



WASHINGTON  
COURTS

## Interpreter Commission

Friday, February 20, 2015 (8:45 a.m. – 11:45 a.m.)

AOC SeaTac Facility

18000 International Blvd., Suite 1106, SeaTac, WA 98188

### AGENDA

<b>1. Call to Order</b>	<b>Justice Steven González</b>	
<b>2. Welcome and Introductions</b> • Introduction of Judge Theresa Doyle	<b>Justice Steven González</b>	Page
<b>3. December 5, 2014 Meeting Minutes</b>	<b>Justice Steven González</b>	Page
<b>4. Chair's Report</b> • Judicial College Training • AOC Court Interpreter Legislative Request -Outreach and Advocacy • NWJP Letter to Grant County • Disciplinary Committee Chair • ASL Member Recruitment	<b>Justice Steven González</b>  <b>Publication and Handout</b>	Page
<b>5. Committee Minutes &amp; Reports</b> • Education Committee -Certification Compliance • Issues Committee -Conviction Reporting -CEU Requests -Course Content Criteria	<b>Sam Mattix</b>	Page
	<b>Judge Andrea Beall</b>	Page
<b>6. Court Interpreter Program Reporting</b> • 2014 Oral Exam Results • Written Exam Preparation Course Report and 2015 Exam Registrations • 2015 Oral Exam Prep Test Training • SCJA Conference Planning • Yakima Forum in May: Scope • Online Scheduling IT Request	<b>AOC Staff</b>	Page
<b>7. Business for the Good of the Order:</b>	<b>Justice Steven González</b>	
<b>8. Adjourn</b>	<b>Justice Steven González</b>	

Persons with a disability, who require accommodation, should notify Robert Lichtenberg at 360-350-5373 or [robert.lichtenberg@courts.wa.gov](mailto:robert.lichtenberg@courts.wa.gov) to request accommodations.

**Next Meeting: Friday, May 29, 2015, Yakima, WA from 10 a.m. – 3 p.m. (tentative);  
Location: TBD**

# **Judge Theresa Doyle**

## **Superior Court Judicial Representative**

Judge Theresa Doyle was elected to King County Superior Court and began her first term in January 2005. She has been Assistant Chief Criminal Judge, and has served on Unified Family Court, Drug Court, and on the trial calendar.

Judge Doyle began her judicial career in 1998 when she was appointed by the mayor to Seattle Municipal Court. There, she presided over numerous criminal jury trials and other hearings, and was Mental Health Court Judge from 2003-2004.

Judge Doyle served as a judicial law clerk to Hon. Solie Ringold, Washington Court of Appeals, Division One, from 1982 to 1983. She relocated to San Francisco and served in the same capacity to Hon. Marc Poche, California Court of Appeal, Division One, from 1983 to 1985. With that solid background in appellate work, in 1985 she worked as a deputy in the California State Public Defender. Her first court appearance as an attorney was in the California Supreme Court. After returning to Seattle, she worked as an associate in general civil litigation at Riddell, Williams, Bullitt & Walkinshaw. Then she returned to public defense, first to the Defender Association (TDA), then to Washington Appellate Defender Association (WADA).

Judge Doyle was graduated cum laude from Seattle University School of Law in 1982. She served on the Law Review editorial board.

## **December 5, 2014 Meeting Minutes**



**Interpreter Commission**  
**Friday, December 5, 2014 (8:45 a.m. – 11:45 a.m.)**  
**AOC SeaTac Facility, LP-16**  
18000 International Blvd., Suite 1106, SeaTac, WA 98188

## **MEETING MINUTES**

### **Members Present:**

Justice Steven González  
Judge Andrea L. Beall  
Kristi Cruz  
Eileen Farley  
Thea Jennings  
Sam Mattix  
Linda Noble  
Fona Sugg  
Dirk Marler  
Alma Zuniga

### **Members Absent:**

Theresa Smith

### **AOC Staff:**

Robert Lichtenberg  
Danielle Pugh-Markie

### **Visitors:**

James Wells  
Nancy Leveson  
Diana Meredith  
Glenna White  
Claudia A'Zar

### **CALL TO ORDER AND WELCOME**

The meeting was called to order by Justice Steven González. Members introduced themselves. Danielle Pugh-Markie introduced and briefly spoke about the new Interpreter Program Support Assistant, James Wells who will begin work on December 16, 2014. She spoke of his duties and how he would be an asset to the AOC and the Commission as a result of his background in linguistics, knowledge of several languages, and experiences living abroad. Mr. Wells spoke briefly about his past language research and software industry work for Amazon and Google and is excited to work with various language communities and making a positive contribution.

### **SEPTEMBER 12, 2014 MEETING MINUTES**

The approval of the minutes of the September 12, 2014, meeting was tabled pending further member comments to those minutes after member corrections previously provided to AOC staff were made.

### **CHAIR'S REPORT**

#### **Commission Superior Court Representative Search**

The Commission then again discussed the Commission membership vacancy as a result of the expiration of Judge Sypolt's term. Ms. Pugh-Markie reported that Judge Sypolt had previously made a recommendation for a new member judge whom she had contacted to seek his interest. However, due to his existing commitments, the opportunity to fill the vacancy did not materialize. As a result, the AOC has re-done a new round of solicitation through Judge Ramsdell and the Superior Court Judges Association. The deadline for nominations to Judge Ramsdell is today, December 5.

Justice González emphasized the importance of supporting the work of the Superior Courts due to their language interpreting needs and how the budget impacts them. The Superior Courts are important allies in advocating for additional funding to support their efforts to ensure language access. AOC staff will develop a backup plan in case there are not any nominees offered as a result of this second solicitation effort, including exploring the option to seek a court commissioner to nominate or a judge who is involved in core governing matters affecting the judiciary.

#### **Online Scheduling Report: Next Steps**

Justice González requested member input on the next steps that could be taken with the ad hoc committee online scheduling report such as posting it on the Commission's website pages or sharing it with private industry to code its "best practice" features within an existing online scheduling software. The Commission members then discussed the various ways in which information about court interpreters is shared with courts and the public. Members acknowledged that the courts' current reliance on their own language interpreter contacts and ability to share resources through the court coordinator listserv has worked well. Discussion then followed about improving a user's experience in finding interpreter information on the AOC's Interpreter Program webpages and about the new AOC-managed case management system called Odyssey serving as an operating platform on which to put the online scheduling application. After extended discussion regarding the best way to implement an efficient interpreter scheduling tool, Justice González requested that program staff identify actions that the Commission could take to help make the online scheduling "best practices" report available for collaborative support and implementation, whether it be with private industry or other state court administrators.

#### **2015 BJA Legislative Budget Proposal**

Justice González gave Commission members an overview of the BJA-sponsored budget request for additional funding to reimburse all state courts for 50% of their interpreting costs as the current program has a limited number of courts participating. AOC Representative Dirk Marler explained the pressures on legislators to meet other funding obligations created by the courts and voter initiatives which would make it very difficult to have the BJA request be funded in the current fiscal climate. Justice Gonzalez expressed hope that the Commission will have an opportunity to testify, advocate for, or confer with legislative representatives in support of this budget item.

#### **May 2015 Commission Meeting and Stakeholder Forum**

Discussion led by the Chair resulted in three members volunteering to be part of the Forum planning: Kristi Cruz, Sam Mattix, and Alma Zuniga. It was agreed that the Commission meeting would precede the Forum and begin at 10 am. The intent of the Forum would be to secure input from the community about court interpreting and access to justice issues. Invitations should be made to stakeholders involved in those issues.

## **COMMITTEE REPORTS**

### **Education Committee Report**

Mr. Mattix reported on the work of the Committee regarding improving the timely completion of certification maintenance requirements by AOC-credentialed interpreters. The committee's recommendations were presented to the Commission as a work in progress. The essence of the recommendation was that interpreters should be reminded of the reporting deadline on a monthly basis starting in the second September of the biennial reporting cycle and of the consequences of not being in compliance. The committee had initially decided that an administrative fee be assessed and to allow a 2 month grace period to come into compliance before an interpreter's certification status would be automatically referred to the Disciplinary Committee. Eileen Farley stated that the administrative fee proposal was tabled for future consideration after committee discussion. The committee will review compliance by interpreters as of the end of the reporting cycle and make recommendations to the Commission whether additional compliance actions are needed and that the monthly notices may help encourage timely compliance reporting.

### **SCJA Spring Conference Proposals**

Commission members discussed creating a workgroup to develop a model LAP document that would be at the core of the SCJA training. Eileen Farley and Kristi Cruz volunteered and AOC staff will reach out to others inviting participation. It was agreed that faculty for the SCJA presentation should be part of the workgroup as well.

### **Issues Committee Report**

Judge Beall reported on the matter of an interpreter's ability to work as an interpreter while a felony charge is pending. As the program rules only require reporting convictions, the committee views that there is no barrier to working as a court interpreter in the absence of a conviction. The committee had also noted that current program policy requires the reporting of convictions at the end of the biennial reporting cycle and not sooner. She noted that serious crimes may have occurred so to allow interpreters to continue to work after being convicted on a serious charge may be harmful to others. Also, the committee discussed, without concluding further, the matter of approvals of CEU course content criteria and welcomed further comments from the meeting attendees regarding it. Judge Beall asked for Commission guidance as to whether this is an Issues Committee matter. She then reported their discussion about whether the Somali language, which is now a certified language using the National Center for State Courts (NCSC) oral exam instrument, should be moved over to the registered category because it is very hard to get Somali speakers to pass the NCSC test.

The Commission first discussed the reporting of criminal convictions matter. Justice González proposed that the policy change be that interpreters are to immediately notify the Interpreter Program of any conviction. This was agreed on in principle, without a vote. Judge Beall noted that a change should be made to GR11 to clarify that the Interpreter Program rules and regulations are also applicable to registered language interpreters as the existing GR11.1(b) language only references "certified court interpreters". The program policy manual does state it applies to registered language

interpreters, but the GR11 rule does not. Justice González asked that the Issues Committee make proposed amendments so that GR11 and the policy manual are congruent.

### **Disciplinary Committee Update**

Mr. Lichtenberg reported that at most six people had been out of compliance despite being granted time extensions and that letters notifying them that they were thereby decertified had been sent out. He reported that one interpreter appealed, which was granted and that the interpreter subsequently came into compliance. He also reported receiving a grievance involving an allegation by a limited English speaking litigant that the assigned certified interpreter did not properly interpret certain statements he made in court resulting in the case being dismissed. In order to fully investigate the grievance, it would be necessary to have the court record reviewed by another court-certified interpreter outside of Washington State to minimize potential conflicts of interest that could arise if the reviewer was competing for court assignments in this state in the same language group.

## **COURT INTERPRETER PROGRAM REPORTS**

### **AOC Staff Outreach Events**

AOC staff reported on the success of a collaborative event involving the Korean-American Bar Association, the Minority and Justice Commission, and the Office of the Deaf and Hard of Hearing. The event, in which more than fifty people attended, involved various presentations on legal topics affecting the Korean-American community. Korean-language community members were provided with headsets to listen to Korean language interpreting services funded by the AOC. At the event, AOC staff made a brief presentation about the importance of preserving the community's language skills among its members so that fluent speakers are available to learn how to become court interpreters.

Ms. Pugh-Markie reported on the Minority and Justice Commission Youth Forum held in November in Pasco, Washington that hosted more than one hundred people. It was a collaborative opportunity for that Commission to work with the Interpreter Program. An AOC-certified court interpreter made a presentation about the importance of her language skills and working in the courts as an interpreter which was well-received by the youths.

### **AOC Program Training Evaluations**

Mr. Lichtenberg reported on the training evaluations included in each member's meeting packet. It was noted that several attendees at the Pro-Tem training had difficulties understanding one of the speakers from the Interpreter Program and this affected the evaluations given.

### **2015 Court Interpreter Reimbursement Contracts**

AOC staff reported on the re-introduction of a reporting requirement in the 2015 reimbursement contracts with participating courts that requests information about the effectiveness of the reimbursement program in achieving access to justice. In the last

reporting cycle ending in 2013, about 60% of the courts submitted reports. This will be an effort to get updated information and some of the questions were revised to improve our understanding of how the program is effective. AOC staff will be receiving submittals from the courts that are in the program at the end of January and will share information with the Commission.

### **Interpreter Program Activity Schedule**

Mr. Lichtenberg provided information about 2015 schedule for the court interpreter exams and trainings administered by the Interpreter Program. He noted that certain language groups have more difficulty in passing the exams than others and there is a need to reevaluate how people are becoming prepared to take the exams. It was suggested that the Program look into applying for a State Justice Institute grant similar to one that was awarded to the Program in 2011 that targeted promising candidates that were in languages much in demand by Washington courts. Such a grant could be used to fund an activity that would improve the exam pass rate for those language speakers. Justice González encouraged the Interpreter Program staff to look further into the opportunity for such a grant award.

### **Continuing Education Public Forum and Commission Discussion**

Justice Gonzalez welcomed guests to the open forum on the matter of continuing education credit approvals that are granted or denied by AOC staff. After member and guest introductions were made, Justice Gonzalez reported that a Washington State Bar Association continuing education workgroup is having a similar challenge regarding what should be required for continuing education course content compliance. Mr. Lichtenberg summarized the question before the Commission as one of determining what kinds of courses should be approved by the Program given that the existing topical criteria is broadly stated. He asked for input on the proper interpretation of the course approval criteria as they relate to court interpreting activities.

The guests and Commission members discussed the past history of course approvals and how there was a perception of a loose interpretation of the relevancy of a workshop topic to court interpreting in a number of CEU approval requests that were approved by the AOC in the past. Guests wanted to know if the interpretation of the criteria had changed. Commission members clarified that the intent was to review the purpose of continuing education training as relates to the current work of court interpreters and whether the course approval criteria is aligned with that purpose. With new AOC staff in place now, there is a need to effectively support that alignment in this day and age.

Commission members discussed the reality that not all languages have language-specific training opportunities because it is not economically feasible for course providers to offer trainings for languages with a limited pool of speakers. Also mentioned was the fact that interpreters in languages of lesser diffusion often do not have enough work opportunities to be able to afford to attend some of the larger conferences where these languages get training attention. One guest speaker mentioned that interpreters need exposure to a lot of specialized vocabulary that may or

may not come up in a court setting just in order to be prepared and that it may not be obvious how it relates to court interpreting.

The Commission discussion recognized the need to balance competing issues of need for clear continuing education approval criteria, course affordability, availability, and relevancy to the work of the courts and court interpreters. In closing, one commentator said that having clearer approval criteria will assist course providers in selecting their workshop topics and securing the right trainers knowing that CEUs will more likely to be granted and that they can confidently assure prospective attendees that credits will be awarded at the end of the workshop(s).

**ADJOURN**

The meeting adjourned after Justice Gonzalez noted that no further revisions had been requested to the content of the previous Commission meeting minutes and deemed those minutes thereby approved.

**NEXT COMMISSION MEETING**

Friday, February 20, 2015

8:45 a.m. – 11:45 a.m.

SeaTac Facility, Small Conference Room, 11<sup>th</sup> Floor

<b>Decision Summary</b>	<b>Status</b>
<b>Commission:</b> Approval of September 12 Meeting Minutes	<i>Completed</i>
<b>Member Vacancy:</b> AOC staff will develop a backup recruitment plan if the current solicitation effort through the SCJA does not produce a nominee.	<i>Pending nominations due December 5, 2015</i>
<b>Online Scheduling Report:</b> AOC staff to determine best ways to disseminate the Online Scheduling Committee report for further refinement by others, possibly other states or private industry	<i>In-Progress</i>
<b>LAP Development:</b> Two Commission members will join as part of a model LAP development workgroup of AOC staff, SCJA Conference presentation faculty and several interested court representatives.	<i>In-Progress</i>
<b>May Meeting and Stakeholder Forum:</b> Alma Zuniga, Kristy Cruz, and Sam Mattix will work with AOC staff to identify stakeholders and topics of interest for the Forum	<i>In-Progress</i>

Decision Summary	Status
<b>Education Committee:</b> Recommended that AOC staff issue monthly compliance reporting alerts to credentialed interpreters beginning September 2015 and to report back to the Committee on whether notices have improved timely compliance with CEU maintenance and reporting requirements.	<i>Future Action</i>
<b>Issues Committee:</b> Adopted proposal that interpreters immediately notify the Interpreter Program of any criminal convictions during the reporting cycle rather than at the end of the cycle.	<i>See Action Item</i>
Action Item Summary	Status
<b>Conviction Reporting:</b> Issues Committee will draft proposed GR11 rule changes as needed to cover registered interpreters and the reporting requirement. AOC staff will change policy manual language to apply requirements to registered language interpreters and disseminate a new rule for immediate reporting of convictions.	<i>Future Action</i>
<b>Course Content:</b> Issues Committee to report at next meeting regarding its recommendations related to course content criteria	<i>Future Action</i>
<b>Online Scheduling Best Practices Report:</b> AOC staff to explore opportunities for dissemination of report to a larger audience.	<i>In-Progress</i>
<b>AOC Budget:</b> Issues Committee to recommend budget and action priorities to adopt for the year and present at the next meeting.	<i>Not Completed (from September meeting)</i>
<b>Commission members and AOC Staff:</b> Develop agenda and materials (signage, bench cards, etc.) for the public forum following the May 29, 2015 Commission meeting in Yakima and inviting stakeholders with an interest in court settings involving interpreters	<i>In-Progress</i>
<b>Interpreter Training:</b> AOC staff to explore State Justice Institute grant opportunities for targeted language training.	<i>In-progress</i>
<b>Commission Members:</b> Justice González asked members to identify notices regarding availability of language services in documents sent by courts to pro-se parties and to provide those to Mr. Lichtenberg for the next meeting.	<i>Not Completed (from September meeting)</i>
<b>Court Interpreter Reimbursement Program Reports:</b> AOC staff to review and summarize key findings from reporting courts	<i>Future Action</i>

## **Report of Commission Chairperson**

## 2015 Judicial College Session Evaluation Results

January 25 - 30, 2015

<b>Session:</b>	<b>Court Interpreters</b>
<b>Faculty:</b>	<b>Judge Veronica Alicea-Galvan, Justice Steven C. González, Judge Anne Hirsch</b>
<b>Number of Evaluations:</b>	<b>30</b>

Please include narrative comments, as well as numeric rating on a **5-point scale**.  
(5 = Excellent; 4 = Good; 3 = Average; 2 = Below Average; 1 = Poor; N/A = Not Applicable)

<b>EFFECTIVENESS</b>	5	4	3	2	1	N/A	
1. The goals of the course were clear.	23	4	2	0	0	0	4.72
2. The goals of the course were achieved.	24	3	2	0	0	0	4.76
3. The faculty engaged me in meaningful activities.	23	4	1	1	0	0	4.69
4. I gained important information or skills.	21	6	1	1	0	0	4.62
5. The faculty made a clear connection between the course and the work place.	24	3	1	1	0	0	4.72
<b>Total</b>							<b>Average: 4.70</b>

<b>COMMUNICATION SKILLS</b>	5	4	3	2	1	N/A	
1. The faculty was well prepared.	23	4	2	0	0	0	4.72
2. The presentation was organized.	23	4	1	1	0	0	4.69
3. Written materials enhanced the presentation.	20	6	2	1	0	0	4.55
4. Audiovisual aids were used effectively.	20	7	1	1	0	0	4.59
5. The presentation kept my interest throughout.	22	4	2	1	0	0	4.62
<b>Total</b>							<b>Average: 4.63</b>

### **EFFECTIVENESS COMMENTS**

**The following is a compilation of all comments received in the Effectiveness section:**

Very helpful exercises and thoroughly developed.

I really enjoyed the practical interpreting exercises.

the example interpretation Japanese to English was profoundly effective. I had seen this before with Spanish and nothing was lost in experiencing it twice.

once again, this was an impressive presentation. The examples and exercises used were right on to show us what we need to watch for and consider.

Did a good job of telling us the challenges of interpreters. However, there could have been more information on the access to justice issues and how to cure them in your courtroom.

Great presenters. Justice Gonzalez and Galvan were very knowledgeable on the topic and engaged the group quite well.

## COMMUNICATION SKILLS COMMENTS

**The following is a compilation of all comments received in the Communication Skills section:**

This is probably the best section so far. I was engaged and found the whole presentation very helpful

exercises were useful. Great tips and materials.

I think some of the suggested solutions were a bit unrealistic.

Absolutely

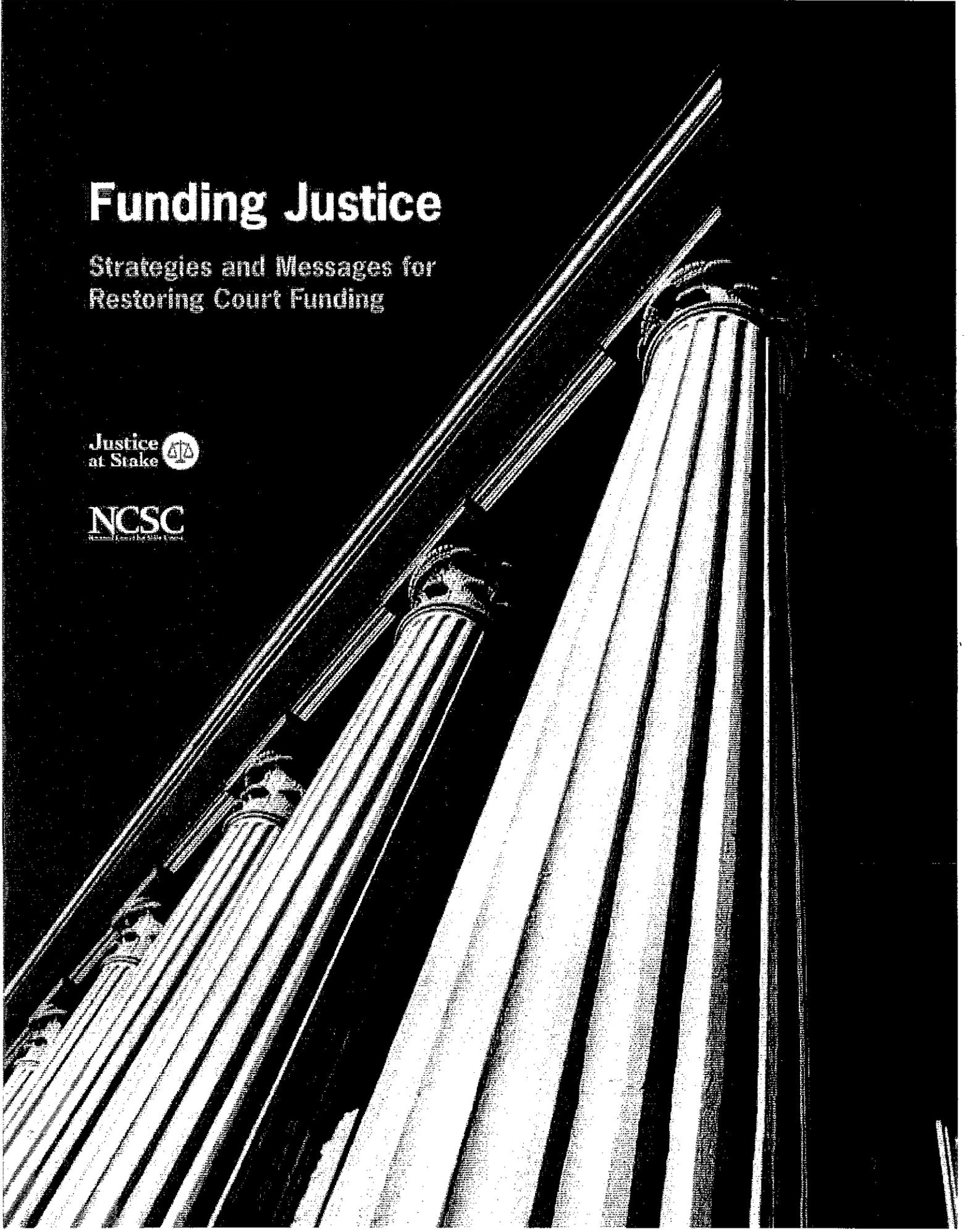
Helpful - good exercises. Thank you to the team!

# Funding Justice

Strategies and Messages for  
Restoring Court Funding

Justice  
at Stake 

NCSC  
National Center for State Courts



Justice at Stake is a nonpartisan, nonprofit campaign working to keep America's courts fair and impartial. Justice at Stake and its 50-plus state and national partners educate the public, and work for reforms to keep politics and special interests out of the courtroom—so judges can protect our Constitution, our rights and the rule of law.

To learn more, go to [justiceatstake.org](http://justiceatstake.org) or [gavelgrab.org](http://gavelgrab.org).

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[justiceatstake.org](http://justiceatstake.org)

The National Center for State Courts is an independent, nonprofit court improvement organization that seeks to improve the administration of justice through leadership and service to state courts, and courts around the world. All of NCSC's services—research, information services, education, consulting—are focused on helping courts plan, make decisions, and implement improvements that save time and money, while ensuring judicial administration that supports fair and impartial decision-making.

Learn more at [ncsc.org](http://ncsc.org).

300 Newport Avenue  
Williamsburg, VA 23185  
Phone (800) 616-6164  
[ncsc.org](http://ncsc.org)



Dear Reader:

Nearly every court in the United States has been shaken by the Great Recession, as economic contraction has devastated state budgets, forced the slashing of thousands of jobs, and closed courthouse doors. Judicial leaders have scrambled to tighten their belts, innovate and blunt the damage to their budgets. But across the country, the judiciary's treasured constitutional role has not spared it from the budget axe. Access to justice is in peril.

Justice at Stake and the National Center for State Courts recently joined forces to examine what strategies and messages could help courts make a stronger case for court funding. We reached out to learn more about the crisis, and the best practices being developed to deal with it. We worked closely with the American Bar Association's Task Force on the Preservation of the Justice System.

We also commissioned a nationwide opinion research project to understand how to better tell the story of the courts—to the public, the media, and the legislators who shape budgets. The project included research, focus groups, a nationwide poll of American voters, and one-on-one interviews with Chief Justices, legislators, and others who have been closely involved in the debates around court funding in the states.

This guide—*Funding Justice: Strategies and Messages for Restoring Court Funding*—builds on more than a year of work. It contains important lessons, some of them counter-intuitive, about how people view the courts and their funding needs. It explains how to tell the story of the courts, and why they matter, in an era when the public is very focused on government austerity. It includes a special section on working with budget policymakers, based on interviews conducted around the country.

Whether budgets improve soon, or a "new normal" has set in, everyone who cares about the courts needs to improve their efforts to help them secure adequate resources. We hope you find this guide useful, and will share it with others. Please let us know if we can be of further assistance.

A handwritten signature in black ink that reads "Bert Brandenburg". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

*Bert Brandenburg, Executive Director,  
Justice at Stake*

A handwritten signature in black ink that reads "Mary McQueen". The signature is cursive and somewhat stylized, with a large, looped initial "M".

*Mary McQueen, President,  
National Center for State Courts*

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# Executive Summary

## **Courts face special challenges seeking funding.**

Most voters blame backlogs on excessive lawsuits and legal maneuvering, not funding cuts. They appreciate the unique role of courts, but give higher priority to other government services. Voters are unaware of the effects of court budget cuts on ordinary people.

## **A two-tiered strategy is needed.**

Court leaders must make their best case to budget policymakers now, while commencing a long-term campaign to build public education and support. Most Americans are simply not motivated by short-term appeals for court funding.

## **Stick to a core message.**

Do not rely on the courts' status as a co-equal branch. Embrace demands for austerity, and show how courts will be effective stewards of taxpayer dollars. Use detailed narratives to show the impact of cuts on people and the economy, not on institutional needs. Remind audiences of the courts' core mission of delivering fair and timely justice.

## **Use the right messengers.**

On court funding issues, the public is most persuaded by retired judges and small-business owners. Legislators want to hear from Supreme Court justices, fellow lawmakers who are attorneys, and constituents (especially judges, attorneys, business leaders, and court users).

## **Engage the public.**

Americans need to know more about how courts work, and how underfunding of courts harms taxpayers and the economy. Acknowledge problems, and use specifics to show how investments will generate efficiency and savings. Close by showing how budget cuts threaten access to justice and fundamental protections promised by the justice system.

## **Target budget policymakers wisely.**

Build relationships by engaging policymakers year-round, not just at budget time. Be a full partner in the budget process, and win trust through transparent, detailed budgets with strong business data and metrics. Find ways to save taxpayer money, and report back on progress. Educate legislators and staff about the courts, explain the impact of cuts in concrete terms, and remind legislators of the judiciary's core mission. Build broad coalitions with non-traditional partners.

## Section One: The Challenge—and the Need for a Two-Tiered Strategy

### The Judiciary Faces Steep Challenges in the Court of Public Opinion

Most Americans believe that strong courts are important to our democracy. But advocates for adequate court funding face a number of serious obstacles as they make their case.

***Public distrust of government taints the courts:*** Confidence in major institutions has declined steadily over the last three decades. While voters have more confidence in the courts than the other branches of government, the judiciary has been hurt by rising public cynicism. Fewer than 1 in 5 report “a great deal” of confidence in the courts (see Figure 1).

***Americans are demanding austerity, and focusing on other priorities:*** In an era of widespread hardship and record deficits, people have had to tighten their belts—and they insist that government do the same. “I do believe that you have an issue with your court budget,” said a focus group participant in Virginia. “However, I’m taxed a lot already.”

Moreover, courts have no natural public constituency. Many voters believe government should spend more on schools, roads, and public safety. Few believe the courts need more money (see Figure 2). And perceptions that courts are not efficiently run are widespread, undermining calls for more resources.

***Courts are still seen as special—but not when money is involved:*** Money changes everything. Americans support the unique role of courts in our system of checks and balances. But the judiciary’s spending requests are viewed with the same skepticism as those made by any agency of government. The unique constitutional status of the courts does not give them a blank check.

***Public confidence in court performance is not strong:*** The public is more likely to blame backlogs and delay on unnecessary lawsuits (41%), legal maneuvering that drags out cases (35%), and bureaucratic inefficiency (33%) than funding cuts (see Figure 3).

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Court leaders must use a two-tiered strategy: making their best case to budget policy-makers now, while commencing a long-term campaign to build public education and support.

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## A Two-Tiered Strategy is Imperative

For most, the plight of our courts is far from a kitchen table issue. The public's skepticism—coupled with their lack of knowledge of how courts work and the challenges they face—leads to a profound implication for advocates of court funding.

The focus groups and polling made very clear that most Americans are simply not supportive of appeals for court funding at present. Longer-term campaigns are needed to persuade them that under-funded courts will hurt taxpayers and the economy.

This approach does not mean giving up on the public. Our research reveals the most effective strategies and messages for engaging Americans, which we detail in Section Two. These efforts should begin without delay. But results will not come quickly, especially when taxpayer money is involved, and a painful recession lingers.

In the short term, supporters of court funding should expend their limited capital on persuading key lawmakers and other decision-makers. Best strategies for this approach are detailed in Section Three.



Figure 1

## Public Distrust in Government Taints Courts, Too

*Question: For each of the following, please tell me how much confidence you, yourself, have in each one.*

Percentage answering:

**“Great deal of confidence.”**

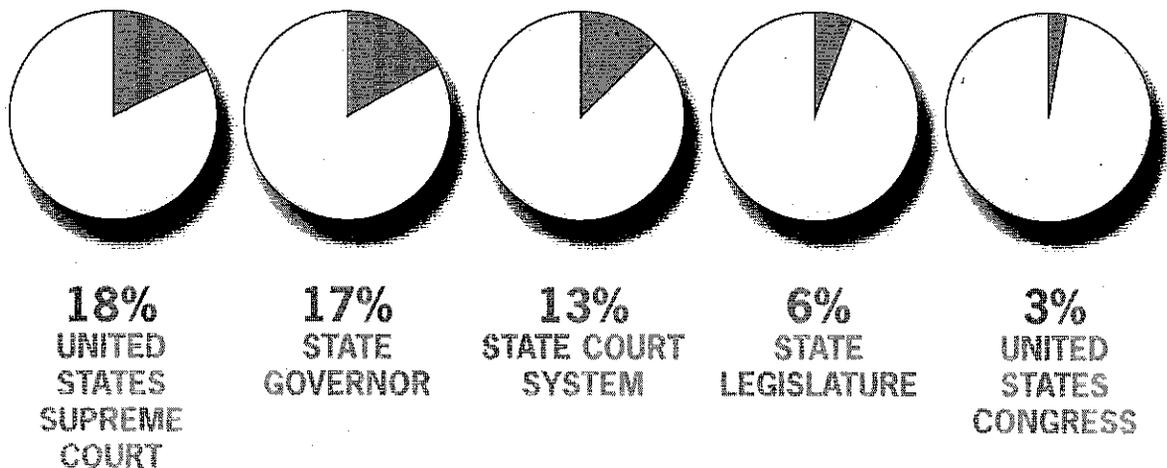


Figure 2

## Public Focused on Other Priorities



Question: For each of the following, please tell me whether you feel the state of (RESPONDENT'S STATE) spends too much on it, spends about the right amount on it, or does not spend enough on it.

Percentage answering: "Does not spend enough on it."

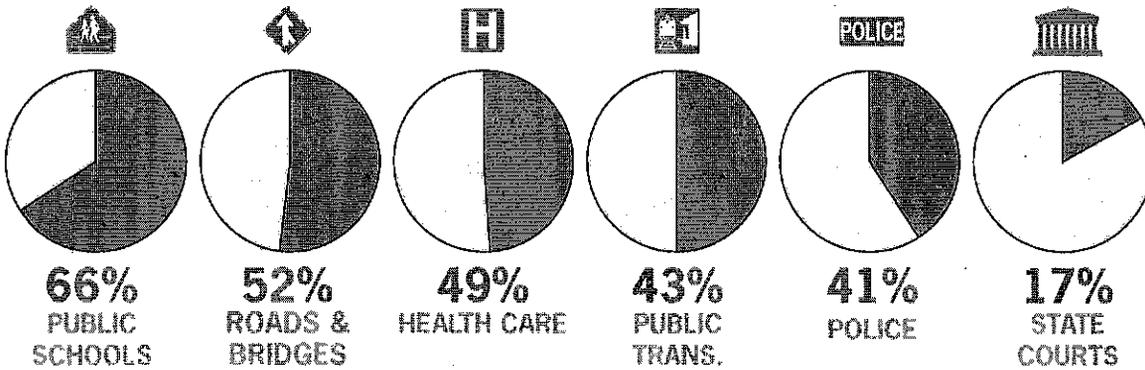
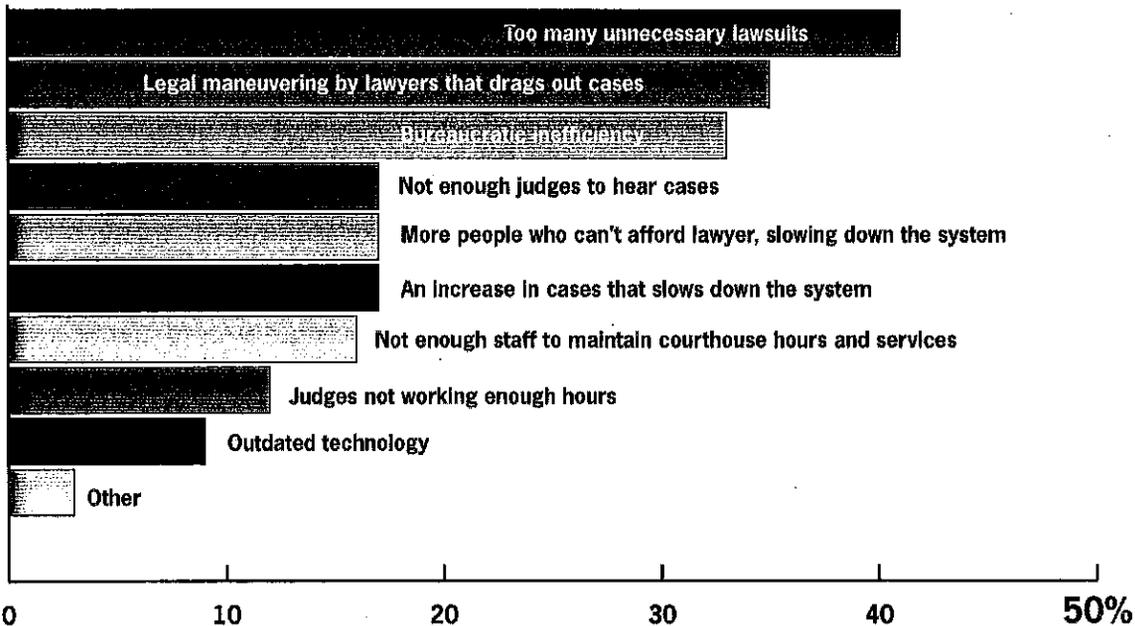


Figure 3

## Public Blames Delays on Courts, not Cuts

Question: As you may know, state court systems face record levels of delays and backlogs today. Which TWO of the following do you feel are most responsible for the delays facing our court system today?



## Section Two: Reaching the Public

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“You need to . . . find and repair any inefficiencies, bring the court system to the 21st century.”

—Focus Group Participant, Arizona

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The research reveals that no strategy is likely to mobilize significant segments of the public any time soon. The public doesn't know enough about how courts work, and too many voters don't know or believe that cuts in court funding carry real costs. Champions of court funding should not expect that a few town meetings, or other episodic outreach, will generate meaningful support for the courts.

Strategic planning is required, along with a sustained commitment of resources and a willingness to invest in longer-term results. Advocates should focus their efforts on their most important target audiences. Disciplined campaigns will be required, and our research identifies the best messengers and the most effective messages.

### **Six steps to an effective message**

In focus groups and the opinion poll, we tested numerous messages used by judges, bar leaders and advocates around the country. Although there are no silver bullets, six key messaging principles emerged that can help advocates craft the best possible arguments:

**I. Focus on harm to taxpayers and the economy—not damage to the courts**  
It's not about you. It's about them. Supporters of court funding should not rely on statistics about caseloads and staff cuts. Instead, *focus on the harm done to individuals, average taxpayers and the economy as a whole when courts are underfunded.*

Use specifics to explain the damage done by court budget cuts:

- Delays raise incarceration costs, wasting taxpayer money
- Effective and efficient courts save taxpayers money
- Backlogs hurt small business owners, stifling job creation
- Cuts in courthouse security could put people in harm's way

And those growing caseloads and staff cuts? Talk about how they've brought the justice system to a breaking point—and how further cuts will directly impact businesses and taxpayers when they can least afford it.

## 2. Acknowledge shortcomings

When Americans learn that courts are overwhelmed, they usually blame problems with how the justice system is run. For example, when they hear about court delays, many are quick to blame legal maneuvering (see *Figure 3*).

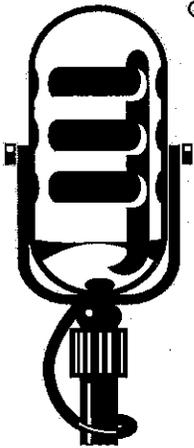
To credibly make the case for more resources, courts must first acknowledge their own shortcomings; only then can they convince the public they are a good investment of taxpayer dollars. Failure to acknowledge problems will weaken the power of your other arguments.

Facts and examples are critical to dealing with public skepticism. Focus groups were far more responsive to arguments that “there is no more fat to cut” when they were factually supported with detailed examples of how court users are suffering.

## Effective Criminal Justice Message

When courts are able to process criminal cases speedily, it saves taxpayers money by reducing the time that defendants spend in jail

awaiting trial. Cutting court funding costs taxpayers money by increasing jail time before trial.



## 3. Give taxpayers confidence in their investment

In a fiscally lean environment, all funding requests must demonstrate fiscal responsibility and performance accountability. Pull together a fact sheet, using specific examples and data to show how waste has been cut, and efficiencies implemented. Be positive and stay focused on the future; do not use the fact sheet as a tale of woe.

Give taxpayers confidence in their investment by providing details on how new funding will be spent. Use success stories that show how investments can save money and improve the delivery of justice. These might be technology initiatives that speed the hearing of cases, or specialty courts, such as drug courts, that reduce spending on incarceration.

The public wants to know that funding will modernize courts, not just restore a lost status quo. If your court has embraced performance measurement instruments such as the National Center for State Court's *CourTools*, make sure to highlight both your participation in the program and what your jurisdiction has learned from such measurements. (Learn more about this program at [courtools.org](http://courtools.org).)

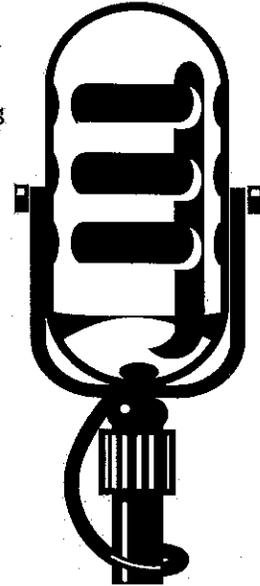
Technology is seen as a weakness of the courts: “Please review technology within the court system to improve efficiency,” said a focus group participant in Arizona. The public is willing to support technology investments to help with modernization and efficiency.

## 4. Use detailed stories

In focus groups discussing court funding, each session had a moment when the issue truly came alive. When abstract arguments turned to stories with a human impact, listeners' energy and attention jumped.

### **Effective Backlogs Message**

Courts are overwhelmed with record caseloads creating long delays and backlogs. If we don't act now to strengthen our courts, it will cost taxpayers millions of dollars and put basic Constitutional protections at risk.



What makes a strong narrative? It should be drawn from real cases and involve real people. Highlight localized stories of human impact, and impact on taxpayers. The stories must be detailed, credible and clearly caused by a shortage of court resources. (Otherwise, the public is far more

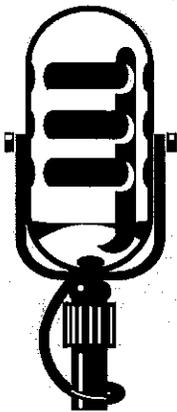
likely to blame legal maneuvering or frivolous lawsuits.)

Narratives must follow arguments about the economy, efficiency, and taxpayer savings. In this fiscal environment, stories will not change minds by themselves.

### **Effective Justice Message**

Our courts are the final line of protection for individual rights. They provide access to justice, protect us from abuses of power

by corporations  
or government  
officials, and protect  
our most basic  
Constitutional  
rights.



#### **5. Close by reminding the public of the courts' justice mission**

Abstract arguments will not carry the day, but it is important to finish by reminding voters and lawmakers of first principles: Courts exist to deliver justice, and funding cuts threaten the rights of everyday Americans. Once austerity-minded taxpayers are reassured that their money will be responsibly spent, invoking these principles can be a powerful closing argument.

Make voters aware that budget cuts have put access to justice and the fundamental protections at risk. The public also is responsive to arguments that there is a two-tiered system of justice, one for the wealthy and one for others. For example, "Access to justice is not a luxury. Our courts are needed in hard times such as these more than ever."

Figure 4

## Investment Options That Inspire The Most Public Confidence



*Question: Please indicate how effective you feel each of these would be in reducing delays in the court system and ensuring fair and impartial courts on a scale of zero to ten, where ten is extremely effective and zero is not at all effective.*

- 7.1 New technology to reduce paperwork and ensure more efficient recordkeeping
- 7.0 Mediation programs to resolve disputes without a trial
- 5.8 More public defenders to represent defendants who can't represent themselves
- 5.8 Specialized courts to handle complex issues like patent disputes
- 5.7 More judges to hear cases more quickly
- 5.5 Self-help centers that make it easier for people to represent themselves
- 5.5 More administrative staff to handle paperwork and ensure more efficient recordkeeping

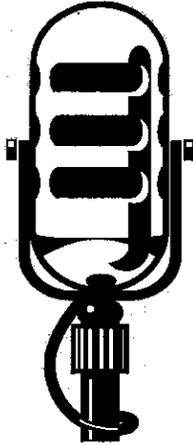
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"The American justice system cannot. . . sit idly by with the expectation that it will remain relevant, well-functioning, and indefinitely respected. In this new century, impatience is up, immediacy is king, and interconnection is essential.

Yesterday is not tomorrow's answer."

—John T. Broderick, Jr. Former Chief Justice, Supreme Court of New Hampshire

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## **Effective Investment Message**

Courts must change the way we do business to better meet the needs of citizens and employers across our state. That's why we're investing in technology to save taxpayers money and provide better customer service to those in our courts.

### **6. Avoid messages that could backfire**

The research also flagged three messages that reinforce public skepticism or that might even backfire. Some may be surprising or counter-intuitive. Be careful not to fall into these traps:

**“Courts are a ‘separate and co-equal’ branch of government and thus should be treated with greater respect in the budget process.”**

**INEFFECTIVE:** While appealing to many in the judicial and legal community, this perspective falls on deaf ears with the public. In fact, Americans overwhelmingly felt that the courts should not get special treatment, and the judiciary should be expected to tighten its belt—like everyone else.

**“More money should be poured into rebuilding staff capacity.”**

**INEFFECTIVE:** Though court budgets are spent mostly on personnel, the public is not persuaded that the answer to reducing delay and eliminating backlogs is to hire more staff. People were most responsive to arguments focused on measures to make courts more efficient, including new technologies.

**“Only conservatives believe that the court system is over-run by legal maneuvering, frivolous lawsuits, and red tape.”**

**FALSE:** Democrats, Independents and Republicans all cited these same three reasons most when asked why they think courts are backlogged (see Figure 3).

**Messengers the public trusts most**

- Retired judges
- Small-business owners
- Sitting judges
- Bipartisan groups of retired elected officials

**The role of attorneys:** The data show that the public does not view attorneys to be persuasive messengers on court funding. This is an important finding, since the courts naturally turn to bar leaders for support. Nonetheless, lawyers and bar leaders have vital roles to play organizing events and building audiences for other public messengers. (And attorneys can often be effective surrogates in reaching out to legislators and other decision-makers.)

## Section Three: Influencing Budget Policymakers

The old rules about how courts will be treated in state budget processes have been tossed out the window; new strategies are needed. In detailed interviews with budget policymakers in three states, several recurring themes stand out. All are related to the courts and their allies engaging fully in the budget process. These findings are affirmed by tactics used in a half-dozen states that helped courts gain some relief from the wholesale budget slashing seen in recent years.

By contrast, courts that have remained isolated from lawmakers, relying primarily on the “special status” of the Third Branch to protect budgets, have suffered.

To help courts advocate more effectively, we conducted in-depth interviews with a carefully selected set of individuals: budget policymakers, court leaders, court administrators and legislative fiscal staff in three diverse states (Kentucky, Oregon and Utah). We also interviewed leaders of successful court funding advocacy efforts in other states.

Forging year-round relations with lawmakers, demonstrating innovative management, and being transparent helps courts in the budget process. So does concretely demonstrating how well courts are serving the public.

The interviews revealed that court funding advocates face serious challenges—but that they can be addressed, and in some cases overcome, using the strategies and messages laid out here.

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“The courts like to be able to say ‘we’re a separate branch of government, we need full funding because we are a separate branch. . . . You’re treating us unfairly, you don’t understand why we need this funding.’”

And that’s true because they can’t document it satisfactorily for us.”

—Legislative Fiscal Staffer

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### Challenges courts face

- The absence of a natural constituency—policymakers feel little or no political pressure on court funding
- Fewer lawyer-legislators means less knowledge among budget policymakers

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“We survey the public as they leave the courts during the month of June, and we tell [budget policymakers] what they are saying about the services. They have a good feeling for what we are doing and how well we’re performing.”

—Court Administrator

- Lawmakers may see courts as special, but budget pressures trump
- Legislators are inundated with budget requests on all fronts
- Lawmakers feel enormous pressure to ensure taxpayers dollars are used wisely

### **Messengers that policymakers trust most**

- Supreme court justices
- Lawyers *within* the legislature
- Judges from the lawmaker’s district
- Lawyers from the lawmaker’s district
- Other “users” of the courts (business, families, veterans, etc.)
- Business leaders, preferably from the lawmaker’s district
- Court officials and administrators with data and evidence in hand

### **Understand the budget process**

While each state’s budget process is unique, there are commonalities worth noting. Courts must work effectively with both the executive and legislative branches, and understand that the two sometimes establish overarching principles for how to bring home the budget.

Typically, a handful of legislators are the budget experts, and other legislators depend on them. Courts must work effectively with legislative budget leaders in particular.

Bipartisan legislative supportive is generally needed. The good news is that funding for the courts should appeal to legislators on both sides of the aisle, though they may have different perspectives on how it fits into budget priorities. Suggested one legislator: “If you’re conservative like me, then we understand that the judicial system is a fundamental requirement of government.”

### **Make relationship-building a year-round process**

Within virtually every legislature in the United States, there are fewer lawyers than a generation ago. This means fewer natural champions for the courts, less understanding of what courts do, and less natural trust between judges and lawmakers.

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“The majority of legislators have little contact with the courts, and lack any real knowledge of the court. The truth is it doesn’t make any difference, the decisions are made by 4-5 people [who are legislative budget leaders]. You’re wasting your time talking to anyone else.”

—Judicial Leader

Legislators also often hear from constituents unhappy with particular court decisions. This points to a need for a more proactive approach by judges to help legislators understand the work of the courts. Where they exist, lawyer-legislators can be helpful, particularly if they communicate collectively.

One of the most damaging practices cited by legislators was a tendency among some judges to show up only at budget time, delivering requests in a manner perceived as an entitlement.

“They have to be constant advocates,” said one legislative leader. “[I]n the old days the chief [justice] would write down a number, and they chief legislator would say, ‘Ok. Here are those dollars.’ [With] so much pain in so many parts of the budget, there has to be constant advocacy, over-communication.”

Several court systems took this idea to heart, meeting year-round with legislators—in the capitol *and* in home districts.

Inviting legislators to local courthouses to meet with judges and court personnel, and to see firsthand how the courts work for people, helps with both education and relationship-building. In Missouri, every legislative session begins with a social event and orientation for freshman lawmakers hosted by the state supreme court.

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“[A] number of new freshman legislators were lawyers, all on the GOP side. For the first time we had a bipartisan group of lawyers form a caucus called the ‘Caucus on Court Funding,’ and they advocated in a caucus for our budget.”

—Judicial Leader

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“Keep a line of communication open. . . . A presentation to a subcommittee should be a closing argument, not an opening argument.”

—Legislative Fiscal Staff

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Year-round advocacy will assist greatly in making the case for funding to legislators.

### **Respect the budget process and those who run it**

Effective advocates for the courts are those who collaborate and provide the information needed in the budget process, including about current requests and past allocations. Fully account for expenditures under prior allocations as well as court fees. Respond promptly and completely to documentation requests. Understand that budget leaders need information to do their jobs. Be proactive.

“Courts tend to be too reserved and fail to press their case when they need to compete with other voices,” said one legislator. “Not enough to show the need, you have to play the ‘begging for dollars’ routine at least somewhat in the style that the legislature is comfortable with.”

Give credit to legislators working to understand court needs and who are trying to help. Demonstrate a thorough understanding of both the budget situation and the budgeting process, and the multiple complex demands made on budget policymakers throughout the process. policymakers take their jobs and budgeting responsibilities to taxpayers seriously, and expressed the most willingness to work hard on court funding when they felt court officials’ approach mirrored theirs.

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“[W]e’re trying to come to an appropriate balance: make sure that their constitutional needs are being met, but we have to make sure to fund education and state troopers, but [the courts] don’t see that. They’re only looking out for themselves.”

—Legislative Fiscal Staffer

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### **Effective staff-level work is essential**

The rules of respect and courtesy that apply to policymakers apply to fiscal staff as well. Collaborative staff level work between the branches and the budget office is essential. Indeed, as with so many other legislative issues, expect staff to manage the process, get the work done, solve problems, and have enormous influence.

Understand that legislative fiscal staff come from a different perspective than court staff, because they are dealing with all of their state’s many needs, and trying to figure out how to pay for everything with limited funds. Ignoring this reality will not help.

Court leaders should ensure that their staff are well-prepared with data and ready to work using a collaborative style and approach, not just with legislative staff but also with state budget office staff. Legislators cannot be convinced to approve court budget figures if, as one legislator put it, “fiscal bureaucrats are telling them no.”

Staff advocating for court budgets must be reliable and credible. Step one is to demonstrate genuine concern for holding down court costs. It will not help if staff are perceived as untrustworthy, self-interested, or nonchalant about the bottom line.

Lead by example with a collaborative approach, and work proactively to solve inter-branch staff-level tensions.

### **Propose a credible budget**

Court budgets will be taken most seriously when prepared in light of the entire state’s fiscal situation and where the courts fit within the framework of the entire state budget. The current environment of fiscal austerity means that extremely careful preparation is needed so courts can effectively make their case.

First, lay the foundation by developing a strong business model with data, metrics and plans to save taxpayers money. Second, bring forward a practical, detailed budget with explanations of needs that budget areas are meeting. Be prepared to support all aspects of the budget request with evidence and data. Third, explain, in detail, initiatives the courts have undertaken to save money, streamline process, and increase efficiencies. Be ready with documentation of programs, savings and impacts on services to the public and to business. Fourth, document

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“Getting them on the same page, getting them to agree to what numbers meant what, that was a challenge. There was an internal battle between the two staffs. We had to sit down with the chief justice’s staff and our legislative staff, and say ‘knock it off.’”

—Legislative Leader

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“Credibility is very important, showing that you’ve implemented best practices. I want to know what they have done, how does it compare with other states. Is it efficient or not efficient?”

—Legislator

everything. Be prepared with written summaries, with data or evidence, of how the funds were carefully used and what outcomes were achieved.

Legislators noted that it raises the credibility of those advocating for state budget allocations if they can show that court fees were carefully spent.

### **Detailed Results Show Impact**

“We eliminated all court reporting, [went all-digital]. We improved the delivery of transcript time. It took 138 days on average to deliver a transcript after it had been

requested. We now average 20 days.

We rethought our business model, and improved services while reducing the budget.”

—Court Administrator

“If [the courts] can document how they use that money, that would be good,” said one legislator. “We’ve tried to help them, and show them what they need [to show us]. We’ve tried to work hard [to convey that]: if you can give us this level of detail, we will be really happy, and can work with you to come up with a budget.”

Likewise, transparency in budgeting processes builds credibility and trust. One legislator suggested inviting budget policymakers to view court budgeting deliberations.

### **Build coalitions and enlist partners**

While our research shows that it may be hard work, and take a long time, to persuade the public to support new or restored court funding, it also shows that budget policymakers can be moved by shows of support from outside of the courts. That support cannot come from lawyers and bar associations alone, because they are often viewed by lawmakers as self-interested.

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“[W]hen the courts walked in with enough data [on workload and performance]. . . .

The argument for the courts’ funding was so much easier.”

—Legislator

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“I want to be really careful about the Bar being effective. They can be helpful on a one-to-one basis, they have been active in lobbying our legislature, but there is resistance to the Bar as a whole.”

—Judicial Leader

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Building broad-based coalitions and using them as real-world ambassadors on behalf of the courts lies well outside the comfort zone of many court leaders, who often see budget negotiations as an “inside game” between themselves and a few key decision-makers. And yet states that enlisted outside messengers, notably Massachusetts and South Carolina, scored against-the-odds budget victories.

This approach offers significant potential for states that have not tried it. Outside messengers who already have trusted dealings with decision-makers can validate the value of courts in ways that even the highest court leader cannot.

Said one senior legislator: *“A few business organizations weighed in, that was helpful. . . . to have users of the system advocate, people who didn’t work for the system, that was useful and new. Increase that.”*

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“Legislators hear every day how the world is going to end if somebody doesn’t get their funding, it doesn’t faze them anymore.”

—Legislator

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### **Avoid common missteps**

Do not tell a tale of woe about courts losing staff or judges losing salary increases or courtrooms. Legislators are clear: courts exist to serve the public. Thus, what is most effective are compelling, specific narratives about legal needs of people and businesses that courts are unable to meet. Assertions must be supported by data about court users and their cases.

Do not take for granted that legislators or fiscal staff will understand the functions or needs of the courts, how they operate, how many people they serve, or what they need to function at the most basic levels.

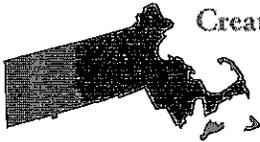
Do not assert “Third Branch” arguments while discussing specific budget requests. Court budget needs must be supported by clear articulation of needs demonstrated by data.

Do not offer a “black box” budget with all top-lines and no detail. Use details and evidence to bolster the case, like businesses must.

# Stories From the Frontlines

While not all of the states below escaped financially unscathed, the tactics they adopted appear to have been effective in mitigating budget cuts.

## Massachusetts



### Creatively Engaging Legislators

After many years of cuts, a 2012 campaign led by the Massachusetts Bar Association helped preserve a nearly steady budget and ended a four-year freeze on hiring court personnel. A unique part of the program was a billboard campaign on key routes near the state Capitol. This was supplemented with e-mails and videos to legislators (including one video of a 19-year-old girl struggling to keep her family together), and a court advocacy day, with judges, lawyers, and opinion leaders.

## Minnesota

### Simplifying Presentation Of Budget Cut Impacts

In Minnesota, court leaders halted several years of cuts with a more sophisticated legislative campaign centered around simplifying the presentation of budget cut impact data to lawmakers. Pro-court advocates gave legislators a one-page document with detailed impacts of proposed cuts. The short-form document improved legislator education and built new support at budget time.



## Missouri

### Advocating Cost-Saving Measures and Building Relationships

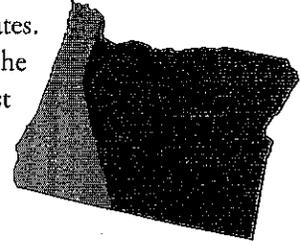


Judicial advocacy of “smart sentencing” showed how a court-instigated reform could significantly reduce costs. Missouri court leaders also engage in constant relationship building, starting with an annual social event hosted by the state supreme court for freshman legislators. The courts also won funding for drug treatment courts as part of the reform package.

## Oregon

### Building Relationships and Using “Non-Court” Voices

The Oregon Supreme Court earned longstanding credibility with lawmakers through regular outreach and willingness to work within budget realities. A move to e-court operations led to savings. Business leaders were employed as advocates. Proposed (and actual) cuts in court operating hours helped demonstrate to the legislature the real-world impact of budget reductions and led to some modest emergency fund appropriations.



## South Carolina

### Forming Coalitions with Business Leaders

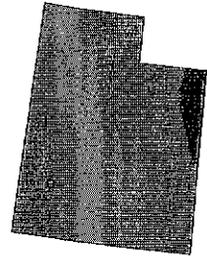
After losing 40% of its total budget in 2009-10, the South Carolina courts tried a new lobbying approach, and won increases in their next two budgets—including approval of nine new judgeships, the first increase in 15 years. Tactics included involving the help of in-house counsel and governmental liaison officers from large corporations, including BMW and Boeing. Messages emphasized economic development and the need of businesses for fair, neutral, quick, and sensible dispute resolution. “Trusted corporate governmental liaison officers and in-house counsel were great messengers for court funding,” according to one state court leader.



## Utah

### Documenting Performance Measurement

At a time when all state agencies were being cut, Utah courts aggressively used National Center for State Courts’ *CourTools* as a basis for assessing branch-wide performance. By sharing performance data with the legislature, along with annual survey results from court visitors, the courts earned strong marks from Utah legislators for transparent, business-like budgeting. This trust and confidence paid bottom-line dividends. The Utah courts received strong legislative support for their accelerated transition to the electronic record and preserved base funding, which had been their request for the 2012 legislative session. In addition, at a time when almost no new programs were being created, they received funding for a state-wide self help center program to assist with the rapidly growing ranks of the self-represented.



## Methodology

This strategy guide is based on research on court funding commissioned by Justice at Stake and the National Center for State Courts and performed by GBA Strategies of Washington, DC.

The recommendations that underlie Sections 1 and 2 of this guide are based on findings from focus groups and a national public opinion survey. Six focus groups were held in Richmond, Virginia; Milwaukee, Wisconsin; and Phoenix, Arizona, between February 13-23, 2012. The public opinion survey of 1,000 registered voters was conducted between April 2-5, 2012.

Recommendations within Section 3 are based on extensive telephone interviews between representatives of GBA Strategies and budget policymakers in the states of Kentucky, Oregon and Utah. Those interviews included state Chief Justices, state court administrators, legislators, legislative staff, and others with an intimate knowledge of the court budgeting process.



# Key Takeaways

## Generally

- Focus on budget policy-makers in the short term, and educate the public over time.
- Embrace demands for austerity, and show how courts will be effective stewards.
- Use detailed narratives to show the impact of cuts on people and the economy.
- Remind audiences of the courts' core mission of delivering fair and timely justice.

## Messengers

- The public is most persuaded by retired judges and small-business owners.
- Legislators want to hear from Supreme Court justices, fellow lawmakers who are attorneys, and constituents (especially judges, attorneys, business leaders and court users).

## Engaging the Public

- Americans need to know more about how courts work, and how underfunding of courts harms taxpayers and the economy.
- Acknowledge problems, and use specifics to show how investments will generate efficiency and savings.
- Close by showing how budget cuts threaten access to justice and the fundamental protections promised by the justice system.

## Persuading Decision Makers

- Understand the budget process at all levels.
- Relationships are key, both with policymakers and staff.
- Educating legislators and staff about the courts is necessary.
- Year-round engagement, not just at budget time, is essential.
- Transparency wins trust, as does being a full partner in the budget process.
- Present a detailed, carefully prepared budget.
- Explain budget-cut impacts on court users—including businesses—in simple, concrete terms.
- Developing strong business data and metrics bring credibility.
- Find ways to save taxpayers money, track progress and report back.
- Remind legislators of courts' core mission.

The Superior Court of Washington  
In and for Grant County

EVAN E. SPERLINE, Judge, Dept. 1  
JOHN D. KNODELL, Judge, Dept. 2  
JOHN M. ANTOSZ, Judge, Dept. 3  
MELISSA K. CHLARSON, Court Commissioner

35 C Street NW  
P.O. Box 37  
Ephrata, WA 98823  
(509) 754-2011

MINDI FINKE, Court Administrator  
CRYSTAL BURNS, Deputy Court Administrator  
LYNETTE HENSON, Jury Administrator  
TOM BARTUNEK, Official Reporter

January 16, 2015

Bob Lichtenberg, J.D.  
Language Access Coordinator  
Office of Court Innovation  
Administrative Office of the Courts  
P.O. Box 41170  
Olympia, WA 98504-1170

RE: Accessibility of Interpreters

Dear Mr. Lichtenberg:

Enclosed please find (1) a copy of a letter received from Northwest Justice Projects dated January 6, 2015, and (2) a copy of a memo from John Bell to Gil Austin dated June 30, 2004. As you can see, Northwest Justice Project raises concerns regarding accessibility of interpreter services in Grant County.

We have two questions: (1) have other counties received similar letters, and (2) do you have updated information for our consideration?

Thank you.

Very truly yours,



Mindi Finke  
Court Administrator  
509-754-2011, ext. 4144

Enclosures



## Northwest Justice Project

PO Box 3324  
300 Okanogan Ave, Ste 3A  
Wenatchee, WA 98801  
Tel. (509) 664-5101  
Fax (509) 665-6557

Toll Free 1-888-201-1021  
[www.nwjustice.org](http://www.nwjustice.org)

César E. Torres  
Executive Director

January 6, 2015

The Honorable John Antosz  
The Honorable John Knodell  
The Honorable Evan Sperline  
Grant County Superior Court  
P.O. Box 37  
Ephrata, WA 98823

Dear Grant County Superior Court Judges:

We write today because we would like to discuss with you three concerns regarding "access to justice" issues in the Grant County Superior Court. As you know, the Northwest Justice Project (NJP) provides free civil legal services to low-income people throughout the state. As part of this work NJP addresses barriers low-income people face when interacting with the justice system. We would like to discuss the implementation of GR 34 and the accessibility of parenting classes to Limited English Proficient (LEP) parents. We would appreciate an opportunity to meet with you to discuss barriers our clients have experienced.

### (1) Accessibility of interpreters

We understand your court requires litigants and witnesses to submit a motion and declaration for a fee waiver as a condition to being provided with an interpreter at the court's expense. This position is consistent with RCW 2.43.040, but is inconsistent with federal law, which applies to your court if you receive federal funding. Title VI of the Civil Rights Act of 1964 prohibits programs that receive federal funding from discriminating against persons based on their national origin. 42 U.S.C. §§ 2000d to 2000d-7. This issue was recently addressed by the Department of Justice office in Seattle regarding the provision of interpreters in King County Superior Court. We understand the KCSC had a practice similar to Grant County's, i.e., they required a showing of indigence as a condition to providing an interpreter at the court's expense. The DOJ entered into a Memorandum of Understanding with the KCSC according to which the Court agreed to provide interpreters free of charge, without requiring that the party requesting the interpreter prove indigence. The MOU provides:

The KCSC commits to provide, or, as the case may be, continue to provide, at no cost to limited English proficient ("LEP") individuals, timely and appropriate language assistance services in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law. In all other instances, the KCSC will provide certified or qualified interpretation services free of charge to (a) LEP parties, witnesses, or victims; (b) LEP parents, legal guardians, or custodians of minor children who are parties, witnesses, or victims; and (c) LEP legal guardians or custodians of adult parties, witnesses, or victims. The KCSC otherwise will continue its existing training, operations and practices with respect to its interpreter services.

Please see the attached copy of the Memorandum of Understanding, which is also available online at

[http://www.justice.gov/crt/about/cor/agreements/012114\\_DOJ\\_Review\\_of\\_Interpretive\\_Services\\_King\\_County.pdf](http://www.justice.gov/crt/about/cor/agreements/012114_DOJ_Review_of_Interpretive_Services_King_County.pdf).

We urge your court to adopt a similar practice.

## **(2) Timely Review of GR 34 applications and Motions for Waiver of Interpreter Fees**

NJP clients report experiencing up to a one-week delay in filing actions in Grant County Superior Court because GR 34 applications are reviewed only on Wednesdays. GR 34(2) states that "[a]ll applications shall be presented to a judicial officer for consideration in a timely manner and in conformity with the local court's established procedures." While Grant County's established procedure may be to review GR 34 motions once per week, this procedure is not "timely" when considering the need of many litigants to file their cause of action immediately.

It is also our understanding that motions for waiver of interpreter fees are only reviewed once per week. NJP clients report that they are not guaranteed to receive an interpreter for their upcoming hearing, such as when on a Thursday a litigant requests an interpreter for a hearing occurring before the next date fee waiver requests are reviewed. To the extent the court continues to require litigants to prove indigence as a condition to being provided an interpreter, once per week approvals of fee waiver applications are not timely for those needing an interpreter at a hearing scheduled, e.g., for the next day. While we understand the incredible demands on your time, we ask that fee waiver applications be reviewed on a daily basis, or sooner if time is of the essence.

### (3) Parenting seminars and LEP litigants

Grant County Local Rule 16A, citing to RCW 26.12.170, requires that all domestic relations litigants “attend and complete a parenting seminar.” In the “Order Compelling Attendance at Parenting Seminar – Amended,” the Court lists three approved providers of parenting seminars: (1) Daniels-Brown & Associates; (2) Parenting! NW; and (3) ChildSharing, Inc. at ChildSharing.com.

LEP litigants have an especially difficult time complying with this local rule because Daniels-Brown & Associates and Parenting! NW only offer classes in English. ChildSharing, Inc. appears to no longer exist, or the name of the company has been changed to Onlineparentingprograms.com. While this company does offer a “class” in Spanish, this class requires parties to spend approximately four hours reading a booklet on parenting issues and to take a final exam; there is no actual class or instruction. Our clients take this “class” in order to complete their domestic relations case, but in our experience most are only able to answer four or five out of thirty questions correctly. While they received the booklet in their native language, these parents still have a hard time comprehending the materials because many have a low level of education and literacy. If the goal of the Court is to teach parents how to help their children during and after divorce, it is not being met for LEP parties by the online parenting program.

Grant County Superior Court also requires low-income litigants to pay a fee to complete these parenting seminars, even when the parties have already been granted a GR 34 order waiving all “filing fees or surcharges the payment of which is a condition precedent to a litigant’s ability to secure access to judicial relief.” GR 34(a). By requiring domestic relations litigants to complete a parenting seminar as a condition to obtaining final orders, Grant County is imposing a mandatory fee in the form of payment to the parenting seminar provider. Grant County enforces this mandatory fee by imposing sanctions against domestic relations litigants who fail to take the parenting seminar. The Order Compelling Attendance at Parenting Seminar states that the “[f]ailure of a party to attend and complete a parenting seminar as directed, unless attendance is excused on the basis of substantial hardship established by written affidavit or oral testimony, may subject such party failing to attend or complete to civil contempt proceedings and/or stricken pleadings.”

It is our interpretation, and that of a unanimous Washington Supreme Court, that once a GR 34 petition has been granted, *all* mandatory fees and surcharges are waived, and the litigant need not re-apply for additional fee waivers as the case progresses. In *Jafar v. Webb*, 177 Wash.2d 520, 303 P.3d 1042 (2013), an indigent litigant requested a fee waiver pursuant to GR 34 to proceed with an action to establish a parenting plan and child support order. The trial court determined that the petitioner was indigent and waived some of the fees and surcharges, but required the petitioner to pay certain sums to avoid dismissal of her case. *Id.*,

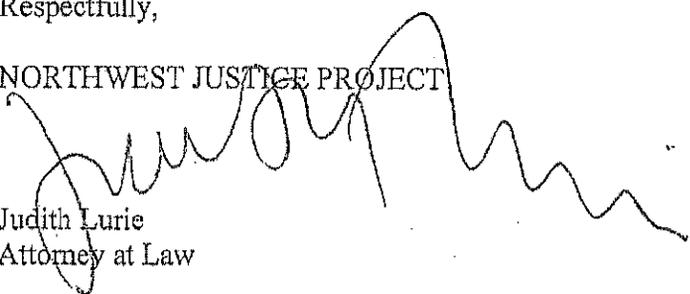
at 524, 1044. Basing its decision on the plain meaning of GR 34 and constitutional cases regarding fees imposed on civil litigants, the *Jafar* Court ordered the trial court to “waive *all* filing fees and surcharges” because the “plain meaning of GR 34 establishes that a trial court must waive all fees once a litigant is determined to be indigent under the rule.” *Id.*, at 531, 1047 and 527, 1045 (emphasis in original). The *en banc* decision held that “Fees and surcharges imposed on indigent litigants affecting the right to access justice are invalid.” *Id.*, at 531-532, 1047.

Grant County’s practice of waiving mandatory fees and surcharges for GR 34 recipients, but still requiring litigants to pay parenting seminar fees amounts to a partial fee waiver, in violation of the plain meaning of GR 34. Accordingly, we ask that your court either pay the parenting class provider for the litigant, or explore options for other parenting classes that could be offered free of charge.

In conclusion, it is not without discomfort that we write this letter to a court that we well appreciate does not receive adequate funding, and to judicial officers and staff that we know are working as hard as they can and as fast as they can to keep up with the incredible demands put upon you. At the same time, we write as advocates for the low-income population your court serves, and hope you appreciate NJP bringing to your attention the perspective of low-income litigants and witnesses, many of them LEP, who your court serves. We would appreciate an opportunity to meet with you to discuss the issues raised in this letter, and look forward to hearing from you.

Respectfully,

NORTHWEST JUSTICE PROJECT



Judith Lurie  
Attorney at Law

June 30, 2004

TO:	Gil Austin
FROM:	John Bell
RE:	Interpreters in Civil Cases

**QUESTION:** Do the courts bear the cost of interpreters for non-English speaking persons in civil cases when the recipients are financially capable of bearing the expense?

**ISSUE:** A state statute provides that language interpreters in civil cases should be paid for by the recipient unless the recipient is indigent. Federal guidelines state that federally assisted programs should provide interpretative services so that non-English speaking persons can have meaningful access to the programs. Are the courts required to fund interpreters in all civil cases based on the language in the federal guidelines?

**SHORT ANSWER:** No. First, the state statute provides for "meaningful access" to the courts. The statute requires the court to pay for interpreters in civil cases where a recipient is indigent. Second, the federal guidelines address the availability and accessibility of interpretative services and not how these services are to be funded. Third, the state law is not an obstacle to implementing the federal guidelines. Finally, parallel federal laws on interpreters do not require full funding of interpreters in the federal courts.

**DISCUSSION** - Interpretative services are provided in every situation in Washington state courts. The question of the right to an interpreter has arisen most often in criminal cases.<sup>1</sup> In that context, the courts have recognized that if a defendant is unable to understand the English language the defendant cannot effectively defend the charge and receive a fair trial. Interpreters are constitutionally required in criminal cases. This is not an issue in Washington State. Interpreters are state funded in all criminal cases.<sup>2</sup> But this funding is not limited to criminal cases as the state pays for interpreters in civil cases where the party or witness is unable to pay.

**1. State law and the federal guidelines have a common goal: providing meaningful access to the courts for non-English speaking individuals.**

a. State Law on Interpreters in the Courts.

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<sup>1</sup> *State v. Gonzales-Morales*, 138 Wn.2d 374, 979 P.2d 826 (1999); *United States ex rel. Negron v. New York*, 434 F.2d 386, 389 (2d Cir.1970).

<sup>2</sup> RCW 2.43.040 (2).

Anyone in Washington who does not speak or understand English is still assured meaningful access to Washington courts. The legislature mandated this when it drafted chapter 2.43 RCW. RCW 2.43.010 sets forth the legislative intent regarding the use of interpreters in Washington courts:

It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. ...

The responsibility of paying the interpreter depends on either the type of case or the financial status of the party or witness. RCW 2.43.040 says that the cost of an interpreter is not borne by the government unless "the party is compelled by the appointing authority to appear." So in civil cases a non-English speaking person bears the burden of language interpretation costs because the recipient is not compelled to appear by the "appointing authority." But there is an important exception: If the non-English speaking person is indigent, the government will pay for the interpretative services.

... the cost of providing the interpreter shall be borne by the non-English speaking person unless such person is indigent according to the adoptive standards of the body. In such a case the cost shall be an administrative cost of the governmental body under the authority of which the legal proceeding is conducted.

RCW 2.43.040 (Emphasis added.)

b. The Federal Guidelines.

The Department of Justice (DOJ) has developed guidelines to interpretive services entitled "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons." These guidelines are set forth at 67 FR 41455.

The purpose of these guidelines is to ensure that non-English speaking persons have "meaningful access" to federally funded programs. A portion of the preface to these guidelines states: "Recipients of federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP)." The question a court must ask when interpreting these guidelines is not how interpreters are funded, but rather, if meaningful access to courts is given to persons who do not speak or understand English.

c. Non-English speaking persons are given meaningful access to Washington courts.

“Meaningful access” to the courts is not deterred by simply requiring a financially capable person in a civil case to pay for interpretative services. If the interpreter is available and accessible, there is “meaningful access to the courts.”<sup>3</sup>

## **2. The federal guidelines do not preempt state law.**

These federal guidelines neither expressly nor impliedly preempt state law. If there is no expressed or implied preemption, then the state law is preempted only if there is an “actual conflict” between the two laws. There is no actual conflict between these federal guidelines and state law, specifically RCW 2.43.040.

“An actual conflict exists if it is impossible to comply with both the state and federal law or if the state law is an obstacle to carrying out the congressional intent.”<sup>4</sup> RCW 2.43.040 complies with the federal guidelines. Interpreters are accessible to non-English speaking persons with the only caveat that a non-indigent recipient of the services in a civil case must pay for the interpreter.

The DOJ guidelines do not require, nor do they imply, that the government must fund every conceivable interpretative service situation. The guidelines recognize that each situation is different. In fact, these guidelines state that they are just that: guidelines. “The policy guidance is not a regulation, but rather a guide.”<sup>5</sup>

## **3. Requiring the courts to fund all interpretative services is inconsistent with federal laws.**

Interpreting these federal guidelines as mandating full-funding for interpreters in all civil cases is not only mistaken, but such an interpretation is inconsistent with federal requirements. The Court Interpreters Act states that interpretative services may be provided to a person on “a cost-reimbursable basis, but that the judicial officer may also require the prepayment of the estimated expenses of providing such services.”<sup>6</sup> The Federal Court Rules of Civil Procedure leaves the discretion of payment of an interpreter to the court with the payment to be taxed as a cost. Federal Rules of Civil Procedure Rule 43(f) says:

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<sup>3</sup> Of course, if an indigent person is not provided an interpreter because of inability to pay for the interpretative services then “meaningful access” is denied. But that is not the question or scenario presented. My understanding of the scenario is: (1) Non-English speaking party or witness in a civil case. (2) The party or witness is not indigent. (3) Interpreter is available and will be provided. (4) Party or witness will have to pay for the interpreter’s services. (It is my opinion; if either 2 or 3 are removed from the scenario then the court may be in violation of the guidelines and/or the state statute.)

<sup>4</sup> *Van Patten v. Jensen*, 112 Wash.2d 552, 554, 773 P.2d 62 (1989).

<sup>5</sup> 67 FR 41455 section I footnote 2

<sup>6</sup> 28 U.S.C.A. §1827 (g) (4).

Interpreters. The court may appoint an Interpreter of its own selection and may fix the Interpreter's reasonable compensation. The compensation shall be paid out of funds provided by law or by one or more of the parties as the court may direct, and may be taxed ultimately as costs, in the discretion of the court.

Surely, the DOJ did not intend to demand more of the states that it does of the federal government.

**CONCLUSION:** Washington Courts go farther than federal and most state laws in providing and funding interpreters for civil cases. Neither the law nor the federal guidelines require that a court pay an interpreter in a civil case where the recipient has the ability to pay for the interpretive services. I could find no reason that Grant County cannot continue its current practices regarding funding of interpreters. Under current practices, no one is denied an interpreter and therefore any non-English speaking person is given meaningful access to the courts.

This should not be construed as legal advice, only an opinion. RCW 2.56.020 does not allow AOC employees to practice law.

**Education and Issues Committees  
Minutes**



**Interpreter Commission- Education Committee**  
**December 12, 2014 (11:00 a.m. – 11:45 a.m.)**  
Teleconference

**MEETING MINUTES**

**Members Present:**

Sam Mattix (chair)  
Eileen Farley  
Fona Sugg

**AOC Staff:**

Robert Lichtenberg

**I. Meeting Called to Order**

- Meeting called to order at 11:00 A.M.
- Chair volunteered to take minutes of this meeting.
- Minutes of November 21, 2014 meeting mentioned as previously approved.

**II. Old Business**

- Task assigned by IC at May 30, 2014 meeting: Propose improvements to procedure for biennial compliance reporting.  
Recommendations from November 21 E.C. meeting were further revised as follows:
  - Send reminders to all certified and registered interpreters by e-mail and US Postal Service in early September before the end of the biennial compliance period, instructing them to check their profiles on the AOC website to determine what they have left to complete. Send follow-up reminders to all certified and registered interpreters (e-mail only) in early October, November and December. Reminders should include the consequences of being out of compliance starting January 1 (per next point), and encourage interpreters to contact AOC immediately if necessary to resolve compliance problems well before December 31.
  - If not in compliance on January 1,
    - (1) issue notification to interpreter by e-mail and US Postal Service of non-compliance, and allow them until February 1 to come into compliance, or be subject to referral to the Disciplinary Committee on February 1. The notice to the interpreter should specify the interpreter's non-compliant issues<sup>1</sup> (CEUs, minimum job hours, oath renewal, criminal history sworn statement<sup>2</sup>), and inform the

<sup>1</sup> Secretary included this from Eileen's email today; it was not mentioned during today's meeting.

<sup>2</sup> These specifics were not mentioned during today's meeting; Secretary includes them for sake of non-interpreter members who might think that CEUs are the only compliance issue. These are the compliance items that

interpreter that AOC has notified courts of their non-compliant status.

(2) AOC shall notify courts with a list of non-compliant interpreters, instructing courts to qualify and swear them in for each appearance until AOC notifies courts that the interpreter is again compliant, and AOC shall provide an efficient way for courts to check whether an interpreter previously listed as non-compliant is now in compliance.

- Note: At Bob's suggestion, no administrative fee will be assessed for the first reporting cycle that this new procedure is implemented, to evaluate effectiveness of this new procedure and to assess whether a fee would have the unintended result of discouraging interpreters in some of the scarcer languages.
- Note: Non-compliant interpreters' listings will remain unchanged in the online directory, pending action by the Disciplinary Committee, such as interim suspension, etc., per Disciplinary Rules.
- February 1 –Refer non-compliant interpreters to the Disciplinary Committee for further action. Referral to the Discipline Committee will be automatic if an interpreter is not in compliance by February 1. The question of whether an interpreter's plan to come into compliance is sufficient should be deferred to the Discipline Committee.
  - Note – Bob's comment: All working court interpreters are required to abide by the Code of Conduct, including those whose status is non-compliant, suspended or de-certified.

### III. NEW BUSINESS

- None; restricted agenda due to time constraints on today's meeting.
- No new meeting date scheduled at this time. Will be scheduled by e-mail when these minutes go out to the committee. The four persons in attendance confirmed that Friday noon is a good time for scheduled teleconference meetings, except that Fona has a conflicting obligation the last Friday of each month.
- Meeting adjourned at 11:45

<b>Action Item Summary</b>	
Bob – AOC staff, and Sam – as I.C. interpreter representative, will plan to attend a NOTIS board meeting in the near future to continue and facilitate communication with court interpreters about changes to biennial compliance reporting procedures and AOC approval of CEU course proposals. (Linda – the other I.C. interpreter representative is on NOTIS board, so normally attends these meetings already.)	<i>Future Action</i>

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interpreters update online; presumably AOC can do a mailmerge from that database to issue interpreter-specific notices of non-compliance.



**Interpreter Commission- Education Committee**  
**Friday, February 6, 2015 (12:00 p.m. – 1:00 p.m.)**  
Teleconference

**MEETING MINUTES**

**Members Present:**

Sam Mattix  
Fona Sugg  
Eileen  
Linda Noble

**AOC Staff:**

Robert Lichtenberg  
James Wells

**I. Date for Standing Meeting**

- Call to Order 12:05
- Roll call. Present: Fona, Eileen, Sam, Linda, Bob
- Appoint secretary for this meeting – Linda
- Minutes of January 23, 2015 meeting approved
- James Wells joined the meeting at approx. 12:10

**II. Calendar of regularly scheduled trainings**

Sam will send table with slots for 2015 and 2016. It includes the annual conferences for court administrators and judicial officers. Sam will send it to Bob to fill in the dates and then make it available to the committee. E/C can volunteer to help as presenters per Bob's request. The table includes a list of other groups to whom AOC has presented in the past, and other groups may be added to the list.

**III. CE Reporting Compliance Procedure**

Robust discussion resulted in the following motion by Eileen:

Send early-warning notice out to all interpreters on or about September 1 of the 2<sup>nd</sup> year in the reporting period. The notice will advise interpreters that they must fulfill and submit all of their continuing education requirements by Dec 31 of that year. If the requirements are not fulfilled by Dec 31, notification will be sent to the courts indicating that the interpreter is "out of compliance". If the interpreter does not come into compliance within X days, the matter will be referred to the disciplinary committee for de-certification process[SAM1].

Friendly amendment by Fona:

update on interpreter's status sent to courts should indicate that interpreter is still certified but out of compliance with CE reporting requirements.

Friendly amendment by Eileen:

courts and interpreters will also be put on notice that the "permanent" (2-year) oath is no longer valid and the interpreter will have to be sworn every time they appear in court.

Friendly amendment by Fona:

define period X as sixty (60) days.

Friendly amendments were seconded and carried the vote.

Original motion with friendly amendments voted on and approved:

Send out reminder of deadline to meet compliance requirements [SAM2] to all interpreters on or about September 1 of the 2nd year in the reporting period. The notice will advise interpreters that they must fulfill and submit all of their continuing education requirements by Dec 31 of that year. If the requirements are not fulfilled by Dec 31, AOC will notify Washington State courts that the interpreter is "out of compliance" with CE reporting requirements, but still certified/registered. Courts and interpreters will also be put on notice that the "permanent" (2-year) oath is no longer valid, so that interpreters who are out of compliance will have to be sworn every time they appear in court. If the interpreter does not come into compliance within sixty (60) days, the matter will be referred to the Disciplinary Committee [SAM3].

Additional suggestion – the notification sent on September 1 should include information about practices in other state court systems (e.g. California) which include annual certification renewal fees, strict deadlines and substantial late fees.

Note: the Education Committee intends this measure to be a one-compliance-period pilot project to evaluate the efficacy prior to introducing contemplated administrative late and/or reinstatement fees.

Note: the E/C concluded that it sees no need to provide courts with specific recommendations about how they should handle interpreters who are out of compliance. The hope is that the proposed very-limited sanction will be sufficient to bring interpreters into compliance without further action.

#### **IV. Joint Work with Issues Committee**

The Education Committee will work together with the Issues Committee on developing guidelines for the course content for approved continuing education. Linda will be present at the next Issues Committee meeting (Feb. 13, 2015) to provide some continuity on the on-going discussion around relevant course content for CECs.

**V. Final Business**

- Meeting adjourned at 1:05 p.m.
- Next E/C meeting: February 27th; 12:00 – 1:00 PM

<b>Action Item Summary</b>	
Sam and Eileen – review California’s policy for interpreters who are “inactive” (e.g. out of the country for lengthy periods of time). Create a procedure whereby such interpreter would not automatically be deemed out of compliance, but would have the ability to “suspend” their own certification without repercussions during extended periods of absence from work in the profession in Washington State.	<i>Future Action</i>
James – check with the IT department to see if “inactive” or “unavailable” status can be added to an interpreter’s profile on the AOC webpage and report findings at the next Education Committee meeting.	<i>Future Action</i>



**Interpreter Commission- Issues Committee**  
**Wednesday, February 4, 2015 (12:00 p.m.)**  
**(continued on February 13, 2015)**  
Teleconference

## MEETING MINUTES

**Members Present:**

Judge Beall  
Kristi Cruz  
Alma Zuniga

**AOC Staff:**

Robert Lichtenberg  
James Wells

**Member Absent:**

Linda Noble

### I Date for Standing Meeting

The Issues Committee discussed establishing a standing time for the committee to meet. The committee decided to hold a meeting on the first Tuesday of each month at 12:00 PM with the possibility of holding additional meetings as necessary. A reminder will be sent out the Friday before each meeting with an agenda that will be prepared by the chair of the committee with input from AOC staff.

### II Reporting of Criminal Convictions

In regards to reporting criminal convictions, the committee discussed the WSBA policy for its members where those members must report a felony within 30 days of conviction and there is an automatic suspension of their license to practice for felony convictions. In comparison, the current AOC policy states that if an interpreter were to be convicted during the two-year reporting cycle, they must report the conviction at the end of the cycle. There are no automatic suspensions.

The committee recommends a change to the Interpreter Program's rules that if a certified or registered interpreter is convicted of a misdemeanor, gross misdemeanor, or felony, they must report the conviction immediately to the Interpreter Program. The conviction will then be referred to the Disciplinary Committee for further action. The committee agreed to leave the two-year reporting requirement intact for pending charges. This language would go into policy but would not require any GR 11 rule changes.

A question arose regarding how interpreters would be notified of the policy changes. Staff reported that the normal procedure is to send out an email on the Court Interpreters listserv with the possibility of sending letters via US Mail.

The committee agreed to refer the issue of effective date of the reporting policy change to the Interpreter Commission.

In that the current GR 11.1(2)(c) language references "certified" interpreters but not registered language interpreters, the committee recommended that the word "registered" be added to clarify that the reporting requirement also applies to registered language interpreters. As the existing revision to GR 11 is in the process of being recommended under a Rule 9 action, it was recommended that this language be included in the proposed revisions.

Recommended changes to the policy manual/rules are as follows. The proposed is language in italics:

Change to Continuing Ed. Requirements (for both Certified and Registered Interpreters)

REQUIREMENTS:

Interpreter Conduct

Every two years, certified/registered interpreters shall report whether they have been charged with or convicted of a crime, or found to be in violation of a court order.

*If, at any time during the two year compliance period, a certified/registered interpreter is convicted of a misdemeanor, gross misdemeanor or felony, the interpreter must immediately notify the Commission of the conviction. The reported conviction will be referred to the Disciplinary Committee for review.*

Change to Rule 11.1(b)

All certified court interpreters who are certified in the state of Washington by AOC and all registered court interpreters who are registered in the state of Washington by AOC are subject to the rules and regulations specified in the Interpreter Program Manual.

### III Continuing Education Course Approval

The Committee discussion divided the discussion regarding CEU provider submittals into two sections: (1) procedure and timeline for credit approval, and (2) content of courses.

AOC staff reported that other states often have a requirement for a course provider to submit their approval request 30 days before the event date, but that in reality many submissions come in after the deadline and are often approved to allow more

opportunities for interpreters to get credit and remain in compliance. For Washington, a majority of CEU approval requests from providers come in before the deadline and are generally approved if there is enough information to make a judgment. In general, the Program can evaluate and approve courses within two to three days of submission. AOC staff reported that individual interpreters are very often late in submitting a CEU approval request for a course they attended that was not AOC-approved, mainly because they have to submit proof of attendance in their request packet. Retroactive approval requests are not a frequent occurrence however, but they do take more staff time compared to provider approvals.

The committee discussed the appropriateness of having a minimum of 30 days for a provider to submit an application for credit approval. A proposal for 14 days is discussed due to the hardship placed on out-of-state providers who often don't consider seeking Washington state approval until a Washington certified interpreter requests it, which is often late. The committee ultimately decided to keep a 30 day advance window to encourage earlier approval submittals so that the interpreting community would know about the AOC's approval of the course's CEUs sooner and have the opportunity to attend. Also, it was clarified by AOC staff that individual interpreter CEU requests made after the 30 day submittal window still are reviewed and acted upon.

Regarding court interpreters requesting CEU approval, the committee suggested a 30 day window after an event for attendee to request approval. Members discuss a concern that without a time frame there could be a flood of requests at the end of the reporting cycle and materials and documents could be lost in the meantime.

The committee agreed to keep the language regarding the AOCs timeline of approval for an application for course study non-specific and that the program would respond in a timely manner.

The committee suggests breaking up language regarding course approval into two sections: one regarding applications made by providers, and one regarding applications made by attendees. A statement will be inserted regarding the AOC staff reviewing the application in as timely as possible.

Recommended changes to the policy manual/rules are as follows. The proposed is language in italics:

Change to approval policy:

A. Approval

1. An application for course approval must be submitted for each course by either the provider or an attendee. *A provider must submit an application for approval at least 30 days in advance of the date the course is to be offered. An attendee of a course that has not been pre-approved by AOC must submit an application for approval no later than 30 days after*

*attendance at the course. In all requests for approval, AOC will endeavor to respond as timely as possible.* If the person submitting the application disagrees with the decision of the AOC on an application, the person may submit a written appeal to the AOC within 30 days of the date of the AOC's decision. The appeal shall be decided by the Issues Committee of the Interpreter Commission. The decision of the Issues Committee is final.

#### **IV Content of Courses**

Staff reported that other states face similar issues in deciding which courses are relevant for interpreters. However, there hasn't been enough time to review the information to have any suggestions.

The committee proposes an additional meeting regarding course credit on Friday the 13 so that there is a discussion prior to the full commission meeting. It is suggested that if members of the Education Committee agree, that meeting could have members from each committee.

One last point about language regarding the advertising of a class referencing approval from the AOC not be allowed until approval is granted. The committee agrees that classes often advertise "Credits Pending" before approval is granted and would have to be tolerated.