



Interpreter Commission Meeting
Friday, March 29, 2019
AOC SeaTac Office Building
18000 International Blvd, Seattle, WA 98188

MEETING MINUTES

Members Present:

Justice Steven González
Judge Andrea Beall
Judge Laura Bradley
Francis Adewale
Kristi Cruz
Eileen Farley
Maria Luisa Gracia Camón
Sharon Harvey
Thea Jennings
Katrín Johnson
Diana Noman
Frankie Peters
Donna Walker

AOC Staff:

Cynthia Delostrinos
Robert Lichtenberg
James Wells
Jeanne Englert (by phone)

Guests:

Czar Peralta (by phone)
Emma Garkavi
Judge Damon Shadid
Lorane West

Members By Phone:

Judge Teresa Doyle
Fona Sugg
Elisa Young

CALL TO ORDER AND INTRODUCTIONS

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

APPROVAL OF DECEMBER 7, 2018 MEETING MINUTES

Minutes were approved with modification.

CHAIR'S REPORT

BJA Court Interpreter Funding Taskforce

- The Taskforce working to expand the reimbursement program.

- The House budget has fully funded the proposal in its budget. The Senate budget will be released soon.
- Several organizations showed support for the proposal.
- Letters were sent out thanking House members for their support and letters were sent to Senators asking for full funding.
- Letters have also been prepared to send out in the event there is no funding, partial funding, or full funding as the budget package proceeds through the legislative process.

New Member Recruitment and Nominations Process

- Seven members have their terms expiring this year.
 - Two member finishing their second term: Eileen Farley and Thea Jennings.
 - Five of those members are eligible for renewal: Luisa Gracia Camon, Donna Walker, Katrin Johnson, Frankie Peters, Francis Adewale.
 - All five members expressed their wish to stay on the Commission and there were no objections from other Commission members that they should continue.
 - For Donna Walker, Francis Adewale, and Frankie Peters, the AOC will reach out to the organizations that nominated them to see if there is any objections to them continuing on the Commission
- Eileen announced that she would be leaving the Commission early and that this would be her final meeting.
 - If an interim member replacement is found, then that member would need to be re-nominated in September since they would be finishing out Eileen's second term.
 - There was support from Commission members that the replacement should be from an ethnic organization.
- AOC will head the recruitment process with input from board members.
 - Timeline – recruitment letters should go out by end of April with responses and applications due at end of May. At the June meeting there can be a review of nominations.
 - Interested members can be invited to the June meeting.
 - July/August will be the nominations process.
 - A list of organizations is in meeting packet. It would help AOC to have recommendations from Commission members
 - For the Ethnic Organization seat, there was support that it should be held by an organization that represent the people who benefit from the commission's work.
 - Some suggested organizations: OneAmerica and Refugee Connection.

Proposed Benchcard Revision

- A review of the interpreter benchcard was spearheaded by Judge Shadid at Seattle Municipal Court. He worked with Luisa Gracia Camon, Emma Garkavi, Linda Noble, and Lorane West
- The new benchcard includes:
 - legal references, term definitions, flowchart, questions to ask interpreters and LEP parties, guidance on the kinds of questions that should be asked, and tips for judges,
- The benchcard was presented at the judicial college and received very positive feedback.
- There will be a 30 day period for submitting suggestions.
 - Suggestions can go to: Emma Garkavi.
- The Commission will approve a final draft.
- The Commission discussed whether references to issues specific to working with sign language interpreters should be integrated into the benchcard. To avoid cluttering the current versions and ensure enough information was presented, a separate card would be created that is parallel.
 - Each card should reference the other card.
- Reference material and links would be provided with the benchcard.

Some suggestions for the benchcard included:

- Add a comment about providing the code of conduct if the interpreter says they are not familiar with the code.
 - Add a suggestion that judges provide enough time for the interpreter to truly review the code.
- Qualifying questions for the interpreter should be modified to be open-ended and not yes-no questions.
- Hyperlinks should be provided if there is an online version.
- Cite GR11.2 when referencing the code of conduct to make sure judges are aware it is a court rule.
- Add AOC contact information.
- Add headings or ways to differentiate sections.
- Add a reference to good cause in flow chart.
- Include a reference for the interpreter to ensure that they and the LEP party can communicate.
- Include information about ensuring that the interpreter can communicate with the LEP party. This is a requirement for ASL interpreters.
- Cite references in explanation of good cause.
- For questions related to conflict of interest:
 - When asking interpreters if they know the LEP party it needs to be short, but also allow follow up since knowing the interpreter's prior relationship is important. Ask about conflicts and not just if they know the LEP party.
 - The wording should not lead the interpreter to specifically mention how they know the LEP party on the record.
 - The colloquy with the interpreter should be done when the jury isn't present.

LAP Review/Approval Team

- A memo was written that included example sections taken from 5 language access plans (LAP)
- The approval team will include 3 reviewers from the Commission: Fona Sugg, Thea Jennings, Luisa Gracia Camon and Kristy Cruz. They will look at criteria that would be used to consider an LAP approved.
 - This guide will inform what kind requirements will be needed for a court to qualify to receive reimbursement. This will also help the AOC know how to help courts provide the access that state law requires.
 - Once criteria is established, there will need to be training provided to the courts.
- When the statute was passed to require an LAP, there was funding for an FTE to help courts establish their LAPs. The funding was later cut during the recession. The current staffing level now may not be enough to help courts enough.
- A template was created as a resource courts could use, which was reviewed and approved by the Commission. It was felt using this template would create a LAP that was sufficient.
 - Many of the LAPs already submitted contained policy directives but they lacked the procedural language necessary to implement that policy.
 - The goal is not to reject a plan, to show how to make improvements so that all staff at a court can implement the LAP.
 - The LAPs from courts already submitted will not be unapproved. As new courts come into the reimbursement program, there will need to be a process to review them.

Commission Budget Report

- There may be about \$2000 to 3000 for the remainder of the fiscal year.
- Commission members are invited to submit ideas to the AOC for suggestions

COMMITTEE REPORTS

Education Committee

Conferences

- Judicial College
 - Judge Shadid and Luisa were two of the presenters.
 - Very good feedback from participants, with several citing the proposed benchmark
 - AOC education staff had feedback that differed from the participants.
 - The commission feels very strongly that an interpreter should be on the panel at the judicial college and would continue to include one in future proposals.

- A new judge will be needed for the panel in 2021. The new judge will shadow next year.
 - The committee discussed several possibilities, considering things such as experience with interpreters, where the judge is in the state, and court level.
 - The commission will suggest approaching Judge Riquelame as a new panel member for the Judicial College.
- Superior Court Administrators Conference
 - A variety of speakers will present about sign language interpreters, speech disabilities, and assistive technologies.
- District Court Administrators Conference
 - Content is based on a previous court interpreter coordinator's conference.
 - It will focus on the topics that are the most important for someone with decision making authority to know.
- Fall Judicial Conference
 - National experts are coming in from out of state, including Carla Mathers, a legally certified interpreter who is also an attorney, and Aida Chen.

Outreach Committee

- The Committee is being headed by Elisa Young.

New workgroup

- A new work group is looking at creating training modules for court staff.
- Other members are welcome to join the work group.

ISSUES COMMITTEE

Filipino-Tagalog Interpreters

- The currently registered Tagalog interpreters have requested to extend their credential until the end of the year. The end of the year is the natural end to the compliance cycle.
- The committee recommended extended the credentials. The recommended was approved without objection.

Motion: The credentials for currently registered Tagalog interpreter are extended until the end of 2019.

Grievances

- For one grievance that was received, the alleged problem could not be located on the court record so further investigation could be done.
- As a result of a grievance and investigation, a letter was sent to the judge about the requirements qualifying the interpreters and the proper use of interpreters.

Bylaws

- The committee is reviewing the membership bylaws of the Commission. This will include changing the title. Work is continuing and a draft will be brought to a future Commission meeting.

Ad-hoc Committee looking at non-credentialed interpreters

- Judges need to be aware that there are languages that are certified/registered and that there are languages that don't have an exam and are therefore non-credentialed.
- For non-credentialed interpreters:
 - Interpreters need to know they must be qualified for each event and that there is no permanent qualification.
 - Martha Cohen and Diana created guidelines and best practices that new interpreters can follow if they are in the court room for the first time.
 - Non-credentialed are held to the same standards as credentialed interpreters.
 - AOC is looking into developing a video for interpreters and other resources.
 - SMC has a programing mentoring interpreters.
- Telephonic interpreting concerns
 - Many rural courts rely more on telephonic interpreting, where getting interpreters that are credentialed is not guaranteed.
- Court interpreters coordinators need to be involved.
 - Many court interpreter coordinators have many other responsibilities at a court besides working with interpreters.
 - They need to understand the credentialing system of interpreters.
 - The committee discussed creating a parallel of the bench card for judges for court interpreters coordinators.
- AOC could host a list of non-credentialed language interpreters that meet certain criteria.
- Some of the language used in RCWs is outdated and inconsistent with the current levels of certification.
- Some states allow provisionally qualified interpreters.

ASL INTERPRETER CERTIFICATION

- There currently is no way for ASL interpreters to become certified since the SC:L exam has been suspended and no new exam is on the horizon.
- The Office of the Deaf and Hard of Hearing (ODHH) created a list of interpreters they view as qualified, which are ASL interpreter who have taken the written SC:L. This exam is also suspended.
- One solution under consideration would be to accept the Board for Evaluation of Interpreters (BEI) as a possible exam or use it as a basis for another exam.
- A list of qualified ASL interpreter who can work on matters outside the court room could be created.
- The National Center for State Courts (NCSC) is looking into the matter but doesn't have the resources to create a new exam, which is very costly.

CLARK COUNTY CONTRACT

- Courts in Clark County have started to require interpreters to sign a contract to work in their courts.
- A number of interpreters have expressed concerns with the contract and are hesitant to sign. Some of the concerns mentioned included:
 - Language about and interpreter's liability and potential responsibility for legal fees.
 - Long list of protocols for interpreters.
- The language have the appearance that it was adapted from another source and was inconsistent with how it refers to interpreters.
- The Commission was concerned this contract could have a chilling effect on interpreters making it difficult for the court to fulfill its obligations to provide interpreters for LEP parties.
- The Issues Committee will review the contract and look for potential solutions.

DISCIPLINARY COMMITTEE

- The committee is currently reviewing a grievance against an interpreter who allegedly lied to a court official about not having interpreted for a family member.
- A settlement had been offered for the interpreter to voluntarily give up interpreter credential.
- The committee is working with the Attorney General's office.

Interpreter Services at the Office of Administrative Hearings (OAH)

Judge Bradley

- At the court interpreter forum in October of 2018, interpreters brought up concerns about the practice of telephonic interpreting at the OAH.
- Judge Bradley discussed the issue with a judge at the OAH who was open to the concerns.
- OAH does not have facilities to have live hears, but sharing facilities with another agency could be a possibility.
- Judge Bradley will follow up with the education committee about possible education and training resources.

COURT INTERPRETER PROGRAM REPORTS

Supreme Court Commissions

Staffing changes:

- The team recently lost their administrative secretary and the staff person for the Minority and Justice Commission (MJCOM). Cynthia will be stepping into the MJCOM staff role until a new person is found.
- A part-staff position was created to staff the Tribal State Court Consortium.

Program Report

- At the interpreter forum in October 2018, an interpreter brought up concerns about the some translated forms at a court. Bob sent the information to the court about the errors and the court has requested resources.
- The finalized, corrected version of the updated GR11.2 is now online. There was initially some typos in the version that was originally posted and there were concerns the original authors had not had an opportunity to review the language that was approved by the Supreme Court.

Testing and Training

- Oral Exam 2018:
 - 46 test candidates.
 - 7 (languages Arabic, BCS, Korean, Mandarin, Russian, Spanish, Filipino)
 - 6 people passed (1 BCS, 1 Mandarin, 1 Filipino, 3 Spanish)
 - They will be completing the credentialing process on April 12 at the Ethics and Protocol
 - This includes first person to pass the Filipino/Tagalog Exam in Washington.
- Ethics and Protocol Class
 - Will take place on April 12 at Seattle Municipal Court
 - 6 people are competing the credentialing process.
 - 4-5 interpreter will be attending to complete the process for reciprocity (1 Arabic and others Spanish)
 - Other guests such as the group from the mentor group
 - Commission members are also welcome to attend.
- Written Exam Registration
 - Taking place in Seattle, Spokane, and Olympia
 - 136 people currently registered to date.
 - Interpreter speaking 21 languages have registered so far

ANNOUNCEMENTS

- The Access to Justice (ATJ) conference is taking place in Spokane in June. Commission members are invited to attend.
- The Washington State Coalition for Language Access (WASCLA) Summit will take place on October 25 and 26 in Tacoma.
- On March 30, NOTIS will be holding a training on GR11.2 in Redmond.

Action Items:

- **Commission Members** Submit to the AOC suggestions regarding how to use the money remaining in the budget for this fiscal year.
- **Commission Members:** Submit to the AOC suggestions about ethnic organizations to reach out to for recruiting a new member.

- **Issues Committee:** Review the new contract for interpreters from Clark County.
- **Education Committee:** Look to Judge Riquelame as a new panel member for the Judicial College
- **Education Committee:** Create a separate, parallel benchcard and flowchart for working with sign language interpreters.
- **AOC:** Begin recruitment for new members of Commission.
- **AOC:** Reach out to the organizations that nominated Donna Walker, Francis Adewale, and Frankie Peters to see if they have any objection to them continuing serving on the Commission for another term.