic in jurisdictions with fewer interpreters for the specific language as private attorneys and public defenders share access to those same interpreters in unrelated cases and settings.

**The Issues Committee recommends the attached response.
Your comments and feedback is requested by February 1, 2023 to Bob
Lichtenberg at Robert.Lichtenberg@courts.wa.gov**

Respectfully,

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

**Lloyd Oaks
Judge
Pierce County District Court
Chair, Issues Committee**

COMMISSION MEMBERS

Honorable J. Michael Diaz, Chair
WA Court of Appeals, Division One

Honorable Edirin Okoloko
Superior Court Judges Representative

Honorable G. Helen Whitener
Appellate Court Representative

Honorable Lloyd Oaks
District and Municipal Court
Judges Representative

Ashley Callan
Superior Court
Administrators Representative

Jennefer Johnson
District and Municipal Court
Administrators Representative

Jeanne Englert
Administrative Office of the Courts
Representative

Iratxe Cardwell
Interpreter Representative

Diana Noman
Interpreter Representative

Donna Walker
American Sign Language
Interpreter Representative

Kristi Cruz
Attorney Representative

Michelle Hunsinger de Enciso
Public Member Representative

Florence Adeyemi
Public Member Representative

Kelly Vomacka
Public Defender Representative

Anita Ahumada
Community Member Representative

Naoko Inoue Shatz
Ethnic Organization Representative

January 24, 2023

Frederick Stimson Harriman
9333 SW Harbor Drive
Vashon, WA 98070

Re: Advisory Opinion Regarding GR 11.3

Dear Mr. Harriman:

Thank you for your communication in which you sought clarification of the meaning of prior “employment” as contained in GR 11.2 (4) [3], with particular reference to subsection (vi).

GR 11.2 (4) [3] states (in part):

“(4)[3]

Interpreters must not serve in any matter in which they have an interest, financial or otherwise, in the outcome, unless a specific exception is allowed by the judicial officer for good cause and noted on the record. Interpreters must ... maintain the appearance of neutrality. Interpreters must disclose to the parties and/or the court any circumstance that creates a potential conflict of interest, including but not limited to the following:

“(vi) the interpreter has previously been retained for employment by one of the parties.”

“The existence of any one of the abovementioned circumstances should be evaluated by the parties and the court but should not automatically disqualify an interpreter from providing services. If an actual or perceived conflict of interest exists, the appropriate authorities should determine whether it is appropriate for the interpreter to withdraw based on the totality of the circumstances.”

You noted that there is only a small pool of court-certified Japanese interpreters available for legal interpreting settings and that a strict reading of the rule provision could be problematic.

Issues Committee Letter - Frederick Harriman
Page Two

As to the “employee/employment” scenario the rule addresses, you observe that your contracts clearly state that you are hired as an independent contractor. You also observe that you do not see how having worked for any party in the past could be a conflict of interest given the GR 11.2 provision requires that the interpreter observe the canon on accuracy (*see* GR 11.2 (f)(1)).

In response to your inquiry, the Issues Committee of the Interpreter and Language Access Commission observes that you correctly stated that potential (actual or apparent) conflicts of interest are disclosable to the Court.

A conflict of interest may be created where there has been a prior employer/employee relationship, friendship, financial interest, or prior involvement in the *case* [emphasis added] for another party, including law enforcement.

Whether the engagement is employment or a free-lance contractual engagement must be evaluated on a case by case basis using many factors. These factors include but are not limited to: location of the prior services, duration and extent of the services, prior dealings, whether there was work for multiple clients simultaneously, pay basis, and whether there is an ongoing relationship. This committee is not in a position to identify all factors and situations where prior engagements may create a conflict of interest.


With regards to your inquiry, it is the position of the Committee that if you have any question that the employment or previous independent contractual work as an interpreter, whether based upon the factors described above or other factors, creates even a perception of conflict of interest, you should disclose that to the parties and to the Court. In many circumstances, the explanation may show that it is not a conflict of interest and does not require withdrawal.

With Regards,

A handwritten signature in black ink, appearing to read 'Lloyd Oaks', with a stylized flourish extending to the right.

Lloyd Oaks
Judge, Pierce County District Court
Chair, Issues Committee
Supreme Court Interpreter and Language Access Commission

CC: Interpreter and Language Access Commission
Robert Lichtenberg, Senior Program Analyst, AOC
James Wells, Court Program Analyst, AOC

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Education Committee Meeting December 19th, 2022 Zoom Videoconference 12:00 PM – 1:00 PM</p>
<p>Meeting Minutes</p>	


Present: Robert Lichtenberg, Jeanne Elgert, Iratxe Cardwell, Kelley Amburgey-Richardson, James Wells, Laura Blacklock, Ashley Callahan, Kristi Cruz, Michelle Hunsinger de Enciso, Jennefer Johnson

Notes:

- Minutes from June, August, October, November meetings are approved with a few grammatical corrections.
- Judicial College involves a plethora of information and not enough time to comprehensively cover everything. Considering evaluations and feedback, it appears Judicial College as a whole is going through a review process, since it's been 20 years since the curriculum was established.
- Committee members voiced interest in emphasizing training on best practices, including staff, not just judges. It's also important to look at small things, ie making sure the laptop is in the correct place, good quality audio, etc.
- The Committee has updated the bench card on interpreting in court, we had to condense down to the most essential information.
- What content could go online? These resources could be things that judges could refer back to whenever necessary, not just at judicial college.
- Can we do a follow up email to attendees to get feedback on what they wish they had known?
- There's a new manual on best practices for judicial interpreters that could be provided to the judges, with the RCWs, the GRs, the bench card, overviews of different modes of interpretation, etc.
- Discussion of different resources, such as a materials packet or a video archive for previous presentations.
- Suggestion for a longer term project to take the ethics manual and the deskbook and cull the best resources to make one specifically targeted towards judges. Build a curriculum out of all the resources, online trainings, etc. and make it sequential. For example, create Interpreting 101, Interpreting 102, etc.
- Suggestion raised to begin training with someone speaking a different language, to put trainees in the shoes of someone needing interpretation. Committee members voiced support for the idea, to reflect the ingrained language privilege in society.
- Considering partnering with other Commissions to create a robust training for Fall Conference that's more than just the work of each Commission, and could provide more time to do both standalone topics or coordinated topics among Commissions

Meeting adjourned at 1:00 pm.

DRAFT

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Education Committee Meeting January 24th, 2023 Zoom Videoconference 12:00 PM – 1:00 PM</p>
<p>Meeting Minutes</p>	

Present: Robert Lichtenberg, Laura Blacklock, James Wells, Ashley Callan, Michelle Hunsinger de Enciso, Claudia Azar, Donna Walker, Kristi Cruz

Notes:

- The Committee is working on finalizing the powerpoint for Language Access in Washington Courts.
- The presentation begins with an introduction, overview, explanation of bench cards and other resources, including visual cues so participants know what they're looking for when they go on inside courts. The intention is to give Judges the nuts and bolts of what they need to know when working with interpreters in their courtrooms.
 - There was discussion of the feedback on relay interpreters who may not be able to read the Code of Conduct for interpreters in English.
 - There's consensus that it would be appropriate to have the interpreter who does speak English read the code to the relay interpreter if necessary, but that the question may be too in the weeds for this presentation.
- There's a suggestion for the in-person demonstration to actually perform what a judge should do to qualify a non-credentialed interpreter on the record, with maybe Claudia or Donna acting the part of the judge/ interpreter.
- Laura Blacklock and Claudia Azar are finalizing the slides with Claudia's sections of presentation on the modes of interpretation (relay, simultaneous, etc.) or other scenarios that are relevant for interpreters.
- Adding slides on the issues of sight translation of documents on the record, where exhibits or other documents haven't been translated beforehand.
 - The focus must be on what the committee want the judges to do in these situations.
- There's a suggestion to add a slide in the Parties section to include the litigants, in order to keep the focus on the people who are coming in the courtroom and seeking justice.
- The presentation is currently 58 slides for a 90 minute session, there may be a need to cut things and focus in on only really critical pieces.
- The committee voices appreciation to Laura for her assistance in finalizing this presentation.

Meeting adjourned at 1:00 pm.

64th Washington Judicial Conference Session Proposal Checklist

64th Washington Judicial Conference is scheduled for September 17-20, 2023
Tulalip Resort Hotel

(Please submit a proposal by January 20, 2023 to Judith.anderson@courts.wa.gov and make sure the following information is provided)

As you plan your program, please contact Judith M. Anderson at Judith.anderson@courts.wa.gov so that Court Education Services can work with you and your faculty during the planning process.

- Submitting organization: **Supreme Court Disability Justice Workgroup is lead topic sponsor having Activating Change organization as presenter with Supreme Court Commission(s) co-sponsoring**
- Contact for the session:
Robert Lichtenberg, ILAC Staff, Robert.Lichtenberg@courts.wa.gov
Ashley Callan, Annual Conference Educator Liaison, ACallan@SpokaneCounty.org
Kaitlin Kall, Activating Change, KKall@activatingchange.org
- Length of session: **2 hours**
- Court Level Audience **All Levels of Court**
- Title of session:
Overlooked: Understanding the Over-representation of People with Disabilities and Deaf people in the Criminal Legal System
- Content of session:
Research shows that well over half of people who are incarcerated have a disability. People with disabilities and Deaf people with criminal charges face inequities at every point of the criminal legal system from arrest to incarceration to reentry; yet this community has been overlooked by criminal legal system actors and reform organizations alike. In this interactive presentation, staff from Activating Change will share what research does and does not tell us about this vast over-representation; unpack the societal factors that drive high rates of arrest and system-involvement; and explore how the system itself perpetuates these disparities. Presenters will provide ample opportunity for questions and dialogue with attendees about how inequities appear in their branch of the system and how improvements can be made to reduce barriers and disparities.
- Learning objectives:
 - 1. Gain a broader understanding of disability and Deaf communities and the high rates of arrest and incarceration faced by these communities**
 - 2. Examine the drivers of disability disparities in the criminal legal system, unpacking how ableism, audism, and racism drive criminalization and incarceration**
 - 3. Take stock of the ways in which the current criminal legal system perpetuates these disparities and results in unfair treatment and worse legal outcomes for people with disabilities and Deaf people.**

- Faculty (available during the conference dates)
 - **Nancy Smith, Executive Director, Activating Change**
 - **Kaitlin Kall, Senior Program Associate, Activating Change**
 - **Supreet Minhas, Senior Program Associate, Activating Change**
 - **Gregorio Mata, Program Analyst, Activating Change**
- Anticipated number of days housing for your faculty. **2 nights**
- Anticipated costs and if you are funding portions of this session. **Activating Change requests reimbursement for travel expenses. Below is an estimation of costs for 4 staff to travel to and from conference.**

(4 staff / 3 days / 2 nights) = \$5340

- **Airfare (\$600 per person) = \$2400**
- **Lodging (\$175 per person per night) = \$1400**
- **Ground transportation (\$200 per person per trip) = \$800**
- **Per diem (\$55.50 for 2 travel days per person) = \$444**
- **Per diem (\$74 for 1 day per person) = \$296**

Meeting Setup Needs

- Meeting room size and number: **TBD**
- AV set-up (the Annual Conference Committee will cover the costs of standard set-ups (2-3 microphones, LCD project, large Screen) If your session needs additional AV needs your organization may need to cover those additional needs.

We request two qualified American Sign Language interpreters for Deaf presenters and attendees. We will want to further discuss accommodations so that our session is fully accessible to the audience.

- Do you feel this session needs to be recorded and placed within the AOC Learning Management System? If so, do you have resources to record the session? **Yes**

Materials

- The deadline for materials is August 18, 2023. Will your faculty meet this deadline? The Washington Judicial Conference has gone green and all materials and information will be on a conference site and available to participants one week prior to the conference. **Yes.**
- Will your faculty need assistance in developing well designed PowerPoints or Polling Questions? **No. Commission staff will assist where needed.**

Court Interpreter Program Reports

LANGUAGE ACCESS AND INTERPRETER REIMBURSEMENT PROGRAM

February 2023 Update

PARTNERS , STATUS UPDATE , AND NEXT STEPS



PARTNERS - PARTICIPATING COURTS

Total number of participating courts - 108

- 10 additional courts joined in FY23



STATUS UPDATE - REIMBURSEMENT CLAIMS

FY23 Q1 invoices (July 2022 - September 2022):

- Most courts in the program submitted their first invoices for reimbursement
- Review of submitted Q1 A-19 invoices has been completed

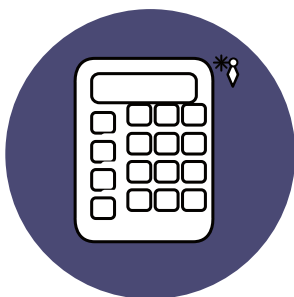


STATUS UPDATE - FUNDS SNAPSHOT (as of 2/1/2023)

- Total amount claimed by courts \$639,147
- Total amount approved after review \$592,447

* Less than 10% denied claims

"Thank you for the opportunity to participate in this partnership to provide improved interpreter access to the community."



NEXT STEPS - REVIEW PROCESS CONTINUES

- FY23 Q2 Invoice submission deadline was January 31, 2023
- Invoice review process continues



NEXT STEPS - COMMUNICATION AND SUPPORT

- Ongoing communication with courts regarding invoice submission status
- Onboarding support for newly joined courts
- Continued technical assistance

PARTNERS - LIST OF CONTRACTS

Newly Joined Courts - Welcome!

1. *Clallam County District Court*
2. *Cowlitz County Juvenile Department*
3. *Jefferson County Superior Court*
4. *Lewis County Superior Court*
5. *Lincoln County Superior Court*
6. *Napavine Municipal Court*
7. *Orting Municipal Court*
8. *Spokane County District Court*
9. *Sumner Municipal Court*
10. *Walla Walla District Court*