



WASHINGTON
COURTS

**Washington State Supreme Court
Interpreter Commission**

Meeting Packet

Friday, March 4, 2016

SeaTac, Washington

8:45 am-11:45 am

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

Court Interpreter Commission Members

Justice Steven C. González, Chair
Washington State Supreme Court

Dirk Marler
Administrative Office of the Courts (AOC)
AOC Representative

Judge Andrea L. Beall
Puyallup Municipal Court
District and Municipal Court Representative

Judge Theresa Doyle
King County Superior Court

Kristi Cruz
Northwest Justice Project
Public Member Representative

Thea Jennings
Washington State Bar Association
Public Member Representative

Samuel A. Mattix
Interpreter Representative

Linda Noble
Interpreter Representative

Lynne Lumsden
ASL Liaison

Alma Zuniga
Northwest Justice Project
Attorney Representative

Eileen Farley
Northwest Defenders Association
Ethnic Organization Representative

Fona Sugg
Chelan County Superior Court
Court Administrator Representative

Cynthia Delostrinos
Administrative Office of the Courts
Interim Supreme Court Commissions Manager

Robert Lichtenberg
Administrative Office of the Courts
Interpreter Program Coordinator

**Interpreter Commission
Meeting Agenda**



WASHINGTON
COURTS

Interpreter Commission

Friday, March 4, 2016, 8:45 a.m. – 11:45 a.m.

AOC SeaTac Facility, Room 1106 (small conference room)

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

AGENDA

1. Call to Order	Justice Steven González	
2. Approval of December 4, 2015 Minutes	Justice Steven González	
3. Chair's Report <ul style="list-style-type: none"> • Introduction of Judge Laura Bradley and new AOC staff Stacy Smith • Minutes Recording • Judicial College Report • Supreme Court LAP Update • May 30 Forum Goals/Outreach Plan • Commission Strategic Planning • Commission 2015 Annual Report 	Justice Steven González	
4. Committee Reports <ul style="list-style-type: none"> • Issues Committee Report <ul style="list-style-type: none"> ➢ Approval of Interpreter Complaint Form • Education Committee Report <ul style="list-style-type: none"> ➢ Topics and CEU Categories • Disciplinary Committee Report <ul style="list-style-type: none"> ➢ Compliance Update 	Judge Andrea Beall Sam Mattix Judge Theresa Doyle/AOC Staff	
5. Court Interpreter Program Issues <ul style="list-style-type: none"> • Program Reports: <ul style="list-style-type: none"> ➢ Proposed Revisions to GR 11.3 ➢ Legislative Action Plan for 2017 ➢ NCSC VRI Pilot (handout) ➢ LAP Workgroup Update ➢ ATJ Board Liaison Report ➢ ODHH letter • Written Reports (in packet) <ul style="list-style-type: none"> ➢ Oral Exam Results ➢ Upcoming Trainings 	AOC Staff Dirk Marler AOC Staff FonaSugg/Kristi Cruz Thea Jennings AOC Staff	
6. Business for the Good of the Order	Justice Steven González	
Adjourn Next Meeting: Friday, May 20, Skagit County, location TBD 9 a.m. – 12 noon; Stakeholder Forum, 1-3 pm	Justice Steven González	

Meeting Minutes



Interpreter Commission
Friday, December 4, 2015 (8:45 a.m. – 11:45 a.m.)
AOC SeaTac Facility, Large Conference Room
18000 International Blvd., Suite 1106, SeaTac, WA 98188

MEETING MINUTES

Members Present:

Justice Steven González
Dirk Marler
Sam Mattix
Thea Jennings
Judge Andrea Beall
Lynne Lumsden
Kristi Cruz
Linda Noble
Alma Zuniga

Members Attending by Telephone

Eileen Farley
Fona Sugg

Members Absent:

Judge Theresa Doyle

AOC Staff

Robert Lichtenberg
James Wells

Guests:

Nicole Walker
Czar Peralta
Shirley Bondon

CALL TO ORDER AND WELCOME

The meeting was called to order by Justice Steven González. Members and staff introduced themselves.

APPROVAL OF OCTOBER 2, 2015 MEETING MINUTES

Minutes were approved with modification.

CHAIR'S REPORT

Supreme Court / Appellate Courts Language Access Plan

Justice González updated the Commission on the progress of the Language Access Plan (LAP) for the Supreme Courts and Courts of Appeal. A request was sent out to the Courts of Appeals in Washington to form a group of representatives from the Supreme Court and representatives from each of the Divisions. Judge Masako Kanazawa from Division I has volunteered so far.

Meeting with the Department of Justice

Mr. Lichtenberg described a meeting he had with Christine Stoneman who is Principal Deputy Chief in Federal Coordination and Compliance Section of the Civil Rights Division at U.S. Department of Justice (DOJ). Ms. Stoneman asked about how the DOJ can help Washington modernize the LAP for the court system. She also asked about how courts work with the state law that allows courts to charge litigants in civil cases for interpreters and what the DOJ could do to help in getting those courts to be compliant with Title VI.

Justice González suggested that the DOJ can directly contact the courts that do have a policy of charging litigants for interpreters. Members of the Commission discussed the previous attempts to reach out to those courts and explain the requirements of Title VI and agreed that direct communication with the DOJ could be more productive. This may spur those courts to change their policy and also serve to justify a push for funding locally or from the state. Justice González asked AOC staff to explore possible communication with the DOJ regarding those courts that have reported that some form of charges are assessed against non-indigent LEP parties for interpreting services.

COMMITTEE REPORTS

Issues Committee Report

Survey

The Commission discussed the survey they sent to courts across the state. The survey asked the courts about their practice of charging litigants for interpreters and asked about their resources for assisting people who are deaf or hard of hearing. Some courts responded they hadn't received requests for interpreter services for deaf or hard of hearing persons. The Commission discussed the possibility that this response indicated that there actually may have been a need for those services in that court in the past, but that the people with those needs didn't know how they could request those services or what kind of services would be available. A few members of the Commission mentioned that the survey results conflicted with some previous information they had about what was happening in the courts.

The Commission discussed some specific responses on the survey that they felt should be addressed:

From Pacific Municipal Court:

If a continuance is requested by the defendant and they agree to pay interpreter costs, they are imposed for the following hearing. If the city requests a continuance, we do not impose those costs. These are usually for infractions - proof of insurance or a license usually. Not on criminal cases.

From Enumclaw:

This court charges the actual interpreter costs when someone FTA's and the interpreter was here only for them. If the interpreter has other cases, the defendant is not charged.

The Commission felt that informing these municipal courts of their practices could be an effective way to educate them about the Title VI-related prohibitions against charging LEP parties for interpreters in the circumstances they referenced.

Change to State Law

The Committee summarized their discussion about whether changes should be made to General Rule (GR) 34 or RCW 2.43 to eliminate the conflict between state and federal law regarding payment for interpreter services. The Committee concluded that changes should be made to RCW 2.43. The AOC has made a previous attempt to have it changed via 2013 request legislation but there was inconclusive movement in the Legislature at the time. This led to a discussion regarding how the updated policy framework of the LAP for trial courts would address this conflict and perhaps lead to further action.

Video Remote Interpreting

Judge Beall reported that she was approached by Judge Frank Dacca, Chair of the District and Municipal Court Judges Association (DMCJA) Rules Committee about Video Report Interpreting (VRI) who had asked whether its use requires any court rule changes. Judge Beall informed them that a review of GR 11.3 would be a good place to start as it currently sets rules for the courts and interpreters regarding telephonic interpreting.

Office of Deaf and Hard of Hearing and Certified ASL Interpreters

The Commission discussed how the AOC and the Commission has very little historical role involving ASL interpreters, although GR 11 gives the Interpreter Commission oversight of ASL interpreters. One such role for both entities could involve establishing specific continuing education requirements for ASL interpreters. ASL interpreters on the list maintained by the Office of Deaf and Hard of Hearing (ODHH) get some education on Code of Conduct found in GR 11.2 at the time they take the initial training offered by ODHH prior to being sworn in, but they aren't required to get additional ethics education credits.

AOC staff described the collaboration between the ODHH and the AOC regarding ASL interpreters and how that relationship could become more formal. Some members of the Commission had a concern about the Interpreter Commission having oversight of the discipline of ASL interpreters given the lack of a knowledge base on the Commission

about matters involving ASL interpreters. The ASL interpreter liaison position had only recently been filled.

The Commission went on to discuss the differences and similarities faced by members of the deaf community and limited English proficient persons (LEPs) when using interpreters in court settings. They also discussed the challenges faced by the interpreters for members of those communities. They discussed how ASL and spoken language interpreters have different cultures when working with their "clients" with ASL interpreters typically interacting more with the "client".

The Commission decided to wait on any decision regarding the oversight of discipline of ASL interpreters and the requirements of ethics as a part of ASL continuing education until a representative from the ODHH could be present for the discussion. A more immediate concern was how the Interpreter Commission would recognize ASL interpreters on the ODHH list. The Commission passed a tentative motion to recognize those interpreters as "certified" in certain situations. The motion would be deemed passed after it is reviewed by the ODHH to ensure it meets with meets their request.

Decision: Credentialed ASL interpreters on the ODHH list would we deemed certified for the purposes of the AOC court interpreter reimbursement program and those interpreters can use the term "certified" on their interpreter ID badges provided by the ODHH.

COURT INTERPRETER PROGRAM UPDATE

Member Motion: Permanent Oath

Mr. Mattix brought a motion to the Commission requesting legislation that would allow court-certified and registered interpreters to take one permanent oath, rather than be required to renew their oath every two years. The Commission noted that other states such as Oregon, California, and Idaho have a number of interpreters with WA AOC-recognized certification reciprocity who have a permanent oath in their states. Also, WSBA-licensed attorneys take a similar oath that they do not need to renew.

Full text of motion and the modifications to state law are found in Appendix I. The Commission passed the motion unanimously.

Decision: Propose to the legislature to amend RCW 2.43.050: Oath so that court certified and registered interpreters are permanently sworn upon receiving their credential instead of taking an oath again every two years.

LAP Workgroup Update

The Commission discussed the progress of the LAP workgroup. The workgroup is working on both a policy guide and a template that courts can use to develop their LAPs. The workgroup plans to include information about deaf and hard of hearing individuals, which is often absent from this kind of document. The workgroup is also adding a section on filing grievances. Judge Estudillo recently joined the workgroup.

The Commission discussed how the new LAP will address language access issues beyond just interpreters and will address accommodations for deaf, hard of hearing, and deaf-blind to the extent those accommodations enable language access. The LAP policy guide and template will reference these services but won't go into great detail. It will have information where courts can look for resources and additional information. There was a concern that including too much information in the plan could make it too unwieldy and make it difficult for courts staff to use. It was suggested that a separate document addressing ADA language access issues may be more practical.

The workgroup hopes to have a draft ready to show at the next Commission meeting. They would like to have a version ready for the spring judicial conferences.

Court ADA Contact Directory

The Commission discussed the possibility of creating a directory of ADA coordinators for courts across the state. Shirley Bondon clarified her role at the AOC as assisting courts on issues relating to the ADA. Each court has its own ADA coordinator that works directly to the public. With over 400 courts in the state, it would be difficult to maintain an updated list of contact information for a specific person who is the court or county's ADA coordinator since the person in that role changes. A small survey of court websites showed that most courts do list contact information for ADA accommodation, although often the information isn't always clearly laid out.

Workshop Evaluation Results

The Commission reviewed the evaluations for the Institute for New Court Employees (INCE). The results were favorable. Ms. Cruz mentioned that her term on the Interpreter Commission would be ending next year and suggested transitioning another Commission member into the role of trainer for these kinds of education events.

BUSINESS FOR THE GOOD OF THE ORDER

ATJ Plan Letter and Civil Legal Aid Needs Report: Group Discussion

The Commission discussed collaborating with other groups such as the Minority and Justice Commission, Gender and Justice Commission, and Access to Justice Board

(ATJ). The Commission discussed how the Interpreter Commission could bring up the needs of LEP parties to the other groups and stress the importance of using qualified interpreters and translators in their work.

Some suggestions included reviewing each other's annual reports and having a member from one Commission go to other commissions' meetings. Another suggestion that the Commission invite a member of the ATJ to be a member of the Commission or have a member of the Commission work on the ATJ. It was suggested that Ms. Jennings act as a liaison for the Interpreter Commission to the ATJ.

Another suggestion was to write a letter that can identify what kind of barriers are faced in language access and also have some recommendations. Ms. Cruz and Ms. Jennings will draft a letter for Justice González to review.

NEXT MEETING

March 4 at the AOC Office at 18000 International Blvd., Suite 1106, 8:45 to 11:45.

Decisions:	
Credentialed ASL interpreters on the ODHH list would be deemed certified for the purposes of the AOC court interpreter reimbursement program and those interpreters can use the term "certified" on their interpreter ID badges provided by the ODHH.	
Propose to the legislature to amend <u>RCW 2.43.050: Oath</u> so that court certified and registered interpreters are permanently sworn upon receiving their credential instead of taking an oath again every two years.	

<i>Mr. Marler and AOC staff</i> – reach out to Pacific and Enumclaw Municipal courts and inform them of the problems with their polices on charging for interpreters.	<i>Future Action</i>
<i>Mr. Marler</i> – Refer motion regarding change to state law to allow interpreters to take a permanent oath to BJA for review and legislative request.	<i>Future Action</i>
<i>AOC Staff</i> – Follow up with Department of Justice regarding their willingness to reach out to the courts in the Issues Committee survey that are potentially charging litigants for interpreters.	<i>Suspended</i>

Interpreter Commission Meeting Minutes

December 4, 2015

Page 7

<i>AOC Staff</i> – Inform ODHH of the Commission’s decision regarding the status of ASL interpreters being “certified” and confirm that this is what their request intended.	Completed
<i>AOC Staff</i> – Check with ODHH and see how they would like to see ASL interpreter discipline to be handled.	<i>Completed</i>
<i>Ms. Cruz and Ms. Jennings</i> – Draft a letter meant for groups and commissions regarding language access issues.	<i>Completed</i>

Appendix 1

WA Supreme Court Interpreter Commission
Motion

Motion made by: Samuel Mattix, Interpreter Representative
Seconded by: Linda Noble

Motion: Propose to the legislature to amend RCW 2.43.050: Oath so that court certified and registered interpreters are permanently sworn upon receiving their credential instead of taking an oath again every two years.

The amendment, with proposed deletions in bold, may/shall read as follows:

(1) Upon certification or registration ~~and every two years thereafter~~, certified or registered interpreters shall take an oath, affirming that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment. The administrative office of the courts shall maintain a record of the oath in the same manner that the list of certified and registered interpreters is maintained.

(2) Before any person serving as an interpreter for the court or agency begins to interpret, the appointing authority shall require the interpreter to state the person's name on the record and whether the person is a certified or registered interpreter. If the interpreter is not a certified or registered interpreter, the interpreter must submit the interpreter's qualifications on the record.

(3) Before beginning to interpret, every interpreter appointed under this chapter shall take an oath unless the interpreter is a certified or registered interpreter who has taken the oath ~~within the last two years~~ as required in subsection (1) of this section. The oath must affirm that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

Argument:

- (1) Other professionals serving in the court are permanently sworn either when they take office, receive their commission or become a member of the bar. Therefore professional interpreters who retain their credentials in good standing with AOC should also be permanently sworn.

Motion
Page 2

- (2) Remove existing confusion and inconsistent practice among courts and interpreters. Many judges ask interpreters: "Are you permanently sworn?" I have been asked this by more than one judge immediately after having said the words "sworn for this two-year period" as part of putting my credentials on the record. I answer the follow up question with a simple "Yes" to prevent confusion and to avoid the need for an explanation., Some interpreters just say they are permanently sworn, which is inaccurate, every time they put their credentials on the record in order to avoid confusion.
- (3) Reduce bookkeeping demands on AOC staff, and eliminate a biennial chore for interpreters and persons who administer and/or notarize oaths.
- (4) Both California and Oregon have "permanent" swearing in of credentialed interpreters -- one more reason for WA to follow their example, as we have reciprocity and many interpreters credentialed in CA and OR states.

ORS 40.275(8) states:

(8) A court, a hearing officer or the designee of a hearing officer shall require any person serving as an interpreter for the court or agency to state the person's name on the record and whether the person is certified under ORS 45.291. If the person is certified under ORS 45.291, the interpreter need not make the oath or affirmation required by ORS 40.325 or submit the interpreter's qualifications on the record. If the person is not certified under ORS 45.291, the interpreter must make the oath or affirmation required by ORS 40.325 and submit the interpreter's qualifications on the record.

These WA credentialed interpreters have to seek a judge or Notary in CA or OR to administer oaths for them every two years while they only have to file an oath once if they are credentialed in those "permanent" states.

Chairs Report

The Supreme Court
State of Washington



STEVEN C. GONZÁLEZ
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON 98504-0929



(360) 357-2029
FAX (360) 357-2103
E-MAIL J.S.GONZALEZ@COURTS.WA.GOV

Ishbel Dickens, Chair
Access to Justice Board
1325 4th Ave. Ste. 600
Seattle, WA 98101

February 22, 2016

Dear Access to Justice Board,

Thank you for your open letter of November 30, 2015, about developing an updated State Plan for the Delivery of Civil Legal Aid. The Interpreter Commission would be pleased to participate. We have reviewed and discussed the 2015 Washington Civil Legal Needs Study Update and recognize the importance of justice partners working together on effective solutions that anticipate the varied civil legal needs of those within our state, including those for whom language may be a barrier to access.

The Interpreter Commission was created in 1987 to provide guidance to courts on the use of interpreters in legal proceedings. Chapter 2.43 RCW governs the delivery of interpreter services for persons who are limited English proficient (LEP) and declares it is 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." Chapter 2.42 RCW reflects the same commitment to securing the rights of deaf persons in interactions with the courts. The Interpreter Commission has long worked to address language barriers identified by justice partners. Most recently, the Commission's work has involved:

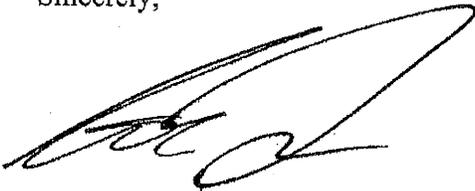
- Addressing denial of court interpreter services;
- Addressing the imposition of fees on civil litigants for court interpreter services in contravention of federal law and guidance;
- Updating the Washington Court Language Access Plan template;
- Training court staff about interpreter services and best practices; and

- Updating complaint processes related to individual interpreter services and access to interpreter services within the court system in general to ensure access to qualified interpreter services.

We ask that the needs of LEP individuals and the needs of deaf, hard-of-hearing, and deaf-blind individuals be anticipated and addressed throughout the development of the State Plan. When identifying possible projects aimed at reducing barriers, we ask that such projects include language access as an integral component so that all persons can benefit no matter the language they speak.

The Commission is happy to assist. Please advise what the next steps are and how the Commission can provide input throughout the process. Thea Jennings, Public Member to the Interpreter Commission, is ready to act as the Commission's liaison. She can be contacted at thea.jennings@gmail.com or at 206-714-3992. Thank you for undertaking this important work.

Sincerely,



Steve González
Chair, Interpreter Commission

cc: James A. Bamberger, Director, Washington State Office of Civil Legal Aid
Robert Lichtenberg, AOC Language Access Program Coordinator

THE HONORABLE LAURA T. BRADLEY

Access to Justice Board Member Liaison to the Interpreter Commission

Judge Bradley is an Assistant Chief Industrial Appeals Judge with the Board of Industrial Insurance Appeals in Olympia. She supervises hearing and review/mediation judges at the Board of Industrial Insurance Appeals. Judge Bradley also leads the New Appeals section which processes every appeal submitted to the Board. Previously, she was an administrative law judge presiding over employment security cases for the Office of Administrative Hearings. Before attending law school, Judge Bradley worked as a personnel management specialist and as a management representative for the Department of the Navy at Puget Sound Naval Shipyard in Bremerton. Upon being admitted to the bar, she practiced with Davies Pearson, P.C. in Tacoma until her appointment at the Office of Administrative Hearings. Judge Bradley received her B.A. from the University of Puget Sound and her J.D., magna cum laude, from the Seattle University School of Law. She graduated in June 2015 from the Executive Masters of Public Administration Program at the Daniel J. Evans School of Public Policy and Governance at the University of Washington.

Judge Bradley was appointed as a member of the Access to Justice Board in October 2015. Prior to joining the ATJ Board in October, Judge Bradley became involved with the Board's work as the chair of its Administrative Justice Subcommittee. Since joining the Board, she has expanded her leadership by also co-chairing the ATJ Technology Committee. More than a judge and ATJ Board member, this Cheyenne, Wyoming, native is a 10 year cancer survivor, fiber artist and proud mother of two sons and two cats.

Stacy Smith
Court Program Analyst
Staff to the Minority and Justice Commission

Stacy Smith is a 2014 graduate of Seattle University School of Law. During law school, she examined issues concerning implicit bias, racial justice, and social change. Before law school, Stacy managed one of the most racially and culturally diverse Boys & Girls Clubs in Phoenix, Arizona, where she organized programs and events, developed trainings for youth and their parents, and collaborated with many stakeholder groups and volunteers to address the needs of the community. In addition to her J.D., she also holds a masters in English and a bachelor's degree in Political Science. Stacy is also adjunct faculty at Bellevue College where she teaches writing courses.

2016 Judicial College Session Evaluation Results

January 24 – 29, 2016

Session:	Court Interpreters
Faculty:	Judge Veronica Alicea Galvan Justice Steven C González
Number of Evaluations:	15

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)

EFFECTIVENESS	5	4	3	2	1	N/A	
1. The objectives of the course were clear.	12	3	0	0	0	0	4.80
2. The objectives of the course were achieved.	12	3	0	0	0	0	4.80
3. The faculty engaged me in meaningful activities.	13	2	0	0	0	0	4.86
4. I gained important information or skills.	10	5	0	0	0	0	4.66
5. The faculty made a clear connection between the course and the work place.	13	2	0	0	0	0	4.86
	Total Average						4.79

COMMUNICATION SKILLS	5	4	3	2	1	N/A	
1. The faculty was well prepared.	14	1	0	0	0	0	4.93
2. The presentation was organized.	14	1	0	0	0	0	4.93
3. Written materials enhanced the presentation.	10	4	1	0	0	0	4.40
4. Audiovisual aids were used effectively.	10	3	1	0	0	0	4.13
5. The presentation kept my interest throughout.	11	4	0	0	0	0	4.73
	Total Average						4.62

EFFECTIVENESS COMMENTS

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

Needed about 20 minutes more!

Great session, wish there was more time.

It was ironic that the panel was delayed in the program due to the interpreting process though they did finish on time.

The translating exercise was very enlightening.

Would have liked more time on this topic.

COMMUNICATION SKILLS COMMENTS

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

Thank you for bringing clarity to an issue I have had not previously given much thought to.

Made me more aware of the interpreter's challenge and will help me slow down for the interpreter.

Very helpful session and engaging.

Great session on issue facing courts when interpreters are needed.

Committee Reports



Interpreter Commission- Issues Committee
Friday, December 18, 2015 (12:00 p.m. – 1:00 p.m)
Teleconference

MEETING MINUTES

Members Present:

Judge Beall
Thea Jennings
Kristi Cruz
Linda Nobel

AOC Staff:

Robert Lichtenberg
James Wells

Members Not Present:

Alma Zuniga

I Call to Order

- Meeting is called to order at: 12:09
- Previous meeting minutes approved with modifications

II Old Business

Grievance Forms

The Committee discussed the draft grievance and instructions for interpreter making a grievance against an interpreter. The Committee felt the instruction document based on a document from New Mexico was too wordy but that it contained good information. The Committee felt the forms should be reviewed for Plain Talk to make the forms more accessible and more easily translated. The Committee reviewed some specific examples in the form where the language could be improved and suggested looking at other forms that are already in Plain Talk as a guide.

The Committee discussed limiting the timeframe allowed for someone to make a complaint. Currently policy shows a 3 year window for someone to make a complaint, but there were concerns that this might make it more complicated to investigate the complaint. Since changing this timeframe would involve a change to policy, the Committee decided to bring up changing the time frame to the Commission when the Committee presents the grievance forms.

III New Business

Role of Interpreter Commission and Assisted Listening Devices

AOC staff described the ongoing discussion of working out the role of the Interpreter Commission in situations involving people who are Deaf and Hard of Hearing but don't

use American Sign Language (ASL). Although assisted listening devices and similar resources are not strictly about interpreting, it does fall under the larger topic of language access.

Rather than expand the scope of the Commission, it was suggested that the Commission could work more closely with the Access to Justice Board (ATJ). This partnership can help ensure the public knows the kinds of resources that are available and who to contact to get access to those resources.

The Committee felt one concrete step that could be taken would be to create and maintain a list of court ADA coordinators to the public through that AOC or the ATJ websites.

Action Item Summary	
AOC staff – Update the draft of the grievance form and instruction sheet based on suggests from the Issues Committee	<i>Ongoing</i>



Interpreter Commission- Issues Committee
Friday, February 5 (12:00 p.m. – 1:00 p.m)
Teleconference

MEETING MINUTES

Members Present:

Judge Beall
Thea Jennings
Kristi Cruz

AOC Staff:

Robert Lichtenberg
James Wells

Members Not Present:

Alma Zuniga
Linda Nobel

I Call to Order

- Meeting is called to order at: 12:09

II Grievance Forms and Instructions

The Committee reviewed the new draft. The Committee discussed the draft grievance and instructions for interpreter making a grievance against an interpreter. They clarified that any person may initiate a complaint and that it is not limited to a limited English proficient person (LEP) party.

They also discussed the types of violations that can form the basis of a complaint and that the basis can extend beyond violations to General Rule (GR) 11.2. The Committee suggested having a hyperlink to GR 11.2 in the instructions for people filling out the form online. For those not online, the form can mention that a copy of GR 11.2 can be provided upon request.

The Committee also suggested adding other avenues to filing a complaint, such as by telephone or letter. This may require a rule change since the current disciplinary policy specifies a grievance must be in writing. The advantages of having a complaint in writing were reviewed, however, it was felt that additional ways of filing a complaint for those who wouldn't be able to write their complaint in English.

The Committee discussed the possibility non-English speakers making a complaint. One possibility would be to allow a phone option where an LEP party can file a complaint via a telephonic interpreter. The Committee also discussed how to publicize to LEP parties and others that making a complaint is an option. One suggestion was that notice could be placed at courts in the same place interpreter services are

requested, such as on multilingual notices. However, further discussion on these matters would be needed.

III Next Meeting

Further edits to the forms would be done by email. If necessary, a meeting on February 26 would be held.

Action Item Summary	
AOC will update the draft forms with suggestions from this meeting and send them to the Committee. Committee members will then make further edits.	<i>Completed</i>
AOC Staff – Send minutes form the December meeting out for online approval	<i>Completed</i>

Washington State Supreme Court Interpreter Commission Complaint Against a Spoken Language Court Interpreter

General Information and Instructions

Who may file a complaint?

- Any person who has knowledge about a court-qualified, registered, or certified interpreter who has or may have committed an act that is reportable to the Interpreter Commission (see next section below).

What can you report about?

- A court interpreter can be reported to the Interpreter Commission for any of the following reasons:
 - A. Conviction of any felony or misdemeanor;
 - B. Fraud, dishonesty, or corruption that is related to the functions and duties of a court interpreter;
 - C. Continued false or deceptive advertising after receipt of notification to discontinue;
 - D. Knowing and willful disclosure of confidential or privileged information obtained while serving in an official capacity;
 - E. Gross incompetence;
 - F. Failing to appear as scheduled without good cause; and/or
 - G. Violation of the court interpreter's code of professional responsibility or any other judicial department policies or procedures.
- It can be related to the interpreter's conduct in which you or another were given interpreting services by that interpreter. The interpreter's conduct may have happened prior to, during, or after a court-related interpreting situation.
- Your complaint can be about a possible violation of the Code of Conduct for Court Interpreters, which is Washington Courts General Rule 11.2 and which can be located at: http://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=generalRule11#gr11.2.
- Please provide enough detailed information in the complaint form so that the Commission can identify what happened that may result in a violation of General Rule 11.2 by the interpreter.

Before filing a Complaint Report Form

- Consider meeting with the interpreter and sharing your concerns. This may correct your problem with the interpretation or conduct of the interpreter. If any communication is by letter or email, please save them.

- You can contact the court interpreter coordinator or court administrator and explain the situation to them. They may be able to provide a solution. You may need to ask for a different interpreter to communicate with court staff about your situation.
- If the meeting with the interpreter and/or court coordinator does not provide a solution or the report should be made to the Commission instead, there is a time limit to make a report. The event being reported about must have happened within the past 3 years from the date of your Report.

Who should the written Complaint Report Form be given to?

- Please submit the Complaint Report Form, including any other supporting documents or information to:

Court Interpreter Program
Office of Court Innovation
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

What if I need help with writing or reporting over the telephone or in-person?

- If you need assistance in having your Complaint Report Form translated to English or if you wish to give a report over the telephone, please contact the Court Interpreter Program by emailing to: Interpreters@courts.wa.gov or by calling 206-705-5279 to schedule a reporting appointment. The Court Interpreter Program will make arrangements for an interpreter to assist in communicating with you. Please let us know what your language need is.
- **There is NO CHARGE TO YOU for your use of any interpreting or translating service needed to make your complaint. Again, please email or call the number above for help.**

What happens next?

- The Interpreter Program Coordinator at the Administrative Office of the Courts (AOC) will review your Complaint and may ask for more information before deciding whether to refer your Complaint to the Interpreter Disciplinary Committee or the Chairperson for the Interpreter Commission.
- If it is sent to the Disciplinary Committee, the Committee will review your Complaint and may ask other people involved in the situation to provide more information. The interpreter will be informed of the Complaint and about the disciplinary process. Your name will not be given to the interpreter unless you authorize the Disciplinary Committee to do that.

- If the Committee decides that the information shows that there is no violation, you will be informed and will be instructed on what to do if you are not satisfied with the Committee's decision.
- If the Committee decides there is a failure of the interpreter to follow the General Rule 11.2 requirements or that the interpreter behaved in a way that may be reason for discipline, there will be a hearing involving the Committee members and the interpreter. You may be asked to come and provide your statements in person and to answer questions
- If the interpreter is found to have violated the Commission's rules or policy, the Committee may recommend to the full Interpreter Commission that action be taken against the interpreter, which may include additional training, suspension of their certification or removal of their certification. The Interpreter Commission has no authority to fine or collect money from the interpreter to pay you for your problem with the interpreter.

What if I need more information about the complaint process or the court rules for interpreters?

- Please contact the Court Interpreter Program by emailing to: Interpreters@courts.wa.gov or by calling 206-705-5279
- You can find information about the Washington State Supreme Court Interpreter Commission's Disciplinary Process by calling the number above or downloading it from this web address: **[Need to assign the Disciplinary Process Manual a web link]**

Signature

I certify that I have read the information contained in the Complaint Report Form and that all of the information I have given is true, correct, and complete to the best of my knowledge, information, and belief.

I am permitting the Administrative Office of the Courts to provide a copy of my Complaint Report Form and any supporting information to any public agency that has legal authority to be involved in any matter related to this Report.

Your Signature _____ Date _____

Please submit the Complaint Report Form, including any other supporting documents or information to:

Court Interpreter Program
Office of Court Innovation
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170



Interpreter Commission- Education Committee
January 20, 2016 (12:00 p.m. – 1:00 p.m.)
Teleconference

MEETING MINUTES

Members Present:

Sam Mattix (chair)
Lynne Lumsden
Fona Sugg
Linda Noble
Eileen Farley

AOC Staff:

Robert Lichtenberg
James Wells

I. Meeting Called to Order

- Call to Order at 12:13

II. Old Business

Calendar of Training

The Committee discussed updating the calendar of trainings with events for 2016 and 2017. Some additional events were mentioned, including a court administrator's conference in mid-April and a presiding judge and administrator conference in Chelan in November. The Committee also discussed holding a court interpreter coordinator conference. AOC staff suggested holding the meeting in August since there are fewer court staff and judicial trainings held during that month. The Office of Deaf and Hard of Hearing (ODHH) may be able help in organizing this conference.

AOC staff informed the Committee a proposal sent to the District and Municipal Court Judicial Administration (DMCJA) conference was not accepted. The organizers suggested it might be more appropriate for a presiding judge's conference. The topic would be the updated Language Access Plan (LAP).

The Committee discussed broadening training events and having workshops for different kinds of judicial officers, such as administrative law judges at the Office of Administrative Hearings (OAH). AOC staff informed the Committee that he had attended a board meeting for the Access to Justice (ATJ) board, which has language access has been a part of their framework.

AOC staff also informed the Committee about an upcoming joint interpreter attorney training on the topic of sexual assault in Eastern Washington.

Unavailable Status

The Committee discussed a previous proposal to provide interpreters an option on their profile to indicate that they are unavailable to work. The Committee decided to wait on implementing this feature pending other webpage updates.

Continuing Education Credit Categories

AOC staff began a discussion about how courses for interpreter education should be placed in the new categories. AOC staff discussed how courses are submitted for approval and asked the Committee for guidance on processing the courses into categories. The Committee will be provided some class examples by email before the next meeting.

III New Business

Language Access Plan

The Committee discussed the progress on the updating the LAP and the role of the Committee in reviewing it. The plan is still in draft form and will be presented to the Commission at the next meeting.

IV Next Meeting

- February 17 at 12:00 pm

Action Item Summary	
Mr. Mattix – Send the Committee the proposal for the September judicial conference created by AOC staff	<i>Future Action</i>
AOC Staff – Provide Committee with examples of interpreter education courses	<i>Future Action</i>
AOC Staff – Update the Calendar of Trainings with additional events and dates	<i>Ongoing</i>
AOC Staff – Add presiding judges conference in November to calendar and consider submitting a proposal	<i>Future Action</i>
AOC Staff – Approach ODHH about taking part in the court interpreter coordinator’s conference.	<i>Future Action</i>



Interpreter Commission- Education Committee
February 17, 2016 (12:00 p.m. – 1:00 p.m.)
Teleconference

MEETING MINUTES

Members Present:

Sam Mattix (chair)
Lynne Lumsden
Eileen Farley

AOC Staff:

Robert Lichtenberg
James Wells

Absent

Fona Sugg
Linda Noble

I. Meeting Called to Order

- Call to Order at 12:05
- Minutes from the January 20 meeting were approved.

II. Old Business

Calendar of Training

The Committee discussed updates to the calendar of trainings with events for 2016 and 2017. Mr. Lichtenberg informed the Committee that he had been invited to present at the 2016 Superior Court Judges' and Administrators' Spring Conference on the topic of Video Remote Interpreting. He will present with Frank Maiocco of Kitsap County Courts.

He was also invited to participate in a webinar being filmed by the Washington State Bar Association on the topic of unaccompanied minors. Mr. Lichtenberg asked the Committee for suggestions of any interpreters who had experience working with unaccompanied minors. Ms. Farley mentioned she would be meeting with the Northwest Immigrants' Rights Project soon and could ask how out they find their interpreters. Also King County courts could be a good contact in reference to dependency proceedings. The Committee discussed which agencies might work with unaccompanied minors such as immigration court and Child Protective Services.

AOC staff also updated the Committee on a sexual assault training involving interpreters and attorneys. It was originally scheduled to take place in Spokane in February but it had been moved to April 28.

The Committee's proposal for the fall judicial conference had been rejected. The topic was to be the updated language access plan (LAP) that is currently being updated. The Committee discussed the status of update and which groups would review the drafts. One reason for the rejection was that it was felt that the stakeholder groups involved with the LAP may not have enough time to review the LAP update before the conference.

III. New Business

Continuing Education Credit Categories

The Committee discussed how AOC staff can best apply the new categorization categories to interpreter education courses that are being submitted to the interpreter program. They discussed possible criteria to use in identifying what kinds of courses fit into the new Professional/Skills category. Classes specifically involving interpreter skills would certainly fall into this category but some classes involving vocabulary or terminology fall into a gray area. One view could be to look at how the class applies to improving message equivalency in the interpretation. Classes such as vicarious trauma and voice improvement could fall in into the General category. AOC staff pointed out one difficulty is assigning credits to conference, which often include sessions that apply to multiple categories. The Committee invited AOC staff to contact them for assistance or advice in the future if needed.

IV. Next Meeting

The date for the next meeting was undecided pending assignments from the next Interpreter Commission meeting on March 4.

Action Item Summary	
Ms. Farley can provide AOC staff with contact information from the Northwest Immigrants' Rights Project and defenders involved with dependency proceedings in King County	<i>Ongoing</i>

For Commission Discussion

Continuing Education Unit Categories:

Category	Credits per cycle	Description
Ethics	2	An educational activity related to appropriate court interpreter ethics or court interpreter protocol based on the Code of Conduct for Court Interpreters in the Washington Court Rules.
Performance/Skills	8	An educational activity which is specific to the development of interpreting skills (simultaneous, consecutive, and sight); language skills; or technical skills related to interpreting and/or translation
General	6	An educational activity on topics that will enhance the participant's ability to perform interpreting work for the courts competently, fairly, and efficiently.

Example Topics in Performance/Skills and General Categories:

Professional/Skills Category

- Courses specifically meant to improve skills in consecutive, simultaneous, or sight translation
- Miscellaneous elements, skills, drills, specific applications:
 - memory training, note taking, decolage, maintaining and changing register, paraphrasing and summarizing, anticipating, visualizing
 - team interpreting
 - telephonic and video remote interpreting
 - terminology (knowledge & understanding of English legal terms, non-English language-specific vocabulary, lexicon, terminology development and consensus/uniformity)
 - preparing for assignments-including request for case info and doing own legal or subject-specific research
 - courtroom protocol
 - nail down canned material (e.g. parts of plea form, intro explain role of interpreter, putting credentials OTR)

General electives

- Legal system and terminology:
 - laws, criminal, business, civil, legal systems, with comparison to legal systems in other states and countries
- Subject- and domain-specific terminology and information
 - Domestic violence, family law, dependency proceedings, sexual assault and abuse, human trafficking, elder abuse, drugs, controlled substances, DUI, vehicle accident and insurance claims, examination under oath, depositions, mental health, competency, involuntary commitment proceedings, expert testimony, polygraphs, forensic science, fingerprints, DNA, ballistics, medical examiner, coroner, accident reconstruction
- vicarious trauma, self-care, voice care, accent reduction
- transcription-translation

Disciplinary Committee Chair Report

2014/2015 Compliance Status

Summary of Biannual Compliance Requirements

	Certified Interpreters	Registered Interpreters
CEU	16 continuing education hours, at least 2 of which are ethics	10 continuing education hours, at least 2 of which are ethics
Court Hours	20 hours of court interpreting (may include interviews, attorney meetings, depositions, etc.)	No court hours required / Not Applicable
Conduct Form	Personal Conduct Declaration (signature confirming no arrests/convictions)	Personal Conduct Declaration (signature confirming no arrests/convictions)
Oath	Newly sworn Oath	Newly sworn Oath

Current Status

As of March 2, 37 interpreters have not completed their compliance requirements. All interpreters have been emailed at least two times regarding their non-compliance. Of those 37:

- 13 have submitted a plan to come into compliance and 24 have not responded to emails.
- 17 have completed some of their requirements and 18 haven't completed any part of their compliance.

Next steps

The AOC will send hard copy letters to those interpreters who haven't responded to emails asking them for their compliance plan and notifying them that their "permanent" (2-year) oath is no longer valid. Additionally, courts will be notified that the "permanent" (2-year) oaths are no longer valid for those 37 interpreters who are in non-compliance status.

Thirty days from the date the letters are sent to interpreters, the Disciplinary Committee will be informed of the interpreters who have not submitted a plan and will meet as soon as possible to discuss possible sanctions. Previous sanctions have included revocation of credentials, three-month suspensions, or extensions of time to complete any requirements. If the Discipline Committee suspends or revokes the certification of an interpreter, the interpreter's name will be removed from AOC's directory of credentialed interpreters and an electronic notice will be sent to all presiding judges and court administrators/managers.

Some factors that can be considered in making a decision on sanctions include:

- Interpreters' history of compliance with biannual reporting requirements in previous years
- Whether they demonstrated completion of some requirements versus none
- The amount of time they have had to complete the requirements (some had more than 2 years, if credentialed during 2013, the middle of the previous compliance cycle)
- Level of communication with AOC staff on the issue

Court Interpreter Program Reports

Lichtenberg, Robert

From: Garrow, Janet <Janet.Garrow@kingcounty.gov>
Sent: Wednesday, March 02, 2016 11:11 AM
To: shannon@dawson-brown.com; kevinb@wsba.org; Cozza, Sam; Lichtenberg, Robert
Cc: Frank Dacca; Benway, Jennifer; Garrow, Janet
Subject: Proposed revision to GR 11.3 Telephone Interpretation
Attachments: GR 11 3 Telephonic Interpretaton proposed revisions 3.1.16.docx

Dear Everyone,

The DMCJA Rules Committee has been discussing how new technology could be utilized in court proceedings. The Committee has prepared a draft revision to GR 11.3 which would allow for Video Conference interpretation in certain situations. We would appreciate your comments on the proposed draft. If you would please provide them by April 15, 2016, that would be ideal.

If you have any questions, please don't hesitate to contact me.
Thank you.

Judge Janet E. Garrow
King County District Court
8601-160th Ave NE
Redmond, WA 98052
O: 206-477-2103
F: 206-296-0592

GR 11.3
TELEPHONIC AND VIDEO CONFERENCE INTERPRETATION

(a) Interpreters may be appointed to serve by telephone or video conference for brief, nonevidentiary proceedings, including initial appearances and arraignments, when interpreters are not readily available to the court or when the defendant is incarcerated. Telephone or video conference interpretation is generally not authorized for evidentiary hearings. However, the court may allow telephone or video conference interpretation for an evidentiary hearing with the consent of the parties or when necessary to ensure a fair trial or hearing.

(b) RCW 2.43 and GR 11.2 must be followed regarding the interpreter's qualifications and other matters.

(c) Electronic equipment used during the hearing must ensure that the non-English speaking party or witness hears all statements made by the participants. If electronic equipment is not available for simultaneous interpreting, the hearing shall be conducted to allow consecutive interpretation of each sentence.

(d) Attorney-client consultations must be interpreted confidentially.

(e) Written documents which would normally be orally translated by the interpreter must be read aloud to allow full oral translation of the material by the interpreter.

(f) An audio recording shall be made of all statements made on the record during their interpretation, and the same shall be preserved.

[Adopted effective July 19, 1987; amended effective December 10, 1993; September 1, 1997; September 1, 2005.]



WASHINGTON COURTS

BOARD FOR JUDICIAL ADMINISTRATION

January 28, 2016

Interpreter Commission
Justice Steven C. González, Chair
Washington State Supreme Court
415 12th Ave SW
Olympia, WA 98501-2314

Re: Board for Judicial Administration Legislative Committee Agenda

Dear Justice González:

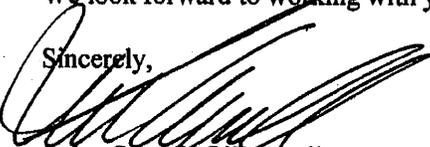
The Board for Judicial Administration (BJA) has a standing Legislative Committee, which consists of judges from all levels of court. The purpose of the Legislative Committee is to develop proactive legislation on behalf of the BJA as well as recommend positions on legislation of interest to the BJA.

Shortly after adjournment of the 2016 Legislative Session, the Legislative Committee will begin developing its agenda for the 2017 Legislative Session. Initial criteria for consideration of the development of proactive legislation include whether a request has come from a board, commission, association, or BJA committee; whether the legislation would affect multiple levels of court; whether the bill would further the administration of justice; and whether it fits within the Judicial Branch Principle Policy Objectives (enclosed) and BJA Rules. We invite you to share with us any ideas you may have for potential agenda items. Major endeavors must begin early in interim so that there is ample time to develop and vet the proposal. Thus, we ask that you share with us your ideas no later than June 1, 2016.

While the Legislative Committee will weigh in on any number of bills this year, BJA's only current proactive legislation is SHB 1111, which conforms state law to court rule regarding court transcriptionists. We are very interested in knowing what your agendas for this year are and what bills are of particular interest to you. We look forward to hearing from you either formally or informally in this regard. The Legislative Committee meets via telephone every Monday during session, and bills may be referred to the committee by other entities by emailing the enclosed form to BJA Legislative Committee staff, Mellani McAleenan at mellani.mcaleenan@courts.wa.gov.

We look forward to working with you to improve Washington's justice system.

Sincerely,


Judge Sean P. O'Donnell
Chair, BJA Legislative Committee
Enc.

Cc: Chief Justice Barbara Madsen, Chair, BJA
Judge Scott Sparks, Member-Chair, BJA
Ms. Misty Butler, Administrative Manager, BJA
Mr. Robert Lichtenberg, Sr. Court Program Assistant

ADMINISTRATIVE OFFICE OF THE COURTS

1112 Quince Street SE • P.O. Box 41170 • Olympia, WA 98504-1170
360-357-2121 • 360-958-5711 Fax • www.courts.wa.gov



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

OFFICE OF THE DEAF AND HARD OF HEARING
PO BOX 45301, OLYMPIA, WASHINGTON 98504-5301

March 1, 2016

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

Dear Honorable Justice Gonzalez,

It has been almost a year since the Office of the Deaf and Hard of Hearing (ODHH) initially reached out and asked that the Washington Court Interpreter Commission recognize American Sign Language Interpreters as a Certified Court Interpreters. The decision by the Commission to do so is greatly appreciated as this enables ODHH to maintain the professional status and expectations for ASL interpreters in its credentialing program to be treated "as officers of the court" when providing language access in legal settings to persons who rely on sign language.

Going forward, ODHH would like to continue its partnership with Administrative Office of the Courts (AOC) and the Interpreter Commission in these two areas:

1. Training

WAC 388-818-540 requires that these Sign Language Interpreters complete the Washington courts training provided by AOC. Although Washington Administrative Code doesn't specify the number of hours or type of training required, AOC and ODHH agree that, in order to maintain their Court Certification status under the certification program administered by ODHH, ASL interpreters on the list maintained by ODHH shall take 2 hours of AOC-approved ethics training every two years.

2. Grievance Proceedings Involvement

For purposes of handling complaints filed with the AOC Court Interpreter Program against ODHH's credentialed ASL interpreters, ODHH would like its court-certified interpreters to be treated procedurally in the same manner as spoken language Interpreters as both groups are subject to the Code of Conduct under GR 11. However, ODHH asks that such an initial complaint received by the AOC be forwarded to ODHH to be screened for merit by ODHH. ODHH has the requisite skill, expertise, and knowledge to properly assess the facts and review the complaint for merit, especially if the individual filing the complaint is Deaf and communicates in Sign Language.

Respectfully,

A handwritten signature in cursive script that reads "Berle Ross".

Berle Ross
Sign Language Interpreter Manager
Office of the Deaf and Hard of Hearing

State Plan 2016-2019 Draft Goals

Summarized	Restated from Client Perspective
<p>Create a system in the Alliance to identify barriers to justice and bring about necessary changes in the courts and administrative law system.</p>	<p>Improvements to the justice system will be systematically identified, developed and prioritized to ensure the rights and interests of low-income communities are protected and to empower them to achieve the results they desire and begin to develop trust in the justice system.</p>
<p>Improve the systems and processes for handling family law matters in the courts and in the delivery of legal services.</p>	<p>Low income individuals and families across the state will experience accessible and easily navigable pathways to resolve conflict and other issues arising within domestic relations.</p>
<p>Improve the flow of legal services to clients and identification of legal needs through education to increase legal literacy.</p>	<p>Low income communities will understand their legal rights, be able to identify their legal needs and know how to meet those needs.</p>
<p>Improve communications to the public about the value and impact of civil legal aid.</p>	<p>The public will understand the value and impact of civil legal aid and support removing barriers that low-income people face in resolving their legal issues.</p>
<p>Improve the integration of legal services so that the Alliance achieves impactful change and so that every person can receive the legal assistance they need.</p>	<p>Low income individuals will be able to efficiently identify, connect to and receive the legal services they need.</p>
<p>Improve access to legal services for underserved communities.</p>	<p>Big wins for low income communities will result from integrated and impactful advocacy by legal aid providers and partners.</p>
<p>Volunteer lawyer programs will be supported to meet the <i>Best Practices for Programs Providing Civil Pro Bono Services</i> to create sustainable programs that maximize pro bono resources.</p>	<p>Low income communities that have been underserved by legal services will be able to access the legal services they need to achieve the results they desire.</p>
<p>Increase the depth of legal services where they are needed to address the multiple and interconnected legal issues that clients face.</p>	<p>Low income communities will have access to high-quality and consistent volunteer legal services no matter where they live in the state.</p>
<p>Improve coordination of legal services with community services to provide a more holistic approach to meeting client needs.</p>	<p>Low income individuals will have increased access to the depth of legal services they need in order to meet their goals.</p>
<p>Incorporate a race equity lens into all of the work of the Alliance to improve the justice system, improve legal services, and strengthen individual programs.</p>	<p>Where appropriate, low income individuals will receive coordinated legal and social services that address their basic human needs.</p>
<p>Maximize our investment in legal services by supporting efficient and effective use of resources to provide core legal services and investing in projects that could bring efficiency and improvements to the delivery system.</p>	<p>Communities of color will have access to a justice system and legal services that are free from structuralized racism and begin to develop trust in those systems.</p>
<p>Improve direct engagement with client communities ensure relevant and sustainable legal services.</p>	<p>Low income communities will be able to access a greater range of effective legal services that are constantly improving and evolving to respond to the challenges they identify.</p>
<p>Improve direct engagement with client communities ensure relevant and sustainable legal services.</p>	<p>Low income communities are empowered to identify and address individual and system legal problems with the support of legal aid providers.</p>



State Plan Consensus Group Roster

Consensus Group Members	
Organization	Representative(s) Contact
Access to Justice Board	Breean Beggs
Benton Franklin Legal Aid Society	Barb Otte
Blue Mountain Action Council	Katharine Nyden
Center for Justice	Rick Eichstaedt Barry Pfundt
Clark County Volunteer Lawyer Program	Susan Arney
Columbia Legal Services	Jerri Katzerman Aurora Martin
Cowlitz Wahkiakum Legal Aid	Lori Bashor-Sarancik
Eastside Legal Assistance Program	Gerald Kroon Esperanza Barboa
KCBA Pro Bono Services	Threesa Milligan
Kitsap Legal Services	Philip Wade
LAW Advocates	Michael Heatherly
Lewis County Bar Legal Aid	Carolyn Hipps Kathryn Eyraud
Northwest Health Law Advocates	Janet Varon
Northwest Immigrant Rights Project	Jorge Barón
Northwest Justice Project	César Torres
Rita R. Dermody Legal Help Center at the Public Law Library of King County	Marc Lampson
Seattle Community Law Center	Alex Doolittle
Skagit Volunteer Lawyer Services	Eva Wescott
Snohomish County Legal Services	Ben Haslam
Tacoma Pierce County Bar Association	Laurie Davenport
TeamChild	Anne Lee
University Legal Assistance	Gail Hammer Barry Pfundt
YWCA – Sexual Violence Legal Services	Emily Cordo

TERRA NEVITT, ACCESS TO JUSTICE BOARD MANAGER

**STATE PLANNING: BRIEF
HISTORY & HOW TO ENGAGE**

HISTORY OF STATE PLANNING

- 1995 State Plan – reconfigures the delivery system in an effort to ensure no one is written out of the justice system
- 1999 State Plan Revision
- 2006 State Plan Revision

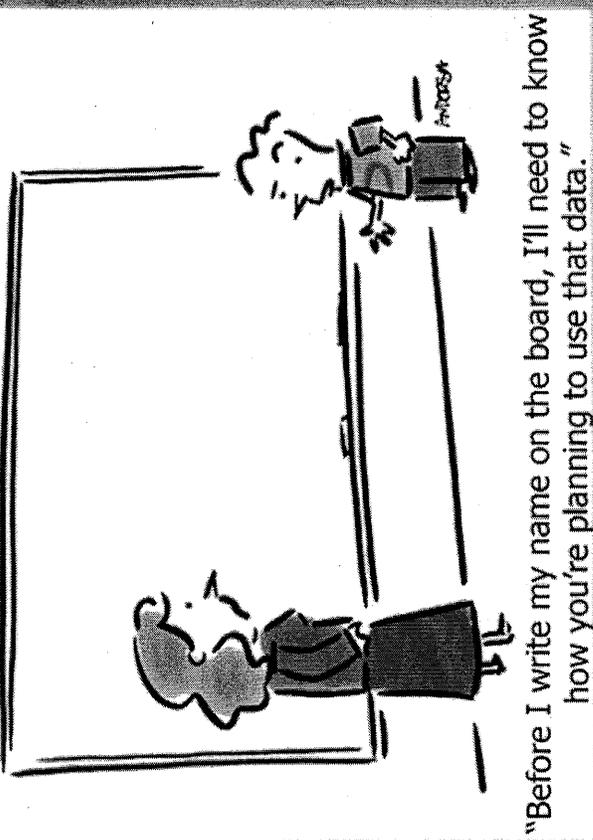
“History doesn’t repeat itself, but it does rhyme.”

~Mark Twain

WHY A STATE PLAN?

The principal purpose of the plan is to guide the collective efforts of the Alliance for Equal Justice to expand access to the civil justice system and eliminate barriers that perpetuate poverty and deny justice. The plan is intended to articulate Alliance agreement about its core functions, strategic goals and existing gaps.

© MARY ANDERSON WWW.ANDERSONTOONS.COM



FRAMEWORK FOR THE STATE PLAN

- **3-7 Goals stated in terms of client needs**
- **Strategies to achieve the goals**
- **Measures of success**
- **Annual evaluation of three-year plan**

STAKEHOLDERS

Engage Throughout the Process

Low-income people, including but not limited to legal services clients

Legal aid program staff

Legal aid program board members

Legal aid providers not included in the Consensus Group

Social service and community health providers

Law schools

Law Libraries

Criminal and juvenile justice system partners

Local, specialty and minority bar associations

Local and statewide court support staff and administrators

Engage when Identifying Strategies

Funding partners

Seek Input on Draft Report Only

The Supreme Court

Legal services volunteers

The judiciary

Elected officials

Other law-related entities

WSBA leadership

Law enforcement

STATE PLAN ROAD MAP

4
Develop Implementation
Plan & Indicators of Success
May - June 2016

3
Develop Strategies
March - April 2016

2
Develop Goals
November 2015 - March 2016

5
Draft, Circulate, & Adopt State Plan
June - September 2016

6
Implement & Evaluate State Plan
October 2016 - September 2019

1
Educate Stakeholders
October - November 2015

STAYING ENGAGED IN THE PROCESS

Attend Regional Meetings:

- Vancouver, November 5
Northwest Justice Project
- Olympia, November 6
Northwest Justice Project
- Kennewick, November 9
Benton-Franklin Health District
- Spokane, November 10
Northwest Justice Project
- Mt. Vernon, November 18
Skagit Community Action
- Seattle, November 24
King County Bar Association

Follow the process on [Facebook](#)

Contact Us:

- Terra Nevitt, Access to Justice Board
terran@wsba.org
- Beth Leonard, Pro Bono Council
beth@kcba.org
- Jay Doran, Equal Justice Coalition
jay@ejc.org

Certified Language Oral Exam Report for 2015

In the fall of 2015, 46 interpreters took the oral exam, representing the following certified languages:

Language	Test Candidates
Arabic	2
Bosnian/Serbian/Croatian	1
Cantonese	2
French	2
Korean	5
Mandarin	2
Russian	1
Spanish	31

Six interpreters passed the exam:

Language	Interpreters Passing Exam
Bosnian/Serbian/Croatian	1
Mandarin	1
Spanish	4

Commission Calendar of Events

2016: January - December

Date & Time	Event	Location	Commission
JANUARY			
January 8 @ 8:45-noon	GJCOM Meeting	AOC SeaTac	GJCOM
January 16 @ 8:00am to 5:00pm	Court Interpreter Written Exam Prep Class	Bellevue	IC/IP
January 22 @ TBD	Judicial Officer and Law Student Reception	Spokane	GJCOM
January 26 @ 8:00am-11:30am	Judicial College – Judicial Officers Leading the Way: Culturally Competent Courtrooms	Embassy Suites, Bellevue	MJC
January 27 @ 2:30-5:30	Judicial College – DV & In Her Shoes	Embassy Suites, Bellevue	GJCOM
January 29 @ 8:00am-9:00am	Judicial College – Court Interpreters	Embassy Suites, Bellevue	IC/IP
FEBRUARY			
February 5 @ 8:45am-1pm	MJCOM Meeting	TBD	MJC
February 6 @ 8:00am to 5:00pm	Court Interpreter Written Exam Prep Class	Bellevue	IC/IP
February 13 @ 8:00am to 5:00pm	Court Interpreter Written Exam Prep Class	Moses Lake	IC/IP
February 20 @ 8:00am to 5:00pm	Court Interpreter Written Exam Prep Class	Moses Lake	IC/IP
February 27 @ 9:00 am	Court Interpreter Written Exam	Bellevue & Moses Lake	IC/IP
MARCH			
March 4 @ 9am-1pm	GJCOM Legislative Reception & Meeting	Temple of Justice	GJCOM
March 4 @ 8:45am-11:45pm	IC Meeting	AOC Seatac – Small Conference Room	IC
March 18 @ 8:30am-4:45 pm	Ethics and Protocol Class	Seattle Municipal Courthouse	IC/IP
APRIL			
April 1 @ 8:45am-12:45pm	MJC Meeting	AOC Seatac	MJC
April 1-30	DMCMA Line Staff SA Trainings	7 different locations across WA	GJCOM
April 3-6	Appellate Judges’ Spring Conference	Leavenworth	MJC GJCOM
April 18 @ 1:30pm - 3:30pm	SCJA Spring Conference – Bail Practices- VRI Updates	Skamania Lodge, Stevenson	MJC IC/IP

April 19 @ 8:30am-10:00am	SCJA Spring Conference – Children of Incarcerated Parents	Skamania Lodge, Stevenson	GJCOM
April 26 @ 8:30am-5:00pm	DV/SA Attorney and Interpreter Training	Red Lion, Spokane	GJCOM, IC & IP
April 27	Best practices for working with unaccompanied minors-WSBA Webinar Recording Day 2	Seattle	IC
MAY			
May TBD	Court Interpreter Orientation	Bellevue College & Moses Lake	IC/IP
May 9	Best practices for working with unaccompanied minors-WSBA Webinar Recording Day 1	Seattle	IC/IP
May 10	Webinar Recording Day 2	Seattle	IC
May 13 @ 8:45am-noon	GJCOM Meeting	AOC SeaTac	GJCOM
May 20 @ 8:45am-11:45am	IC Meeting	Skagit County	IC
May 23 @ 8am-4pm	Courthouse Facilitator Training	AOC Seatac	GJCOM
May 24-25	Reciprocity Agreements ASL Interpreter Use-Best Practices	NCSC Consortium National Conference, New Orleans	IC/IP
May 25 @ 8:30-1pm	Supreme Court Symposium	Temple of Justice	MJC
JUNE			
June 5 @ 1:00pm-5:30pm	DMCJA Spring Conference – DV	Campbell's Resort, Lake Chelan	GJCOM
June 24 @ 8:45am-12:45pm	MJC Meeting	TBD	MJC
June 25 (t)	Oral Exam Prep Class	Bellevue & Moses Lake	IC/IP
JULY			
July 8 @ 8:45am-noon	GJCOM Meeting	AOC SeaTac	GJCOM
July 9 (t)	Oral Exam Prep Class	Bellevue & Moses Lake	IC/IP
July 23 (t)	Oral Exam Prep Class	Bellevue & Moses Lake	IC/IP
AUGUST			
August 6 (t)	Oral Exam Prep Class	Bellevue & Moses Lake	IC/IP
August 19-20 @ 8am-5pm	DMCJA Pro-Tem Training	WSBA Training Center, Seattle	DMCJA Diversity Committee (Pam)

August 20 (t)	Oral Exam Prep Class	Bellevue & Moses Lake	IC/IP
SEPTEMBER			
September 2 @ 8:45am-noon	GJCOM Meeting	AOC SeaTac	GJCOM
September 8-9	DV Symposium	Seattle University	GJCOM
September 11-14	Fall Judicial Conference	Spokane	MJCOM
September 23 @ 8:45am-12:45pm	MJC Meeting	TBD	MJC
September 30 @ 8:45am-11:45am	IC Meeting	AOC SeaTac – Small Conference Room	IC
OCTOBER			
October 7-9	National Association of Women Judges (NAWJ) Conference	Seattle – Sheraton Hotel	GJCOM <i>(possible IC/IP)</i>
October TBD	Ethics and Protocol Class	Seattle Municipal Courthouse	IC/IP
October TBD	Oral Exam	Bellevue College	IC/IP
NOVEMBER			
November 4 @ 8:45am-noon	GJCOM Meeting	AOC SeaTac	GJCOM
DECEMBER			
December 2 @ 8:45am-12:45pm	MJC Meeting	TBD <i>(Possible Joint Meeting w/ IC)</i>	MJC
December 2 @ 8:45am-11:45am	IC Meeting	AOC SeaTac – Small Conference Room <i>(Possible Joint Meeting with MJC)</i>	IC

Tentative Events / Trainings

- Courthouse Facilitator Trainings - IC
- Roadshows for Firearms/DV – GJCOM
- DMCMA Staff Trainings on SA – GJCOM & (possibly MJC, IC)

**Additional
Reading Material**

**Guidelines for communicating rights to non-native speakers of English in
Australia, England and Wales, and the USA**

Communication of Rights Group

(an international group of linguists, psychologists, lawyers and interpreters,
whose names appear at the end of the document)

November 2015

PREAMBLE

Suspects' interview rights, referred to as Miranda Rights in the United States and as police cautions in Australia, England and Wales, are country-specific mechanisms for protecting due process in criminal investigations and trials. These rights include the right not to incriminate oneself. They are protected in various national and state criminal justice systems through legislation, common law or constitutional interpretation and are considered fundamental in much of the international community. The purpose of the requirement to communicate these rights/cautions to suspects is to ensure that those in criminal proceedings know their fundamental rights under the law. A failure to protect the rights of individuals during interviews risks the integrity of any investigation.

Current research shows that even native speakers of English do not always understand the rights delivered to them (see Appendix for studies of comprehension of rights by native and non-native speakers of English). The ability of native speakers of English to understand their rights is affected by their level of education, their cognitive abilities, the context and manner of communication of the rights and the wording used to express individual rights. The problems are even greater among vulnerable populations, including juveniles and people with mental disorders. The focus of the present guidelines is on a different vulnerable population, non-native speakers of English.

Psycholinguistic research (including studies listed in the Appendix) shows that people who have learned another language later in life process information differently in this second language than in their native language. This processing difference compounds their linguistic and cultural difficulties in communicating in English. Even speakers who can maintain a conversation in English may not have sufficient proficiency to understand complex sentences used to communicate rights/cautions, legal terms, or English spoken at fast conversational rates. They also may not be familiar with assumptions made in the adversarial legal system. Yet, like other vulnerable populations, non-native speakers of English have the right to equal treatment. Therefore, if they do not have mastery of English, it is crucial that their rights be delivered to them in the language they can understand.

The purpose of these guidelines, prepared by linguistic and legal experts from Australia, England and Wales, and the United States, is to articulate recommendations in terms of (a) wording of the rights/cautions (Part A) and (b) communication of the rights/cautions to non-native speakers of English (Part B). These recommendations are grounded in linguistic and psychological research on the comprehension of rights (listed in the Appendix) and in our collective experience of working with cases involving the understanding of rights by non-native speakers of English. Our focus is on the right to silence, as this is the only right shared across jurisdictions in our respective countries, but the same principles apply to the communication of other rights. We recognize that some of the recommendations below apply to all suspects, not only those who do not speak English as their main language. However, the focus of this document is on non-native speakers of English. We also recognize that non-native speakers of English experience difficulties in invoking their rights but this issue is beyond the scope of this document.

A. THE WORDING OF THE RIGHTS/CAUTIONS

RECOMMENDATION 1: USE STANDARDIZED VERSION IN PLAIN ENGLISH (CLEAR ENGLISH)

To enhance understanding by non-native and native speakers of English alike, we recommend that traditional formulas, such as *You have the right to remain silent, anything you say can be used against you in a court of law*, should be re-worded in clear English (also known as Plain English). Revisions should be made in consultation with police officers, defense lawyers, and experts in linguistics. They should be based on the following linguistic principles that derive from the research listed in the Appendix:

Avoid

- words with multiple meanings and homophones, such as *waive*;
- technical language (i.e., legal jargon), such as *waiver, evidence, or matter*;
- low-frequency words and other expressions that are likely to be unfamiliar to speakers with limited English proficiency, such as *remain silent*;
- abstract nouns and expressions, such as *anything you say*;
- derived nouns, such as *failure* in the expression *failure to do so*;
- passive and agentless constructions, such as *may be used as evidence*;
- grammatically complex sentences and sentences with multiple clauses;
- sentences with conditional clauses introduced by *unless* and *if*, because these terms do not have exact translations in many languages and, as a result, may be misunderstood by non-native speakers of English.

Whenever possible, use:

- frequently-used English words, e.g., *speak, talk*;
- short sentences with single clauses (one idea, one sentence), e.g., *You do not have to talk to anyone*;
- active voice that clearly indicates the agent of the action, e.g. *I will ask you some questions. You do not have to answer.*

RECOMMENDATION 2: DEVELOP STANDARDIZED STATEMENTS IN OTHER LANGUAGES

All vital documents must be made available in a language the suspect can understand. These documents include, but are not limited to, the following: (a) information about the rights of the suspect, (b) information about restrictions on the suspect's liberties, (c) information about language assistance, and (d) documents that require response from the suspect (including signature). We recommend that all jurisdictions develop standardized statements of rights/cautions in languages other than English.

These statements should be prepared in consultation with bilingual lawyers, linguistic experts, and professional interpreters and translators with expertise in legal interpreting and the varieties of the languages involved¹. They should then be tested in relevant populations to make sure that they are generally understood. These translations should be made available to all suspects alongside the English version both in writing and via audiorecording. Sign language users should have access to an interpreter and a videorecorded version of rights in their own sign language.

¹ In England and Wales, translations are available at <https://www.gov.uk/notice-of-rights-and-entitlements-a-persons-rights-in-police-detention>

B. COMMUNICATING THE RIGHTS/CAUTIONS

Having made recommendations # 1 and # 2, we recognize that there is no one formulation of rights/cautions that would be immediately understandable to all. Our next set of recommendations deals with communication of rights/cautions. The purpose of these recommendations is to enable legal systems to meet minimal due process standards for affording rights to non-native speakers of English who enter the criminal justice system. We recognize that some of these recommendations (e.g., #6 and #7) may be seen as extending procedural rights beyond those currently afforded by some jurisdictions. We suggest that even if some of these procedures are not considered to be constitutionally or statutorily mandated, they should be adopted by law enforcement agencies as best practices, in order to ensure the integrity of the criminal justice process.

RECOMMENDATION 3: INFORM SUSPECTS ABOUT ACCESS TO AN INTERPRETER AT THE BEGINNING OF THE INTERVIEW

It is vital that all suspects are afforded due process, even if they do not speak English as their native language. Therefore, we recommend that at the beginning of the interview all non-native English-speaking suspects should be provided with the opportunity to request the services of a professional interpreter for the police interview. Police are not trained in assessing language proficiency and may be unaware of communication difficulties faced by non-native English speakers. As a result, the choice of whether to proceed with or without an interpreter should not be solely a matter of police discretion. Many jurisdictions have a clear right to an interpreter for non-native English speaking suspects. For jurisdictions that do not have an unambiguous right to an interpreter, we recommend developing or clarifying the right to a professional interpreter as a matter of law reform. If a suspect initially declines the services of an interpreter, it should be made clear that an interpreter is available at any time when a suspect no longer feels confident to continue in English without one.

When rights/cautions are communicated via an interpreter or through standardized translations, suspects should restate their understanding of the rights/cautions in their own words in their preferred language (see Recommendation # 6). Both the interpretation (or the delivery of the standardized written translation) and the restatement should be recorded because there remains the possibility of misinterpretation and misunderstanding, e.g., due to low quality of interpretation or translation, or differences between the suspect's and the interpreter's dialects.

RECOMMENDATION 4: PRESENT EACH RIGHT INDIVIDUALLY

Stress, confusion and noise reduce the ability to process information effectively in a second language. We recommend that each right be presented individually, clearly, at a slow pace, and repeated if needed. The speaker's face should be clearly visible to the suspect and background noise minimized. Suspects who can read should be given sufficient time to read each right. All suspects should be given an opportunity to ask follow-up questions about words and sentences they did not understand.

RECOMMENDATION 5: DO NOT DETERMINE UNDERSTANDING BY USING YES OR NO QUESTIONS

Just because a person can answer simple questions in English, this does not mean that the person can communicate effectively about more complex matters, such as legal concepts, terms and processes. Positive answers to yes/no questions, such as *Do you understand English?*, do not constitute evidence of language proficiency sufficient to understand legal rights/cautions. Non-native speakers of English may say *yes* out of fear or deference to authority, even if their proficiency is very limited and they are unable to understand their rights. The same argument applies to the use of questions, such as *Do you understand?*, after delivery of each right. There are many reasons why suspects may say *yes*, regardless of whether they actually understand their rights.

RECOMMENDATION 6: ADOPT AN IN-YOUR-OWN-WORDS REQUIREMENT

Jurisdictions vary with regard to the administration of rights/cautions. Some require the prosecution to show evidence of suspect understanding. Other jurisdictions treat the administration of the legally correct statement of rights as presumptive evidence of suspect understanding. We recommend that the legal standard should be 'demonstrated understanding by the suspect'. To demonstrate such understanding, we recommend the adoption of an in-your-own words requirement that is already used in some jurisdictions. After each right has been presented, police officers should ask suspects to explain in their own words their understanding of that right and of the risks of waiving this right, as explained by the police officer. If suspects have difficulties restating the rights in their own words in English (e.g., if they repeat the words just read to them or if they remain silent), the interview should be terminated until a professional interpreter, with expertise in legal interpreting, is brought in. This should be done even if a suspect had earlier declined the offer of interpreting services.

RECOMMENDATION 7: VIDEORECORD THE INTERVIEW

The communication of the rights and the suspect's restatement should be videorecorded, capturing all of the participants. Such recording is crucial to the court's ability to determine whether the rights were properly communicated and understood by the suspect and, in the US, whether they were waived knowingly, intelligently, and voluntarily.

SIGNATORIES

Janet Ainsworth, J.D.

John D. Eshelman Professor of Law, Seattle University, USA

Susan Berk-Seligson, Ph.D.

Vanderbilt University, USA

Michael Cooke, Ph.D.

Consultant linguist (intercultural communication), Interpreter and Interpreter Trainer, Australia

Elsa Cowie

Public Service Interpreter and Interpreter Trainer, Cardiff University, Wales, UK

Diana Eades, Ph.D., FAHA

University of New England, Australia; Past President of the International Association of Forensic Linguists (IAFL)

William Eggington, Ph.D.
Brigham Young University, USA

John Gibbons, Ph.D.
Monash University, Australia; Past President of the International Association of Forensic Linguists (IAFL)

Ben Grimes, LLB, GDLP
Criminal lawyer and cross-cultural communication consultant (formerly with the North Australian Aboriginal Justice Agency and the Northern Territory Aboriginal Interpreter Service), Australia

Sandra Hale, Ph.D.
University of New South Wales, Australia; Interpreting Researcher and Educator, Interpreter and Translator; National President of the Australian Institute of Interpreters and Translators

Kate Haworth, Ph.D.
Aston University, UK

Zora Jackman
Public Service Interpreter and Interpreter Trainer, UK

David Moore, Ph.D.
Consultant linguist and interpreter, Australia

Ikuko Nakane, Ph.D.
University of Melbourne, Australia

Aneta Pavlenko, Ph.D.
Temple University, USA; Past President of the American Association for Applied (Linguistics AAAL)

Frances Rock, PhD.
Cardiff University, Wales, UK

Richard Rogers, Ph.D., ABPP
Regents Professor of Psychology, University of North Texas, USA

Roger W. Shuy, Ph.D.
Professor of Linguistics, Emeritus, Georgetown University, USA; Past President of the American Association for Applied Linguistics (AAAL)

Lawrence M. Solan, J.D., Ph.D.
Don Forchelli Professor of Law and Director, Center for the Study of Law, Language and Cognition, Brooklyn Law School, USA; Past President of the International Association of Forensic Linguists (IAFL)

Margaret van Naerssen, Ph.D.
Immaculata University, USA

Keith Walters, Ph.D.
Portland State University, USA

Ann Wennerstrom, Ph.D., J.D.
Law Office of Ann Wennerstrom; Member of the Washington State Coalition for Language Access, USA

For further information, contact Diana Eades <Diana.Eades@une.edu.au> or Aneta Pavlenko (aneta.pavlenko@temple.edu), convenors of the Communication of Rights group

Appendix
Communication of rights/cautions to non-native and native speakers of English:
Bibliography

Diana Eades and Aneta Pavlenko

Table of contents

1. Books and articles on communication of rights to non-native speakers (NNSs) of English
2. Books and articles on translation, interpretation and assessment of English proficiency in legal settings
3. Books and articles on language and the law that include discussion of communication of rights

1. Books and articles on communication of rights to non-native speakers (NNSs) of English

- Berk-Seligson, S. (2002) The Miranda warnings and linguistic coercion: The role of footing in the interrogation of a limited-English speaking murder suspect. In Cotterill, J. (ed.) *Language in the legal process*. New York: Palgrave Macmillan, pp. 127-143.
- Berk-Seligson, S. (2007) The elicitation of a confession: Admitting murder but resisting an accusation of an attempted rape. In Cotterill, J. (ed.) *The Language of Sexual Crime*. Houndmills: Palgrave Macmillan, pp. 16-41.
- Berk-Seligson, S. (2009) *Coerced confessions*. Berlin: Mouton de Gruyter.
- Berk-Seligson, S. (2011) Negotiation and communicative accommodation in bilingual police interrogations. *International Journal of the Sociology of Language* 207, 29-58.
- Brière, E. (1978) Limited English speakers and the Miranda rights. *TESOL Quarterly* 12 (3), 235-245.
- Einesman, F. (1999) Confessions and culture: The interaction of Miranda and diversity. *Journal of Criminal Law and Criminology* 90, 1-47.
- Einesman, F. (2010) Cultural issues in motions to suppress statements. In Ramirez, L. (ed.), *Cultural Issues in Criminal Defense*. 3rd ed. Huntington, NY: Juris, pp. 559-628.
- Friedman Ramirez, L. (1994) When language is a barrier to justice: The non-English-speaking suspect's waiver of rights. *Criminal Justice*, Summer 1994.
- Gibbons, J. (1987) Police interviews with people of non-English speaking background: some problems. *Legal Service Bulletin* 12, 183-184.
- Gibbons, J. (1990) Applied linguistics in court. *Applied Linguistics* 11 (3), 229-237.
- Gibbons, J. (2001) Revising the language of New South Wales police procedures: Applied Linguistics in action. *Applied Linguistics* 22 (4), 439-469.
- Nakane, I. (2007) Problems in communicating the suspect's rights in interpreted police interviews. *Applied Linguistics* 28 (1), 87-112.
- Pavlenko, A. (2008) Non-native speakers of English and the Miranda warnings. *TESOL Quarterly* 42(1), 1-30.

- Rogers, R., Correa, A., Hazelwood, L., Shuman, D., Hoersting, R., & H. Blackwood (2009) Spanish translations of Miranda warnings and the totality of the circumstances. *Law and Human Behavior* 33, 61-69.
- Roy, J. (1990) The difficulties of limited-English-proficient individuals in legal settings. In Rieber, R. & W. Stewart (eds.) *The language scientist as expert in the legal setting: Issues in forensic linguistics*. New York: The New York Academy of Sciences, pp. 73-83.
- Russell, S. (2000) "Let me put it simply": The case for a standard translation of the police caution and its explanation. *Forensic Linguistics* 7(1), 26-48.

2. Books and articles on translation, interpretation and assessment of English-language proficiency in legal settings

- Angermeyer, P. (2008) Creating monolingualism in the multilingual courtroom. *Sociolinguistic Studies* 2 (3), 385-403.
- Angermeyer, P. (2009) Translation style and participant roles in court interpreting. *Journal of Sociolinguistics* 13 (1), 3-28.
- Angermeyer, P. (2015) *Speak English or what? Codeswitching and interpreter use in New York city courts*. Oxford: Oxford University Press.
- Berk-Seligson, S. (1999) The impact of court interpreting on the coerciveness of leading questions. *Forensic Linguistics* 6 (1), 30-56.
- Berk-Seligson, S. (2002) *The Bilingual courtroom: Court interpreters in the judicial process*. 2nd ed. Chicago: University of Chicago Press.
- Berk-Seligson, S. (2000) Interpreting for the police: issues in pre-trial phases of the judicial process. *Forensic Linguistics* 7 (2), 212-237.
- Brown-Blake, C. & P. Chambers (2007) The Jamaican Creole speaker in the UK criminal justice system. *International Journal of Speech Language and the Law* 14 (2), 269-294.
- Colin, J. & R. Morris (1996) *Interpreters and the legal process*. Winchester, UK: Waterside Press.
- Cooke, M. (1996) A different story: Narrative versus "question and answer" in Aboriginal evidence. *Forensic Linguistics* 3 (2), 273-88.
- Cooke, M. (2002) *Indigenous interpreting issues for the courts*. Carlton, Victoria: Australian Institute of Judicial Administration Incorporated.
- Cooke, M. (2004) *Caught in the middle: indigenous interpreters and customary law*. Background Paper No 2. Law Reform Commission of Western Australia.
<http://www.lrc.justice.wa.gov.au/>
- Cooke, M. (2009) Anglo/Aboriginal communication in the criminal justice process: a collective responsibility. *Journal of Judicial Administration* 19: 26-35.
- English, F. (2010) Non-native speakers in detention: Assessing non-native speaking detainees' English language proficiency. In Coulthard, M. & A. Johnson (eds.) *The Routledge Handbook of Forensic Linguistics*. London/New York: Routledge, pp. 423-439.

- Gibbons, J. (1995) What got lost?: The place of electronic recording and interpreting in police interviews. In Eades, D. (ed.) *Language in Evidence: Issues Confronting Aboriginal and Multicultural Australia*. Sydney: University of New South Wales Press, pp. 175-186.
- Hale, S. (2004) *The discourse of court interpreting. Discourse practices of the law, the witness and the interpreter*. Amsterdam/Philadelphia: John Benjamins.
- Hale S. (2007) The challenges of court interpreting: intricacies, responsibilities and ramifications. *Alternative Law Journal*, 32 (4), 198-202.
- Hale, S. (2010) The need to raise the bar. Court interpreters as specialized experts, in M. Coulthard & A. Johnson (eds.). *Handbook of Forensic Linguistics*. Routledge, pp. 440-454. (Reprinted in *The Judicial Review*, 10(2), March 2011)
- Hale, S. (2011) *Interpreter policies, practices and protocols in Australian courts and tribunals. A national survey*. Melbourne: AIJA <http://www.aija.org.au/online/Pub%20no89.pdf>
- Hale, S. (2013) Helping interpreters to truly and faithfully interpret the evidence: The importance of briefing and preparation materials. *Australian Bar Review*, 37, 307-320.
- Hayes, A. & S. Hale (2010) Appeals on incompetent interpreting. *Journal of Judicial Administration* 20, 119-130.
- Jensen, M.-T. (1995) Linguistic evidence accepted in the case of a non-native speaker of English. In Eades, D. (ed.) *Language in Evidence: Issues Confronting Aboriginal and Multicultural Australia*. Sydney: University of New South Wales Press, pp. 127-146.
- Lane, C., K. McKenzie-Bridle, & L. Curtis (1999) The right to interpreting and translation services in New Zealand courts. *Forensic Linguistics* 6 (1), 115-136.
- Laster, K. & V. Taylor (1994) *Interpreters and the legal system*. Sydney: The Federation Press.
- Lee, J. (2009a) Interpreting inexplicit language during courtroom examination. *Applied Linguistics* 30 (1), 93-114.
- Lee, J. (2009b) When linguistic and cultural differences are not disclosed in court interpreting. *Multilingua* 28 (4), 379-401.
- Lee, J. (2011) Translatability of speech style in court interpreting. *International Journal of Speech Language and the Law* 18(1), 1-33.
- Mildren, D. (1999) Redressing the imbalance: Aboriginal people in the criminal justice system. *Forensic Linguistics* 6 (1), 137-160.
- Napier, J., Spencer, D. & J. Sabolcec (2007) *Deaf jurors' access to court proceedings via Sign Language interpreting: An investigation*. New South Wales Law Reform Commission Research Report 14. http://www.lawlink.nsw.gov.au/lawlink/lrc/ll_lrc.nsf/pages/LRC_reports
- Russell, D. (2002) *Interpreting in legal contexts: Consecutive and simultaneous interpretation*. Burtonsville, MD: Linstok Press.
- van Naerssen, M. (2009) Going from language proficiency to linguistic evidence in court cases. In Taylor, L. & C. Weir (eds.) *Language Testing Matters*. Cambridge: Cambridge University Press & University of Cambridge Local Examinations Syndicate (UCLES), pp. 36-58.

- van Naerssen, M. (2010) Language proficiency and its relation to language evidence. In Ramirez, L. (ed.) *Cultural issues in criminal defense*. 3rd ed. New York: Juris Publishing, Inc, pp. 65-121.
- van Naerssen, M. (2013a) The interface of language assessment and forensic contexts. In A. Kunnan (ed.) *The Companion to Language Assessment*, Vol. 3. Part 15, Article 91. Hoboken, NJ: John Wiley and Sons.
- van Naerssen, M. (2013b) The linguistic functions of “knowingly” and “intelligently” in police cautions. In Faria, R., Galvada, N. & B. Maia (eds.) *Bridging the gaps between language and the law*. Proceedings of the 3rd European Conference of the IAFL. Porto: Faculdade de Letras da Universidade do Porto, pp. 157-169.

3. Books and articles on language and the law that include discussion of communication of rights

- Ainsworth, J. (1993) In a different register: the pragmatics of powerlessness in police interrogation. *Yale Law Journal* 103, 259-322.
- Ainsworth, J. (2008) “You have the right to remain silent...” but only if you ask for it just so: The role of linguistic ideology in American police interrogation law. *The International Journal of Speech, Language, and the Law* 15 (1), 1-21.
- Ainsworth, J. (2010) Miranda rights: Curtailing coercion in police interrogation: the failed promise of *Miranda v. Arizona*. In Coulthard, M. & A. Johnson (eds.) *The Routledge Handbook of Forensic Linguistics*. London/New York: Routledge, pp. 111-125.
- Ainsworth, J. (2010) The meaning of silence in the right to remain silent. In Tiersma, P, & L. Solan (eds.) *The Oxford Handbook of Language and Law*. Oxford: Oxford University Press, pp. 287-298.
- Brennan, M. & R. Brown (1997) *Equality before the law: Deaf people's access to justice*. Durham, UK: Deaf Studies Research Unit, University of Durham.
- Cotterill, J. (2000) Reading the rights: A cautionary tale of comprehension and comprehensibility. *Forensic Linguistics* 7 (1), 4-25.
- Cotterill, J. (ed.) (2002) *Language in the legal process*. Palgrave Macmillan.
- Cotterill, J. (2005) “You do not have to say anything...”: instructing the jury on the defendant's right to silence in the English criminal justice system.’ *Multilingua* 24 (1-2), 7-24.
- Davis, D. & R. Leo (2012) Interrogation through pragmatic implication: Sticking to the letter of the law while violating its intent. In Tiersma, P, & L. Solan (eds.) *The Oxford Handbook of Language and Law*. Oxford: Oxford University Press, pp. 354-369.
- Eades, D. (2010) *Sociolinguistics and the legal process*. Bristol, UK: Multilingual Matters.

- Gibbons, J. (1996) Distortions of the police interview process revealed by videotape. *Forensic Linguistics* 3 (2), 289-298.
- Gibbons, J. (2003) *Forensic linguistics: An introduction to language in the justice system*. Blackwell.
- Goldstein, N., Messenheimer Kelley, S., Riggs Romaine, C., & H. Zelle (2012) Potential impact of juvenile suspects' linguistic abilities on *Miranda* understanding and appreciation. In Tiersma, P, & L. Solan (eds.) *The Oxford Handbook of Language and Law*. Oxford: Oxford University Press, pp. 299-311.
- Grisso, T. (2003) *Evaluating competencies: Forensic assessments and instruments*. 2nd ed. New York: Kluwer Academic/Plenum Publishers.
- Hoopes, R. (2003) Trampling *Miranda*: Interrogating Deaf suspects. In Lucas, C. (ed.) *Language and the Law in Deaf Communities*. Washington, DC: Gallaudet, pp. 21-59.
- Kassin, S., Drizin, S., Grisso, T., Gudjonsson, G., Leo, R., & A. Redlich (2010) Police-induced confessions: Risk factors and recommendations. *Law and Human Behavior* 34 (3), 3-38.
- Kurzton, D. (1996) "To speak or not to speak": The comprehensibility of the revised police caution (PACE). *International Journal for the Semiotics of Law* 9 (25), 3-16.
- Leo, R. (1996a) The impact of *Miranda* revisited. *Journal of Criminal Law and Criminology* 86, 621-692.
- Leo, R. (1996b) *Miranda's* revenge: Police interrogation as a confidence game. *Law and Society Review* 30 (2), 259-288.
- Leo, R. (2008) *Police Interrogation and American Justice*. Cambridge, Mass: Harvard University Press.
- Leo, R. & G. Thomas (eds.) (1998) *The Miranda debate: Law, justice, and policing*. Boston: Northeastern University Press.
- Lucas, C. (2003) *Language and the law in Deaf communities*. Washington, DC: Gallaudet University Press.
- Mason, M. (2014) Can I get a lawyer? A suspect's use of indirect requests in a custodial setting. *International Journal of Speech Language and the Law* 20 (2), 203-227.
- Rock, F. (2007) *Communicating Rights: The Language of Arrest and Detention*. Houndmills: Palgrave Macmillan.
- Rock, F. (2010) Witnesses and suspects in interviews. Collecting oral evidence: the police, the public and the written word. In Coulthard, M. & A. Johnson (eds.) *The Routledge Handbook of Forensic Linguistics*. London/New York: Routledge, pp. 126-138.
- Rock, F. (2012) The caution in England and Wales. In Tiersma, P, & L. Solan (eds.) *The Oxford Handbook of Language and Law*. Oxford: Oxford University Press, pp. 312-325.
- Rogers, R., Harrison, K., Shuman, D., Sewell, K. & L. Hazelwood. (2007) An Analysis of *Miranda* Warnings and Waivers: Comprehension and Coverage. *Law and Human Behavior* 31, 177-192.

- Rogers, R., Hazelwood, L., Sewell, K., Harrison, K., & D. Schuman (2008) The language of Miranda warnings in American jurisdictions: A replication and vocabulary analysis. *Law and Human Behavior* 32, 124-136.
- Rogers, R., Hazelwood, L., Sewell, K., Blackwood, H., Rogstad, J. & K. Harrison (2009) Development and initial validation of the Miranda vocabulary scale. *Law and Human Behavior* 33, 381-392.
- Rogers, R., Rogstad, J., Gillard, N., Drogin, E., Blackwood, H., & D. Shuman (2010) "Everyone knows their Miranda rights": Implicit assumptions and countervailing evidence. *Psychology, Public Policy, and Law* 16 (3), 300-318.
- Rogers, R, Rogstad, J., Steadham, J. & E. Drogin (2011) In plain English: Avoiding recognized problems with Miranda miscomprehension. *Psychology, Public Policy, and Law* 17, 2, 264-285.
- Rogers, R., Fiduccia, C., Drogin, E., Steadham, J., Clark, J. & R. Cramer (2013) General knowledge and misknowledge of Miranda rights: Are effective Miranda advisements still necessary? *Psychology, Public Policy, and Law* 19 (4), 432-442.
- Rogers, R. & E. Drogin (2014) *Mirandized statements: Successfully navigating the legal and psychological issues*. Chicago, IL: American Bar Association.
- Shuy, R. (1998) Ten unanswered language questions about Miranda. *Forensic Linguistics* 4, 175-196.
- Shuy, R. (1998) *The language of confession, interrogation, and deception*. Thousand Oaks, CA: Sage Publications.
- Solan, L. & P. Tiersma (2005) *Speaking of crime: the language of criminal justice*. Chicago: University of Chicago Press.