

**Washington State Supreme Court  
Interpreter Commission**

**December 2, 2016**

**Meeting Packet**

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

# “Race, Equity and Access to Justice” Agenda

## Joint Meeting of the Access to Justice Board, Gender and Justice Commission, Interpreter Commission, and Minority and Justice Commission

Friday, December 2, 2016 – 8:45 AM to 11:00 AM

Washington State Bar Association – 1325 4<sup>th</sup> Avenue, Suite 600, Seattle

### 8:45 a.m. – Presentations (Conference Center)

- **Welcome** – WSBA Executive Director Paula Littlewood
- **Opening Remarks** – WA Supreme Court Chief Justice Barbara Madsen
- **Case Study of Innovative Justice: Community Court** – Francis Adewale (Spokane Office of Public Defender) and Justin Bingham (City of Spokane Prosecutor’s Office)
- **Panel Discussion: Overview of the Work of the Board and Commissions** – Geoff Revelle (Access to Justice Board) Cynthia Delostrinos (Minority and Justice Commission), Kristi Cruz (Interpreter Commission) and Justice Sheryl Gordon McCloud (Gender and Justice Commission)

### 10:00 a.m. – Presentations and Webcast Adjourn

### 10:10 a.m. – Breakout Sessions (in various rooms)

Each of the following commissions/board will break out into separate rooms, share in more depth about their priorities, and welcome feedback and ideas for collaboration from members from the other commissions/board and members of the public.

- **Access to Justice Board:** Members will go into more depth about their work including updating the State Plan for Delivery of Civil Legal Services, race equity, and updating the Access to Justice Technology Principles. (**Rainier Room**)
- **Gender and Justice Commission:** Members will go into more depth about their work on updating the Gender Bias Study: Access to the courts for women in Washington and the intersectionality of poverty, race, mass incarceration, and gender. (**Adams Room**)
- **Interpreter Commission:** Members will go into more depth about their work on language access in Washington courts. (**St. Helens Room**)
- **Minority and Justice Commission:** Members will interactively discuss the mission of the Minority and Justice Commission and how we can work collaboratively on upcoming projects addressing LFOs, Jury Diversity, and Pre-trial reform. (**Conference Center**)

### 11:00 a.m. – Adjourn Joint Meeting

### 11:30 a.m. – Regular Meetings (in various rooms)

The following Commissions and Board will have their respective regularly scheduled monthly meetings that are open to the public. All are welcome to attend.

- 11:30 a.m. – 12:30 p.m. – **Access to Justice Board (Rainier Room)**
- 11:30 a.m. – 1:30 p.m. – **Minority and Justice Commission (Conference Center)**
- 11:30 a.m. – 2:00 p.m. – **Interpreters Commission (St. Helens Room)**

**Interpreter Commission  
Meeting Agenda**



WASHINGTON  
COURTS

## Interpreter Commission

Friday, December 2, 2016

WSBA Office, 1325 Fourth Avenue, Suite 600, Seattle, WA

ATJ Board-Commissions Collaboration Forum: 8:45 am-11:00 am

Large Conference Room

Interpreter Commission Meeting: 11:30 a.m. – 2:00 pm (St. Helens Rm)

### AGENDA

1. Call to Order	Justice Steven González	
2. Approval of September 20, 2016 Minutes	Justice Steven González	
3. Chair's Report <ul style="list-style-type: none"> <li>• ATJ-Commissions Meeting Debriefing and Future Action</li> <li>• 2017-19 Budget Proposal</li> <li>• 2017-2019 Legislative Proposals</li> <li>• Board Strategic Planning Retreat</li> </ul>	Justice Steven González  Justice González Justice González Lynne Lumsden	
4. Committee Reports <ul style="list-style-type: none"> <li>• Issues Committee Report <ul style="list-style-type: none"> <li>➢ GR. 11.2 Review Update</li> <li>➢ Interpreter Pay Standard</li> </ul> </li> <li>• Education Committee Report</li> <li>• Disciplinary Committee Report</li> </ul>	Judge Andrea Beall  Katrin Johnson  Judge Theresa Doyle	
5. Court Interpreter Program Issues <ul style="list-style-type: none"> <li>• Program Reports: <ul style="list-style-type: none"> <li>➢ LAP Deskbook Review</li> <li>➢ INCE Presentation*</li> <li>➢ Oral Exam Administration</li> <li>➢ 2017 NCSC Exam Dates</li> <li>➢ 2017 Commission Meeting Dates</li> </ul> </li> </ul> <p>* Evaluations in packet</p>	FonaSugg/AOC Staff AOC Staff AOC Staff AOC Staff AOC Staff	
6. Business for the Good of the Order		
7. Adjourn	Justice Steven González	

Next Meeting: Friday, March 3, 2017, 8:45 a.m. – 11:45 a.m., AOC SeaTac Office

# Meeting Minutes



**Interpreter Commission**  
**Friday, September 30, 2016 (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  
Eileen Farley  
Fona Sugg  
Francis Adewale  
Judge Laura Bradley

**AOC Staff**

Robert Lichtenberg  
James Wells

**Members Attending by Telephone**

LaTricia Kinlow  
Katrin Johnson  
Judge Theresa Doyle  
Alma Zuniga

**Guests:**

Czar Peralta  
Jonas Nicotra  
Grasa Barbosa  
Irene Anulacion

**CALL TO ORDER AND WELCOME**

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

**APPROVAL OF MAY 20, 2016 MEETING MINUTES**

Minutes were approved after a correction that Dirk Marler was not in attendance at the May 20<sup>th</sup> meeting.

## **CHAIR'S REPORT**

### **Commission Service Award**

The two outgoing Commission members, Ms. Cruz and Mr. Mattix, were presented with wall plaques by Justice Gonzalez as a token of recognition and thanks for their contributions to various Commission and Interpreter Program efforts, notably the identification of a cost-effective interpreter scheduling tool, several new continuing education policies and the drafting of the updated Language Access Plan (LAP) model policy and court user template.

### **Welcome and Introduction of New Commission Members**

The newest members of the Commission introduced themselves. Mr. Adewale works for the Washington Defenders Association as a public defense attorney and also works closely with the Refugee Connection in Spokane. He is also a member of the Access to Justice Board. Ms. Kinlow is the court administrator for Tukwila Municipal Court and has been involved with the Language Access Plan workgroup as a member of the court user template drafting team.

### **Approval of 2017 Commissions Meeting Calendar**

The Commission reviewed proposed meeting dates and the location for the next public forum. Members proposed new dates for some of the meetings, taking into consideration the length of time elapsing between each meeting. They suggested the following date changes in lieu of the proposed dates:

- March 3
- May 19
- December 1

They also discussed the location of the next public forum. They discussed locating the forum in Clallam or Jefferson County. The next forum could include tribal judges. The Commission discussed how to best bring in community members. It was suggested that they avoid a court house setting since many Limited English Proficient (LEP) persons may not be comfortable coming to that setting. Peninsula College was suggested as a possible meeting place.

Community members may have difficulty attending a daytime meeting due to their work schedule and child care so the Commission discussed having a forum the night before and then having the Commission meeting the next morning. The forum could run from 4 to 6 o'clock while making it clear that people can join later. One topic that could come up is the Department of Homeland Security proposal for using border patrol agents as interpreters during local law enforcement arrests. Three Commission members volunteered for the community panel: Mr. Adewale, Judge Bradley, and Ms. Lumsden.

## **December 2 Joint ATJ Board/Commissions Meeting**

The Commission moved on to discuss the December 2, 2016 Commission meeting. The location will be changing to the Washington State Bar Association office in Seattle and the Commission meeting will take place in the afternoon. In the morning, there would be a joint meeting with the Minority and Justice Commission, the Interpreter Commission, and the Access to Justice Board. The purpose will be to introduce the groups to one another, find overlapping areas for collaboration, find common stakeholders, and joint educational opportunities.

One suggested topic for the meeting was the need for legal aid groups in the Alliance for Equal Justice to provide interpreters. Perhaps the members of the Alliance could have a group fund for interpreters and find other ways to share resources to help overcome their limited budgets. They could look for volunteers or share a pool of interpreters or a shared contract with a telephonic interpreting services.

Other topics for the meeting could include gaps in access that were found in the Civil Legal Aid study involving issues with interpreters, minorities, immigrants and refugees. These communities are often reluctant to go to the court house and access volunteer legal services. Bringing interpreters to the forefront of this conversation about access could help make it easier for the communities to access the legal system.

### **Additional Introductions**

Commission members and guests who arrived after the start of the meeting introduced themselves. Some audience members introduced themselves, including two Portuguese interpreters, who spoke as to why they were at the meeting. They suggested that the Commission should require credentialed interpreters to volunteer their time for community-based events needing interpreter services. They also mentioned one recurring problem faced by Portuguese LEPs is that courts often believe that the LEP needs a Spanish interpreter rather than a Portuguese interpreter.

Another new member of the Commission, Katrin Johnson, also introduced herself. Ms. Johnson currently works for the Office of the Public Defense and was the previous coordinator of the AOC's Court Interpreter Program. She also held a similar position in Minnesota before coming to Washington. Ms. Johnson accepted being the chair of the Education Committee and to act as the liaison to the Joint Education Committee workgroup.

## **Draft Legislation Proposals**

The Commission discussed the proposed legislative changes for the next legislative session. One change sought was to remove the need for interpreters to retake the Oath of Interpreter every two years and only require them to take it once upon receiving their credentials. This would make it consistent with court practices in other states such as Oregon and Idaho. Making the oath permanent was the original intent, however, requiring the oath to be renewed every two years was seen as a compromise solution when it was enacted.

Mr. Lichtenberg recently submitted revised statutory language to make the Oath permanent to the Board of Judicial Administration (BJA), which is to be decided upon at a BJA meeting in October as to whether or not it would receive BJA support to move forward as a bill. The oath legislation would be looked at separately from the interpreter funding legislative request. There was no known opposition, although the original members who objected to the oath being permanent may still be members of the legislature. Some of the original opposition was a desire to have the oath repeated from time to time and the two year period was chosen so that it would match other interpreter compliance requirements. Justice González could reach out to those legislative members that have concerns about the bill and Ms. Noble volunteered to meet them as well.

## **Board Strategic Planning Retreat**

The Commission retreat discussed at the previous meeting was delayed at one point due to budgetary reasons, but it was decided that it would be held and it could be held in January. Ms. Sugg, Ms. Farley, Ms. Bradley and Ms. Lumsden volunteered to help with planning the retreat.

## **COMMITTEE REPORTS**

### **Issues Committee**

#### *Portuguese*

Judge Beall went over the topics discussed by the Issues Committee since the last Commission meeting. The Committee looked at the status of Portuguese as a registered language. Within the past few years, a certified exam has become available for Portuguese and there has been a trend among states to adopt that test. Judge Beall recommended that the Commission move Portuguese from a registered to a certified language. A motion was unanimously approved.

**Motion: Portuguese will change from the registered language category to the certified language category.**

### *GR11.2*

The Issues Committee has also discussed revising General Rule (GR) 11.2, the Code of Conduct for Court interpreters. A group of interpreters from the Northwest Translators and Interpreters Society (NOTIS) had already begun revising the code. Three members of the Commission have been involved in that group so the Commission has had some involvement in the revision. The NOTIS group has been meeting weekly to discuss the revisions and their progress has been discussed during Issues Committee meetings. A draft of the revisions was provided to the Committee right before this Commission meeting but it was not yet ready for review by the Commission. They hoped to have a draft ready for the Commission review by the December meeting.

### **Education Committee**

The Commission discussed the overall scope of the Education Committee. The Committee was originally created to look at trainings for judicial officers and court staff, according to how the current rule for the Committee was written. One question was whether the scope of the Committee should expand to include interpreter education. The Committee has already done some of this kind of work. Mr. Mattix suggested that the Commission discuss whether the Education Committee should continue to discuss education beyond judicial and court officer education or whether another committee could be created to specifically address interpreter education.

### **Discipline Committee**

AOC staff discussed the activities of the Discipline Committee. Staff went over updates on to the compliance status of interpreters since the last Commission meeting and how there are still a number who have not come into compliance. Staff also discussed the categories of non-compliant interpreters and how they relate to the sanctions given by the Discipline Committee.

### **PROGRAM UPDATES**

#### **LAP Template**

Ms. Cruz gave an overview of the Modal Language Access Plan (LAP). It was originally created in 2008 as a guide for trial courts to adopt interpreter services. Given the amount of time that had passed and new guidance from the Department of Justice (DOJ) a new workgroup was created to update the model LAP. One sub-group looked at the policy section of the LAP and another sub-group looked at the template, which is a tool for courts to use.

Both groups are making process and the policy group hoped to have their section completed by the end of October. The DOJ sent out new technical assistance tools in September of 2016 as a follow up to their letter in 2010. This led to some updates to the LAP draft. The workgroup hoped to have something to the Commission by the December meeting. The Commission will be able to give input and discuss how to implement the plan. The new LAP would need to be put in to the education conferences for the different levels of courts. Having a session at the spring conferences may be possible, but the fall conference would be the focus. Court administrators would be working directly with the document so they would be a priority. Also having a letter from the State Court Administrator and Chief Justice of the Supreme Court should accompany the LAP. It would also be good to have support from the AOC leadership team. Also the Access to Justice Board could also have some input.

The Commission discussed the possibility of getting public or stake holder feedback before the December meeting. It was suggested to get the document out and have it used then get feedback. When the LAP was originally created, there was additional funding to allow the AOC to hire extra staff to help with creating and implementing the LAP plan as well as reviewing the LAPs when the courts submitted the plan. The Commission discussed the importance of making the LAP as easy as possible for courts to use to help encourage them to use it. Courts in the reimbursement program could be incentivized to update their LAP. There was a suggestion to update the name of the document to something like "desk book" could help since the current title was cumbersome.

### **Oral Exam**

AOC staff updated the Commission on some of the program activities. For the past several years, the AOC had worked with Bellevue College who handled the registration and proctoring. However, this year AOC staff would be organizing the test. The AOC will be using some of proctors used by Bellevue College. The Commission reviewed the languages of the candidates.

AOC staff also discussed some of the goals of the Interpreter Program such as recruitment and finding people whose proficiency in English was good enough to become a credentialed court interpreter. Some states have a provisional status for interpreter who almost pass the exam but are a few points away.

Ms. Johnson discussed a previous training initiative that was funded by a grant and focused on people who very close to passing the oral exam. The training was by invitation and very intensive. The Commission suggested that the program should apply for more funding. AOC staff discussed a potential collaboration with DSHS and HCA to promote interpreter training at community colleges. One problem was ensuring enough students to enroll in the program to make it feasible. Some people may be willing to

come from out of state to attend such a program. Some community colleges recently closed their interpretation programs, but their curriculum would still exist.

Ms. Lumsden brought up a concern that there were some ASL interpreters who have taken the SC:L but haven't had the opportunity to take the Orientation to Washington Courts presentation, which is a requirement for being considered certified to work in the courts.

### **Court Reimbursement Program**

AOC staff briefly reviewed the calculation that determines the amount of money allotted to individual courts. The AOC plans to meet with court administrators involved in the reimbursement program to find ways to modify the formula and create incentives to improve language access. The Commission discussed how opening up the reimbursement program to new courts without getting increased funding for the program could dilute the available funds and possibly make it not worthwhile for a number of courts to participate. AOC staff suggested revisiting the formula if there is additional funding provided as a result of a legislative budget request that has been submitted to increase the amount allocated to the Court Interpreter Reimbursement Program.

### **Pro-Tem Presentation and Judicial College Presenters**

The Commission reviewed the evaluations from the Pro-Tem training. Overall the evaluations were good with some commenting that they did not realize how much judges needed to help the interpreter to do their job in court.

### **Commission Membership**

The Commission discussed applicants to the remaining open seats on the Commission. They discussed how being on the Commission and earning money by working for the program as faculty would not be a conflict and would be similar to other contractors. AOC staff will continue to recruit an Interpreter Representative onto the Commission to fill Mr. Mattix' vacancy.

<b>Motions:</b>
Portuguese will change from the registered language category to the certified language category.

<b>Action Items:</b>	
Justice González and Ms. Noble will looking into finding legislators who previously objected to the oath of interpreter being made permanent.	<i>Future Action</i>

Justice González will reach out to tribal courts regarding the public forum in May.	<i>Future Action</i>
Judge Bradley will look into the proposal request timeline for the Access to Justice board meeting to see if it would be possible to have the LAP be a part of it.	<i>Future Action</i>
Ms. Sugg, Ms. Bradley, Ms. Farley, and Ms. Lumsden will assist AOC staff in planning the retreat.	<i>Ongoing</i>
<i>AOC Staff</i> – Find a location for the May public forum	<i>Future Action</i>
<i>AOC Staff</i> – Update calendar for next year's commission meetings	<i>Done</i>

# **Chairs Report**

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

**Agency** Administrative Office of the Courts

**Decision Package Title** Trial Court Funding for Language Access - Criminal

**Budget Period** 2017-2019 Biennial Budget

**Budget Level** Policy Level

### Agency Recommendation Summary Text

Utilizing state funds allocated by the 2007 Legislature, the Administrative Office of the Courts developed an effective program to improve the quality and availability of interpreting services and to reduce costs at the local level. This allocation has improved state and federal statutory compliance for superior, district and municipal courts and has to that extent preserved the integrity of the judicial process.

The request will extend the success of the grant program to all trial courts over a period of time. The total increase reflects state resources to fund interpreter services in all criminal and civil cases at all levels of trial courts. This funding increase would achieve 100% funding spread out over 3 biennia.

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
<b>001-1 General Fund State</b>	\$ 244,096	\$ 3,947,458	\$ 4,191,554
Staffing	FY 2018	FY 2019	Total
<b>FTEs (number of staff requested)</b>	0.5	0.5	0.5

### Package Description

#### Introduction

The administration of justice requires clear communication in the courtroom. Using properly credentialed interpreters is imperative in cases involving people who have

hearing loss and need sign language interpreters or those who have limited English proficiency as a result of national origin.

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for persons who have functional hearing loss or have limited English proficiency. Failure to provide clear, concise interpretation services denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies, additional costs caused by court hearing delays and continuances, and potentially incorrect judicial orders and verdicts.

According to the U.S. Census American Community Survey 1-Year Estimates, the number of foreign-born, limited English proficient (LEP) persons age 5 and older in Washington who speak a language other than English in their home increased by 50,561 between 2010 and 2014, growing from 717,942 to 768,503 persons. In addition to that population set, the number of persons with hearing loss needing court interpreting services has grown, as evidenced by the increased per case expense local jurisdictions have incurred for sign language interpreting services. This growth of demand within Washington has directly impacted local courts resources, and their ability to fund state and federal requirements to provide interpretation services. The inability of many local courts to fully fund interpreter services creates a non-compliance atmosphere across the state that can result in the withdrawal of federal funds by the U.S. Department of Justice.

#### Legal Obligations

RCW Chapters 2.42 and 2.43 prescribe the requirements for providing court interpreter services in Washington. RCW 2.42.120 requires the appointing authority (i.e., the court) to pay sign language interpreter costs for all court proceedings for parties, witnesses and parents of juveniles, court-ordered programs or activities, and communication with court-appointed counsel.

RCW 2.43.030 compels courts to "... use the services of only those language interpreters who have been certified by the administrative office of the courts..." when appointing interpreters to assist LEP litigants and witnesses during legal proceedings. RCW 2.43.040 instructs the governmental body initiating the legal proceedings to pay all interpreting costs in criminal cases, mental health commitment proceedings, and all other legal proceedings initiated by government agencies. It further requires the governmental body to pay all interpreting costs in civil matters for LEP persons who are indigent.

Courts that are direct or indirect recipients of federal funding are obligated to meet higher standards of ensuring language access to the LEP public. These courts are required to take reasonable steps to meet standards established by Title VI of the 1964 Civil Rights Act and the Omnibus Crime Control and Safe Streets Act, which taken together, have more expansive access requirements for ensuring language access. Under the DOJ standards for compliance with those statutes, state courts

receiving federal financial assistance cannot allocate or otherwise charge the costs of interpreter services to the parties involved in the court proceeding, including civil cases, or make any type of indigent determinations that assess the ability of a party to contribute to the costs. Furthermore, to be consistent with DOJ language access requirements, courts must provide meaningful access to all court programs and activities, including court functions provided outside of the courtroom.

#### History of State Funding

The 2007 Legislature recognized the increased financial demand faced by local courts to ensure language access for Deaf and LEP communities, and allocated \$1.9 million to the Administrative Office of the Courts (AOC) for purposes of passing that funding to local courts to support language access costs. This money was designed to be used in assisting courts develop and implement Language Access Plans, as well as offset 50% of interpreter expenses for qualifying courts. The AOC developed an effective program to improve the quality of interpreting, reduce costs at the local level, and improve compliance with state and federal requirements.

After nearly 10 years of implementation, this reimbursement program has improved court interpreter services for those counties. Because reimbursement eligibility requires hiring credentialed court interpreters and paying them fair market rates, the Washington courts and communities have received higher quality interpreting services. Participating courts submit data on their interpreter usage to the AOC, which helps identify language needs, actual costs, and geographic trends. The 50% cost-sharing requirement has encouraged participating courts to implement cost-saving and quality-ensuring practices such as web-based scheduling, multi-court payment policies, grouping of interpreter cases, and sharing of staff interpreters.

#### Funding Levels

In 2007 the Washington Judiciary asked the Legislature to provide 50% reimbursement for the cost of court interpreters statewide. In response the Legislature appropriated \$1.9 million biannually in pass-through money to the courts. This money was designed to be used in assisting courts with creating Language Access Plans (LAPs) as a condition of receiving funding, as well as to serve to offset 50% (or up to \$25 per hour) of interpreter expenses for those courts with approved LAPs. However, due to the extraordinary fiscal environment over the succeeding years since 2009, the reimbursement funds have dropped to \$1,221,004 biannually and is used solely to cover in-person and telephonic interpreting services provided in court. This represents a decrease of 36% in language access funding for those fifty-two superior, district and municipal courts representing ten counties that are in the program. While the program has continued in light of those cuts, the funding for the participating courts only covers approximately seven months of their fiscal year qualifying interpreter costs. In addition to not being able to fully fund even 50% of a participating court's annual interpreter expenses, funding is clearly insufficient to expand into additional trial courts necessary

to maintain compliance with federal statutes and regulations.

### **Narrative Justification and Impact Statement**

**How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?**

#### **Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

Judicial officers cannot effectively preside over proceedings involving Deaf or limited English proficient (LEP) parties, witnesses or participants without being able to accurately communicate with them. Public trust and confidence in the courts begins, at a minimum, with the public being able to effectively access and participate in the judicial process. Such participation is not possible for individuals with hearing loss that need sign language interpretation and for LEP individuals without quality interpretation services.

#### **Accessibility.**

Court proceedings and court services are not accessible to Deaf persons or LEP persons who are not provided with meaningful access using interpreting services. In addition, those individuals who interact with court staff for civil and criminal matters, such as child support matters, domestic violence protection forms and services, making payment plans for victim restitution or court fines, and/or housing evictions, are often unable to fully understand what is required due to inability of many courts to afford using quality interpreting services at those court services access points.

#### **Access to Necessary Representation.**

N/A

#### **Commitment to Effective Court Management.**

Efficient and effective court interpreter management requires implementation of practices and policies which save money, yet ensure high quality language access. Courts involved with the state reimbursement program have taken substantial steps to modify their interpreter scheduling and payment practices to achieve better economies of scale, sharing of resources, and collaborating with neighboring courts.

#### **Appropriate Staffing and Support.**

N/A

### **Measure Detail**

#### **Impact on clients and service**

With the availability of expanded State funding, nearly all local and county courts will be able to provide court interpreting services and will more easily be able to afford the higher costs associated with credentialed court interpreters, especially in those cases where the market cost for those services are extraordinary due to language resource

scarcity or the hearing location. Access to higher quality interpreters will improve the accuracy of communication in the courtroom. It would also create a more seamless integration of access to court functions and court services outside the courtroom for those with language barriers.

**Impact on other state services**

None

**Relationship to Capital Budget**

None

**Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

It would require language changes to RCW 2.43.040 (2), (3) and (5).

**Alternatives explored**

There are no local funding alternatives that would not require state support in order to be in compliance with state judicial policy objectives and federal statutory requirements as regards language access obligations. With limited budgets, local courts must prioritize the hearing types for which they will provide certified interpreters at court expense. Therefore, many municipal courts (which usually have a larger LEP caseload) retain non-certified language interpreters to save money. It is believed that some rural courts charge litigants for interpreter expenses in non-indigent civil matters, as this is allowed by RCW 2.43 language. Charging LEP parties for civil case interpreting jeopardizes the state's federal funding for the courts as this is not permitted under Title VI of the Civil Rights Act of 1964.

**Distinction between one-time and ongoing costs and budget impacts in future biennia**

Court interpreter funding will be an ongoing cost, fluctuating based on immigration trends in the Washington population.

**Effects of non-funding**

Prior to program implementation, courts paid lower hourly rates for interpreting services. As a result of this program participant courts are paying higher hourly interpreter rates for credentialed interpreters in order to receive higher quality services. While those courts are spending less local money because of the State's contribution, the rates paid by those courts have greatly impacted courts not participating in the program because interpreters now expect all trial courts to pay the same higher rates. Courts not in receipt of state funding are forced to either pay the higher hourly rates in order to ensure interpreting services, or risk losing interpreters to the program participant courts who pay higher amounts. Most Washington trial courts have increased their interpreter fees without increased revenues, thereby reducing funds for other court services. As previously noted, the current funding level only lasts for a

portion of the fiscal period for the majority of participating courts. When the funding is used up, those courts often resort to using non-credentialed interpreters that charge less, which defeats the judicial policy purpose of ensuring meaningful access through the use of quality services based on a quality threshold.

Additionally, US DOJ and King County Superior Court have mutually agreed on ways to satisfy federal expectations to provide interpreters for non-indigent civil litigants and is likely that the agreement will serve as a baseline for compliance for other Washington courts in any future DOJ action. Full state funding will address the US DOJ mandate.

### **Expenditure calculations and assumptions and FTE assumptions**

#### **Current Reimbursement Program Interpreter Cost Data:**

While the AOC has court interpreter usage and language data from a variety of courts, it does not have complete data on actual court interpreter expenditures for all Superior, District and Municipal trial courts. However, by figuring the average interpreter cost per case incurred by courts in the reimbursement program and extrapolating that figure to all JIS-reported cases for which a language type was noted, one can arrive at an estimate of the total annual expense for interpreter services in legal proceedings. The data takes into account all those cases that were filed with a language noted, which is not to mean that all those cases actually went to a hearing. However, by using the "cases filed" statistic, it denotes the upper limit of the funding need as the "cases filed" statistic is an undercount due to the fact that not all courts are consistent with entering language need data.

For all courts in fiscal year 2015, JIS logged 54,118 cases filed in which a language type was denoted. Of those, 15,082 were filed in the courts participating in the Reimbursement Program. Those courts reported interpreter expenses of \$2,343,058 in FY 15. This gives an average interpreting cost of \$155 per case filed to be used as a calculation factor to arrive at projected program costs.

Total interpreter expenses for those participating courts have not increased to any significant degree since the FY 2010-11 period as shown below:

#### **Statewide Actual Expenditures for courts in the Reimbursement Program:**

2010-11	\$2,369,771
2011-12	\$2,296,420
2012-13	\$2,233,589
2013-14	\$2,044,882
2014-15	\$2,339,761

The increase in expenditures borne by the courts is due primarily to slightly higher per hour costs being charged by interpreters in many languages as well as the use of 2-person interpreter teams for hearings of two hours or longer.

## Implementation Process Assumptions

Courts currently in the Court Reimbursement Program will continue to receive contracts for FY 18-19 using the current biennial allocation of \$1.2 Million. Those courts and other courts not in the program will be required to complete an application for reimbursement funding that will take into consideration submitted historical interpreter cost and associated caseload interpreter need data as well as interpreter availability in the region for the most needed languages. Contract award amount criteria will be developed by the AOC using the data provided by applying courts.

AOC will need to hire one half-time FTE to support program expansion as well as invest staff IT resources in developing additional reporting and data collection applications as may be needed from July 2017 onwards. The implementation-prior-to-award period is expected to last up to 8 months, as local court staff training on using the online database reporting application and contract development will be needed in advance of the disbursement of Program funds. This leaves 4 "billable" months out of FY18 in which the courts with contract awards will be compensated for 50% of their in-person civil and criminal case interpreting costs.

The first year expansion phase will result contract award amounts to rural courts currently not in the Program, primarily because rural courts do not have enough interpreters available locally and have to pay travel expenses in order to secure their in-person interpreting services from AOC-credentialed interpreters. Due to their lower tax revenues and higher per case costs compared to larger cities and counties, they will benefit from state support in order to comply with state statutes as well as comply with federal language access policies.

In the second fiscal year of the biennium, the Reimbursement Program could either expand to include both Urban/Rural and Urban counties identified in Appendix A or be limited to only Rural and Urban/Rural counties, with Urban counties being added to the program in the FY 19-21 biennium. The cost projections for FY 19 inclusive of both disbursement scenarios are outlined below.

### Cost Projections for FY 18 and FY 19

Using caseload data for Superior Courts (SC) and Courts of Limited Jurisdiction (CLJ) from fiscal years 2014 and 2015 the estimated FY cost total for rural counties is \$274,130\*.

\*(Referring to Appendix A: Rural Courts FY14-15 costs: \*\$3,289,565 / 2 years= \$1,644,782 divided by 12 months =\$137065/month x 4 months =\$548,260, divided by 50% =\$274,130 for 4 months of projected FY18 interpreter expense reimbursement).

Subtracting contract awards of \$30,034 for FY16 program participation by those courts

now in the Program leaves an estimated need of \$244,096 for FY18 for those Rural County Courts not in the program at present.

For FY18, the least amount requested is \$244,096 in new funding plus 0.5 FTE and IT staff time costs. If the Legislature were to award 50% reimbursement funding for all courts in FY18, the statewide amount would be \$3,947,930 (after deducting the \$610,000 current annual allocation from the Legislature).

For FY19, the annual all-Rural Court 50% reimbursement amount is \$792,357 (assuming the current annual \$610,000 allocation continues, this figure is after the \$30,034 Rural courts allocation is subtracted). Half of the of the annual cost for Urban/Rural Counties would come to \$1,107,858 (after subtracting \$133,110 for Urban/Rural counties and allowing for the 50% reimbursement factor). Adding Urban counties' 50% reimbursement costs after subtracting the current allocation to Urban counties of \$447,327 of would place the statewide FY19 reimbursement need for Urban Counties at \$2,047,243.

Taking it all into consideration for FY19:

Rural Courts: \$792,357  
 Urban/Rural: \$1,107,858  
 Urban: \$2,047,243

Total \$3,947,458.

Managing the court interpreter reimbursement program at current levels requires a significant amount of staff time. Funding for an additional .5 FTE is requested as a Range 62 to serve as a project manager to coordinate funding distribution and oversee deliverables. The project manager will develop and monitor contracts, evaluate and verify data that is reported, audit participating courts to ensure accuracy in reported numbers, and provide technical support to participating courts. Expansion of the state grants to all local court jurisdictions requires additional staff.

Object Detail	FY 2018	FY 2019	Total
Staff Costs	\$ \$	\$ TBD	\$
Non-Staff Costs	\$	\$	\$
<b>Total Objects</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>

# Appendix A

2014-2015 Case Counts				
Rural Counties	Estimated Population-2015 ACS	Superior Court Cases (Civil & Criminal)	Courts of Limited Jurisdiction Court Cases (Civil & Criminal)	Total
Adams	18,720	423	1,566	1,989
Asotin	21,722		9	9
Chelan	73,111	342	2,019	2,361
Columbia	3,970	3	25	28
Douglas	39,027	131	1,714	1,845
Ferry	7,577	2	3	5
Garfield	2,203	1	17	18
Grant	90,828	1,064	5,492	6,556
Grays Harbor	68,669	79	1,286	1,365
Island	74,322	8	91	99
Jefferson	29,196	3	94	97
Kititas	41,383	56	1,221	1,277
Klickitat	20,620	26	270	296
Lewis	74,613	148	1,197	1,345
Lincoln	10,286	2	146	148
Mason	59,386	190	1,010	1,200
Okanogan	40,688	187	1,049	1,236
Pacific	20,415	17	241	258
Pend Oreille	12,861		11	11
San Juan	15,787	5	28	33
Skamania	11,152	6	37	43
Stevens	43,258	9	43	52
Wahkiakum	3,931	4	15	19
Walla Walla	56,330	149	641	790
Whitman	45,745	6	137	143
<b>Sub-Total, Rural</b>	<b>885,800</b>	<b>2,861</b>	<b>18,362</b>	<b>21,223</b>

Estimated Costs			
Superior Court	Courts of Limited Jurisdiction	Total	
\$65,565	\$242,730	\$308,295	
\$0	\$1,395	\$1,395	
\$53,010	\$312,945	\$365,955	
\$465	\$3,875	\$4,340	
\$20,305	\$265,670	\$285,975	
\$310	\$465	\$775	
\$155	\$2,635	\$2,790	
\$164,920	\$851,260	\$1,016,180	
\$12,245	\$199,330	\$211,575	
\$1,240	\$14,105	\$15,345	
\$465	\$14,570	\$15,035	
\$8,680	\$189,255	\$197,935	
\$4,030	\$41,850	\$45,880	
\$22,940	\$185,535	\$208,475	
\$310	\$22,630	\$22,940	
\$29,450	\$156,550	\$186,000	
\$28,985	\$162,595	\$191,580	
\$2,635	\$37,355	\$39,990	
\$0	\$1,705	\$1,705	
\$775	\$4,340	\$5,115	
\$930	\$5,735	\$6,665	
\$1,395	\$6,665	\$8,060	
\$620	\$2,325	\$2,945	
\$23,095	\$99,355	\$122,450	
\$930	\$21,235	\$22,165	
<b>\$443,455</b>	<b>\$2,846,110</b>	<b>\$3,289,565</b>	

Mixed Counties	Estimated Population-2015 ACS	Superior Court Cases (Civil & Criminal)	Courts of Limited Jurisdiction Court Cases (Civil & Criminal)	Total
Benton	180,612	651	4,736	5,387
Clallam	70,772	13	159	172
Cowlitz	101,101	198	1,087	1,285
Franklin	82,660	942	4,865	5,807
Skagit	117,171	455	2,335	2,790
Whatcom	203,319	236	1,463	1,699
Yakima	243,859	2,625	12,260	14,885
<b>Sub-Total, Mixed</b>	<b>999,494</b>	<b>5,120</b>	<b>26,905</b>	<b>32,025</b>

Superior Court	Courts of Limited Jurisdiction	Total	
\$100,905	\$734,080	\$834,985	
\$2,015	\$24,645	\$26,660	
\$30,690	\$168,485	\$199,175	
\$146,010	\$754,075	\$900,085	
\$70,525	\$361,925	\$432,450	
\$36,580	\$226,765	\$263,345	
\$406,875	\$1,900,300	\$2,307,175	
<b>\$793,600</b>	<b>\$4,170,275</b>	<b>\$4,963,875</b>	

Urban Counties	Estimated Population-2015 ACS	Superior Court Cases (Civil & Criminal)	Courts of Limited Jurisdiction Cases (Civil & Criminal)	Total
Clark	435,897	741	2,454	3,195
King	1,995,579	5,789	29,692	35,481
Kitsap	24,398	80	864	944
Pierce	788,490	1,370	9,013	10,383
Snohomish	726,099	1,268	8,674	9,942
Spokane	467,915	262	1,325	1,587
Thurston	253,225	372	2,472	2,844
<b>Sub-Total, Urban</b>	<b>4,691,603</b>	<b>9,882.0</b>	<b>54,494</b>	<b>64,376.0</b>
<b>Grand Total</b>	<b>6,576,897</b>	<b>17,863</b>	<b>99,761</b>	<b>117,624</b>

Urban Counties	Superior Court	Courts of Limited Jurisdiction	Total
	\$114,855	\$380,370	\$495,225
	\$897,295	\$4,602,260	\$5,499,555
	\$12,400	\$133,920	\$146,320
	\$212,350	\$1,397,015	\$1,609,365
	\$196,540	\$1,344,470	\$1,541,010
	\$40,610	\$205,375	\$245,985
	\$57,660	\$383,160	\$440,820
<b>Sub-Total, Urban</b>	<b>\$1,531,710</b>	<b>\$8,446,570</b>	<b>\$9,978,280</b>
<b>Grand Total</b>	<b>\$2,768,765</b>	<b>\$15,462,955</b>	<b>\$18,231,720</b>

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0176.1/17

ATTY/TYPIST: BP:eab

BRIEF DESCRIPTION: Concerning the provision of and reimbursement for certain court interpreter services.

1 AN ACT Relating to the provision of and reimbursement for certain  
2 court interpreter services; and amending RCW 2.43.030, 2.43.040, and  
3 2.42.120.

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

5 **Sec. 1.** RCW 2.43.030 and 2005 c 282 s 3 are each amended to read  
6 as follows:

7 (1) Whenever ~~((an interpreter is appointed to assist a non-~~  
8 ~~English-speaking person in))~~ a non-English-speaking person is a  
9 party, is subpoenaed or summoned, or is otherwise compelled to appear  
10 at any stage of a legal proceeding, the appointing authority shall~~((~~  
11 ~~in the absence of a written waiver by the person,))~~ appoint a  
12 certified, registered, or ((a)) qualified interpreter to assist the  
13 non-English-speaking person ~~((throughout))~~ in the proceeding~~((~~

14 (a) Except as otherwise provided for in (b) of this subsection,  
15 the interpreter appointed shall be a qualified interpreter.

16 (b) Beginning on July 1, 1990, when a non-English-speaking person  
17 is a party to a legal proceeding, ~~((e))~~ is subpoenaed or summoned by  
18 an appointing authority, or is otherwise compelled by an appointing  
19 authority to appear at a legal proceeding, the appointing authority  
20 shall use the services of only those language interpreters who have  
21 been certified or registered by the administrative office of the

1 courts, unless good cause is found and noted on the record by the  
2 appointing authority. For purposes of chapter 358, Laws of 1989,  
3 "good cause" includes, but is not limited to, a determination that:

4 (i) Given the totality of the circumstances, including the nature  
5 of the proceeding and the potential penalty or consequences involved,  
6 the services of a certified interpreter are not reasonably available  
7 to the appointing authority; ~~((or))~~

8 (ii) The current list of certified interpreters maintained by the  
9 administrative office of the courts does not include an interpreter  
10 certified in the language spoken by the non-English-speaking person;  
11 or

12 (iii) The current list of registered interpreters maintained by  
13 the administrative office of the courts does not include an  
14 interpreter registered in the language spoken by the non-English-  
15 speaking person.

16 (c) Except as otherwise provided in this section, when a non-  
17 English-speaking person is involved in a legal proceeding, the  
18 appointing authority shall appoint a qualified interpreter.

19 (2) If good cause is found for using an interpreter who is not  
20 certified or registered, or if a qualified interpreter is appointed,  
21 the appointing authority shall make a preliminary determination, on  
22 the basis of testimony or stated needs of the non-English-speaking  
23 person, that the proposed interpreter is able to interpret accurately  
24 all communications to and from such person in that particular  
25 proceeding. The appointing authority shall satisfy itself on the  
26 record that the proposed interpreter:

27 (a) Is capable of communicating effectively with the court or  
28 agency and the person for whom the interpreter would interpret; and

29 (b) Has read, understands, and will abide by the code of ethics  
30 for language interpreters established by court rules.

31 **Sec. 2.** RCW 2.43.040 and 2008 c 291 s 3 are each amended to read  
32 as follows:

33 (1) Interpreters appointed according to this chapter are entitled  
34 to a reasonable fee for their services and shall be reimbursed for  
35 actual expenses which are reasonable as provided in this section.

36 (2) In all legal proceedings in which the non-English-speaking  
37 person is a party, ~~((or))~~ is subpoenaed or summoned ~~((by the~~  
38 ~~appointing authority))~~, or is otherwise compelled ~~((by the appointing~~  
39 ~~authority to appear, including criminal proceedings, grand jury~~

1 ~~proceedings, coroner's inquests, mental health commitment~~  
2 ~~proceedings, and other legal proceedings initiated by agencies of~~  
3 ~~government)) to appear, the cost of providing the interpreter shall~~  
4 ~~be borne by the governmental body initiating the legal proceedings~~  
5 or, in cases that are not initiated by a governmental body, the  
6 governmental body under the authority of which the legal proceeding  
7 is conducted.

8 ~~(3) ((In other legal proceedings, the cost of providing the~~  
9 ~~interpreter shall be borne by the non-English speaking person unless~~  
10 ~~such person is indigent according to adopted standards of the body.~~  
11 ~~In such a case the cost shall be an administrative cost of the~~  
12 ~~governmental body under the authority of which the legal proceeding~~  
13 ~~is conducted.~~

14 ~~(4))~~ The cost of providing the interpreter is a taxable cost of  
15 any proceeding in which costs ordinarily are taxed.

16 ~~((5))~~ (4) Subject to the availability of funds specifically  
17 appropriated therefor, the administrative office of the courts shall  
18 reimburse the appointing authority for ~~((up to))~~ one-half of the  
19 payment to the interpreter where an interpreter is appointed by a  
20 judicial officer in a proceeding before a court at public expense  
21 and:

22 (a) The interpreter appointed is an interpreter certified by the  
23 administrative office of the courts or is a qualified interpreter  
24 registered by the administrative office of the courts in a  
25 noncertified language, or where the necessary language is not  
26 certified or registered, the interpreter has been qualified by the  
27 judicial officer pursuant to this chapter;

28 (b) The court conducting the legal proceeding has an approved  
29 language assistance plan that complies with RCW 2.43.090; and

30 (c) The fee paid to the interpreter for services is in accordance  
31 with standards established by the administrative office of the  
32 courts.

33 (5) The appointing authority shall track and provide interpreter  
34 cost and usage data, including best practices and innovations, to the  
35 administrative office of the courts at least annually in a manner  
36 that is determined by the administrative office of the courts.

37 **Sec. 3.** RCW 2.42.120 and 2008 c 291 s 2 are each amended to read  
38 as follows:

1 (1) If a hearing impaired person is a party or witness at any  
2 stage of a judicial or quasi-judicial proceeding in the state or in a  
3 political subdivision, including but not limited to civil and  
4 criminal court proceedings, grand jury proceedings, proceedings  
5 before a magistrate, juvenile proceedings, adoption proceedings,  
6 mental health commitment proceedings, and any proceeding in which a  
7 hearing impaired person may be subject to confinement or criminal  
8 sanction, the appointing authority shall appoint and pay for a  
9 qualified interpreter to interpret the proceedings.

10 (2) If the parent, guardian, or custodian of a juvenile brought  
11 before a court is hearing impaired, the appointing authority shall  
12 appoint and pay for a qualified interpreter to interpret the  
13 proceedings.

14 (3) If a hearing impaired person participates in a program or  
15 activity ordered by a court as part of the sentence or order of  
16 disposition, required as part of a diversion agreement or deferred  
17 prosecution program, or required as a condition of probation or  
18 parole, the appointing authority shall appoint and pay for a  
19 qualified interpreter to interpret exchange of information during the  
20 program or activity.

21 (4) If a law enforcement agency conducts a criminal investigation  
22 involving the interviewing of a hearing impaired person, whether as a  
23 victim, witness, or suspect, the appointing authority shall appoint  
24 and pay for a qualified interpreter throughout the investigation.  
25 Whenever a law enforcement agency conducts a criminal investigation  
26 involving the interviewing of a minor child whose parent, guardian,  
27 or custodian is hearing impaired, whether as a victim, witness, or  
28 suspect, the appointing authority shall appoint and pay for a  
29 qualified interpreter throughout the investigation. No employee of  
30 the law enforcement agency who has responsibilities other than  
31 interpreting may be appointed as the qualified interpreter.

32 (5) If a hearing impaired person is arrested for an alleged  
33 violation of a criminal law the arresting officer or the officer's  
34 supervisor shall, at the earliest possible time, procure and arrange  
35 payment for a qualified interpreter for any notification of rights,  
36 warning, interrogation, or taking of a statement. No employee of the  
37 law enforcement agency who has responsibilities other than  
38 interpreting may be appointed as the qualified interpreter.

39 (6) Where it is the policy and practice of a court of this state  
40 or of a political subdivision to appoint and pay counsel for persons

1 who are indigent, the appointing authority shall appoint and pay for  
2 a qualified interpreter for hearing impaired persons to facilitate  
3 communication with counsel in all phases of the preparation and  
4 presentation of the case.

5 (7) Subject to the availability of funds specifically  
6 appropriated therefor, the administrative office of the courts shall  
7 reimburse the appointing authority for ~~((ap--to))~~ one-half of the  
8 payment to the interpreter where a qualified interpreter is appointed  
9 for a hearing impaired person by a judicial officer in a proceeding  
10 before a court under subsection (1), (2), or (3) of this section in  
11 compliance with the provisions of RCW 2.42.130 and 2.42.170.

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0177.1/17

ATTY/TYPIST: BP:eab

BRIEF DESCRIPTION: Modifying oath requirements for interpreters in  
legal proceedings.

1 AN ACT Relating to oath requirements for interpreters in legal  
2 proceedings; and amending RCW 2.42.050 and 2.43.050.

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

4 **Sec. 1.** RCW 2.42.050 and 1989 c 358 s 14 are each amended to  
5 read as follows:

6 Every qualified interpreter appointed under this chapter in a  
7 judicial or administrative proceeding shall, (~~before beginning to~~  
8 ~~interpret~~) upon receiving the interpreter's initial qualification  
9 from the office of the deaf and hard of hearing, take an oath that a  
10 true interpretation will be made to the person being examined of all  
11 the proceedings in a manner which the person understands, and that  
12 the interpreter will repeat the statements of the person being  
13 examined to the court or other agency conducting the proceedings, to  
14 the best of the interpreter's skill and judgment.

15 **Sec. 2.** RCW 2.43.050 and 2010 c 190 s 1 are each amended to read  
16 as follows:

17 (1) Upon certification or registration (~~and every two years~~  
18 ~~thereafter~~) with the administrative office of the courts, certified  
19 or registered interpreters shall take an oath, affirming that the  
20 interpreter will make a true interpretation to the person being

1 examined of all the proceedings in a language which the person  
2 understands, and that the interpreter will repeat the statements of  
3 the person being examined to the court or agency conducting the  
4 proceedings, in the English language, to the best of the  
5 interpreter's skill and judgment. The administrative office of the  
6 courts shall maintain a record of the oath in the same manner that  
7 the list of certified and registered interpreters is maintained.

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

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

--- END ---

# **Committee Reports**



**Interpreter Commission- Issues Committee**  
**Tuesday, October 11 (12:00 PM to 1:00 PM)**  
Teleconference

**MEETING MINUTES**

**Members Present:**

Judge Beall  
Thea Jennings  
Linda Noble  
Trish Kinlow

**AOC Staff:**

Robert Lichtenberg  
James Wells

**Members Absent:**

Alma Zuniga

**I Call to Order**

- Previous meeting minutes approved with correction

**II Update on Revisions on GR11.2**

The Committee discussed the most recent draft of changes to General Rule (GR) 11.2 that members from Northwest Translators and Interpreters Society (NOTIS) have been revising. The Committee asked about some of the example codes of conduct that the NOTIS group has been referring to while writing their proposed revisions, which included the California Code of Interpreters and codes from the ASTM, National Association of Judiciary Interpreters and Translators (NAJIT), Registry of Interpreters for the Deaf, and the National Center for State Courts (NCSC).

The Committee looked at the most recent draft of the revised code and discussed the standards of practice document that is meant to accompany the new code. The standards will have more specific guidelines and examples for interpreters and courts and isn't ready for review by the Committee. They discussed some particular points in the draft code, including:

- Using the singular form of "interpreter" rather than the plural.
- Defining conflict of interest.
- Moving a warning from the end of the document to the beginning.
- Where the standards would be published.
- Clarifying what elements of the code are obligations rather than best practice and being clear about which elements an interpreter could be disciplined for if they violated them.

- The definition of a legal proceeding, and including language such as, "in a legal proceeding pursuant to 2.42 and 2.43".

They also discussed certain language in the competence section, It was felt that the phrase "for which they lack an adequate understanding of the subject matter" could be overbroad and unnecessary and that "to the court or appointing authority" could be added to the end.

### **III Business Licenses**

Some courts have been contacted by entities in the Executive Branch saying that courts in those jurisdictions cannot work with interpreters who do not have a local business licenses in addition to any businesses licenses from the state. There were concerns about this issue since attorneys are not required to have local business licenses. Also, this requirement could prohibit those courts from using a number of interpreters and could prevent these courts from fulfilling their obligations to provide an interpreter. Many interpreters, especially in rare languages, may not make enough money from interpreting to cover a business license fee. There was a suggestion to send a survey to District and Municipal courts about business licenses to see what the current practice is.

### **IV Standardized Pay Rates for Interpreter**

The Committee discussed the possibility of a state-wide standardized pay rate for court interpreters. The municipal courts in King county have established some pay scales to help avoid issues such as interpreters cancelling in one court when they get a higher paying assignment in another court. Some of these courts do go outside of the policy because of their special circumstances such as paying for travel costs. RCW 2.43 does include language about the AOC and establishing pay rates which should be reviewed.

### **V Mentoring Requirement**

The Committee discussed the possibility of adding a mentoring requirement to the interpreter certification process. Interpreters with little to no experience working in the courts would be mentored by interpreters who have several years of experience in the courts. There was a concern many language groups may not have enough experienced interpreters available for mentoring, but it was felt that mentoring may not have to be language specific. Mentors would need to be compensated for their time and earning education credits may be an option rather than payment. Mentoring could also apply towards the court hours requirement for court interpreters. Mentoring after work hours may be more feasible for interpreters since they would not need to miss out on potential work opportunities during the work day.

The Committee also discussed whether mentoring would be an option or a requirement. Judges have a mentoring program that is all volunteer. One possibility was to start with

a volunteer program and then move into a more structured program. A training manual may also be needed. Ms. Kinlow will research the topic more and report back to the Committee in January.

<b>Action Item Summary</b>	
<i>Ms. Kinlow</i> – Research possible elements of a mentoring program and report back to the Issues Committee in January	<i>Ongoing</i>
<i>AOC Staff</i> – Provide the Issues Committee with language from RCW 2.43 regarding AOC establish pay standards for interpreters	<i>Future Action</i>



**Interpreter Commission- Discipline Committee**  
**October 12 (12:00 p.m. – 1:00 p.m)**  
Teleconference

## MEETING MINUTES

### **Members Present:**

Judge Doyle  
Dirk Mahler  
Alma Zuniga

### **AOC Staff:**

Robert Lichtenberg  
James Wells

### **I Call to Order-Previous Meeting Notes**

The Committee found no changes are needed after reviewing previous meeting notes.

### **II Complaint against Interpreter**

The Committee discussed the letter from the Washington court certified interpreter who had a complaint brought against him in Arkansas. There hasn't been a formal complaint brought against him in Washington. His letter and the plan in the letter could be considered a settlement agreement. No time line is given. Oregon came to an agreement similar to the one proposed in the letter. The agreement is general in many aspects and some details would need to be worked out. Washington would need to assign a monitor since Washington does not have staff interpreters like Oregon. The Committee discussed who would be an appropriate monitor. Arranging an out of state interpreter would be costly and very difficult to schedule. Washington does have a well-respected and experienced interpreter who could serve as a monitor.

The Committee discussed the timeline for the agreement. Creating specific deadlines would be difficult because there is no way to predict when a case needing a Vietnamese interpreter would come up. The interpreter should be monitored when an in-person interpreter is called for. The interpreter should inform the Committee when he has been assigned a case. The Committee discussed who should bear the cost of the monitor and whether some of the cost should be imposed on the interpreter. There's no indication the Oregon has entered a cost sharing agreement with the interpreter. AOC staff would look into what kind of fee could assigned.

### **III Next Meeting**

The Committee decided further discussion could be done by email and no meeting was scheduled.

# **Court Interpreter Program Reports**

# Institute For New Court Employees

## October 24-26, 2016

### SESSION EVALUATION

<b>Session:</b>	<b>Court Interpreters</b>
<b>Faculty:</b>	<b>Mr. Robert Lichtenberg and Ms. Emma Garkavi</b>

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

EFFECTIVENESS	5	4	3	2	1
1. The objectives of the course were clear.	27	9	0	0	0
2. The objectives of the course were achieved.	27	7	2	0	0
3. The faculty engaged me in meaningful activities.	23	5	7	1	0
4. I gained important information or skills.	25	7	4	0	0
5. The faculty made a clear connection between the course and the work place.	28	6	2	0	0
<b>Average:</b>					<b>4.6</b>

**COMMENTS:**

- Would have been helpful to know from a customer service standpoint when it's okay to request an interpreter.
- Very interesting. Good info.
- I enjoyed the interpreter/witness activity. It helped me understand how difficult it can be to interpret.

COMMUNICATION SKILLS	5	4	3	2	1
1. The faculty was well prepared.	31	4	1	0	0
2. The presentation was organized.	30	6	0	0	0
3. Written materials enhanced the presentation.	26	7	3	0	0
4. Audiovisual aids were used effectively.	25	8	2	1	0
5. The presentation kept my interest throughout.	24	6	5	1	0
<b>Average:</b>					<b>4.7</b>

**COMMENTS:**

- Very useful information. Thank you.

COMMENTS cont.:

- Very good.
- Great presentation! Perhaps having more activities/breakouts to help us stay engaged.
- Difficulty understanding Mr. Lichtenberg which was not backed by slides. I felt I missed initial info.

CLAC Program Managers were provided with a survey regarding proposed 2016 -2017 testing priorities on June 28, 2016. Program Managers were asked to review the below list of test-related initiatives and to rank the priorities in order of preference, as well as suggest initiatives not included on this list.

For the development of oral exams in new languages, NCSC also asked states to provide additional information in accordance with the *Policy for the Development and Modification of Test Inventory* (attached). Additional information may include jurisdiction-wide statistics on the volume of proceedings interpreted in that language, including court usage data and/or data regarding interpreter requests; number of persons in the state who speak that language per Census/American Community Survey data, and/or data from the Department of Education; estimated number of Oral Exam candidates per year; and identification of potential subject matter experts for test development and/or rating (if known).

Program managers provided responses to the survey by close of business on July 12, 2016. NCSC received a total of 13 individual state responses. Below are survey results and the priorities approved by the Language Access Advisory Committee (LAAC) at its business meeting on July 25, 2016.

Based on survey results and discussion, the following testing priorities were approved for 2016 – 2017:

- **Revise oral exam scripts and associated audio recordings for 2-3 identified languages.**
- **Update scoring dictionaries for 2-3 languages.**
- **Development of legal glossaries.**

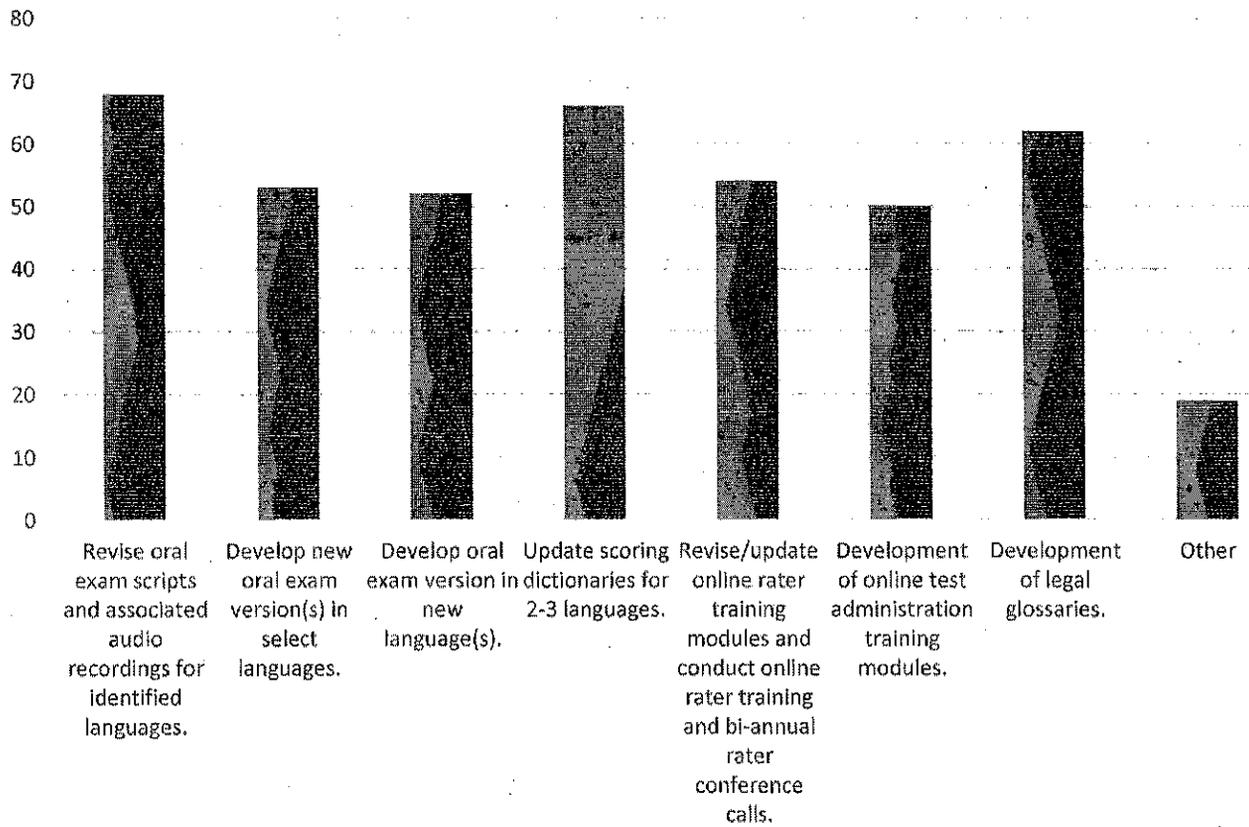
Testing Initiative:	Priority
<b>Revise oral exam scripts and associated audio recordings for identified languages.</b> Work will include maintenance activities for oral exams in 2-3 languages. The selection of exam versions and languages will be based on results of exam review processes, the national use and need for the language exam, and guidelines included in the <i>Policy for the Development and Modification of Test Inventory</i> (attached) established by the former Technical Committee in 2011.	<b>Approved priority for 2016 -2017.</b>  Dependent on funding, NCSC to conduct maintenance activities for oral exams in 2-3 languages. The selection of exam versions and languages will be based on results of exam review processes, as well as the national use and need for the language exam.
<b>Develop new oral exam version(s) in select languages.</b> Work will include the development of new oral exam versions in languages for which current NCSC oral exams exist. The selection of languages will be based on results of exam review processes, the national use and need for the language exam, and guidelines included in the <i>Policy for the Development and Modification of Test Inventory</i> (attached) established by the former Technical Committee in 2011.	No action at this time based on survey input.

<p><b>Develop oral exam version in new language(s).</b> Work will include the development of oral exam scripts and associated audio recordings for a new language or languages (languages for which no NCSC oral exams currently exist). Decisions will be made in accordance with the <i>Policy for the Development and Modification of Test Inventory</i>.</p> <p><u>If you have suggestions for new languages for potential test development, please provide additional information regarding the languages in the text boxes at the end of this survey. *See examples of additional information below.</u></p>	<p>If funding permits, LAAC may consider the development of an abbreviated oral exam<sup>1</sup> for Amharic and/or the development of a legal glossary in this language.</p>
<p><b>Update scoring dictionaries for 2-3 languages.</b> Work will include updates to all scoring dictionaries for 2-3 languages. Selection of dictionaries will be based on Scoring Unit Suggestion Forms received and work completed in 2013-2014; 2014-2015; and 2015-2016, as well as national use and need for selected languages.</p> <p><u>Note: Per the recommendation provided at the 2016 Annual CLAC Conference, this priority will include updating the scoring dictionaries for Spanish two times in 2016-2017.</u></p>	<p>Approved priority for 2016-2017.</p> <p>NCSC to update scoring dictionaries for 2-3 languages. Selection of dictionaries will be based on Scoring Unit Suggestion Forms received; work completed in 2013-2014, 2014-2015, and 2015-2016; and national use and need for selected languages.</p>
<p><b>Revise/update online rater training modules and conduct online rater training and bi-annual rater conference calls.</b> Work will include the revision of current online rater training modules to ensure accuracy with current policies and to provide interactive participation for raters. Following the revision of modules, raters on the NCSC Rater Expert List will participate in online refresher training. Work will also include the implementation of bi-annual rater conference calls for all raters.</p>	<p>LASS staff will be creating an online rater training and pilot calibration process in 2016-2017 as part of a separate contract with the state of California. LASS staff recommend that the results of this effort be analyzed and used to inform the creation of an enhanced online rater training program for raters in 2017-2018.</p>
<p><b>Development of online test administration training modules.</b> Work will include the development of a one-hour online training course pertaining to oral exam administration protocols. Modules will be developed to be used as test administration refresher training by state program managers, staff, and proctors.</p>	<p>No action at this time based on survey results.</p>

<sup>1</sup> The abbreviated model of an oral exam consists of a simultaneous section and a measure of conversational English. The development of an abbreviated model of an oral exam may be considered when the demand for a new oral exam language does not meet the criteria of national use and need for the development of a full standard model.

<p><b>Development of legal glossaries.</b> Work will include participation by the Testing Priorities Working Group to develop legal glossaries in 3-5 languages. Languages to be selected based on national interest and need and may not necessarily reflect languages for which there are NCSC oral exams.</p>	<p><b>Approved priority for 2016-2017.</b>                   Languages to be based on current national needs and national input.</p>
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### 2016-2017 Testing Priorities Survey Results





# WASHINGTON COURT INTERPRETER PROGRAM 2017 CERTIFICATION PROCESS (tentative)

January/  
February

**WRITTEN EXAMINATION PREPARATION CLASS (OPTIONAL)**  
Two-day class covering what exam topics and test-taking strategies. *Location: Seattle and Eastern Washington*

March

**WRITTEN EXAMINATION**  
English language, vocabulary, court related terms and ethics. *Locations: Seattle and Eastern Washington*

May

**INTERPRETER ORAL EXAM ORIENTATION**  
Information on legal terminology and procedure, simultaneous interpreting, consecutive interpreting and sight translation to prepare for oral interpreting examination.

June - Aug

**ORAL EXAMINATION PREPARATION COURSE (OPTIONAL)**  
Multi-week preparation course with an overview of interpreting skills and intensive interpreting practice.

October

**ORAL INTERPRETING EXAMINATION**  
Individually scheduled testing appointments. Sight translation, consecutive interpreting and simultaneous interpreting. *Location: Seattle*

Feb & Oct

**COURT INTERPRETER ETHICS AND PROTOCOL**  
After passing a criminal background check, interpreters participate in this one-day class on interpreter ethics and courtroom protocol. The interpreter oath is administered as the final step in becoming certified. *Location: Seattle*



WASHINGTON  
COURTS  
ADMINISTRATIVE OFFICE OF THE COURTS

# WASHINGTON COURT INTERPRETER PROGRAM 2017 REGISTERED PROCESS (tentative)

January  
or February

## WRITTEN EXAMINATION PREPARATION CLASS (OPTIONAL)

Two-day class covering what exam topics and test-taking strategies. *Location: Seattle and Eastern Washington*



March

## WRITTEN EXAMINATION

English language, vocabulary, court related terms and ethics. *Locations: Eastern Washington and Seattle*



May

## INTERPRETER ORIENTATION

Information on legal terminology and procedure, simultaneous interpreting, consecutive interpreting and sight translation to prepare for oral interpreting examination.



Summer

## FOREIGN LANGUAGE SPEAKING & COMPREHENSION EXAMS

Individually scheduled exams measuring how well the interpreter speaks English and the language he or she wished to become registered. *Location: Olympia*



Feb & Oct

## COURT INTERPRETER ETHICS AND PROTOCOL

After passing a criminal background check, interpreters participate in this one-day class on interpreter ethics and courtroom protocol. The interpreter oath is administered as the final step in becoming certified. *Location: Seattle*



WASHINGTON  
COURTS

## INTERPRETER COMMISSION 2017 MEETING DATES

EVENT	DATE	LOCATION
Interpreter Commission Meeting	March 3, 2017 8:45 am-11:45 am	AOC Facility, SeaTac
Interpreter Commission Meeting and Public Forum	May 11, 2017 Public Forum: 6-9 pm (TBD)  May 12, 2017 Commission: 9am -12 noon	Clallam/Jefferson County City Location TBD
Interpreter Commission Meeting	September 29, 2017 8:45 am-11:45 am	AOC Facility, SeaTac
Interpreter Commission Meeting	December 1, 2017 8:45 am-11:45 am	AOC Facility, SeaTac