



Interpreter Commission Meeting
Friday, March 30, 2018
AOC SeaTac Office Building
18000 International Blvd, Seattle, WA 98188

MEETING MINUTES

Members Present:

Justice Steven González
Judge Andrea Beall
Francis Adewale
Eileen Farley
Maria Luisa Gracia Camón
Thea Jennings
Katrín Johnson
LaTricia Kinlow
Dirk Marler
Linda Noble
Fona Sugg
Elisa Young
Alma Zuniga

AOC Staff:

Cynthia Delostrinos
Robert Lichtenberg
James Wells
Jeanne Englert

Guests:

Donna Walker

Members By Phone:

Judge Teresa Doyle

Members Absent:

Judge Laura Bradley

CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by Justice Steven González at 8:45am.

APPROVAL OF DECEMBER 8, 2017 MEETING MINUTES

Minutes were approved with modification.

CHAIR'S REPORT

The Commission observed a moment of silence and remembrance for Lynne Lumsden. A few attendees shared some of their thoughts and memories of her.

Donna Walker, a nominee for Commission membership, introduced herself and described the work she has done and interest in access to the justice system.

BJA Taskforce

The Commission reviewed the work done so far by the Board for Judicial Administration's Taskforce and heard updates about their work:

- One of the main objectives is to expand the court interpreter reimbursement program, beginning with addition of more rural courts.
- A survey had been sent out to the courts about their interpreter services. The survey summary had been provided to the Commission. Highlights included a large increase of costs of providing interpreters.
- Judge Sean O'Donnell will be replacing Judge Downes, who will be retiring June 1, 2018.
- The Taskforce hopes to get consumer feedback from the parties who use interpreter services and would be part of an outreach plan.
- Some feedback and suggestions from Commission members included:
 - Check with legislators who are interested supporting the bill and getting their thoughts on what would make compelling arguments. Mr. Adewale could help reaching to legislators in Eastern Washington.
 - A survey may be useful in getting customer service feedback and partnering with local organizations could increase participation. Being approached for information by a community member rather than a government would be more effective.
 - Legal aid attorneys could provide valuable feedback.
 - Industries and companies with a large LEP workforce could help provide support for the initiative.

Reviewing Language Access Plans

Courts have begun submitting the Language Access Plans (LAP). Review of the LAPs submitted by courts in the reimbursement program would occur in the summer. A workgroup was created to review the plans, which included: Ms. Camón, Ms. Jennings, and Ms. Sugg.

May Forum Planning

A forum that included LEP community members would be postponed until the September meeting to allow more time for outreach. In place of the forum in May, the Commission could have a meeting to coincide with an interpreter calendar at a court to observe cases using court interpreters. It was proposed to hold the next Commission meeting and court observation on June 13 at Tukwila Municipal Court.

Annual Report Draft Review

The Commission plans to have its annual report available for the District and Municipal Courts Association in June. Ms. Johnson and Ms. Jennings volunteered to review the report created by AOC staff.

Commission Membership

The Commission reviewed which members are approaching the end of their terms:

- Members approaching their final terms: Ms. Sugg and Ms. Zuniga.
- Members who may be re-nominated: Ms. Jennings, Mr. Marler.

To find new members, some potential contacts are: Washington Defenders Association, Washington Association of Criminal Defense Lawyers, and Washington Association of Municipal Attorneys.

Non-Certified Interpreters

The Commission discussed their authority to investigate complaints about non-credentialed interpreters and discipline those interpreters, if necessary.

- The Commission's disciplinary policy applies to only credentialed interpreters, although non-credentialed interpreters do fall in the scope of the Commission in some areas.
- Changes to the authority of the Commission may require changes to state law or court rules. Changes may affect the workload of some Commission members and AOC staff.
- Recently a complaint regarding a non-certified interpreter had been brought to the Commission.
 - If the interpreter had been certified, the complaint would have gone to the Issues Committee for an initial review.
 - The court who made the complaint was asked to investigate the issue, although the issue did not occur in the courtroom.

The Commission discussed the responsibilities of courts for the actions of their employees and other court officers. If there is a complaint against a lawyer, some potential avenues for investigation and discipline would be the bar association, the police, or human resources depending on the nature of complaint.

The Commission tasked the Issues Committee to review the scope of the Commission's authority on non-credentialed interpreters and how to make changes to the Commission's authority.

COMMITTEE AND PARTNER REPORTS

Education Committee

Judicial College Faculty

Each year there is a presentation on court interpreters at the Judicial College. The Education Committee is looking for a new judge to act as a presenter and several suggestions were made: Judge Damon Shadid, Judge Ketu Shaw, Judge Michael Diaz, Judge Mary Logan, and Judge Ellen Kalama-Park. The Committee will also consider adding an interpreter to be part of the panel.

2018 Judicial Conferences

District and Municipal Court Judges Association

One presentation will discuss the presence of immigration enforcement in the court and how it can affect victims of domestic violence. A certified interpreter will be on the panel. A survey had also been sent out to court interpreters to learn more about their experiences. Out of 40 to 50 responses, four interpreters indicated they had some had experiences involving ICE or border patrol agents in the courthouse.

Fall Judicial Conference

The topic of the interpreter session will be language access for family members of juvenile offenders. The presentation will include a cultural competency element and will consider contacts outside of the court room. If an interpreter is one the presenters, it was suggested that they should receive get a per diem and receive compensation since other presenters are often compensated.

Issues Committee

Recommendations on GR 11.2

The Commission discussed the most recent draft of the update Code of Conduct for court interpreters found in General Rule 11.2.

- Using “legal proceedings” versus “judicial system” when referring to the scope of the Code of Conduct. State statute often uses the term legal proceedings, but since the Code applies to out of court proceedings, the broader term of judicial system was more appropriate here.
- The Commission unanimously approved to submit this draft of GR 11.2 to the Supreme Court Rules Committee.

MOTION: Submit the draft presented at this meeting to the Supreme Court Rules Committee for review.

Access To Justice Board Liaison Report

The most recent Access to Justice (ATJ) conference reviewed the goals that were set the previous year one-by-one. They considered the organizations in the coalition and what kind of progress was being made. The Commission discussed how they could be involved with the ATJ board, such as providing resources or trainings about interpreters to community groups and civil legal aid organizations.

Outreach Ad Hoc Committee

An ad hoc committee had been created at a previous meeting, which included: Ms. Young, Ms. Zuniga, Ms. Farley and AOC staff. Others are welcome to join. The Commission reviewed the draft outreach plan, which included a number of important goals and targeted audiences. Some points during the discussion included:

- What should be the priorities for the Commission and which activities might fall outside of its mandate.
- Involving community members in planning and discussion to reach the community itself. The current networks the Commission relies on may not be enough.
- Including non-Commission members on a new committee for communications and outreach.
- Recruiting is big undertaking with many facets. To recruit more interpreters, the professions needs to be viable. There needs to be enough work and pay for someone enter and stay in the profession
- Judges and policy makers need to understand the importance of language access.
- Staff support is limited in outreach.
- Language access is a vital issue. A person's life can depend on the word that you use and the way that they say it.
- Funding is a critical element - high standards cannot be sustained without it.
- There is a regulatory side and a policy side. The policy is broader but can have ripple effect on regulation.

COURT INTERPRETER PROGRAM REPORT

Mentoring Proposal

Ms. Camón gave a presentation about the mentoring program she has been leading at Seattle Municipal Court:

- The program recently began its second cohort in the first phase of the program. Interpreters in the first cohort are currently in a follow up program.
- The program is language-neutral with 12 sessions in the first phase. Half of the sessions are in-person and half are webinars. Participants are also given homework.
- Members of the first cohort attended the AOC's Ethics and Protocol Class.
- Main topics of the sessions include: modes of court interpreting, remote interpreting, glossary building, note-taking, and other practice skills.
- The mentoring program could be expanded to other courts. Webinars can be recorded so only in-person trainings would need to be created.
- Participation in the mentoring program could eventually become a requirement for interpreters working in the courts.
- It could become a requirement in the credentialing process for future interpreters and could be a requirement for non-credentialed interpreters who work in the courts. Interpreters who are already credentialed could allowed to get education credits to take part.

Commission Manager Report

Ms. Delostrinos mentioned some projects that the other Supreme Court Commissions are working on:

- Youth and Justice Forums in Yakima on April 20 and Seattle on April 21. Commission members were encouraged to visit and observe. These forums introduce young people to positions in the justice system, which many may have a negative view of.
- Poverty Simulation Trainings in a number of locations in the state. Commission members were invited to attend or volunteer.

Interpreter Program Updates

Compliance Cycle report:

- This weekend is the last day of the cycle.
- Interpreters had been given an extension because some interpreters had trouble entering their requirements into the Interpreter Profile System.
- As of Thursday Morning – about 74% are compliant.
- People who weren't in compliance were send a form they could fill into either requirements into and they could email into us.
- Most profiles are now working properly. About 20 have some issues that we're still trying to solve.
- In a few weeks, we will have a meeting among the discipline committee regarding those who are not compliant.

Oral Exams in 2017

- Two interpreters passed: 1 Spanish and 1 Russian. First new certified interpreters in from Eastern Washington in several years.
- Because two people passed at Spokane Superior, their court is holding the Ethics and Protocol class. They will be joined by a new registered Punjabi and Samoan interpreter who recently passed the exams. About 10 non-credentialed interpreters from a variety of languages will also attend.

Written Exams in 2018

- Will be given in Eastern and Western Washington on April 7 in Spokane and April 14 and 15 in Shoreline.
- About 250 have signed up. Largest sign up for many years. Possibly due to increased, targeted outreach. Also the interested parties list may have helped.
- Candidates speaking about 40 to 50 languages have signed up. More details will be available at the next meeting when we know exactly who did take the exam.

Action Items
<i>Issues Committee</i> – Review the scope of the commission authority on non-cred interpreters and what they want that scope would be.
Ms. Johnson – Choose a new judge as a presenter at the Judicial college and look for an interpreter as a co-presenter.
Ms. Farley – Send contact information to Ms. Johnson about the DSHS and the Juvenile Justice Task Force, who is doing a state-wide survey.
Ms. Camón – Will write up a proposal regarding the mentoring project and how to make it more established.
AOC Staff – Send Oregon court customer survey to Ms. Englert.
AOC Staff – Keep the Commission informed about the progress and investigation regarding the complaint made about the non-certified interpreter.
AOC Staff – Send rule change to committee in October.