

**Washington State Supreme Court  
Interpreter Commission**

**December 8, 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, December 8, 2023 - 8:30 AM to 12 Noon PM  
Via Zoom

## AGENDA

<ul style="list-style-type: none"> <li>• Call to Order</li> <li>• Member Introductions &amp; Meeting Rules</li> </ul>	Judge Diaz	
<p><b>Chair's Report</b> (<i>Order Subject to Change</i>)</p> <ul style="list-style-type: none"> <li>• ILAC Meeting Dates for 2024</li> <li>• Committee Membership</li> <li>• ILAC Vacancies</li> <li>• Recognition</li> <li>• Appellate Court Language Access Plan</li> <li>• Reduce Barriers to Appellate Access</li> <li>• RCW changes status update</li> <li>• Revisions to GR 11.3</li> <li>• ASL Exam Update</li> <li>• ASL Interpreter Survey</li> <li>• Court Interpreter Program Update <ul style="list-style-type: none"> <li>- Testing and Training Update</li> <li>- Interpreter Scheduling</li> </ul> </li> <li>• Language Access and Reimbursement Program (LAIRP) <ul style="list-style-type: none"> <li>- OCourts Translation Project</li> <li>- Interpreter Compensation Study</li> </ul> </li> <li>• AOC Hiring Update</li> </ul> <p><b>BREAK</b></p>	<p>Judge Diaz</p> <p>Judge Diaz</p> <p>James Wells</p> <p>Justice González</p> <p>Judge Diaz</p> <p>Erin Lennon/ Jacquelynn Martinez</p> <p>James Wells</p> <p>Bob Lichtenberg</p> <p>Laurie Reinhardt</p> <p>James Wells</p> <p>Tae Yoon</p> <p>Kelley Amburgey-Richardson</p>	<p>P 6</p> <p>P 7</p> <p>P 8-17</p> <p>P 19-22</p> <p>P 23-24</p>
<p><b>Committee and Partner Reports</b></p> <p><u>Issues Committee Meetings Report</u></p> <ul style="list-style-type: none"> <li>• WSBA Advisory Opinion on Language Access</li> <li>• Extension for Tagalog and Portuguese Interpreters</li> </ul>	<p>Judge Oaks or Designee</p> <p>James Wells</p>	<p>P 26</p> <p>P 32</p> <p>P 33</p>

<ul style="list-style-type: none"> <li>• SSB 5051</li> <li>• Written Exam Validation Timeframe</li> </ul>	James Wells	P 34-52 P 53-54
<p><u>Education Committee Meetings Report</u></p> <ul style="list-style-type: none"> <li>• LABT Modules</li> <li>• Western District Court of Washington Training in 2024</li> </ul>	Ashley Callahan or Designee  Judge Diaz	P 55-59  P 60
<p><u>Disciplinary Committee Report</u></p> <ul style="list-style-type: none"> <li>• Complaint Report</li> </ul>	Judge Okoloko or Designee	
<p><u>Translation Committee Report</u></p>	AOC Staff	
<p><u>Liaison Reports</u></p> <ul style="list-style-type: none"> <li>• Office of Administrative Hearings (OAH)</li> <li>• WSCCR Report</li> </ul>	Tony Griego / Cristina Labra Karl Jones	
<p><b>Announcements</b></p>		
<p><b>Next Commission Meeting</b></p>	February 23, 2024 8:30 AM-12 PM <i>Via Zoom</i>	

# Chair's Report



## INTERPRETER AND LANGUAGE ACCESS COMMISSION (ILAC) 2024 MEETING DATES

DATE	TIME	LOCATION
February 23, 2024	8:30 am to 12:00 pm	Zoom Videoconference In-person: TBD
May 10, 2024	8:30 am to 12:00 pm	Zoom Videoconference In-person: TBD
September 27, 2024	8:30 am to 12:00 pm	Zoom Videoconference In-person: TBD
December 6, 2024	8:30 am to 12:00 pm	Zoom Videoconference In-person: TBD



**INTERPRETER AND LANGUAGE  
ACCESS COMMISSION  
(ILAC)  
COMMITTEE MEMBERSHIP  
(DECEMBER 2024)**

**Issues Committee**

Judge Lloyd Oaks

Ashley Callan

Anita Ahumada

Diana Noman

Iratxe Cardwell

John Plecher

Kristi Cruz

Michelle Hunsinger De Enciso

Naoko Inoue Shatz

**Education Committee**

Ashley Callan

Donna Walker

Florence Adeyemi

Iratxe Cardwell

Jeanne Englert

John Plecher

Kristi Cruz

Michelle Hunsinger De Enciso

Naoko Inoue Shatz

**Disciplinary Committee**

Judge Edirin Okoloko

Florence Adeyemi

Anita Ahumada

Diana Noman

Donna Walker

Iratxe Cardwell

**Translation Committee**

Annalisa Mai

Diana Noman

Iratxe Cardwell

Joy Moore \*

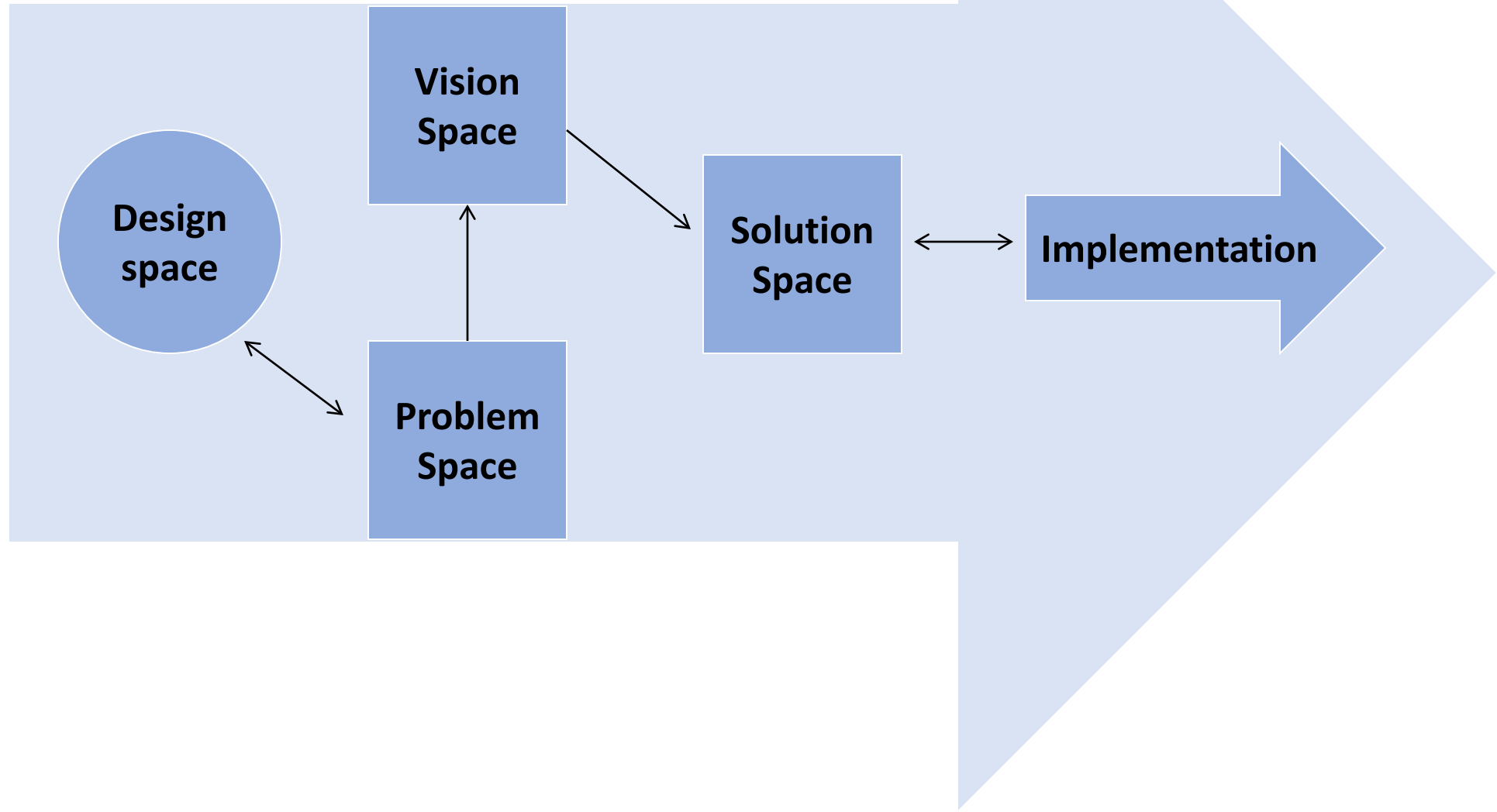
Laura Friend \*

Luisa Gracia \*

Sandra Arechiga \*

\* non-ILAC committee member

# Pathway to Action





# Washington State Judicial Branch 2024 Supplemental Budget Reduce Barriers to Appellate Access

**Agency:** Supreme Court

**Decision Package Code/Title:** AB – Reduce Barriers to Appellate Access

**Agency Recommendation Summary Text:**

The Supreme Court requests \$144,500 for a study to identify barriers to the appellate justice system for unrepresented appellants.

Currently, there are substantial expenses associated with filing an appeal, and no effective mechanism for waiving those expenses for low-income individuals. These (and many other) barriers are compounded for appellants with limited English proficiency and those with disabilities requiring accommodation to enable them to effectively participate in the appellate proceeding. The right to appellate review is therefore illusory for many thousands of people aggrieved by and who wish to seek appellate review of trial court decisions.

The full extent of the problems of and solutions to address the systemic and institutional obstacles is unknown, and that effectively prevents access to justice for unrepresented litigants in our appellate courts. The logical first step is an intensive and inclusive research and discovery phase – one that not only seeks input from representatives from trial and appellate courts, but also significant and meaningful involvement of and engagement with individuals who may seek or have sought review in our appellate court system without the assistance of legal counsel. (General Fund-State)

**Fiscal Summary:**

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
FTEs	0.0	0.5	0.3	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001-1	\$0	\$144,500	\$144,500	\$0	\$0	\$0
<b>Total Expenditures</b>						
	\$0	\$144,500	\$144,500	\$0	\$0	\$0

**Package Description:**

Currently, there are substantial expenses associated with filing an appeal, and no effective mechanism for waiving those expenses for low-income individuals. There are no studies of or means available to assess the number of pro se appeals filed or allowed to proceed at public expense. Absent the ability to proceed at public expense, the door to the appellate court system is effectively closed to unrepresented litigants, especially those who meet applicable indigency standards under GR 34 or [RCW 10.101.010](#). Other barriers include:

- Rules of Appellate Procedure expressly limit the rights of indigent and unrepresented litigants;
- Standards for submission of written materials are difficult to understand and comply with (leading to rejection of motions and briefs);
- Cost of filing, production and transmittal of records of proceedings can be substantial for individuals without financial means; and
- The near-absolute lack of meaningful self-help information or resources to help unrepresented appellants navigate the labyrinthine appellate process.

Together, these barriers work together to bar unrepresented appellants from accessing the appellate justice system. These barriers are even higher for appellants with limited English proficiency and those with disabilities requiring accommodation to enable them to effectively participate in the appellate proceeding. The right to appellate review is therefore illusory for many thousands of people aggrieved by and who wish to seek appellate review of trial court decisions.

Addressing these barriers is no simple feat. Costs associated with an appeal include not only the filing fee, but also the charges from the superior court for preparing clerk's papers and the charges from the court reporter for preparing transcripts. The appellate courts cannot authorize waiver of fees charged by other entities. In addition, to make the system fully accessible, a solution must address barriers beyond fees. Making the system accessible to people with disabilities, people who are illiterate, and people with limited English proficiency, requires consulting with those communities and learning how to best facilitate their access.

Identifying barriers to accessing appellate courts will require funding for staff and research over a period of 12 months. Once staff compile the initial findings, those findings will be evaluated with non-lawyer community members who have lived experience in poverty-law related matters, are recipients of civil legal aid, and/or are individuals who have attempted to navigate the appellate process without representation to test research findings and form our approach. While focus groups will have informed research findings, *it is essential to include those with lived experience* in interpreting results and framing how to report them. The goal is to reality-test findings by bringing together diverse perspectives in an environment that supports respect for differences and commitment to group initiatives. The Pathways to Action Model problem-solving steps will be used with identified issues, further forming and refining conclusions. This step will engage research staff and a facilitator along with a team of 6 community members over the course of four to six two-hour meetings.

The total cost including staffing, discovery, development of the RFP, testing research findings and forming the approach is \$144,500.

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

The outcome of the research study will allow the appellate courts to systematically address the current barriers to low-income and unrepresented litigants attempting to access the appellate courts. The primary people affected by this work will be those who cannot afford a private attorney. This will disproportionately include BIPOC individuals.

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

The appellate courts have not previously undertaken this type of focused effort regarding access for low-income individuals. In order to comprehensively address the barriers, we must first identify the barriers. The best practice for identifying the barriers is to work with the impacted communities to help identify those barriers.

**What are the consequences of not funding this request?**

The current barriers to the appellate systems will continue to exist, and the system will remain inaccessible to unrepresented and low-income individuals, which will have a disparate impact on BIPOC people.

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

This is not an expansion or alteration of a current program or service. This is a new effort to tackle a historical problem that prevents individuals from accessing their right to appeal in an equitable manner.

**Decision Package expenditure, FTE and revenue assumptions:**

**Staffing Assumptions**

Beginning July 1, 2024, The Court will contract with AOC for the following one-time salary, benefits, and associated standard costs for:

*Administrative Secretary.* Schedule interviews and focus groups, transcribe interviews, arrange travel, and proofing and finalize reports (0.15 FTE).

*Senior Research Associate.* Develop and revise the interview protocol, conduct interviews with court staff and attorneys for background information, conduct up to 45 interviews (or focus groups, all by phone or video) with unrepresented litigants who sought to appeal adverse trial court decisions, produce discovery results, and consult on developing research plan and RFRP (0.35 FTE).

**Other Non-Standard Costs**

**Contracts (Object C)**

*Discovery and Development of the RFRP.* Payments to survey/focus group participants: 60 participants \* \$200 per participant = \$12,000.

*Contract with Facilitator.* We are projecting a contract amount of approximately \$3,200/month for 12 months for a total of \$38,400.

*Community Member Engagement.*

- Payments to community consultants with lived experience: 6 participants \* \$600 per participant = \$3,600.

**Travel (Object G)**

Travel in addition to standard costs to support discovery and development of the RFRP and community member engagement = \$3,200.

<b>Expenditures by Object</b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>
A Salaries and Wages		\$50,800				
B Employee Benefits		\$15,600				
C Personal Service Contract		\$54,000				
E Goods and Services		\$1,800				
G Travel		\$4,200				
J Capital Outlays		\$900				
T Intra-Agency Reimbursements		\$17,200				
<b>Total Objects</b>		<b>\$144,500</b>				

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>
ADMINISTRATIVE SECRETARY	\$55,900		0.2				
SENIOR RESEARCH ASSOCIATE	\$111,500		0.3				
<b>Total FTEs</b>			<b>0.5</b>				

**Explanation of standard costs by object:**

Salary estimates are current biennium actual rates at Step L.  
Benefits are the agency average of 30.59% of salaries.  
Goods and Services are the agency average of \$3,600 per direct program FTE.  
Travel is the agency average of \$2,000 per direct program FTE.  
Ongoing Equipment is the agency average of \$1,800 per direct program FTE.  
One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE.  
Agency Indirect is calculated at a rate of 25.86% of direct program salaries and benefits.

**How does the package relate to the Judicial Branch principal policy objectives?**

The current structure of the Rules of Appellate Procedure creates substantial barriers to low-income individuals attempting to access the appellate courts. Any barriers that apply to low-income communities will have a disparate impact on BIPOC individuals. The Supreme Court is dedicated to improving equity and access to the Courts. This effort proposes to conduct research, including a focus groups with impacted communities, to identify the specific barriers that need to be addressed in order to facilitate equitable access to the appellate courts. This work directly supports the Judicial Branch’s policy objectives of eradicating policies that result in disparate outcomes based on race.

**Are there impacts to other governmental entities?**

No

**Stakeholder response:**

The purpose of this project is to directly engage stakeholders from low-income communities in order to effectively identify barriers to accessing the appellate courts. We anticipate that unrepresented litigants, advocates for low-income people, and impoverished communities will support this effort to identify barriers on their access to the appellate courts. No opposition is expected to this effort.

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

No

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

No

**Are there impacts to state facilities?**

No

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

N/A

**Are there information technology impacts?**

No

**Agency Contacts:**

Christopher Stanley, 360-357-2406, [christopher.stanley@courts.wa.gov](mailto:christopher.stanley@courts.wa.gov)

### **Example 1: Indigency Filings in Civil Appeals, RAP 15.2(c)**

**Anna:** Anna is unable to work and currently receives Social Security Disability Insurance (SSDI) benefits and is a Medicaid recipient due to a disability. She shares custody of her 8-year-old daughter with her ex-husband, Eric. A parenting plan has been in place for 4 years but Eric has never been happy with the arrangement, and has continued to file for both major and minor modifications to the plan over the last few years. Eric's family is financially well off and Eric has had an attorney for the majority of the litigation. Anna is pro se.

Anna estimates that over the past 4 years, she has spent over 1,200 hours on the case and that around 18 different judges have been involved in the case in some way or another. Eric's relentless litigation has made it difficult for Anna to focus on parenting her child.

Recently, Anna's daughter disclosed to a teacher that Eric was sexually abusing her. Child Protective Services recommended to Anna that she file a Domestic Violence Protection Order (DVPO), and request a modification of the parenting plan. Anna requested a fee waiver for filing the request for modification to the parenting plan, but it was denied. Anna was able to borrow enough to pay the fee for the modification from her parents. Eric filed several counter motions requesting modifications to the parenting plan. The judge presiding over both the DVPO and modification case was a former law partner of Eric's. Anna asked the judge to recuse, but the judge refused, stating that he was currently the only judge available in the county to hear this matter and did not want the case to be continued again. Throughout the hearing, the trial judge appeared impatient with Anna, would not let her finish speaking, and made negative comments about her disability. The trial judge dismissed the DVPO and the modification and sanctioned Anna \$5,000 for filing without merit.

Anna wants to file an appeal but has no financial resources. The trial court clerk's office told her that she would be unable to file her notice of appeal without either paying a filing fee (\$290) or filing an indigency waiver. For the indigency waiver, she has been told that she needs to first ask the trial court to find her indigent, and then to go to the Supreme Court to file a motion for public expenditure. Anna has also been told that if she misses the 30-day appeal deadline, she loses her chance to appeal. Anna doesn't know what to do and feels hopeless.

**Debbie:** Debbie shares custody of her 4-year-old daughter with her ex-wife Karen. They had a 5-day parenting plan trial where Debbie requested that both domestic violence and substance abuse limitations to be imposed against Karen. Debbie was unrepresented and Karen had an attorney. After trial, despite the judge making oral rulings acknowledging that Karen had a history of domestic violence, and despite Debbie asking that restrictions be put in place according to the statute, the trial judge granted mutual decision-making rights to Debbie and Karen.

Debbie wanted to appeal and went to the superior court clerk's office to get more information. Debbie had not previously been found indigent by the trial court but she was now unemployed and was receiving public benefits. Debbie heard from a friend that she could ask for a fee waiver for the appeal. The clerk's office gave her the superior court fee waiver form. Debbie filed a notice of appeal at the trial court and did not pay the filing fee (\$290). Debbie filed the fee waiver request with the ex parte court, and it was denied. The order stated that Debbie needed to address the issue of an appellate fee waiver with the trial court judge and provided her with a copy of the Rules of Appellate Procedure (RAP) Title 15.

Debbie looked up RAP Title 15 and re-filed her fee waiver request via motion for indigency using the templates provided on the court of appeals website. Debbie was confused because her parenting plan case did not seem to fit any of the situations on the form but did her best to fill out the form, along with the proposed orders. Next she was told by the clerk's office that she would need to file both a set of clerk's papers and a verbatim report of proceedings. Debbie was shocked to discover that clerk's papers cost anywhere from \$.25 - \$.50/page. She counted the number of pages in her case docket and estimated these would cost her about \$300.

She called several transcriptionists to ask how much it would cost to have her parenting plan trial transcribed. They said she needed to tell them exactly how long the trial was (how many days/hours). Debbie read through the rules again but still wasn't sure about how to figure out the exact length of her trial. Debbie went back to the superior court clerk's office and the helpful clerk showed her the "Minutes" written by the clerk during each day of trial which included the start and end times of the trial. The clerk's office suggested that she pay for the recordings of the trial so she could have it for her own files. A copy of the recordings would have set her back \$25 per CD, so she declined to purchase them. Debbie emailed the transcriptionist with the information requested and she was quoted \$8,000 to transcribe the 7-day trial.

Debbie put all of this information into her motion for indigency and re-filed it with the superior court. Debbie's motion was rejected by the superior court clerk. Debbie was told that it was rejected because the motion was not properly scheduled before the same judicial officer whose order(s) she disagreed with and wanted to appeal.

Debbie began receiving letters from the court of appeals warning her that her case was scheduled to be dismissed for failure to pay the filing fee. Debbie called the clerk at the court of appeals to explain that she could not afford the filing fee, and that she had filed a motion for indigency at the superior court. The appellate clerk told her they had not yet received anything from the superior court.

Debbie, worried that the Court of Appeals would dismiss her case and scrounged together the \$290 to pay the filing fee. Debbie then re-filed her motion for indigency with the judge who had previously heard her case. This time, she scheduled the hearing in the right place and the motion for indigency was placed on the judge's motion calendar. The opposing party opposed her motion, and she spent many sleepless nights writing a reply. The trial court signed the proposed findings of indigency that Debbie filed. Although she assumed that she was done, Debbie received a letter two days later from the Supreme Court of Washington. The letter stated that her motion for indigency was received and that a motion for public expenditure would be set before a department of the Court in two months' time. Debbie was disappointed and confused as she thought that the process was over and that she would be able to move forward with her appeal. The letter from the Supreme Court further requested that Debbie provide the Court with supplemental information explaining why her appeal had "merit" and whether it had been "brought in good faith."

Debbie did not respond to the Supreme Court's letter. Her motion for indigency was ultimately denied. The court of appeals sent her more letters stating that her case was set to be dismissed for failing to meet the filing deadlines. Debbie had used the last of her savings to pay the \$290 filing fee and could not afford to pay for either the clerk's papers or transcript, so Debbie felt she had no choice but to abandon her appeal.

## **Hypothetical 2: Clerk's Papers/Transcripts**

**Benjamin:** Benjamin was denied a DVPO which was filed against his ex-wife Tammy. Both he and his ex-wife were pro se. Benjamin testified at his DVPO hearing regarding the physical violence and stalking inflicted on him by Tammy. Benjamin submitted medical reports of injuries that he sustained during the relationship, and submitted witness declarations from his friends regarding the stalking incidents and threatening comments they observed and overheard. Tammy requested that the court have the witnesses testify and the court granted the request. The witnesses testified over zoom. What Benjamin anticipated to be a quick and simple special proceeding ended up being a formal 4-day-long hearing. Both Benjamin and Tammy required interpreters as neither were proficient in English.

The superior court denied the protection order and did not find it clear and convincing that Benjamin had experienced domestic violence based on the fact that the county prosecutors declined to file criminal charges. Benjamin's advocate connected him to a civil legal aid attorney who, based on the information provided, indicated that the judge may have applied the wrong standard, because the lack of criminal charges alone was not generally a basis to deny a protection order. Benjamin qualifies for civil legal aid representation, but the programs are either at capacity or restricted from representing individuals on appeal. With limited assistance from a civil legal aid program, Benjamin was able to file the notice of appeal and paid the filing fee. Benjamin asked the Court if the hearing was being recorded and found out that the court used a court reporter. Benjamin spent the remainder of the money left in his checking account to pay for the court reporter's transcript (\$988) and clerk's papers (\$79). After paying for the transcript and clerk's papers Benjamin was told that the court reporter no longer worked for the county and did failed to file the transcript with the appellate court within the 60-day deadline. The clerk's papers were also never transmitted by the superior court clerk's office to the appellate court. The appellate court has been sending Benjamin notices threatening sanctions and dismissal of the case if the transcript and clerk's papers are not filed. The court rules and court communications are all in English, and Benjamin is having a hard time understanding what he can do about the unresponsive court reporter and superior court clerk.

**Pat:** Pat and their ex-spouse Jamie had a 1-day parenting plan modification trial regarding their son. Both parties were unrepresented. Pat wanted to regain custody of their son, and alleged that Jamie had a drug relapse. Because the trial was held during the COVID-19 pandemic, the trial was held via Zoom. Pat followed the trial judge's instructions in preparing for the trial and put together an electronic trial binder and submitted it to the court. On the morning of trial, the parties were notified that they had a new judge. Pat was not sure if the new judge saw their exhibits, and after inquiring, was repeatedly told that the exhibits would be dealt with later in the day.

Late in the afternoon, Pat was involuntarily kicked off of Zoom due to a technical issue. They contacted the clerk and was told that the trial had concluded. Pat did not hear any oral ruling from the trial judge, and only found out about the ruling after receiving the final orders in the mail.

Pat did not agree with the orders. Pat felt that they should have been given custody of their son based on the documentary proof that they submitted to the court proving that Jamie had tested positive for methamphetamine a week before trial. Pat decided to appeal.

Pat filed the notice of appeal and paid the filing fee. The court of appeals then sent a letter setting a deadline for the filing of the clerk's papers and statement of arrangements just 30 days later. Pat had no idea what clerk's papers or statement of arrangements were. Pat tried asking for legal aid help with their appeal, but none of the civil legal aid organizations would take their case because Pat's income was at 250% of the federal poverty guidelines.

Pat went online to see if they could find materials which might explain the requirements of clerk's papers and statement of arrangements. The Washington Court's website said that there was a self-help page related to filings at the Court of Appeals. Pat followed the link and only found a disappointing list of additional links that were not written in a way that they could understand.

Pat called the clerk's offices both at the superior court and at the court of appeals to try to find out how to comply with the deadlines provided in the court's letter. Pat decided to first try and tackle the clerk's papers. Pat was able to find a template on the internet and not wanting to miss anything, marked every document in their case as relevant. Pat was told that the documents, or "papers," would cost them \$.50/page. Pat could not afford to get all of their case documents but could not find any information online about what exactly needed to be included. Therefore, Pat hoped for the best and limited the number of documents designated so it would be more affordable.

Next Pat needed to get their statement of arrangements together. Eventually, a friend who had some experience with the Court system told Pat that they needed to get the recording of the trial so that it could be transcribed. Pat discovered from the trial court clerk that only half of the day-long Zoom trial had been captured on the recording. The clerk's office wasn't sure what had happened to the rest. Pat requested a recording of the captured portion of the trial (which was very hard to hear and understand). Pat asked the clerk's office what to do about the other part of the trial recording, and the clerk said they didn't know.

Pat then filled in the statement of arrangements template that they found linked on the court of appeals website. The website explained that Pat needed to work with a transcriptionist to create a written transcript of the trial proceedings. Eventually, after searching online, Pat found some links with phone numbers for transcriptionists in Washington. Pat was quoted \$4,000 for a transcript due to its poor sound quality.

Pat wondered what to do about the missing portion of the recording of the trial. Pat remembered reading something online on the "self-help" website about narrative reports of proceedings. Pat wasn't present during the unrecorded portion of the trial because they were kicked off of Zoom due to technical issues.

While looking at their docket, Pat saw the list of exhibits for trial. It appeared that everything that they had included in their trial binder was listed, but nothing was marked in the column for "admitted" or "denied."

At this point, Pat realized that even if they were able to gather as much information as they could, it may not be enough for the court of appeals to review. Pat is at a loss for how to proceed.

### **Hypothetical 3: Legal Fees & Costs**

**Caroline:** Caroline works as a part-time cashier at Safeway. She is also a mother to a 4-year-old son and 2-year-old daughter. Caroline just finished her family law trial for a



dissolution and parenting plan with her ex-husband Chris. During the marriage, Chris controlled the finances and was the primary breadwinner as he worked in IT for a large corporation. During trial, Chris was represented and Caroline was pro se. She already had a DVPO against Chris for past physical and sexual assaults which occurred during the relationship. Since the birth of their son, Caroline was the primary caretaker of both kids. However, the judge just issued a new parenting plan giving Chris primary custody and granting Caroline visits only four days a month with her children. The trial court seemed to rely heavily on the evidence introduced by opposing counsel related to Caroline receiving inpatient mental health treatment once, three years before their son was born. The trial judge mentioned that a parent raising domestic violence allegations during a relationship is an abusive use of conflict, and can be interpreted as efforts at parental alienation (which has been proven to be an outdated legal theory).

Caroline made an appointment with a local legal clinic. The volunteer attorney told her that she may have a strong basis for appeal but that the filing fee would cost \$290 and must be paid within 30 days. She was also told that obtaining the transcript and clerk's papers would cost her another \$4,895, and must be paid within 60 days. Caroline does not understand what the volunteer lawyer is explaining to her about de novo and abuse of discretion but she does understand that if she wants to be successful on appeal, she is going to need a lawyer. Caroline called a few appellate lawyers but they all require a minimum retainer of \$10,000 to start, and estimated that it would cost her another \$15,000-\$50,000 for the appeal. Money is the only barrier from her being able to appeal a decision that significantly restricts her parental rights and access to her children.

# Language Access Team Reports

# Washington State Judicial Branch 2023-25 Biennial Budget Develop Court Interpreter Scheduling System

**Agency:** Administrative Office of the Courts

**Decision Package Code/Title:** P4 – Develop Court Interpreter Sched Sys

**Agency Recommendation Summary Text:**

The Administrative Office of the Courts requests \$240,000 of one-time expenditure authority to conduct requirements gathering, analysis, and an options analysis to determine the most efficient option for developing or procuring a statewide interpreter scheduling application. All trial courts in Washington State must provide interpreters for court customers to ensure equal access to justice and scheduling of court interpreters can be a barrier to providing that access. An optimal solution would provide a statewide online interpreter scheduling application that could be used by every court in Washington State. (General Fund—State)

**Fiscal Summary:**

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Operating Expenditures</b>						
Fund 001-1	\$120,000	\$120,000	\$240,000	\$0	\$0	\$0
<b>Total Expenditures</b>						
	\$120,000	\$120,000	\$240,000	\$0	\$0	\$0

**Package Description:**

In order to ensure equitable access to the courts, courts must provide interpreters for court customers who have limited English proficiency or are deaf or hard of hearing. Scheduling court interpreters can be a complex process for the courts as interpreter scheduling is often times a manual, labor-intensive process for court staff, and the ramifications and stakes of not being able to get a court credentialed interpreter in a timely manner is an access to justice issue. Considerations for scheduling include the availability of interpreters in a given language, the location and length of the encounter, the qualifications of the interpreter, the proximity of the interpreter to the court, the amount of notice the court needs to provide for the interpreter service, and so on.

A number of courts have found solutions to the otherwise manual process of scheduling interpreters. One solution is to pay a commercial vendor who helps the court schedule interpreters. That solution adds additional costs to the court and to the interpreter to pay the vendor for the service. Another solution that courts have found is using an online interpreter scheduling service, operating as a software as service platform. This solution has proven to be a cost-effective and efficient way for courts to schedule court credentialed interpreters in a timely manner. Unfortunately, one of the most popular online interpreter scheduling services plans to discontinue this service.

Without a statewide application to rely on, courts must find their own solution, and replace that solution if a vendor changes or discontinues a service.

The Administrative Office of the Courts requests \$240,000 to conduct requirements gathering, analysis, and an options analysis to determine the most efficient option for developing or procuring a state-wide interpreter scheduling application. An optimal solution would provide a statewide online interpreter scheduling application that could be used

by every court in Washington State. At a minimum, the system would allow searches for court credentialed interpreters and schedule them based on location, language, payment terms, expected job duration, interpreter travel distance, etc. It would also provide notification, confirmation, and reminders to interpreters via email or text. Ideally, the system could also have the ability to directly connect to remote participation with the interpreter either by telephone or video.

The system would also be able to connect to the Language Access Interpreter Reimbursement Program, and have the possibility of connecting to the courts' case management systems. Connecting to the reimbursement program would provide greater efficiency for courts and Administrative Office of the Courts staff administering the program, as courts would no longer be required to report their interpreter usage data as it will already be captured by the scheduling software.

The interpreter scheduling system would provide the following capabilities:

- Greater accessibility to the courts for people who speak languages other than English or are deaf or hard of hearing. The system would enable courts quicker and easier access to the statewide interpreter database, and allow them to schedule interpreters through a one-stop shop.
- An easier, more efficient, and more effective way for courts to request court credentialed interpreters, and for interpreters to accept and calendar multiple court assignments.
- Less court staff time needed to schedule interpreters, more court staff time spent on other court matters.
- Less money wasted on interpreter cancellations because it will be easier and quicker for courts to schedule and cancel interpreters without incurring cancellation costs.
- Less court staff time needed to input court interpreting data needed for the Language Access Interpreter Reimbursement program.
- Interpreters will be able to accept assignments instantly with enough information to ascertain if they are the proper fit for a case or Limited English Proficiency party.
- The Limited English Proficiency or deaf or hard of hearing person has the potential to have consistent language services throughout a case. Currently, most courts do not have an interpreter assignment tracking system to ensure that the same interpreter is assigned to the same case going forward without having to open other applications to do so.

By conducting the requirements gathering, analysis, and options analysis, the Administrative Office of the Courts will be laying the foundation for implementing a statewide solution to address this key need of the state's courts.

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

This decision package would impact Washingtonians who have Limited English Proficiency and those who are deaf and hard of hearing. Approximately 8 percent of Washington's total population is considered Limited English Proficiency, approximately 488,800 Washingtonians. About 4 percent are deaf and hard of hearing, approximately 254,619 Washingtonians. Every courthouse in Washington State has served, will serve, or currently is serving people from the Limited English Proficiency and deaf and hard of hearing community, who make up over 7% of our community, or over 500,000 Washingtonians.

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

This will be the first time the agency has done a full analysis on interpreter scheduling; thus, alternatives have not yet been identified or explored.

**What are the consequences of not funding this request?**

If this request is not funded, courts will continue to use their current processes to schedule interpreters. The current processes include third-party software systems, local systems, or manual processes. The interpreter scheduling process

will remain with each court and the Administrative Office of the Courts will not offer interpreter scheduling as a statewide service.

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

This would be an expansion of current programming that the Washington State Administrative Office of the Courts provides to support the trial courts in ensuring high quality interpreter services.

Current programs include the Court Interpreter Program that oversees the training and testing of certified and registered spoken language interpreters. The Language Access Interpreter Reimbursement Program that channels state funding to trial courts for the provision of interpreter services, and the Interpreter Commission that focuses its work on identifying policy and programming to support the courts in providing access to persons who are Limited English Proficient and deaf and hard of hearing.

The Washington Administrative Office of the Courts has been certifying court interpreters as to their competency and accuracy since 1990. This request would expand the current program by providing a software application for all courts to enable scheduling of interpreters for court proceedings. The software application would also make it easier for courts to receive reimbursement for interpreter services through the Language Access Interpreter Reimbursement Program.

**Decision Package expenditure, FTE and revenue assumptions:**

This package would require contracting professional services. A contract would be required to procure consultants to conduct requirements gathering for the proposed software system to provide interpreter scheduling service. Then, the same consultants would conduct a market survey, options analysis and feasibility study to determine possible paths forward to provide the interpreter scheduling service.

<b>Expenditures by Object</b>		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
C	Personal Service Contract	120,000	120,000				
	<b>Total Objects</b>	<b>120,000</b>	<b>120,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**How does the package relate to the Judicial Branch principal policy objectives?**

This package directly advances two Judicial Branch policy objectives: Accessibility and Commitment to Effective Court Management.

This package supports the objective of Accessibility by promoting equal access to justice for all individuals regardless of their ability to communicate in the spoken English language. Language interpreters play an essential role in ensuring due process and helping court proceedings function efficiently and effectively.

This package supports the objective of Commitment to Effective Court Management by making a state-provided software application available for courts to schedule court interpreters. This application would reduce costs to courts currently using third-party software products and would provide courts using manual process a more efficient process to complete this vital function.

**Are there impacts to other governmental entities?**

This package would impact trial and appellate courts by providing a software application to facilitate the scheduling of interpreters for court proceedings. Courts currently use a variety of processes to schedule interpreters, including third-party software systems, local systems, and manual processes. This package would allow courts to elect to use a central

service provided by the Administrative Office of the Courts to accomplish this function. The Administrative Office of the Courts expects that the courts will support his package.

**Stakeholder response:**

Credentialed Court Interpreters  
Members of the Legal Aid and Access to Justice Community  
Washington State Coalition for Language Access  
Persons who are Limited English Proficient  
Persons who are Deaf and Hard of Hearing  
Advocates of Immigrant and Refugee Populations

The Administrative Office of the Courts anticipates that these stakeholders will be supportive of this package as it will allow courts using the software application to use the same process to schedule interpreters.

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

There are no legal or administrative mandates that require that this package be funded.

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

No changes to current law are required to successfully implement this package.

**Are there impacts to state facilities?**

This request does not impact any state facilities.

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

There are no other supporting materials for this request.

**Are there information technology impacts?**

There are no information technology impacts for this request.

**Agency Contacts:**

Christopher Stanley, 360-357-2406, [christopher.stanley@courts.wa.gov](mailto:christopher.stanley@courts.wa.gov)  
Angie Wirkkala, 360-704-5528, [angie.wirkkala@courts.wa.gov](mailto:angie.wirkkala@courts.wa.gov)

# LANGUAGE ACCESS AND INTERPRETER REIMBURSEMENT PROGRAM

December 2023 Update

## PARTNERS , STATUS UPDATE , AND NEXT STEPS



### FY2024 PARTICIPATING COURTS

Total number of contracts - 113

- 13 additional courts joined in FY24



### BUDGET ALLOCATION TOTAL LAIRP BUDGET \$3.8M

- Returning Courts - based on past data
- New Courts - based on % of LEP population and caseload
- Revenue Sharing - reallocate funding among participating courts based on Q1 & Q2 data



### LAIRP APPLICATION UPDATES

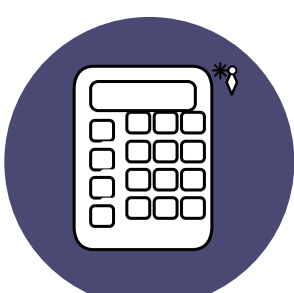
- Dropdown for Interpreter Credentials
- Event Sorting Capability
- A-19 Invoice Status View
- Report Generating Feature

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



### LAIRP WEBINAR AND LIVE Q&A

- Held on December 6th, 2023
- Around 80 Participants
- Training on Invoice Submission Process
- Showcase Application Updates
- Live Q&A and Feedback Session



### INTERPRETER COMPENSATION STUDY

- Address challenges in providing language access in WA courts
- Commenced on November 1st, 2023
- Data Analysis and Data Collection
- Evaluation, Recommendations, and Final Report
- Scheduled to be completed by early 2024

## **PARTNERS - LIST OF NEW CONTRACTS**

*Newly Joined Courts - Welcome!*

1. *Bellingham Municipal Court*
2. *Blaine Municipal Court*
3. *Clallam District Court II*
4. *Colfax Municipal Court*
5. *Grays Harbor Superior Court*
6. *King County Superior Court*
7. *Lakewood Municipal Court*
8. *Pacific County Superior Court*
9. *Selah Municipal Court*
10. *Skamania County District Court*
11. *Sunnyside Municipal Court*
12. *Wahkiakum County Superior Court*
13. *Wahkiakum County District Court*



# Committee Reports



**Interpreter Commission  
Issues Committee Meeting  
October 10, 2023**  
Zoom Videoconference  
12:00 PM – 1:00 PM

**Meeting Minutes**

**Participants:** Ashley Callan, Diana Noman, James Wells, Judge Oaks, Chelle Hunsinger de Enciso, Kristi Cruz, Tae Yoon, Iratxe Cardwell, John Plecher

**Update on Remote Proceedings Taskforce**

This committee met twice last month to discuss the draft edits to GR11.3 made by the Board for Judicial Administrations (BJA) Remote Proceedings Taskforce. The Taskforce will be establishing a workgroup to create guidelines and best practices for courts. They requested someone from ILAC to be involved to provide input on language access issues.

- James recommended Diana for this role, who has experience both as an interpreter and in court; Diana agreed. The Taskforce is meeting on 10/18 to discuss their process on creating the guidelines and we will know have more information on how ILAC will be involved then.
- Kristi expressed the need for clarification from the BJA workgroup regarding the specific topics they are seeking to address since existing resources may already be available. Given that previous efforts during the pandemic focused primarily on courts and interpreters, it is important to center the perspective of LEP individuals in future discussions. There are also concerns about participating in the next iteration with the BJA workgroup, considering our recent opposition to the expansion to GR11.3. Despite our recommendations, they are moving forward with the rule change, which raises uncertainties about the extent to which our input will be considered in the process.
- James noted the lack of data on court participants in WA and other states, and emphasized the need for data collection from all court users.
- Iratxe stressed that despite our opposition, the committee's input is essential as rule change is proceeding regardless. Every scenario must be reflected in the guidelines for the benefit of all parties involved.
- Ashley highlighted the increasing trend of interpreters favoring remote options over in-person appearances, with some now exclusively accepting remote assignments. While ILAC has not yet taken an official stance on what constitutes

as 'good cause', interpreters should be appearing in the same manner as the LEP individual.

- Diana pointed out that the pandemic has brought significant changes, with many courts discovering that high-quality interpretation can be provided remotely. Some cases may be heard adequately or even more effectively using remote technology.
- Iratxe highlighted the inefficiency of requiring interpreters to travel for short hearings, such as infractions or show cause. Also, there is potential discrimination against LEP individuals when they are required to come in person while others can appear remotely. Providing training in technology and equipment, along with clear instructions for remote participation, would help streamline remote proceedings and open up interpreter availability.

### **WSBA DRAFT Advisory Opinion on Language Access Issues**

The Washington State Bar Association's (WSBA) Committee on Professional Ethics has drafted an advisory opinion and would like ILAC's input. The committee discussed issues about the advisory opinion and highlighted some of the pressing concerns:

- Typographical error; 'matter' to 'manner'
- Concerns about using non-certified interpreters due to cost considerations and passing the cost of interpreter services to clients, which could lead to discriminatory practices based on language and disability barriers
- The need to clarify unclear terms, such as 'non-lawyer interpreters/translators', 'competent interpreter', 'non-lawyer assistant/staff', etc.
- Potential miscommunication issues by encouraging the use of applications for simple interpretation or translation tasks
- Concerns about suggesting attorneys to qualify interpreters and ensure confidentiality when using non-credentialed interpreters
- The conflation of 'translation' and 'interpretation' with no proper distinction

Utilizing professional, certified interpreters would eliminate most of these issues while safeguarding the due process rights of LEP individuals.

The committee will prepare a written document outlining these concerns and provide recommendations to the Commission. During the next committee meeting on November 7<sup>th</sup>, this committee will vote on the response. Formal Opinion 500 from The American Bar Association (ABA) can serve as a reference for the draft response, as it aligns more consistently with best practices.

#### **Action Item:**

Kristi, Diana, and Iratxe will draft a response and circulate it to the committee for comments.

## **Senate Bill 5304**

John inquired about the implications of SB5304 regarding DSHS Language Testing and Certification (LTC) on sign language. As written, the bill does not encompass sign language, but there is potential for its inclusion in the future.

There are ongoing collaborative efforts among various state agencies and education entities to share knowledge and address these issues. Also, the Commission has been engaging in discussions about the pipeline issues for sign language. While discussions are in the brainstorming phase, we can advocate for a formal study to identify these issues and formulate a concrete strategy.

**Meeting adjourned – 1:00pm**

DRAFT



**Interpreter Commission  
Issues Committee Meeting  
November 7, 2023**  
Zoom Videoconference  
12:00 PM – 1:00 PM

**Meeting Minutes**

**Participants:** Ashley Callan, Kristi Cruz, John Plecher, Chelle Hunsinger de Enciso, Kelly Vomacka, Judge Oaks, James Wells, Tae Yoon

Kristi Cruz chaired the meeting in the absence of Judge Oaks.

Judge Oaks joined later in the meeting due to a scheduling conflict. Judge Oaks granted fully-fledged committee members the authority to lead and vote on issues, authorizing one of the committee members to take charge in subsequent meetings in his absence.

**Previous Meeting Minutes**

- Ashley moves to approve the October meeting minutes; John seconds and the motion passes unanimously.
- Kelly moves to approve the September meeting minutes; John seconds and the motion passes unanimously.

**WSBA DRAFT Advisory Opinion on Language Access Issues**

The Washington State Bar Association's (WSBA) Committee on Professional Ethics has drafted an advisory opinion and would like ILAC's input. We began this discussion at the October meeting. A few members of the Committee formed a subcommittee and have been working on a draft response.

Kristi provided an update on the draft response, which mainly focuses on reframing language regarding lawyer's ethical responsibility for interpreter services and reassessing the cost burden, removing references to friends and family of clients acting as interpreters, and reevaluating the use of technology.

Kelly pointed out the higher costs of interpreter services in private settings, some of which may need be passed on to clients. She also emphasized the need to clarify the term "qualified", suggesting that this is more commonly used to refer to interpreters qualified by the court. While professional, credentialed interpreters should be utilized for events with significant legal consequences, such as signing a plea, bilingual staff may suffice for routine interactions and non-substantive communications.

She also noted that google translation with human edits is common practice, but should still be used with a caveat. John raised questions about how to qualify a human screener to proofread the google translation.

Kristi highlighted the discriminatory aspect of refusing to taking on a client due to interpreter costs and stressed the importance of setting clear guidelines to distinguish between legal information and ordinary conversations, and specifying the types of interpreters that should be used.

Ashley reinforced the need to identify different types of interactions, establishing clear criteria for what qualifies as crucial conversations. She also raised concerns that overly strict guidelines may deny access to legal counsel for some LEP individuals.

The Committee proposed a possible meeting with the WSBA and inquired about a deadline for the response. James confirmed that no specific timeline was provided.

Kristi will convey feedback to the subcommittee and make proposed edits with the recommended language.

Motion: The subcommittee to draft a letter to the WSBA stating the Committee's ongoing review of the advisory opinion and seeking information on a timeline. Kelly moves to approve; Judge Oaks seconds and the motion passes unanimously.

### **Extension for Tagalog and Portuguese Interpreters**

The languages of Portuguese and Tagalog are transitioning from registered to certified languages. Interpreters holding the registered credential in those languages were given a transition period to take and pass the certified oral exam before losing their credential. Earlier this year, ILAC gave those interpreters an extension to allow more time for the Commission to deliberate on the tiering option.

Currently interpreters in these languages will lose their credential in February of 2024. To allow more time for discussion, a further extension can be granted before revoking the credential. Since most Portuguese and Tagalog interpreting assignments during the last fiscal year were performed by interpreters in this category (based on data from the Language Access and Reimbursement Program), removing these registered interpreters from the roster could pose challenges.

Most committee members support granting more extension but also emphasized that the tiering discussion should be put back on the meeting agenda.

Motion: Grant one more extension before revoking the credential of registered interpreters for Tagalog and Portuguese. John moves to approve; Kelly seconds and the motion passes unanimously.

### **Written Exam Validation Timeframe**

Earlier this year the Committee discussed modifying how long the results of the written exam are valid for. Initially, a 3-year rule was implemented to keep people engaged in the process, but overtime, it became a barrier and the Commission eventually extended

it to 6 years. Currently, with an additional 3-year extension due to the pandemic, the valid timeframe stands at 9 years. We might consider allowing the timeframe to further be extended to 10 years, allowing potential interpreters more time to pass the oral exam.

Kelly inquired about the wide time gap between passing the written and oral exams. James clarified that the written exam serves as a screening tool to assess people's likelihood of passing an oral exam, while the oral exam itself requires more experience and in-depth knowledge and skills on court interpreting.

Ashley emphasized the importance of granting potential interpreters a higher chance of becoming credentialed, as the alternative would involve using non-credentialed interpreters which contradicts this committee's objectives. We should also examine practices in other states, where some are extending or even eliminating the written exam validity period altogether.

The Committee decided to put this matter on the agenda for the upcoming full ILAC meeting in December.

**Meeting adjourned – 1:00pm**

**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  
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District and Municipal Court  
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Administrative Office of the Courts  
Representative

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Interpreter Representative

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American Sign Language  
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**Michelle Hunsinger de Inciso**  
Public Member Representative

**Florence Adeyemi**  
Public Member Representative

**Kelly Vomacka**  
Public Defender Representative

**Anita Ahumada**  
Community Member Representative

**Naoko Inoue Shatz**  
Ethnic Organization Representative

**Vacant**  
Translation Services Representative

**Vacant**  
Deaf Community Representative

**John Plecher**  
Certified Deaf Interpreter Representative

11/22/2023

WSBA Committee on Professional Ethics  
Language Access Advisory Opinion Subcommittee  
1325 Fourth Ave., Suite 600  
Seattle, WA 98101

CPE Members Lombardi, Carney, and Brooks:

Thank you for reaching out to the Interpreter and Language Access Commission (ILAC) about the WSBA's Draft Language Access Advisory Opinion, dated August 21, 2023. We understand the CPE has not taken action on the opinion and we wanted to alert you to our interest in sharing feedback prior to that occurring.

The draft opinion was shared with the Issues Committee of ILAC in early November and the committee plans to share written comments to the CPE by late December. We believe it would also be helpful for members of the CPE Language Access AO Subcommittee to join an upcoming Issues Committee meeting to discuss this important topic, most likely in the new year.

Thank you for your patience as we work to gather feedback to share with you and we look forward to a conversation about the advisory opinion in the coming months.

Sincerely,





## **Extension for Tagalog and Portuguese Interpreters**

The languages of Portuguese and Tagalog are transitioning from registered to certified languages. Interpreters holding the registered credential in those languages were given a transition period to take and pass the certified oral exam before losing their credential.

Earlier this year, ILAC gave those interpreters an extension to allow more time to discuss the idea of having some languages to have both certified and registered rather than only allowing one level of credential per language. That discussion has not yet occurred.

Currently interpreters in these languages will lose their credential in February of 2024. To allow more time for discussion, a further extension can be granted before revoking the credential. Based on data from the Language Access and Reimbursement Program (LAIRP) from last year, 77% of the Portuguese and 50% of the Tagalog interpreting assignments during the last fiscal year were performed by interpreters in this category.

January 13, 2023

**COMMISSION MEMBERS**

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WA Court of Appeals, Division One

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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](mailto: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



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**Naoko Inoue Shatz**  
Ethnic Organization Representative

Senate Committee on Law and Justice  
Senate Committee Services  
P.O. Box 40466  
Olympia, WA 98504-0466  
(VIA email)

Re: SB 5051

January 26, 2023

Dear Honorable Senators:

On behalf of the Washington State Interpreter and Language Access Commission (ILAC), I thank you again for your advocacy for those individuals in our community who are limited English-proficient (LEP). I thank you also for providing us additional time to provide this letter, which outlines ILAC's thoughts regarding SB 5051.

By way of background, ILAC is comprised of judges, lawyers, court administrators, interpreters, and Deaf and LEP community representatives, each of whom are subject matter experts in providing access to LEP persons in our community. ILAC referred SB 5051 to its Issues Committee, which has similar composition and which contains a broad range of lived experiences with these issues. This letter is based on input from the Issues Committee.

First, ILAC recognizes that the need to protect the due process rights of LEP individuals in dissolution proceedings is a valid and important concern. ILAC also recognizes, however, that there currently is no empirical data capturing the scope of this concern; namely, how many or how regularly parties who are LEP or Deaf sign dissolution paperwork without understanding it. As part of its new strategic plan, ILAC intends to distribute a translated user survey and conduct other outreach events to identify the nature and breadth of language access issues, such as the one SB 5051 seeks to address and remedy. We particularly will listen to and seek solutions from family law advocates on all sides. Such data likely would be available to ILAC by next year.

If the breadth of this issue is validated, ILAC strongly believes that the State must pay for the interpretation described in the proposed legislation, or the interpretation likely will not be rendered because of the realities of the practice of family law, including LEP persons' often

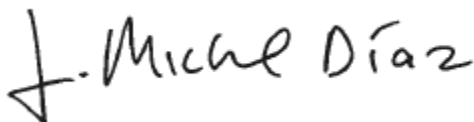
limited budgets. If interpretation is not paid for by the State and thus not rendered, the intent of the legislation would be fundamentally frustrated.

Next, ILAC is also concerned about the impact SB 5051 would have on the availability of interpreters at all levels of our State's courts, but particularly in eastern Washington. Currently, there is an acute shortage, particularly of those interpreters who are willing to come to the courthouses in person. One of ILAC's highest strategic priorities is to highlight and advocate for ways to increase the number of qualified interpreters in all languages required in Washington. Unfortunately, that is a long-term goal and ILAC is concerned about whether and how the supply of currently available interpreters could meet the new demands of SB 5051.

Focusing on the long term, ILAC believes that this issue could be more economically and better addressed by the uniform and comprehensive translation of forms in domestic relations cases in the most common languages used in the communities of our State. Federal law requires access to vital documents and providing such documents would reduce the time and associated costs of having interpreters provide sight translation one by one. For these reasons, ILAC supports and encourages the Senate Committee on Law and Justice, and the bill's honorable sponsors, to consider this more effective alternative. As ILAC recently has been given authority under Supreme Court General Rule 11.1 to provide guidance to our state courts on translation matters, ILAC invites the sponsors of SB 5051 to explore alternatives to one-time sight translation of dissolution forms through a more comprehensive, effective and long term solution.

We of course would welcome any questions about any position ILAC takes herein. Should you have any, please contact ILAC's staff lead, Robert Lichtenberg, at [Robert.Lichtenberg@courts.wa.gov](mailto: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, slightly slanted style.

J. Michael Díaz, Judge  
Washington State Court of Appeals, Division I  
Interpreter and Language Access Commission, Chair





# Superior Court Judges' Association

**Jennifer A. Forbes**

**President**

Kitsap County Superior Court  
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January 16, 2023

Senator Lisa Wellman  
224 John A. Cherberg Building  
PO Box 40441  
Olympia, WA 98504  
*Sent via email*

Dear Senator Wellman,

The Superior Court Judges' Association (SCJA) writes to express its concerns with SB 5051 (language understanding in dissolution proceedings).

The SCJA appreciates your and your colleagues' efforts to improve access to the justice system for those individuals with limited English proficiency, and those who may be deaf, deaf-blind, or hard of hearing. This is an important part of our work as judicial officers every day.

However, we have concerns about taking the concept behind the bill's premise and implementing it. As a result, because of the potential for delay, increased (and unfunded) interpreter costs, and a lack of data to clearly identify the problem the bill is trying to address, the SCJA opposes the legislation at this time.

We are concerned with the following:

1. That SB 5051 may actually exacerbate challenges for limited English proficiency litigants, including delaying the resolution of their cases and creating burdens not imposed on English proficient litigants;
2. That SB 5051 will impose costs on counties for additional interpreter services that have not been funded by the state Legislature;
3. That the scope and the size of the problem that SB 5051 is attempting to prevent – final orders being entered in which a litigant's lack of English proficiency is used against them to commit fraud – is unknown while the impact on the current system will be profound.

New Challenges for Limited English Proficiency Litigants

SB 5051 currently requires all limited English proficient parties, those who may use an interpreter, those who are deaf, deaf-blind, or hard of hearing, or those who rely on sign language to communicate, to satisfy *additional* steps not required of other litigants prior to finalizing their family law case.

Courts throughout the state provide interpretation services for litigants who have limited English proficiency, regardless of whether they go to trial or settle. This is at no cost to litigants. As judicial officers, we recognize that this is fundamental to



provide access to justice. Judges are regularly trained on this issue and are keenly aware of its importance. By way of background, most domestic (or family law) cases are resolved by agreement and do not require trials. A rough estimate would be that less than 5% of all filed family law matters go to trial, meaning well over 90% resolve by other means (such as agreement).

When parties reach agreement on their family law matters, they present agreed orders for the Court to approve. For example, in King County Superior Court these agreed orders are typically assigned to a separate court process for *ex parte* proceedings. This allows people to have their cases resolve much faster than those cases in which the parties do not agree.

If enacted, SB 5051 could slow the existing process for agreed-upon orders, based only on a judicial officer's supposition about a party's language ability.

Indeed, the situation could easily occur where a court will not finalize a case until an interpreter is secured, the parties have scheduled sight translation review, and the matter can return to a judicial calendar for review and entry. This could occur whether the party is represented by an attorney or self-represented. This requirement would mean delaying entry of parenting plans, orders of support, and even protective orders when there is no fraud. This would be an unnecessary, burdensome, and costly step for litigants who have reached agreement.

Judges may also be in a difficult position to understand and to comply with the "reason to know" standard put forward in the bill. Many litigants speak more than one language, and it may not be apparent to the court that a party needs an interpreter. A worst-case scenario would be if the statute inadvertently led, for example, to a reliance on the use of surnames as satisfying the "reason to know" test.

#### New Costs for Counties

The costs of additional sight translations could be significant. Interpreters, especially in large counties, are in high demand. They are also expensive and impact court budgets that have thin budget margins.

Scheduling interpreters for sight pleadings will have a budget impact, one that county courts are ill-equipped to absorb. For example, King County's Office of Interpreter Services, has estimated that sight translation of finalized domestic case documents would likely take approximately three hours per case. This is because the number of documents and numbers of pages associated with them. A typical family law case will have a final parenting plan, a final order of child support, child support work sheets, findings of fact and conclusions of law, a decree of dissolution, and declarations in lieu of formal proof.

It is difficult to estimate statewide what this impact will be. Sight reading could also be required on busy protection order calendars, where the protection order itself can be more than 10 pages long. Interpreters deserve to be fairly paid for their work and the costs for them can be high. In larger counties, interpreters are currently needed (and often in short supply) to help with backlogged criminal matters. This bill will increase interpreter scarcity for non-family law matters and impact county budgets.

### The Scope of the Problem the Bill is Trying to Fix is Unknown

There is no data available, other than anecdotes, as to the number of family law cases where fraud has occurred because a limited English proficient litigant did not understand the documents they signed due to a language barrier.

This is an important consideration for two reasons. The first is that there is a workable and long-standing mechanism via court rule in place to undo fraud. The second is that this bill will create a significant new requirement on court practices without knowing a) whether this solution will prevent fraud from occurring and b) without knowing how big a problem this really is.

The legislation would impact all limited English proficiency participants for whom the court “had reason to know” that they might require an interpreter. But not all limited English proficiency litigants who come through family court and meet this definition are subject to fraud. In fact, the number of fraudulent cases that arise from language issues is unknown and may be very small. There is no data on this subject.

Because the law currently provides remedies for parties seeking review of orders entered by fraud, mistake, and even “in the interests of justice,” there is relief if language-based fraud occurs. There is no suggestion that this current remedy is ineffective or unduly burdensome to a litigant who is the victim of fraud.

Finally, as most judicial officers will sadly share, the bill will not eliminate the use of coercion in divorce proceedings by an unscrupulous party against another to secure favorable terms. Sight translation will not, unfortunately, protect against those with the motivation to lie or the motivation to force their partner to sign documents.

### Conclusion

Interpreter issues and costs are frequently discussed throughout Superior Courts in Washington. Our state is also fortunate to have a Supreme Court Commission that helps courts and justice system stakeholders navigate these complex and important issues. Language access is an important and critical component to afford litigants access to justice.

The SCJA believes that courts’ time and limited financial resources are better applied to those priority issues currently identified by the Washington State Interpreter and Language Access Commission (ILAC) as needing attention. This includes the language translation of digital and hard copy court documents and ongoing judicial education.

At a minimum, the SCJA requests that the Legislature, if it moves forward, supplements the Interpreter Reimbursement Fund with an additional \$500,000 to cover reimbursement to courts for the anticipated scope of these new efforts.

Another possible solution may be that sight translation is provided only upon request of a litigant and not on the more difficult “reason to know” standard outlined in the bill.

Thank you for this opportunity to share our position on SB 5051 with you. We welcome the opportunity to discuss the bill with you or your staff in greater detail.

Senator Lisa Wellman  
January 16, 2023  
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Sincerely,

*Samuel Chung*

Judge Samuel Chung, President-elect  
Superior Court Judges' Association

cc: Judge Jennifer Forbes  
SCJA Board of Trustees  
Ms. Allison Lee Muller





# Superior Court Judges' Association

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February 7, 2023

Senator Manka Dhingra

Senate Law & Justice Committee, Chair

239 John A. Cherberg Building

P O Box 40445

Olympia, WA 98504

Senator Lisa Wellman

224 John A. Cherberg Building

PO Box 40441

Olympia, WA 98504

*Sent via email*

Dear Senators Dhingra and Wellman:

Thank you for the opportunity to provide input on the proposed substitute to SB 5051.

The SCJA's concerns from the original bill about the lack of data in support of the problem being addressed, the lack of funding accompanying these new mandates, the impact on other areas of court requiring interpreters, and the difficulty in discerning the "reason to believe" standard all remain.

The substitute language presents additional concerns as well. We have attempted to address them below.

In Section 1(1), a Court is required to provide "translated standard forms" upon request or when a Court has "reason to believe" that a party may require them. There are a number of questions that this section raises:

1. At what point is the Court required to embrace the "reason to believe" standard? Most judicial officers will not see a case until its end, when the parties have already spent time and money preparing their orders for presentation. Will this require them to begin anew?
2. What happens if the parties present agreed orders, and the Court then has 'reason to believe' a party may need translation – are the agreed orders rejected? Can the Court require the agreed, but perhaps non-standard, orders to be sight translated?
3. What entity is paying for the translated forms?

In Section 1(3), a Court is required to "give special consideration" on whether to order sight translation under the "reason to believe" standard if a judicial officer is entering a parenting plan. To put it plainly, this runs additional risk of judges embracing stereotypes or assumptions when ordering sight translation. We have previously shared with you how family law documents are presented by agreement and that the judicial officer will have no contact with a party – even when an agreed final order is presented.

February 7, 2023

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There is insufficient clarity as to what factors a Court must consider in this instance – the one in which the majority of orders likely appear – other than relying on a name. That is fraught with problems in both directions: both for the judge concluding that a person’s name suggests limited English proficiency or when the name makes no such suggestion, but that proficiency is lacking. The lack of guidance in what constitutes a “reason to believe” is a major problem to this bill’s implementation.

In Section 2 of the bill, AOC is tasked with providing forms and written guidance to the public by July 1, 2024. Much if not all of this work has already been accomplished. AOC provides litigants with family law forms in Korean, Russian, Spanish, Vietnamese, Filipino and Chinese ([Washington State Courts - Court Forms](#)). Any Superior Court or Court clerk in Washington can access these forms. Yet the bill requires AOC to survey the state for the top five languages of significant non-English speaking populations in the state. AOC is then required to provide translated forms in all of these languages to courts. It takes careful interpretation, review, and consensus before a translated form can be distributed, and at least some of these forms are updated nearly every year due to changes in the law. It is difficult to assess whether this language will require no work, new work, or whether it is a redundant requirement.

AOC is additionally tasked to “develop and distribute” information regarding domestic relations proceedings. RCW chapter 26.09 has over 50 subchapters, ranging from child support to relocation matters. This requirement raises important questions:

1. What information should be developed and distributed?
2. Does this cover all or just some sections of Chapter 26.09?
3. Who is developing the information to be provided?
4. What entity is paying for this work?

Currently, there are no funds appropriated in this bill to accomplish these ongoing tasks.

Regrettably, the changes included in the substitute – while in some instances worthy goals – present more complicated questions while not addressing the earlier concerns noted above and in our previous correspondence. It also appears to require work to be done that has already been accomplished.

The SCJA is willing to work with you and the Supreme Court’s Interpreter and Language Access Commission to better identify the problem before launching a “fix” that will have a major impact on current court operations. Superior Court judicial officers remain committed to providing non-English language proficient participants full and fair access to courts. Our judicial officers ensure this happens, to the best of their abilities, every day.

The SCJA respectfully requests that its amendment to the original bill (attached here again) be adopted by the Committee or alternatively that the bill be withdrawn this session to allow further discussion and planning.

Sincerely,



Judge Jennifer Forbes, President  
Superior Court Judges’ Association

CC: SCJA Board of Trustees  
Ms. Allison Lee Muller



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WA Court of Appeals, Division One

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**Anita Ahumada**  
Community Member Representative

**Naoko Inoue Shatz**  
Ethnic Organization Representative

February 8, 2023

Senator Manka Dhingra  
Senate Law & Justice Committee, Chair  
239 John A. Cherberg Building  
P O Box 40445  
Olympia, WA 98504

Senator Lisa Wellman  
224 John A. Cherberg Building  
PO Box 40441  
Olympia, WA 98504  
*Sent via email*

Re: ILAC Comments on Proposed Sub. SB 5051

Dear Senators Dhingra and Wellman:

On behalf of the State Supreme Court's Interpreter and Language Access Commission (ILAC), I thank you for allowing us to review an advance draft of the proposed substitute language to SB 5051 (substitute bill). I also thank you and your staff for working with our staff members, particularly Bob Lichtenberg, on that substitute bill. We value the collaborative and open-minded spirit in which your staff have proceeded.

In our prior letter to you dated January 26, 2023, ILAC acknowledged that the situation this bill attempts to address is valid and concerning. Like you, however, ILAC wants this bill to work both for those constituents accessing our courts and for the court system. So please take the following comments in that spirit.

First, our prior concerns remain. We still lack data capturing the scope of the problem. Further, it is not clear in the substitute bill that the State is committing to fund the court's costs when ordering a sight translation or to fund the AOC's newly assigned tasks. Finally, without knowing how commonly these concerns arise or how often courts will order sight translations, we still do not know the impact on the availability at all levels of our state courts.



That said, we appreciate the substitute bill's new focus on creating uniform and comprehensive translation of forms. We understand that some of that work has already been accomplished. As we stated in our prior letter, we believe this issue, to the extent we can get our arms around its scope, will be more economically and efficiently resolved in that manner.

To that end, we suggest that you change the term in the "Brief Description" of the bill title from "dissolution" to "domestic relations," so as to ensure the bill addresses the full breadth of this well-defined subject matter. The term "domestic relations" will include, not just dissolutions, but legal separations, parenting plans, establishment of child support, and modifications of the same, all of which are defined in Title 26 RCW.

Further, addressing the concerns with the "reason to know" standard, ILAC notes that a court could capture English language proficiency information at the onset of each case through the Confidential Information Form (CIF), which is currently filed by only one party at the beginning of each case but includes information about the other party. If the CIF was revised to include such information, was translated into the appropriate language, and required to be submitted by both parties separately along with any initiating family law form, such information would be available to judicial officers throughout the pendency of the case. Courts, clerks, and information technology specialists may need to collaborate to find the most effective way of "flagging" a case requiring an interpreter and/or translated language forms or letters. Legislation could support that process and those costs.

For individuals who communicate in sign language, English is a second language and understanding court forms can be a real challenge for many individuals. Using technology, court forms could be accessed and understood by sign language users through videotaped sign language renditions in American and foreign signed languages for use by Deaf ASL users and for Deaf persons where the individual is both deaf and uses a foreign-language sign language. This technology solution will require additional time and funding.

Because of the additional time and funding needed to achieve the most effective and workable solutions, we encourage you, the bill sponsors, and your Committee to work closely with the ILAC well in advance of the 2024 Legislative Session to submit for consideration a further revised bill. We look forward to the opportunity to further collaborate and address these critical language access needs.

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

Sincerely,



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  
Robert Lichtenberg, Senior Program Analyst, ILAC, AOC



## Excerpts from ILAC and Committee Meetings in Regarding SB 5052

### From ILAC 5-12-23 meeting

Legislative Action Report: Senate Bill 5051 for 2024 – Judge Diaz The proposed Senate Bill 5051 on the translation of documents for family proceedings did not pass. It was emphasized that this remains an ongoing issue and the commission expressed its commitment to working with the bill sponsors to seek clarification and offer continued partnership in finding a more comprehensive and holistic solution.

### From ILAC 2-10-23 meeting

On Senate Bill 5051, Judge Oaks extended gratitude to the Issues Committee for tackling the legislation. The bill was intended to address issues of people signing away rights to assets or child custody without understanding the language of the documents. A letter in opposition was sent to the Senate Law and Justice Committee to express some concerns regarding the lack of knowledge of the extent of the problem and efficacy in resolving it using in-person court interpreters. This may be an issue the new translation committee can take up. If the courts are able to capture data and verify the extent of the issue, they will be able to tailor a better solution

### From Issues Committee 1-24-24 Meeting

- 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.

# Written Exam Validation Timeframe

For 10/10/23 Issues Committee Meeting

## Overview of Recommended Policy Changes

The written exam is the first step in the credentialing process. Current policy places states that written exam results expire six years after a test candidate passes the written exam. The Commission extended this length of time from three to six years in 2018. This length of time was also extended during the pandemic. The Court Interpreter Program is now recommending changes to this policy.

Many states have moved away from having an expiration date for their written exam results. The main purposes for the expiration of the written exam result are to encourage candidates to stay engaged with the credentialing process and to ensure that a candidate's English language skills have not atrophied since their initial exam. However, many candidates take multiple attempts to pass the oral exam and may need more time to build up experience or training. The shorter expiration period may act as a barrier. Extending the period could remove the potential barrier without risking the quality of the language skills of the test candidate.

## Recommended Policy Changes

Change the six year expiration period to a ten year period. The red language below indicates proposed changes to current policy.

## Testing

**(1) Written Examination.** The written exam is a general English proficiency exam that contains 135 questions in multiple-choice format and includes questions related to legal terminology, English aptitude, and court interpreter ethics. A test candidate must pass with a score of 80% or better to be eligible to take the oral examination.

Passing the written examination is a prerequisite to sitting for the oral examination. However, a passing score of the written examination shall only be valid for ~~six~~six-ten years, the oral exam. If a candidate passes the written examination, yet fails to pass the oral examination within ~~six~~six-ten years of the written examination date, the candidate must re-take the written examination in order to be eligible for future oral examinations.

## Other States

Most states have a similar process for credentialing court interpreters and often have comparable policies. WA sent a request on a listserv to see where states are on their policies, which are below:

State	Policy for Written Exam Expiration
AZ	No limit
CA	6 years

FL	Not limit for written exam. Based on orientation date – 3 years
HI	No Limit
IN	2 years
MN	No limit
NJ	2 years
NV	2 years
OR	No limit (recently removed)
PA	No limit for written exam. Based on oral exam or orientation – 2 years

## Previous Discussion

At a previous meeting a more complex policy was discussed. There were concerns that the policy suggested at the time could lead to a test candidate indefinitely extending the validity of the results so long as they tested often enough and the policy may have been difficult to implement.



**Interpreter Commission  
Education Committee Meeting  
October 25, 2023  
Zoom Videoconference  
12:00 PM – 1:00 PM**

**Meeting Minutes**

**Present:** Ashley Callan, Iratxe Cardwell, John Plecher, Florence Adeyemi, James Wells, Tae Yoon, Laura Blacklock, Avery Miller

**Language Access Basic Training (LABT) Modules**

- Laura Blacklock from the AOC's court education group provided an update on LABT modules.
- The group is reviewing the existing materials and streamlining the content to make it more usable for court staff. This includes changing the format of some of the materials, chunking the materials in different ways, and eliminating duplicated information. Additional knowledge checks will also be added.
- The more streamlined version will take less time for court staff to help retention of the information.
- There was a discussion about having the modules having content that is need-to-know for all court employees and having some information be separated into module for staff that is more directly involved with coordinating language access information.
- The modules could be used as part of onboarding for staff and some could be part of an annual refresher.

**Judicial College**

- The next Judicial College will be held at the end of January. Judge Oaks, Donna Walker, and Claudia A'zar will be presenting.
- There was a suggestion that Judge Riquelmie's who presented at a previous year could be approached to do a recording of her session. It was felt her presentation was very good and could lend itself to a recording. ILAC can reach out to Judge Riquelmie and court education staff could assist in the recording.

**Simultaneous Remote Interpretation Training Update**

- Seattle Municipal Court has created a one-hour training for judges using WebEx. The trainings includes using dual architecture. A version for Zoom could be created. There currently is a timeline for when this would be completed.
- Having a training worth continuing education credits may incentivize judges and others to take the training.

**Previous ILAC Materials for Remote Interpreting**

- AOC staff suggested that the Committee review the materials that ILAC has already created around remote interpreting. The BJA's Remote Proceedings Taskforce is creating a sub-committee to create best practices and they've invited ILAC to participate. The subcommittee hasn't met yet, but I think they are hoping to use as much existing material as possible. Diana Noman and James Wells will be attending the sub-committee meetings.

DRAFT





**Interpreter Commission  
Education Committee Meeting  
November 29, 2023**  
Zoom Videoconference  
12:00 PM – 1:00 PM

**Meeting Minutes**

**Present:** Ashley Callan, Kristi Cruz, Chelle Hunsinger de Enciso, Iratxe Cardwell, John Pelcher, Donna Walker, Florence Adeyem, James Wells, Tae Yoon

**Development on Training Modules for General Court Staff**

Ashley reported that 2/3 of the training module for general court staff has been finalized by the AOC Education team. The final product will be sent out to the committee for review and feedback.

**Review of Remote Interpreting Guideline Materials**

The committee discussed updating guidelines for remote interpreting and best practices.

- James informed that the Board for Judicial Administrations (BJA) Remote Proceedings Taskforce proposed changes to the GR11.3. The Issues Committee reviewed the draft proposal and sent a response letter with their input.
- John shared insights from a legal interpreting workshop, emphasizing the importance of client-attorney confidential and privileged conversations. This process needs to be outlined in the guidelines for a more equitable due process.
- Ashley stressed that while orders provide direction, we also need to focus on providing practical guidelines on best practices.
- Iratxe highlighted challenges faced by interpreters in obtaining case information prior to an assignment, suggesting Odyssey as a resource. This is particularly crucial in hearings involving case laws or specific references to an RCW. It is imperative to provide training for court staff to ensure compliance with guidelines. Interpreters should also receive training on the minimum requirements for remote interpreting, such as headsets, professional attire, stable internet connection, etc.
- Donna shared that Spokane and King counties have court viewer resources interpreters may not be aware of, reiterating the need for a comprehensive training. She suggested creating a checklist as a tangible resource for courts.

- Ashley recommended forming a team to visit courts to provide training, and pointed out that successful hearings with interpreters begin at the scheduling stage.
- James mentioned that the ethics and protocols training for new interpreters and the training modules for general court staff provide some information on remote interpreting. He proposed developing short modules, including a basic module for general court staff and an advanced one for court interpreter coordinators with practical instructions.

He also suggested exploring remote or recorded versions of court interpreter coordinator conferences and orientations. Additionally, there are existing training materials and recorded webinars from the NCSC, which the committee should review for recommendations and references.

- Kristi noted that while providing interpreters with relevant materials to a hearing is important, granting full access to Odyssey may not be suitable. She also stressed the significance of enforcing and monitoring court rules or guidelines, proposing a recommendation to the ILAC commission to advocate for a full AOC role overseeing court's compliance with best practices.

Kristi also pointed out the need to revise or temporarily remove the "Guide to Working with Interpreters during COVID-19", originally created at the start of the pandemic. Currently, it does not reflect the evolving landscape of best practices in remote interpreting.

- Ashley proposed red-lining "Remote Interpreting Best Practices" as a springboard to create a 5-10 minute interpreter coordinator training module. While full access to Odyssey might not be feasible, courts can upload resources to their website based on a checklist for necessary resources.
- Iratxe emphasized the need to identify factors hindering courts from adhering to the checklist, stressing the importance of accountability. She further supported Kristi's suggestion of creating a role in AOC for monitoring and enforcing best practices.
- Ashley inquired whether there is a mechanism or a platform for interpreters to report any court issues. Iratxe informed that interpreters lack collective voice due to them being non-unionized, suggesting utilizing surveys as a means of gathering input. James shared that interpreter surveys were done previously and a follow up survey is in progress. The legal division under NOTIS or various forums can also serve as a channel for interpreters to communicate their input. Kristi pointed out that interpreter representatives in the commission should be able to bring forward any issues to the committee. She further emphasized the importance of clearly defining the purpose of the survey to prevent it becoming a mere listening session.

- Additionally, Kristi proposed having a status update and discussion on the new commission member orientation, emphasizing the significance of reviewing the onboarding process before bringing on new commission members.
- Florence pointed out the interpreter's right to access hearing details and relevant materials before proceedings, and supported the need to enforce compliance at the court level. She also expressed her willingness to participate in the review and updates on the new commission member onboarding materials.
- Ashley, John, and Florence will review remote interpreting materials and develop a resource checklist.

Considering the upcoming holidays in December, the next meeting will be on January 17<sup>th</sup> at noon.

**Meeting adjourned at 1:00pm**

DRAFT



The United States District Court for the Western District of Washington and Washington's Interpreter and Language Access Commission, together with the Federal Bar Association for the Western District and the King County Bar Association

present

## **Not Lost in Translation: Innovations in Language Access**

A *free* CLE/CJE\*

featuring

**Chief Judge David G. Estudillo,**

*U.S. District Court for the Western District of Washington*

**Judge J. Michael Díaz**

*Washington State Court of Appeals – Division I*

**Christine Stoneman**

*United States Department of Justice, Chief  
Civil Rights Division, Federal Coordination and Compliance Section*

*Moderated by: Cynthia Jones, Jones Legal Group, LLC*

**When:** **Thursday, February 8, 2024, 3:00 p.m. – 4:30 p.m.**

(Doors open at 2:30 p.m.)

***Cheese and wine reception to follow***

**Location:** **U.S. District Court Courthouse**

700 Stewart Street – 19<sup>th</sup> Floor

Seattle, WA 98101

**[REGISTER HERE!](#)**

**Questions:** Jenna Patalano at [admin@joneslegalgroup.net](mailto:admin@joneslegalgroup.net)

\*1.5 CLE/CJE credits pending approval