

**Washington State Supreme Court
Interpreter Commission**

June 5, 2020

Meeting Packet

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

Interpreter Commission Meeting Agenda

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Quarterly Meeting Friday, June 5, 2020 8:45 am- 11:45 am Zoom Video Conferencing: <u>Details Forthcoming</u> Call-In Number: 1-877-820-7831; Passcode: 618272#</p>	
AGENDA		
<ul style="list-style-type: none"> • Call to Order: <i>Moment of Self-Reflection</i> 	Justice Steven González	
<p>Chair's Report</p> <ul style="list-style-type: none"> • Approval of February 14, 2020 Minutes • Service Recognition Award: Judge Theresa Doyle • New Supreme Court Justice Appointment • DMCJA Representative Nomination • ESSB 5984 • Commission Member Roundtable Reports on Language Access Issues Due to COVID-19 Pandemic <li style="text-align: center;">Short Break • Presentation by Office of Administrative Hearings • Reimbursement Program Update 	<p style="text-align: right;">Justice González</p> <p style="text-align: right;">Justice González</p> <p style="text-align: right;">Justice González</p> <p style="text-align: right;">Justice González</p> <p style="text-align: right;">Naoko Inoue Shatz</p> <p style="text-align: right;">Justice González</p> <p style="text-align: right;">Judge Lorraine Lee</p> <p style="text-align: right;">Cynthia Delostrinos/Michelle Bellmer</p>	
<p>Committee and Partner Reports</p> <ul style="list-style-type: none"> • <u>Education Committee Meetings Report</u> • <u>Issues Committee Meetings Report</u> <ul style="list-style-type: none"> • Team Interpreting Rule • Non-Credentialed Interpreter Ad Hoc Committee Recommendation • <u>Disciplinary Committee Report</u> <ul style="list-style-type: none"> • Disciplinary Hearing Update 	<p style="text-align: right;">Katrin Johnson</p> <p style="text-align: right;">Judge Andrea Beall</p> <p style="text-align: right;">Judge Mafé Rajul</p>	
<p>Commission Staff Report</p> <ul style="list-style-type: none"> • Commission Manager's Report • Commission Staff Update • Interpreter Program Report 	AOC Staff	
<p>Announcements: <i>Language Education Petition</i></p>	Justice González	
<p>Next Commission Meeting</p>	September 25, 2020 (Online)	

Meeting Minutes

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Meeting Friday, February 14, 2020 9:00 AM – 11:30 AM WSBA Conference Center 1325 4th Ave, #600, Seattle, WA 98101</p>
<p>MEETING MINUTES</p>	

Members Present:

Justice Steven González
Francis Adewale
Florence Adeyemi
Judge Andrea Beall
Kristi Cruz
Maria Luisa Gracia Camón
Sharon Harvey
Katriñ Johnson
Diana Noman
Judge Mafe Rajul
Naoko Inoue Shatz
Fona Sugg
Frankie Peters
Donna Walker

AOC Staff:

Cynthia Delostrinos
Robert Lichtenberg
James Wells
Moriah Freed

Guests:

Chief Justice Debra Stephens
Justice Susan Owens
Dawn Marie Rubio
Chris Kunej
Czar Peralta
Ashley Lipford
Deborah O'Willow
Monica Romero
Maria Lucas-Perez
Johannes Voogt
Rogelio Rigor

CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by Justice Steven González at 9:00 AM. Members and guests gave introductions.

APPROVAL OF DECEMBER 6, 2019 MEETING MINUTES

Minutes were approved.

CHAIR'S REPORT

Review and Finalize Committee Assignments

- A list of finalized committee assignments is included in the meeting packet.

2020 Commission Meetings Update

- The Interpreter Commission is planning a forum in Eastern Washington to connect with LEP and deaf community stakeholders regarding court access and needed services. The Commission is aiming for Fall 2020, around the September 25th Commission meeting.
- Background research should be conducted prior to meeting with the community by doing outreach with local interpreter coordinators, judges, and non-profits.
- Possible locations were discussed:
 - Yakima, Walla Walla, or the Tri-Cities
 - The Tri-Cities has a larger deaf population than Walla Walla
- Consideration will need to be taken in arranging the logistics of the meeting. Turnout could be low if it is expected that community members need to attend during the work day, or if there is not trust that the event is safe. These hurdles could be overcome by working with community partners who can host and invite the public.
 - One America, Washington Immigrant Solidarity Network as possible community partners
- Focus group vs. public listening session

ACTION: Bob Lichtenberg will reach out to community partners in SE Washington. He will report back on progress at the next Commission meeting.

Law Student Liaison Proposal – Monica Romero

- Monica Romero drafted a law student liaison proposal for the Commission. It is included in the meeting packet.
- Involving law students in the Commission's work would educate them on language access gaps, working with interpreters, and other issues in the legal community. This information can be shared with other law students to facilitate knowledge and understanding.
- The proposal suggests at least 3 liaisons – one from each school, but ideally one 2L and one 3L.

MOTION: Motion to have law student liaisons from the 3 law schools in Washington on the Interpreter Commission, with the understanding that it will not take effect until a liaison plan is established. Unanimously passed.

ACTION: Cynthia Delostrinos will connect Monica Romero to professors on the Minority and Justice Commission, and will touch base about the law student liaison program.

Current Legislation Discussion

- HB 2567 – Concerning open courts.
 - A vote of support was taken via email, and a letter of support has been submitted to the House.
 - Concern was expressed over restrictions to ask an individual about country of origin or citizenship status. Language to “fix” this issue could create additional issues.
 - RCW 2.43 – A change could be made to the statute to protect information gained through inquiry of country of origin or citizenship status.
- SB 5984 - Concerning language understanding of documents used in dissolution proceedings.
 - There has been opposition from judges over budget concerns.
 - Technically the requirements outlined in SB 5984 are not new. Judges already have a requirement to ensure individuals understand documents that they are bound by. Different situations, such as mail-in dissolutions and non-contested dockets where one party appears make this difficult to ensure. How will these situations be handled, and are there any enforcement remedies?
 - A certification could be added to attest both sides understand. NJP includes an affidavit with signed documents to establish that it was interpreted by a professional interpreter.
 - Interpretation issues – interpreters cannot certify that a person understood the document. They can certify that it was interpreted or sight translated into their target language. This could also cause issues in requests for sight translation on the record.
 - GR 11.2
 - How would this bill impact the deaf and hard of hearing community? Does the bill only cover translation for spoken language?
 - RCW 2.43 is cited in the longer bill version. It needs to be revised to include deaf, blind, and hard of hearing language needs.

MOTION: Motion to take a stance of support on SB 5984, to ensure that all parties understand any court documents that they sign, including deaf, hard of hearing, and blind individuals. 13 in favor, 1 abstained.

The Interpreter Commission will take a stance of support on SB 5984.

Language Transition – Registered to Certified

- James Wells gave background information to the Commission on the language classifications for court interpreters in Washington, which are registered and certified. The exam to become a registered or certified court interpreter in Washington comes from the National Center for State Courts. Occasionally, languages get moved from the 'registered' to 'certified' category, which requires a more rigorous testing process.
- Most recently Tagalog and Portuguese got moved from registered to certified. The period for registered interpreters to pass the certified exam is closing, meaning they will lose their credentials.
- What will the date of revocation be?
 - 1 year from today – 2/14/2021
 - The written exam extension will end 6 years from today, until 2/14/2026
- Future considerations will be discussed regarding currently registered interpreters who cannot pass the certified language exam. Other states offer a stratified certification system. The issues committee can further examine the topic.

Guest Introductions – Chief Justice Debra Stephens and Dawn Marie Rubio

- The Commission welcomed the Chief Justice and the State Court Administrator warmly to the meeting. They both introduced themselves to the Commission.
- The education efforts of the Interpreter Commission were commended by Chief Justice Stephens.
- AOC is currently working on an access to justice team proposal that will overlap with some of the Interpreter Commission's work, especially because current projects expand past the original mandate. Additional areas of focus include language access issues, among others.
 - A new order of renewal mandate should be drafted to reflect the full work of the Commission.

ACTION: The Commission will work with Cynthia Delostrinos to draft a new, revised order that accurately reflects the breadth of the Interpreter Commission's work.

RID Legal Interpreting Test Task Force Report – Donna Walker

- There is no path available for new ASL interpreters to work in the courts. RID has no plans to reinstate the legal certification test, and there is no national certification available for ASL interpreters. RID transferred all tests and registration to CASLI – there are currently only 21 legal certified ASL interpreters in Washington, with no option for new interpreters to become certified.
- RID has a task force to study how the states will move forward, but a report is not yet available.
- Creation of a new test will take years. NCSC has done some work on the knowledge, skills, and abilities test funded by CA, but has no plans to take over the development of a national exam and certification.

- A solution might require states to work together if a new national test does not come out. Texas currently has a legal certification test, but it is not available for distribution, and might be Texas specific.
 - If the Texas test is housed under the legislative or executive branch, information sharing might be more difficult.
 - Could interpreters take the exam in Texas and have it recognized in Washington?
 - Would having tests administered by the states create reciprocity issues?

ACTION: Staff will work with AOC and ODHH to look at possible solutions to the testing issue.

Guest Speaker – Deborah O’Willow, ODHH ASL Court Interpreter Program

- ODHH is seeking voting membership on the Commission. Currently all 15 member positions are filled. A proposal will be submitted to staff.
 - Direct communication between ODHH and the Commission would be beneficial instead of using Bob Lichtenberg as a liaison. This would facilitate information sharing and minimize confusion.
 - DSHS houses a variety of services, both general and legal. Pertinent information from these departments could be reported to the Commission.
 - ODHH has sign language interpreter contract management
- AOC and ODHH have discussed developing a training partnership. Collaboration on the legal certification test has been discussed as well.
- ODHH plans to offer a variety of trainings in the future.
 - Trainings for qualified/certified deaf interpreters are especially needed. Hearing interpreters have more trainings available.
- ODHH supports the use of certified deaf interpreters in legal settings.
 - ODHH strongly recommends each court has two certified interpreters on staff – one deaf and one hearing.
 - It should be the client’s decision based on their language abilities what type of interpretation services they need.

COMMITTEE REPORTS

Education Committee

- An update will be provided via email.

Issues Committee

- An update has been provided in the packet, along with the recommended VRI rule.

Court Interpreter Program Reports

- HB 2567 – This is the first time all three Commissions have come together to support one bill.

- Michelle Bellmer, with the reimbursement program expansion, has reached out to 5 courts in the reimbursement program to get their feedback. The money from the reimbursement is not always an incentive to the courts. The time and energy to input data is not worth it to all courts. The reporting requirement could possibly be waived for rural courts while the computer system is updated and streamlined.
 - More communication needs to be opened with courts in the reimbursement program concerning policies.
- There are a few outgoing members on the Commission. The Commission will be seeking a nomination from DMCJA. Judge Rajul will be re-applying. One position (Elisa Young – Community Organizations) might be available, if she is unable to stay on the Commission.

April 4, 2020 NOTIS Interpreter Forum

- The Interpreter Commission has funds available to reimburse for attendance. Contact staff if you would like assistance.

ACTION: Let Bob Lichtenberg know if you want to be involved in the appeals process for the current disciplinary matter.

The meeting was adjourned at 11:40 AM

Chairs Report

Honorable G. Helen Whitener
Supreme Court Justice
Washington State Supreme Court
Helen.Whitener@courts.wa.gov
Work: (360) 357-2026

EDUCATION

Seattle University School of Law, Tacoma, WA

Juris Doctor, December 1998

University of San Francisco, San Francisco, CA

Intensive Trial Advocacy Program Certificate, June 1997

Baruch College, City University of New York, New York

Bachelor of Business Administration, International Marketing, 1988

AWARDS & RECOGNITION

WSBA Justice Charles Z. Smith Excellence in Diversity Award, 2019

King County Washington Women Lawyers President's Award, 2019

Seattle University Women's Law Caucus Woman of the Year Award, 2019

Tacoma-Pierce County Bar Association Diversity Award, 2019

Washington Women Lawyers' Woman of the Year (J-FAB) Award, 2018

Joint Base Lewis-McChord Law Enforcement Recognition Award, 42D Military Police Brigade, 2016

EXTRA JUDICIAL ACTIVITIES

National Association of Women Judges, Outreach Committee Member, 2018

Superior Court Judges' Association: Equality and Fairness Committee, Chair 2018

International Association of Women Judges WA State Delegate, Buenos Aires Conference, 2018

Pierce County Color of Justice (NAWJ) event, 2017

Street Law Teacher, Lincoln High School, 2017 - Present

14th Amendment Law Day presentation, Stadium High School, 2017

Pierce County Superior Court Committees, 2015 - Present

Pierce County Commercially Sexually Exploited Children Task Force Member, 2015 - 2016

Q-Law Judicial Advisory Council Member, 2015 - Present

WA State YMCA High School Mock Trial Program, Judge 2015 - 2017

American Bar Association, Law Day Volunteer, 2015 - Present

Human Rights Official Visit, Embassy of the United States, Trinidad and Tobago, 2015

PROFESSIONAL JUDICIAL MEMBERSHIPS

Washington State Minority & Justice Commission, Co-Chair appointment, 2018 - Present

Washington State Minority & Justice Commission, Supreme Court appointment, 2017

Washington State Office of Civil Legal Aid Oversight Committee, Supreme Court appointment, 2017

Washington Judges Foundation, Street Law, 2017 - Present

Superior Court Judges Association

- Equality and Fairness Committee, Chair 2018 - 2019
- Equality and Fairness Committee, Co-Chair 2016 - 2018
- Equality and Fairness Committee, Member 2015 - 2016

Pierce County Superior Court

- Civil Case Management/Civil Trial Team Committee, 2017 - Present
- Guardianship/Probate/11.88 Committee, 2017 - Present
- Pro-Tem Judge/Commissioner Committee, 2015 - Present
- Law & Justice Committee, 2015 - Present
- Criminal Justice/Procedures Committee, 2015 - 2017

LEGAL EXPERIENCE

Supreme Court Justice, April 2020 - Present

Washington State Supreme Court, Olympia, Washington

Superior Court Judge, January 2015 - April 2020

Pierce County Superior Court, Tacoma, Washington

Industrial Insurance Appeals Hearing Judge, September 2013 - January 2015

State of Washington Board of Industrial Insurance Appeals, Olympia, Washington

Managing Partner, July 2008 - September 2013

Whitener Rainey PS, Lakewood, Washington

Whitener Rainey Writt PS, Tacoma, Washington

Solo Practitioner, February 2005 - July 2008

The Law Office of G. Helen Whitener LLC, Tacoma, Washington

Deputy Prosecuting Attorney, August 2003 - February 2005

Pierce County Prosecutor's Office, Tacoma, Washington

Criminal Defense Attorney, March 2001 - August 2003

Pierce County Department of Assigned Counsel, Tacoma, Washington

Deputy Prosecuting Attorney, February 2000 - March 2001

Island County Prosecutor's Office, Coupeville, Washington

Assistant City Prosecutor (temporary hire), August - October 1999

Olympia City Prosecutor's Office, Olympia, Washington

CONTINUING LEGAL EDUCATION PRESENTATIONS

2019

- *Language Access in Judicial Matters: A Team Effort*, Panelist, WA State Coalition for Language Access (WASCLA), October 26, 2019
- *Emerging Through Bias: Towards a Fairer and More Equitable Courtroom*, Gonzaga University School of Law, Co-Presenter with Judge Alicea-Galván, September 18, 2019

- *View from the Bench: How the Judicial System Deals with Parties*, Thurston County Bar Association, August 16, 2019
- *Nuts & Bolts Academy for Judicial Candidates*, International Association of LGBT (IALGBTJ) Judges, Panelist, ABA Lavender Law Conference, Pennsylvania, August 16, 2019
- *Adoptions: Transcending Differences*, Keynote Speaker, 27th Pennsylvania Permanency Conference, Pocono Manor, Pennsylvania, June 17, 2019
- *Upholding the Canons - Off and On the Bench*, Panelist, SCJA 2019 Spring Conference, May 1, 2019
- *Sexual Orientation and the Legal Profession*, Panelist, Washington Leadership Institute, March 22, 2019
- *Emerging Through Bias: Towards a Fairer and More Equitable Courtroom*, annual class taught at the Washington State Judicial College for newly appointed/elected judges, Faculty Co-Presenter with Judge Veronica Alicea-Galván, January 29, 2019

2018

- *Implicit Bias & Jury Selection: GR 37*, WA State Attorney General's Office, Annual Conference, November 23, 2018
- *Cultural Competency & the Law*, National Federation of Paralegal Associations (NFPA), Seattle, October 25, 2018
- *From the Bench: Effective Trial Presentations*, Washington Employment Lawyers Association (WELA), Co-Presenter with Judge Beth Andrus, October 18, 2018
- *Color of Justice: Closing the Gavel Gap*, National Conference of Juvenile and Family Court Judges (NCJFCJ), Denver, Colorado, July 26, 2018
- *Ethics: A View from the Bench*, Panelist, Department of Licensing Hearing Examiners' Training, July 19, 2018
- *Understanding the Impact of Trauma*, Panelist, SCJA Spring Conference, April 8, 2018
- *Emerging Through Bias: Towards a Fairer and More Equitable Courtroom*, Shadow Faculty Presenter, Judicial College, January 30, 2018

2017

- *Implicit & Explicit Bias*, WA State Attorney General's Office, Labor & Industries Division, March 9, 2017

2016

- *Effective Motions In Limine, A View from the Bench*, Panelist, Washington State Bar Association, September 21, 2016
- *Diversity in the Law: A View from the Bench*, WA State Attorney General's Office, Annual Conference, June 21, 2016
- *Judicial Philosophy: Impact vs. Intent*, Board of Industrial Insurance Appeals, June 17, 2016
- *Gender and Sexual Orientation: Access to Justice*, United Nations and Caribbean Future Forum webinar, May 23, 2016

2015

- *A View from the Bench*, Tacoma Pierce County Bar Association, December 5, 2015
- *Overcoming Intolerance*, University of the West Indies, Trinidad and Tobago, June 16, 2015

COMMUNITY & CIVIC PRESENTATIONS

2020

- *Keynote Speaker*, Tacoma-Pierce County Bar Association Lincoln Day Banquet, January 21, 2020

2019

- *Keynote Speaker*, Pennsylvania Statewide Adoption and Permanency Conference, Teenagers Session, June 18, 2019
- *Keynote Speaker*, WA State Attorney General's Office, Statewide Annual Conference, May 23, 2019
- *Keynote Speaker*, King County Youth & Law Forum, April 27, 2019
- *Keynote Speaker*, Spokane Youth & Justice Forum, April 19, 2019
- *Keynote Speaker*, Seattle University School of Law, Journal for Social Justice Banquet, April 12, 2019
- *Speaker*, WA State Rainbow Alliance and Inclusion Network (RAIN), March 21, 2019
- *Keynote Speaker*, WA State Diversity, Equity and Inclusion (DEI) Summit, January 31, 2019

2018

- *Panelist*, The Urgency Is Now: Race, Poverty, and the Role of Civil Legal Aid, Wenatchee, October 9, 2018
- *Keynote Speaker*, Campaign for Equal Justice, Tacoma, July 18, 2018
- *Keynote Speaker*, Seattle University School of Law, Academic Resource Center, July 11, 2018
- *Keynote Speaker*, Pierce College Women & Justice Forum, June 1, 2018
- *Keynote Speaker*, NAACP Kitsap County Freedom Fund Banquet, May 15, 2018
- *Keynote Speaker*, QLAW Banquet, April 13, 2018
- *Panelist*, The Year of the Woman Forum, City Club of Tacoma, April 4, 2018
- *Keynote Speaker*, Black Women Rise Conference, West Palm Beach, Florida, March 18, 2018
- *Speaker*, The Fourteenth Amendment, Law Day, Stadium High School, Tacoma, March 2, 2017

2017

- *Teacher*, Street Law, Lincoln High School, Winter Semester, 2017 to Present
- *Organizer*, NAWJ Color of Justice event, Pierce County Superior Court, August 17, 2017
- *Presenter*, Interagency Committee of State Employed Women (ICSEW) Conference, Pacific Lutheran University, August 16, 2017
- *Keynote Speaker*, Catherine's Place Boombaballa event, April 30, 2017
- *Panelist*, Coding an Imperfect Criminal Justice Paradigm, Black Women Rise Conference, Florida, March 18, 2017
- *Panelist*, Black Women in Corrections, Law Enforcement and on the Bench, Black Women Rise Conference, Florida, March 17, 2017
- *Speaker*, Our Courts, Career Day, Mt. View Middle School, Bonney Lake, February 1, 2017
- *Panelist*, Washington Judicial Institute, Seattle University School of Law, January 20, 2017

2016

- *Claiming Your Identity by Understanding Your Self-Worth*, ICSEW Conference, Pacific Lutheran University, August 16, 2016
- *Our Courts, Access to Justice and Human Rights*, Steilacoom Kiwanis, May 5, 2016
- *Miranda and How It Applies to You*, Wilson High School, May 5, 2016
- *WA State YMCA Mock Trial*, March 18, 2016
- *Self-Empowerment Through Education*, Tacoma Community College, NW Higher Education Men's Summit, February 13, 2016
- *Youth & Law Forum Presentation*, Pierce County Minority Bar Association, January 15, 2016

2015

- *Judge, Write@253 Debate Club Mock Trial*, Roosevelt Elementary School, December 14, 2015
- *Keynote Speaker*, Seinfeld Awards, City Club Tacoma, November 18, 2015
- *Success Inside and Out*, Mission Creek Corrections Center for Women, October 22, 2015
- *Claiming Your Identity by Understanding Your Self-Worth*, TedxPortofSpain, October 14, 2015
- *City of Tacoma Project PEACE, Partnering for Equity and Community Engagement*, July - September 2015
- *The Dream, Dr. Martin Luther King Jr.*, Panelist, University of Puget Sound, June 3, 2015
- *The Magna Carta and What It Means Today*, Law Day, Lincoln High School, May 7, 2015

Pierce County judge joins state's high court. 'She's been an example of what we could be'

By Alexis Krell

News Tribune

April 29, 2020 05:05 AM, Updated April 29, 2020 05:05 AM

Justice G. Helen Whitener has a saying: "Be visible, be vocal and be vigilant."

That applies to anything, Whitener says, whether someone wants to be president of the United States or ace a test.

"Whatever you truly believe in, you should be willing to speak up about it or speak up for it," Whitener told The News Tribune. "You should be vigilant in pursuing it, and you should be visible."

The 55-year-old former Pierce County Superior Court judge was appointed as the newest Washington State Supreme Court justice April 13.

Gov. Jay Inslee called Whitener a "fierce advocate for justice and equity" in announcing her appointment, and said she was the first immigrant-born judge on the Superior Court and the first black, openly LGBTQ judge in the state.

Whitener moved to the United States from Trinidad as a teenager. She has worked as a prosecutor, defense attorney, Board of Industrial Insurance Appeals Judge and was appointed to the Superior Court bench in 2015. Now she replaces retiring Justice Charles Wiggins.

"I think my lens, because of my marginalization, is going to be helpful," Whitener said. "But I see myself as representing all Washingtonians."

She said people have questioned her ability to be fair and impartial and that she's quite sure she's proven those people wrong. The online databases for the state Commission on Judicial Conduct and the Washington State Bar Association don't show any findings against Whitener.

"I have made decisions that weren't necessarily favorable for any particular subset of who I am, but I was bound by the law, so I made the decision and let the chips fall where they may," she said. "That's what it's about. Sometimes the hard call requires that you do what is right in the law, even though you may personally not believe in that position."

Michael Kawamura, the director of the Pierce County Department of Assigned Counsel, said he has known Whitener for several years.

"She accepted case appointments from our office and worked on a number of significant cases including several Class A felony matters," Kawamura said. "She was knowledgeable and committed to ensuring due process to her clients."

He said she also served on their advisory board "and was a welcome and appreciated voice regarding equal justice and appropriate court process."

As a judge, he said, Whitener "continued to ensure equal justice to all who appeared in front of her. She was seen as a judge who expected litigants to be prepared and professional and held herself to the same standard."

Kawamura also noted Whitener's work ethic.

She did three years on a civil law rotation in Pierce County. When she finished an 18-month rotation she asked for another 18.

"My colleagues thought I had lost my mind," she said with a laugh. "... I enjoyed the civil rotation. The attorneys are top notch. They challenged me. The areas of law are so diverse, I literally was working all the time, which is something I enjoy."

In a decision last year Whitener ruled that the city of Tacoma wrongly withheld 546 pages of records from a former police officer. The city had not paid the \$2,607,940 as of earlier this year, pending appeal. The penalties appeared to be among the biggest ever in the state for nondisclosure.

Toby Nixon, president of the Washington Coalition for Open Government, told The News Tribune at the time: "Nobody could think of a larger award."

In 2018, Nixon said he was impressed with Whitener's "thorough analysis," in another public records case against the city, and her "recognition of the damage to future access that Tacoma's position would produce if allowed to stand and not adequately deterred through penalties."

In that case she ordered the city to pay almost \$300,000 in penalties and fees for violating the state's Public Records Act by improperly withholding documents about a police surveillance tool called a cell site simulator. That also wasn't paid as of earlier this year, pending appeal.

That same year Whitener ordered Backpage.com, its owners and the former CEO to pay \$200,000 in sanctions to two teenagers who allege they were sold for sex on the website. The girls' attorneys argued the defendants made misrepresentations as part of the lawsuit.

Now, she said she's looking forward to the Supreme Court's heavy caseload.

Moved to the United State as teenager

Whitener was 16 when she moved from Trinidad to the United States when a back condition required medical treatment that wasn't available in her native country. She started college during her rehabilitation.

"That was truly helpful to me emotionally," she said. "It took me five years to complete a four-year program, because I had relapses."

She uses a cane some days and expects to have another surgery at some point.

"I see it as a positive," she said. "If I can do it — and I'm not saying it because I'm all that and a bag of chips — but if I can get up in the morning and manipulate my back and get out there and connect with students and do something for someone, I usually ask my mentees, what's your excuse? I use it to push them."

In an interview with the magazine of the Seattle University School of Law, her alma mater, Whitener said she imagined she'd be a businesswoman. A colleague at an accounting firm she once worked at in Bellevue encouraged her to apply to law school, because of her analytical skills.

Whitener told The News Tribune that she particularly liked trial work as an attorney. She thinks that's because she wanted to be a teacher like her parents. As a child she used to sit her cousins down and teach them what she'd been learning in school.

"Something I would hear people say about my performance is that it was as though I was teaching them about an issue or about my client or about the state's case," she said.

Whitener has been particularly involved in mentoring and teaching.

"I have lost count of the young people from all walks of life who have told me personally that Judge Whitener has inspired them to pursue a career in the law, that she has demonstrated to them a career in the law or any profession that they want to be in is open to them, and that's because she works so hard to connect the legal community to the greater community, and especially to children and to youth," said attorney John Cummings.

Cummings has known Whitener for about 10 years and said she's become a mentor.

"I thought it was going to be: I'll meet with a judge one time and see what advice she has for me as a LGBT attorney practicing in Pierce County," he said. "I think she was the one that said: 'You know, I would like to be a mentor to you.'"

He called Whitener incredibly impartial and fair.

"I have gotten rulings in her court that I didn't like, and I have a lot of respect and admiration for her," he said. "... She recognizes that her job is to rule in the right way according to the law. She doesn't show favorites."

Attorney Andrea Jarmon, another mentee, said the same. She's known Whitener for about seven years.

The decisions before Whitener "will be decided with an exceptional level of legal brilliance that's also guided by the human element of her varied experience," Jarmon said.

She recalled a trial in front of Whitener that ended with Jarmon's client relinquishing her parental rights.

"During the middle of the trial, I had asked my client, who happened to be an African American mother, about whether she thought she had the capacity to parent her children," Jarmon said. "... It was a real, human, heartbreaking moment, because she started to cry and she said no."

Whitener suggested a recess, and, when they returned, the woman chose to relinquish her rights.

Whitener then spoke and was able to "make this mother in this vulnerable, difficult moment, make her feel at peace and OK with the decision," Jarmon said. "... I was sad for my client, but even in that moment of difficulty for her was just such compassion."

Jarmon said her own daughters participated in an event Whitener hosted in Pierce County called the Color of Justice, which is now held statewide. It encourages youths to consider careers in the law.

"(Whitener) had local girls come in, and really it was a program that was lifting them up and gave them an eye to what they could be, and that's what she's done for so many of the lawyers of color, especially women, around here," said Lisa Mansfield, an attorney with the Pierce County Department of Assigned Counsel. "She's been an example of what we could be."

Mansfield noted that Whitener has not changed as a person as she's risen in her career. And at times, she said, Whitener can take stances that might not necessarily be politically popular.

"She's always herself, regardless of how the winds are blowing," Mansfield said. "I remember she said one time: 'I'm here to do a job, not here to keep a job.'"

Whitener herself noted that she had to run for election right away after she was appointed to the Superior Court.

"I always said, 'I am here for a limited time,'" she said. "I don't know when that may end, so I'm going to make the biggest impact I can."

She noted: "If they get rid of me, I'm going to have a line of different mentees ready to replace me. They need to be prepared."

Overcoming marginalization

Whitener has spoken publicly about her experience as a black, gay, female, immigrant and disabled judge.

She was stopped by a guard at the courthouse after hours when she arrived to prepare for a youth event she was hosting there the next day.

"In his mind I didn't look like I belonged in the building," she said. "When the supervisor came down the supervisor recognized me, and that's when the individual became apologetic."

Whitener's photo was on the wall behind them, her courtroom was around the corner and she had her access card.

"His response was: 'Well you should have told me,'" she said. "And that's not me, you shouldn't have to treat me any differently because you happen to know my title. ... I could have been the janitor for all that we know. It shouldn't have mattered. It's obvious I had access to the building."

Whitener said in a Pierce County TV video in February, in which she talked about being stopped: "No matter what my title is, when I walk into the building I can also feel excluded. I believe as a marginalized individual, being a black, gay, female, immigrant, disabled judge, that my perspective is a little different, so I try to make sure that everyone who comes into this courtroom feels welcome, feels safe and feels like they will get a fair hearing."

She was concerned that she could be arrested when she traveled back to Trinidad and Tobago as part of a humanitarian mission in 2015 to speak about human rights. Being openly gay was a crime there at the time.

"But I felt a little secure in that I had the U.S. embassy behind us," she said.

Since then the law has been found unconstitutional.

Roughly four years ago she gave a talk for TedxPortofSpain, during part of which she described telling her parents at the age of 19 that she was a lesbian.

"My father, a religious man, responded with unconditional love and respect," she told the crowd. "My mother, also a religious woman, responded quite differently."

Whitener didn't see or speak to her mother for almost three years.

"... she was able to overcome her intolerance and reach a place of respect," Whitener told the audience, in which her mother was present. The two have a loving and respectful relationship.

"Ladies and gentleman, I respect an individual's position and views on any and all aspects of me," Whitener said during the talk. "All I ask is they respect my position to respectfully disagree."

She spoke about going to church with her mother on a visit and how a woman there was struggling with Whitener's sexual orientation. The woman told Whitener she was going to pray for her, and pray that she find a man.

The woman thought enough of her to include her in her prayers, Whitener noted, and she prayed for something she "actually needed."

"My wife and I are busy professionals, and we have plenty chores," Whitener told the crowd, to laughter and applause. "And any help that we can get is truly appreciated."

Whitener's talk for TedxPortofSpain also addressed a time, before becoming a judge, that she didn't get a supervisory position she had applied for.

She was told she was the most qualified and experienced applicant, but that she had not been in the office long enough.

"I accepted the response, until the very next day I was asked to perform the duties of the recently promoted supervisor," Whitener told the audience. "And when I asked why, check this out, I was told that the recently promoted supervisor did not have the experience and qualifications yet, and was being trained."

Supreme Court appointment

Asked about the moment she learned she was appointed to the state's high court and telling her family, Whitener said her wife, retired U.S. Army Command Sgt. Maj. Lynn Rainey, was elated.

Then they told Whitener's mother.

"If you know my mother, you would chuckle," Whitener said. "Her response was: 'Well, I always knew.'"

When they called Whitener's brother, he just kept screaming into the phone.

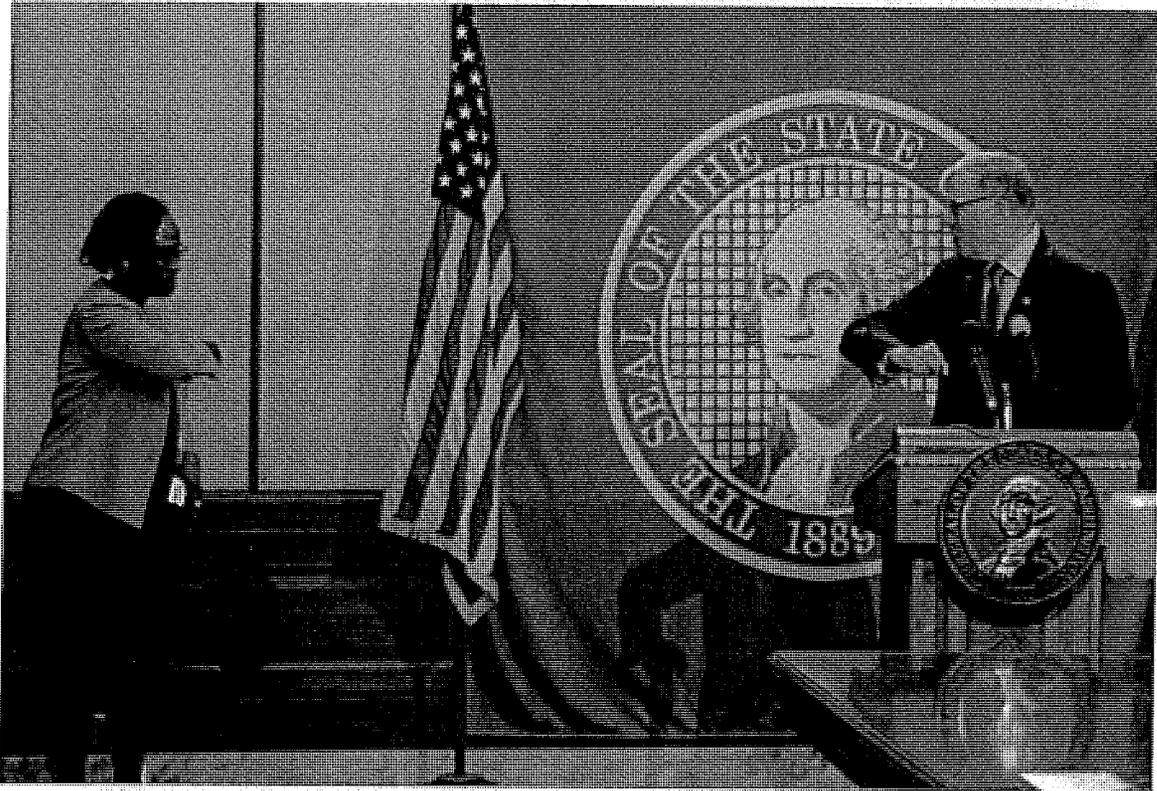
"You wouldn't expect that from him," she said. "He's an engineer. He's kind of low key."

What Whitener said she didn't expect is what it would mean to others in the community.

"I had people in tears," Whitener said. "And I still haven't, I guess, digested what it means to them. I've always just done what I thought was right, but I didn't know that it was having that kind of impact on folks, so that is something that caught me off guard, for sure."

Now, she's turning her attention to her new role. The court has oral arguments May 5.

"I have a lot of things to do and a lot of reading to do," she said. "And I'm excited about it."





Pierce County Superior Court Judge G. Helen Whitener takes questions during a news conference, Monday, April 13, 2020, at the Capitol in Olympia, Wash. Whitener was appointed Monday by Gov. Jay Inslee to the Washington Supreme Court to replace Justice Charles Wiggins, who retired from the court at the end of March. (Ted S. Warren AP)



**WASHINGTON
COURTS**

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Thurston County District Court
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May 22, 2020

VIA EMAIL

Supreme Court Interpreter Commission
c/o Robert Lichtenberg
PO Box 41170
1206 Quince St. SE
Olympia, WA 98504-0929

Dear Mr. Lichtenberg:

**RE: DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION
(DMCJA) REPRESENTATIVE TO THE COURT INTERPRETER
COMMISSION**

It is my pleasure to nominate Judge Matthew Antush, Spokane Municipal Court, to serve a three-year term on the Court Interpreter Commission (Commission). The DMCJA was pleased to hear of Judge Antush's interest in serving, and we believe he will be an asset to the Commission. Enclosed please find a copy of Judge Antush's resume and letter of interest. If appointed, it is my understanding Judge Antush's term will begin October 1, 2020 and end on September 30, 2023.

The DMCJA appreciates the opportunity to participate in the important work of this Commission. Thank you for the opportunity to make this nomination.

Sincerely,

s/Judge Samuel G. Meyer
DMCJA President

Enclosures: Resume and Letter of Interest

cc: Justice Steven C. González, Interpreter Commission Chair
Judge Matthew Antush, Spokane Municipal Court
Judge Michelle Gehlsen, DMCJA President-Elect
Ms. Sharon Harvey, AOC

Judge Matthew Antush		
Spokane Municipal Court 1100 West Mallon Spokane, WA 99260		
Work: (509) 622-5867 Cell: (509) 818-6786		
Email: mantush@spokanecity.org		
Education	<p>Juris Doctorate <u>Gonzaga University School of Law</u>, Spokane, WA <i>Law Review 1990-1992</i> – Associate Editor for 6 volumes of the publication, editing numerous articles some of which were published. Researched, wrote and submitted for review for publication of an article <u>Equity Skimming as a Private Cause of Action</u>. The article was not published, but accepted for my vesting as an Associate Editor.</p>	<i>August 1989 - June 1992</i>
	<p>Bachelor at Arts <u>Western Washington University</u>, Bellingham, WA <i>Vice President for Internal Affairs</i>, ASWWU – member of multiple governing boards and committees, chaired numerous committees and sub-committees, engaged with the surrounding community, businesses, charities and officials. Worked with a variety of student groups to connect them with these organizations to facilitate and foster a relationship between the students and the Bellingham community. Oversaw the operations and management of student owned and operated businesses and facilities including the Student Bookstore, Student Union and various other facilities and services.</p> <p><i>Legislative Affairs Liaison</i>, ASWWU – represented the interests and goals of the student body government in the state legislature, meeting with representatives and senators, testified before committees of the state legislature on a variety of bills and resolutions, prepared and presented reports back to the Associated Student’s Board and the progress, problems and success of our initiatives in the legislature all while completing an externship report related to my activities for the Political Science department at WWU. Engaged in outreach in the community by organizing community-building events and becoming a voter registrar and registered hundreds of students and citizens in Bellingham to vote in upcoming elections.</p> <p><u>Seattle University</u>, Seattle, WA</p>	<p><i>January 1986 - June 1989</i></p> <p>1988-1989</p> <p>1987-1988</p> <p><i>September 1984-May 1985</i></p>

<p>Experience</p>	<p>Spokane Municipal Court Judge</p> <p>DMCJA Committees</p> <ul style="list-style-type: none"> • Legislative Committee • Therapeutic Courts Committee • Public Outreach Committee • Education Committee • Rules Committee <p>Jury Trial Workgroup: A statewide workgroup planning the operation of jury trial in the aftermath of the Covid-19 pandemic.</p> <p>DVIT Advisory Committee: working with DSHS to recommend program standards, training, implementation, and certification and recertification criteria.</p> <p>Therapeutic Courts CLE: Sponsored by the Spokane County Bar Association I facilitated a panel discussion on the operation of HIPAA in the context of a Therapeutic/Restorative Justice Court.</p> <p>I was honored to present the Access to Justice Partnership Award to the Spokane Regional Law and Justice Council Racial Equity Committee.</p> <p>AOC Interpreter Certification Presenter</p> <p>I have spoken to grade school, high school and college classes about a variety of law and criminal justice issues.</p> <p>Elected Presiding Judge of Spokane Municipal Court</p> <p>Local Boards/Committees/Workgroups – either member or regularly attend:</p> <ul style="list-style-type: none"> • Spokane Regional Law and Justice Council • MacArthur Core Team • SRLJC Strategic Planning Committee • SRLJC Racial Equity Committee • District/Municipal Court Liaison Committee • Spokane Regional Domestic Violence Committee • Elder Abuse/Vulnerable Adult Task Force 	<p><i>April 2018-present</i></p> <p><i>2018-2019</i></p> <p><i>2018-2019</i></p> <p><i>2019-2020</i></p> <p><i>2019-present</i></p> <p><i>pending</i></p> <p><i>Present</i></p> <p><i>2019-present</i></p> <p><i>May 3, 2019</i></p> <p><i>June 2019</i></p> <p><i>June 2019</i></p> <p><i>2018-present</i></p> <p><i>January 1, 2020- present</i></p> <p><i>2018-present</i></p>
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	<p>Assistant Public Defender, Spokane County Public Defenders <i>January 2017-April 2018</i></p> <ul style="list-style-type: none"> • Juvenile Dependencies in Superior Court and Juvenile Division • Represent Parents at Shelter Care, Dependency and Termination • Member of Advisory Board for Rising Strong • Defense Representative to Spokane County Superior Court Behavioral Health Adult Felony Therapeutic Drug Court Team • Defense Representative to Spokane County Superior Court Behavioral Health Adult Felony Therapeutic Mental Health Court Team • Residential Drug Offender Sentencing Alternative Public Defender • Member of Spokane Homeless Coalition <p>Assistant City Public Defender, Spokane City Public Defender <i>March 1993 –January 2017</i></p> <ul style="list-style-type: none"> • Misdemeanor Public Defender in District and Municipal Courts • Represented clients in approximately 80 Jury Trials • Represented clients in several Non-Jury (Bench) Trials • Supervised Rule 9 Interns • RALJ Appeals. • Felony Conflict Public Defender in Superior Court. • Among the first City Public Defenders assigned to Spokane County Domestic Violence Court. • Spokane Community Court Public Defender. <p>Rule 9 Legal Intern, Spokane City Public Defender <i>September 1991- February 1993</i></p> <p>Rule 9 Legal Intern for Aaron Lowe and Claude Irwin <i>April 1991- September 1991</i></p> <p>2nd Year Law Clerk for Crumb & Casey (defunct) <i>April 1990- March 1991</i></p>
	<ul style="list-style-type: none"> • Washington State Bar Association, (WSBA). <i>1992-Present</i> • Bar of U.S. District Court for Eastern District of Washington <i>1993-Present</i>

References available upon request.

Peterson, Susan

From: Antush, Matthew <mantush@spokanecity.org>
Sent: Monday, May 18, 2020 9:21 PM
To: Peterson, Susan
Subject: DMCJA - Representative on WA Interpreter Commission
Attachments: Judge Resume.docx

Hello Susan –

I've been made aware that there is need for a DMCJA rep on the interpreter commission. If possible, I'm interested in serving.

I worked as a public defender for over 25 years and now have been blessed to serve as a municipal court judge for 2 more. In those positions I am keenly aware of the vital role interpreters play in the judicial system. Every time an interpreter appears in court I'm reminded of one particular case demonstrating the critical importance qualified interpreters provide in access to justice for our limited English proficiency participants. I represented a mother from Ethiopia in a dependency matter. She'd spent 7 years in a refugee camp, suffered unspeakable hardship and with the help of the US government was relocated to Spokane with her husband, who had been a translator for US military, and her children – some of whom were born in the camp. She was a proud person who refused to acknowledge her need for language help until – half way through the proceeding - a friend explained to her that as a result of the hearing she could be separated from her children. You see, she didn't understand what was happening, the Arabic interpreter assigned told me that there are over 80 separate languages spoken in Ethiopia with over 200 dialects and it was quite likely my client understood none of what was interpreted. I pressed the friend, who coincidentally came from the same small village, into service but it was obviously inadequate. In 25 years I don't think I've ever felt more helpless in trying to assist a person, and it is by far the worst experience I've had as a lawyer – I can't imagine what my client felt.

I would very much appreciate any consideration for appointment to this important commission. Attached is my resume. I've tried very hard to be busy in my time as a judge, I would love to find more ways to serve.

Sincerely,

Matthew Antush
Judge Spokane Municipal Court



Washington State Office of Administrative Hearings

Independent | Very Accessible | Expert

Strategic Plan 2016 - 2021

We Value

Public Service

Respect

Integrity

Communications

Employees

Our Mission:

We independently resolve administrative disputes through accessible, fair, prompt processes and issue sound decisions.

Our Vision:

OAH offers the people of Washington a convenient, easy to navigate system to request and receive fair and impartial hearings on their appeals of government actions. OAH is the preferred neutral forum for Washingtonians to resolve their disputes with state and local government agencies.

Goals

Strategies

Performance Excellence

We deliver high quality, timely work.

Quality Work

- Improve the consistency and reliability of our quality control.
- Be uniform and consistent in our processes and documents.
 - Align business processes and the case management system (PRISM) to optimize performance.
 - Create and use PRISM templates for all documents (orders/notices).

Protect and enhance the financial health and resources of OAH and its dedicated fund

Timeliness

- Eliminate unnecessary delays from when an appeal is filed to case resolution.
- Achieve our timeliness commitments and standards.

Convenience & Accessibility

We make it easy for people to do business with us.

Provide secure electronic access using customer-friendly technology

- Use optimal data exchanges such as portals and border services.
- Create an e-filing system.

Provide equal access to administrative justice for those facing economic and other barriers

- Enhance services for Limited English Proficient parties.

Improve customer value by enhancing processes and services

- Develop a more responsive system for public records requests.
- Expand alternative dispute resolution services, such as mediation.
- Seek customer input.
- Improve external communication and collaborative partnerships with stakeholders.

Communicate in plain language

Independence & Impartiality

We inspire public confidence in administrative decision making.

Maintain high ethical standards

- Review the code of ethics for administrative law judges.
- Establish an agency Ethics Advisory Committee.

Support the principles of the Administrative Procedure Act

- Promote uniform administrative hearings rules and procedures by updating the model rules in the Washington Administrative Code to meet the needs of parties in administrative adjudications.
- Develop standard terms of service for referring agencies.
- Promote the benefits of the central panel agency model.

Proficient & Engaged Employees

We develop skilled and dedicated employees.

Attract and retain exemplary employees

- Provide competitive compensation for administrative law judges.
- Support modern workplace strategies (teleworking, flexible work schedules).

Foster a culture of innovation, trust, and respect that welcomes feedback and collaboration

- Improve internal communication.
- Engage employees and leverage subject matter expertise in process improvements.

Improve training and career development opportunities

- Ensure training opportunities are accessible by employees in all job classifications.



Washington State Office of Administrative Hearings

Independent | Very Accessible | Expert

Mission: We independently resolve administrative disputes through accessible, fair, prompt processes and issue sound decisions. *Holding independent, fair hearings since 1982*

Vision:

We offer a convenient, easy-to-navigate system to request and receive fair, impartial hearings on appeals of government actions. Washingtonians and government agencies trust OAH as the best neutral adjudicative forum to resolve administrative disputes.

History:

The Legislature created OAH in 1981, adopting the recommendation of the Washington State Bar Association Administrative Law Task Force to "improve the appearance of fairness" in the administrative hearing process.

The Legislature also intended administrative hearings to be easily accessible for the public: "Hearings shall be conducted with the greatest degree of informality consistent with fairness and the nature of the proceeding."

RCW 34.12.010

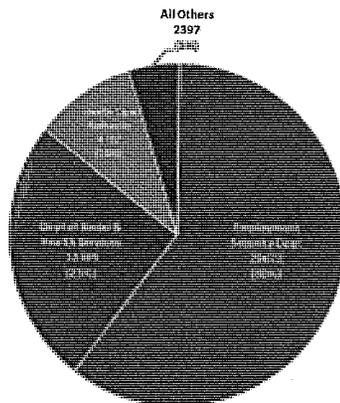
Please visit our website

www.oah.wa.gov

4-13-2020

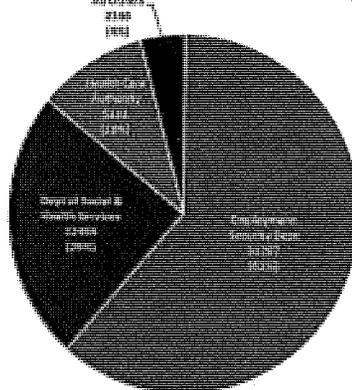
Why we hold hearings: So that citizens and businesses who disagree with decisions made by state and some local government agencies have the opportunity to be heard. The Administrative Law Judge presiding over the hearing issues a written order deciding whether to affirm, modify or reverse the agency decision.

Number of Cases Received in CY 2019 – 49,244



All Other Agencies	# Received	# Closed
Dept of Children, Youth & Families	1,250	1,011
Labor & Industries	315	231
Superintendent of Public Instruction	255	275
Liquor & Cannabis Board	175	221
Other Agencies	125	304
Gambling Commission	70	71
Office of Insurance Commissioner	25	72
Dept of Financial Institutions	27	25
Department of Licensing	26	30
Washington State University	11	21
Washington State Patrol	15	11
OSHA/WDC	5	17
Local Government (Whistleblower)	4	4

Number of Cases Closed in CY 2019 – 51,009



New 2020 Caseloads/Programs:

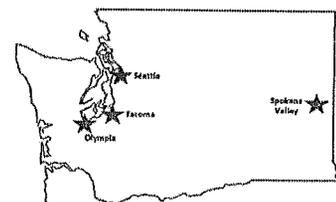
- ESD Paid Family Medical Leave (PFML)
- Labor & Industries Apprenticeship Training Council
- Dept of Fish & Wildlife

Highlights:

- New electronic filing rule, WAC 10-08-110, effective date April 6, 2020
- Secure email transmission option in response to COVID-19 crisis
- Participant portal launch April 2020 for parties to access their case records
- Established new Ethics Advisory Committee

OAH Workforce:

- 109 Administrative Law Judges
- 77 Field Office Support and HQ Administrative Staff



PROJECT CHARTER

1.0 PROJECT IDENTIFICATION			
Name	Interpreter Reimbursement Program Expansion 2020-2024		
Description	<p>Expand the Interpreter Reimbursement Program to all Washington State courts by 2024. The Program was created in 2008 with the purpose of assisting courts in providing court certified and registered interpreters to ensure that all people can meaningfully participate in the judicial process. It currently serves 33 courts covering 41 jurisdictions. Courts in the Program receive reimbursement for qualified interpreter expenses.</p> <p>In 2018, the Administrative Office of the Courts received funding from the Washington State Legislature to expand the current Interpreter Reimbursement Program to all Washington State courts by 2024. Funding was also provided to update the current data reporting computer application and expand recruitment and training for court interpreters.</p>		
Sponsor	Administrative Office of the Courts, Interpreter Commission		
Project Manager	Michelle Bellmer, Court Program Specialist		
Project Team Resources	<table border="1"> <tbody> <tr> <td> Cynthia Delostrinos, Supreme Court Commissions Manager James Wells, Court Program Specialist Robert Lichtenberg, Court Program Analyst Ferd Ang, Court Business and Technology Manager Business Analyst (TBD) Developer (TBD) Researchers (TBD, UW) </td> <td>Design, implementation, policy, research, and advisory group</td> </tr> </tbody> </table>	Cynthia Delostrinos, Supreme Court Commissions Manager James Wells, Court Program Specialist Robert Lichtenberg, Court Program Analyst Ferd Ang, Court Business and Technology Manager Business Analyst (TBD) Developer (TBD) Researchers (TBD, UW)	Design, implementation, policy, research, and advisory group
Cynthia Delostrinos, Supreme Court Commissions Manager James Wells, Court Program Specialist Robert Lichtenberg, Court Program Analyst Ferd Ang, Court Business and Technology Manager Business Analyst (TBD) Developer (TBD) Researchers (TBD, UW)	Design, implementation, policy, research, and advisory group		

2.0 BUSINESS REASONS FOR PROJECT
<ul style="list-style-type: none"> ▪ Element of the Washington State Judicial Branch 2019-2021 Biennial Budget Decision Package, Trial Court Funding for Language Access FY2020-FY2023 ▪ Improve the public's access to all Washington State Courts through improved language access ▪ Improve access to justice through increased language access and innovation in the courts ▪ Assist courts with increased interpreter costs ▪ Increase the pool of court credentialed interpreters through expanded opportunities for recruitment and training

3.0 PROJECT OBJECTIVES (PURPOSE)
<ul style="list-style-type: none"> ▪ Expand the Interpreter Reimbursement Program to all Washington State Courts by 2023-2024 ▪ Improve the existing Interpreter Reimbursement Program's web-based application and create an easily accessible Interpreter Reimbursement Program data reporting process for courts in the Program ▪ Assist courts in improving language access ▪ Incentivize courts for implementing innovative solutions related to language access ▪ Develop more tools, guidance, and individualized support for the state courts to assist with interpreter service needs ▪ Identify language access needs, and increase the number of court certified and registered interpreters, especially in languages that have few or no credentialed court interpreters.

4.0 KEY PROJECT DELIVERABLES	
Name	Description
Program Expansion Plan	Overall roadmap outlining key components of expansion of the Interpreter Reimbursement Project
Project Charter	<i>[current document]</i>
Logic Model	Outlines critical activities, outcomes and measures
Guidelines	Include general program guidelines and financial guidelines (Contract)
Tools and resources	Include templates, guides, sample surveys, quotes, tips, etc. for use by courts
Communication/ Implementation plan	Communication of framework, tools resources to stakeholder groups, communication plan

5.0 MILESTONE DATES		
Item	Major Events / Milestones	Dates
1.	Develop Charter and Rollout Plan	May 28, 2020
2.	Finalize Contract Templates	July 2020
3.	Consult with AOC departmental reps involved in onboarding process (i.e., contracts, fiscal, directors, court administrator)	June 2020
4.	Information email about Program roll out for all (1) rural courts, and (2) urban courts	June 8, 2020
5.	Communication to stakeholder groups (monthly updates)	Starting June 8, 2020
6.	Roll-out Group 1 - Rural Courts <ul style="list-style-type: none"> Counties: Adams, Asotin, Columbia, Franklin, Garfield, Walla Walla, Whitman, Ferry, Lincoln, Pend Oreille, Stevens. 	June 8, 2020
7.	Roll-out Group 2 - Rural Courts <ul style="list-style-type: none"> Counties: Chelan, Douglas, Grant, Okanogan, Kittitas. 	June 15, 2020
8.	Roll-out Group 3 - Rural Courts <ul style="list-style-type: none"> Counties: Klickitat, Yakima, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum. 	June 22, 2020
9.	Roll-out Group 4 - Rural Courts <ul style="list-style-type: none"> Counties: Grays Harbor, Jefferson, Mason, Clallam, Island, San Juan, Skagit. 	June 29, 2020
10.	Host online meetings with courts to explain contract language and program expectations.	July 2020
11.	Send Out Contracts & Receive Signed Contracts	August 1, 2020 – August 31, 2020
11.	Roll-Out Group 5 - Urban Courts <ul style="list-style-type: none"> Counties: Benton, Clark, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom 	June 1, 2021-2022

6.0 ESTIMATED 4-YEAR FUNDING BREAKDOWN (2019 – 2023)	
July 2019- June 2020	Year 1 Staffing & Program Updates Only <ul style="list-style-type: none"> Court Reimbursement = \$0 Reimbursement Program Staffing = \$169,523 Interpreter Program Updates = \$48,000

6.0 ESTIMATED 4-YEAR FUNDING BREAKDOWN (2019 – 2023)		
July 2020- June 2021	Year 2 (2020-2021) Onboard New Rural Courts <ul style="list-style-type: none"> • Court Reimbursement = \$1,755,000 • Reimbursement Program Staffing = \$123,924 • Interpreter Program Updates = \$41,000 	
July 2021- June 2022	Year 3 (2021-2022) Continue to Onboard New Rural Courts & Some Urban <ul style="list-style-type: none"> • Court Reimbursement = \$2,664,000 • Reimbursement Program Staffing = \$123,924 • Interpreter Program Updates = \$41,000 	
July 2022- June 2023	Year 4 (2022-2023) Onboard Remaining Urban Courts <ul style="list-style-type: none"> • Court Reimbursement = \$3,571,000 • Reimbursement Program Staffing = \$123,924 • Interpreter Program Updates = \$41,000 	
	Percentage breakdown: <ul style="list-style-type: none"> • Court Reimbursement 92% (est. \$7.9 million) • Reimbursement Program Staffing 6% (est. \$540 thousand) • Interpreter Program Updates 2% (est. \$170 thousand) 	
	<i>Total Funding for Expanding Program to Courts</i>	\$8,702,705

7.0 KEY ISSUES (1 is the highest, 7 is lowest)	
Severity	Description
	Staffing capacity is enough to handle onboarding of several new courts
	Funding for the program remains intact
	Long-term solution to online data reporting portal is developed and implemented
	Long-term solution to funding formula for program expansion is developed and implemented, formula is fair and equitable for all courts
	Timelines for onboarding new courts are consistent so that the funding allocations are accurate and contracts are sent out in a timely fashion
	Buy-in from the state courts to join the program
	Guidelines for program are followed by courts – i.e. courts are entering & sending data and invoices on-time and are only being reimbursed for qualified expenses
	Courts in the program are making efforts to improve language access in their courts
	Staff regularly communicate with courts in the program to offer opportunities for training and resources
	Data from program is accurately captured so that annual reporting can be made to the legislature and the courts
	Funding formula (how much each court is allocated). How will this change from Year 2-4? What data will this be based on?

8.0 RISKS (1 is the highest, 7 is lowest)	
Severity	Description
	Sufficient staffing capacity to handle onboarding of new courts
	Participation from courts (may be low or high participation from courts)
	Funding availability

	Instability of current ISF Data Portal
	Use of a spreadsheet to track data for new reimbursement courts – will it be easy for courts to use? Will it be sufficient for staff to track necessary data?
	Support of the new framework for the Program from the agency (AOC)
	Support of the new framework for the Program from rural courts
	Support of the new framework for the Program from urban court administrators
	Implementation timelines are followed by AOC staff and courts
	Courts submitting data in messy way – not sticking to fiscal schedule

9.0 PROJECT'S CRITERIA FOR SUCCESS

- Increase awareness and consistency in courts in providing language access in the courts
- Establish new partnerships with courts new to the Interpreter Reimbursement Project
- All or most courts in state are part of the Reimbursement Program
- Courts can easily navigate and follow requirements of Program
- Increase in court certified and registered interpreters

10.0 CRITICAL SUCCESS FACTORS

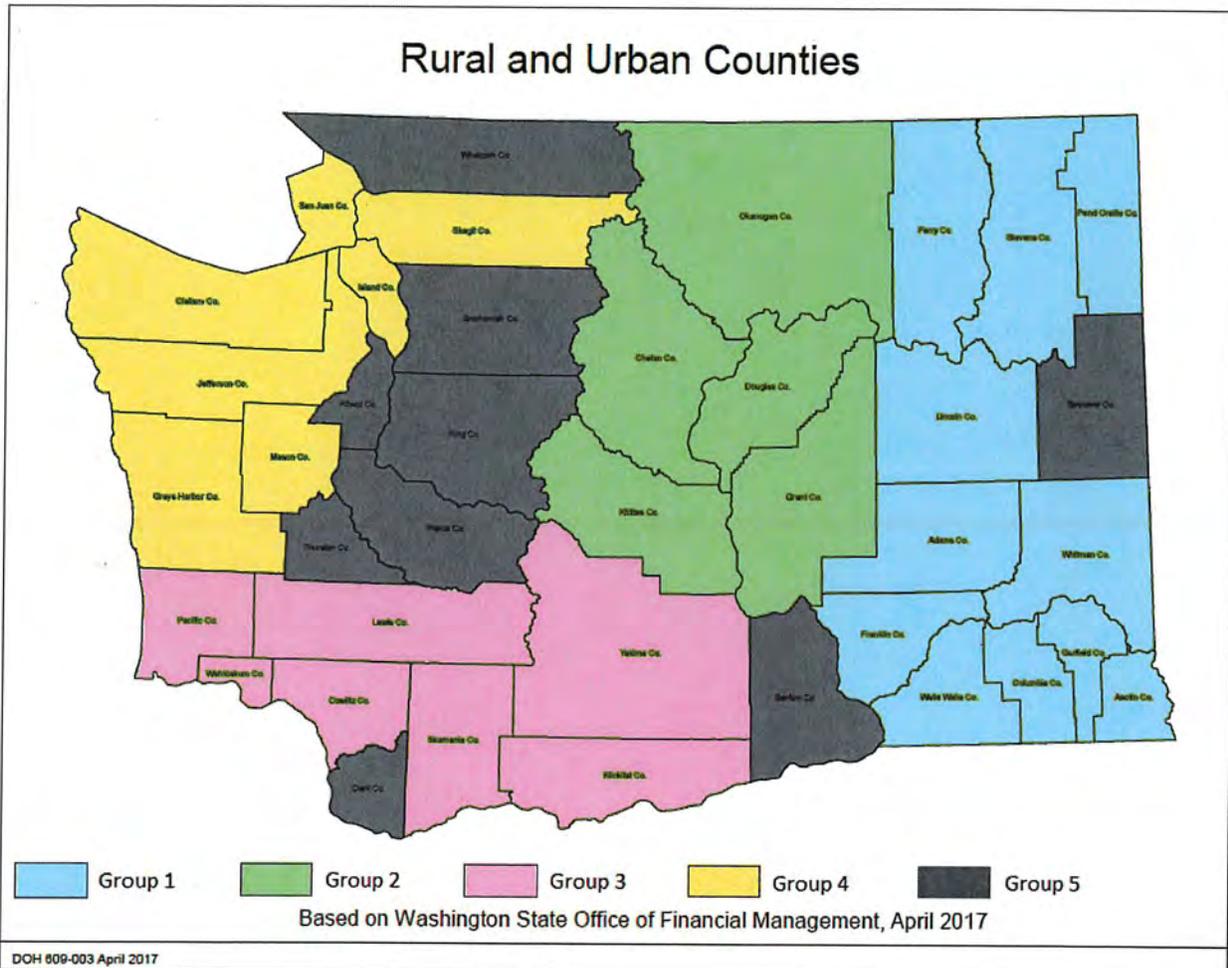
- Support from the agency (AOC), state courts and state court administrators
- Effective communication and sharing of information between AOC Program staff and the courts
- Courts' input into the development and implementation of program
- Courts' awareness of the project's purpose, priorities, objectives, goals and values
- Recognition efforts need to be timely; meaningful; fair; inclusive
- Expanding training opportunities for current and future court interpreters

11.0 SIGNOFF

Project Sponsor:

Date:

The Interpreter Reimbursement Program – Roll Out 2020
v.0.3



Roll Out Group	County	Largest City	Population: County	Population: City	Total Number of Courts	Number of Courts in Program
Group 1 (11 Counties)	Adams	Othello	19,983	8,269	5	0
	Asotin	Clarkston	22,582	7,407	4	0
	Columbia	Dayton	4,078	2,526	4	0
	Franklin	Pasco	95,222	74,778	5	4
	Garfield	Pomeroy	2,225	1,410	3	0
	Walla Walla	Walla Walla	60,760	32,986	8	0

	Whitman	Pullman	50,104	34,019	8	0
	Ferry	Republic	7,627	1,070	3	0
	Lincoln	Davenport	10,939	1,724	11	0
	Pend Oreille	Newport	13,724	2,150	3	0
	Stevens	Colville	45,723	4,831	7	0
			282,863	171,170	61	4

Group 2	Chelan	Wenatchee	77,200	34,329	6	1
(5 Counties)	Douglas	East Wenatchee	43,429	14,168	8	2
	Grant	Moses Lake	97,733	24,009	14	0
	Okanogan	Omak	42,243	4,806	14	2
	Kittitas	Ellensburg	47,935	20,977	5	0
			308,540	98,289	47	5

Group 3	Klickitat	Goldendale	22,425	3,497	6	0
(7 Counties)	Yakima	Yakima	250,873	93,884	16	3
	Cowlitz	Longview	110,593	38,112	9	0
	Lewis	Centralia	80,707	17,495	16	0
	Pacific	Raymond Carson River	22,471	2,963	8	0
	Skamania	Valley	12,083	2,116	5	0
	Wahkiakum	Puget Island	4,488	831	4	0
			252,767	158,898	64	3

Group 4	Grays Harbor	Aberdeen	75,061	16,654	13	0
(7 counties)	Jefferson	Port Townsend	32,221	9,704	4	0
	Mason	Shelton	66,768	10,364	4	0
	Clallam	Port Angeles	77,331	20,076	7	0

Island	Oak Harbor	85,141	23,401	6	0
San Juan	Friday Harbor	17,582	2,474	4	0
Skagit	Mount Vernon	129,205	35,741	7	3
		483,309	118,414	45	3

Group 5	Benton	Kennewick	204,390	73,917	5	1
(9 counties)	Clark	Vancouver	488,241	183,012	4	3
	King	Seattle	2,252,782	744,955	6	0
	Kitsap	Bremerton	271,473	41,235	6	0
	Pierce	Tacoma	904,980	216,279	16	3
	Snohomish	Everett	822,083	111,262	27	8
	Spokane	Spokane	522,798	219,190	7	7
	Thurston	Olympia	290,536	52,555	11	7
	Whatcom	Bellingham	229,247	90,665	9	0
		5,986,530	1,733,070	91	29	

Following data retrieved May 2020, from Wikipedia: largest city; population: county and city.

Following data retrieved March 2020, from the Washington State Administrative Office of the Courts: total number of courts.

Following data retrieved March 2020, from the Washington State Interpreter Reimbursement Program: number of courts in program [current].

**INTERAGENCY AGREEMENT «ContractID»
BETWEEN
STATE OF WASHINGTON
ADMINISTRATIVE OFFICE OF THE COURTS
AND
«COURT»**

THIS AGREEMENT ("Agreement") is entered into by and between the Administrative Office of the Courts ("AOC") and «Court1», for the purpose of distributing funds for court interpreter and language access service expenses to the «CourtName» ("Court").

1. DEFINITIONS

For purposes of this contract, the following definitions shall apply:

- a) "Certified Interpreter" means an interpreter who is certified by the Administrative Office of the Courts, as defined in RCW 2.43.020 (4) or an interpreter certified by the Office of the Deaf and Hard of Hearing ("ODHH") pursuant to WAC 388-818-500, *et. seq.* The names and contact information of AOC-certified interpreters are found, and incorporated herein by reference, at http://www.courts.wa.gov/programs_orgs/pos_interpret/ The names and contact information of ODHH-certified interpreters are found, and incorporated herein by reference, at: <https://www.dshs.wa.gov/altsa/odhh/certified-court-interpreters>
- b) "Registered Interpreter" means an interpreter who is registered by the Administrative Office of the Courts, as defined in RCW 2.43.020 (6). The names and contact information of registered interpreters are found, and incorporated herein by reference, at http://www.courts.wa.gov/programs_orgs/pos_interpret/.
- c) "Qualified Interpreter" means a spoken language interpreter as defined in RCW 2.43.020 (2), or sign language interpreter as defined in RCW 2.42.110 (2).
- d) "Qualifying Event" means a proceeding or event for which an interpreter is appointed by an appointing officer pursuant to RCW 2.42 and/or RCW 2.43.

2. PURPOSE

The purpose of this Agreement is to partner with individual local courts in improving access to the Court for Limited English Proficient ("LEP"), deaf, and hard of hearing persons in accordance with RCW Chapters 2.42 and 2.43.

- a. These funds are intended to address each court's following needs:
 - Financial Need – i.e., the gap between the court's available financial resources and the costs to meet its need for certified, registered, and qualified interpreters, and the implementation of the Court's language access plan; and

- Need for Court Interpreters – i.e., the public’s right to access the court, and the court’s responsibility to provide court certified, registered, and qualified interpreters as required by RCW Chapters 2.42 and 2.43.
- Need for Language Access in General – i.e., translations for websites, translated forms, interpreting equipment, technology enabling remote interpreting, and other things that are necessary for courts to provide fair and equitable access for people who are LEP, deaf, and hard of hearing.

3. DESCRIPTION OF SERVICES TO BE PROVIDED

- a. The Court will ensure that the interpreter funding is used only for language access purposes and for reimbursement of costs paid to certified, registered, and qualified interpreters for Qualifying Events pursuant to **Exhibit A**, which is incorporated herein by reference.
- b. The Court agrees to track and provide interpreter cost and usage data using a form provided by the AOC Interpreter Reimbursement Program, reflecting information about the Court’s interpreter and language access costs and services.
- c. The Court agrees to work with the AOC Interpreter Program, the Interpreter Commission, and neighboring courts to identify and implement best and promising practices for providing language access and interpreter services.
- d. The Court agrees to encourage its staff overseeing interpreter services at the court to attend trainings (in person and/or online) provided by the AOC Interpreter Commission and Interpreter Program.
- e. The Court may elect to pay for interpreter services that are not in accordance with the provisions of Exhibit A as set forth; however, such payments will not be reimbursed.
- f. The Court is required to have a Language Assistance Plan (LAP) to be a part of the reimbursement program.
 - i. Courts Currently in the Reimbursement Program must submit their current LAP for review and approval by the Interpreter Commission by October 1, 2020.
 - ii. Courts Joining the Reimbursement Program for the First Time must submit their LAP for review and approval by the Interpreter Commission by April 1, 2021. Staff from the Washington State Supreme Court Interpreter Commission will work with the new courts to develop and implement their LAPs, and will provide technical assistance and training when needed.

4. PERIOD OF PERFORMANCE

The beginning date of performance under this Agreement is **July 1, 2020**, regardless of the date of execution and which shall end on **June 30, 2021**.

5. COMPENSATION

- a. The Court shall be reimbursed a maximum of «AMT» for interpreter and language access services costs incurred during the period of **July 1, 2020 to June 30, 2021**. No reimbursement shall be made under this Agreement for interpreting services provided after June 30, 2021.
- b. The Court shall receive payment for its costs for interpreter and language access services as set forth in **Exhibit A**, and incorporated herein.
- c. The Court shall not be reimbursed for interpreter services costs for Qualifying Events until properly-completed A-19 invoices, and corresponding data (See *subsection 3b*), are received and approved by AOC, pursuant to the following schedule:
 - 1) Reflecting Qualifying and non-qualifying Events occurring between July 1, 2020 and September 30, 2020, must be received by the AOC no later than December 31, 2020.
 - 2) Reflecting Qualifying and non-qualifying Events occurring between October 1, 2020 and December 31, 2020, must be received by the AOC no later than March 1, 2021.
 - 3) Reflecting Qualifying and non-qualifying Events occurring between January 1, 2021 and March 30, 2021, must be received by the AOC no later than April 30, 2021.
 - 4) Reflecting Qualifying and non-qualifying Events occurring between April 1, 2021 and June 30, 2021, must be received by the AOC no later than July 31, 2021.
- d. If this agreement is terminated, the Court shall only receive payment for performance rendered or costs incurred in accordance with the terms of this agreement prior to the effective date of termination.
- e. The Court shall submit its A-19 invoices quarterly to:

AOC Financial Services
PO Box 41170
Olympia, Washington 98504-1170

The Data shall be submitted electronically to the AOC as described in Section 3b, above, and in conjunction with the quarterly invoice.
- f. Payment to the Court for approved and completed work will be made by warrant or account transfer by AOC within 30 days of receipt of a properly-completed invoice and the completed data report.
- g. The Court shall maintain sufficient backup documentation of expenses under this Agreement.
- h. The AOC, in its sole discretion and upon notice, may initiate revenue sharing and reallocate funding among courts. If it appears the Court may not expend the maximum Agreement amount, the AOC may reduce the maximum

Agreement amount. AOC may increase the maximum Agreement amount if additional funds become available through these revenue sharing provisions.

6. TREATMENT OF ASSETS AND PROPERTY

The AOC shall be the owner of any and all fixed assets or personal property jointly or cooperatively, acquired, held, used, or disposed of pursuant to this Agreement.

7. RIGHTS IN DATA

Unless otherwise provided, data which originates from this Agreement shall be "works for hire" as defined by the U.S. Copyright Act of 1976 and shall be owned by the AOC. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and video and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights. In the event that any of the deliverables under this Agreement include material not included within the definition of "works for hire," the Court hereby assigns such rights to the AOC as consideration for this Agreement.

Data which is delivered under this Agreement, but which does not originate therefrom, shall be transferred to the AOC with a nonexclusive, royalty-free, irrevocable license to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others to do so; provided, that such license shall be limited to the extent which the Court has a right to grant such a license. The Court shall advise the AOC, at the time of delivery of data furnished under this Agreement, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Agreement. The AOC shall receive prompt written notice of each notice or claim of copyright infringement received by the Court with respect to any data delivered under this Agreement. The AOC shall have the right to modify or remove any restrictive markings placed upon the data by the Court.

8. INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

9. AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

10. RECORDS, DOCUMENTS, AND REPORTS

The Court shall maintain books, records, documents and other evidence of accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by personnel duly authorized by the AOC, the Office of the State Auditor, and federal officials so authorized by law, rule, regulation, or Agreement. The Court will retain all books, records, documents, and other material relevant to this Agreement for six years after settlement, and make them available for inspection by persons authorized under this provision.

11. RIGHT OF INSPECTION

The Court shall provide right of access to its facilities to the AOC, or any of its officers, or to any other authorized agent or official of the state of Washington of the federal government at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance under this Agreement.

12. DISPUTES

Disputes arising under this Agreement shall be resolved by a panel consisting of one representative from the AOC, one representative from the Court, and a mutually agreed upon third party. The dispute panel shall thereafter decide the dispute with the majority prevailing. Neither party shall have recourse to the courts unless there is a showing of noncompliance or waiver of this section.

13. TERMINATION

Either party may terminate this Agreement upon thirty (30) days written notice to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

14. GOVERNANCE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- a. Applicable state and federal statutes and rules;
- b. This Agreement; and
- c. Any other provisions of the agreement, including materials incorporated by reference.

15. ASSIGNMENT

The work to be provided under this Agreement, and any claim arising hereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

16. WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

17. SEVERABILITY

If any provision of this Agreement, or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision and to this end the provisions of this Agreement are declared to be severable.

18. ENTIRE AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be considered to exist or to bind any of the parties to this agreement unless otherwise stated in this Agreement.

19. AGREEMENT MANAGEMENT

The program managers noted below shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement:

<p>AOC Program Manager: Michelle Bellmer PO Box 41170 Olympia, WA 98504-1170 Michelle.bellmer@courts.wa.gov</p>	<p>Court Program Manager: «Fname» «Lname», «Title» «Address» «POBox» «City», WA «Zip» «Phone» «Email»</p>
---	--

AGREED:

Administrative Office of the Courts

Contractor

Signature *Date*

Signature *Date*

Dawn Marie Rubio

Name

Name

Administrator, AOC

Title

Title

Exhibit A

WASHINGTON STATE INTERPRETER SERVICES FUNDING Funding Conditions and Payment Structure

The Court Interpreter Reimbursement Program funding conditions and payment structure shall be as follows:

1. General Funding Conditions

The AOC will reimburse courts under this Agreement for the cost of interpreters and other goods and services that improve language access in the courts for Limited English Proficient ("LEP"), deaf, and hard of hearing persons. This includes AOC-certified, registered, or otherwise court-qualified interpreters appointed pursuant to RCW 2.42 and RCW 2.43 under the following conditions listed under Section 2 "Qualifying Interpreter Events."

It also includes goods and services that improve language access, listed under Section 3 "Language Access Items," and services listed under Section 4 "Language Access Services".

Courts shall work with AOC staff in determining whether an expense that is not explicitly mentioned below, qualifies as a reimbursable expense under the Agreement.

2. Qualifying Interpreting Events

The AOC will reimburse courts under this Agreement for the cost of AOC-certified, registered, or otherwise court-qualified interpreters appointed pursuant to RCW 2.42 and RCW 2.43 under the following conditions which are herein referred to as "Qualifying Events":

A. Spoken Language Interpreters Qualifying Events

1) Certified and Registered Language Interpreters

Compensation for interpreters currently credentialed by the AOC in the certified and registered language categories shall be reimbursed for actual compensation paid pursuant to the payment structure for those interpreters as outlined in Section 5 entitled "Payment Structure".

2) Non-Credentialed Interpreters in Certified and Registered Language Categories

If the AOC master interpreter list for certified or registered languages does not include any interpreters credentialed by the AOC for those languages, reimbursement will be provided for actual compensation paid pursuant to the payment structure as outlined in Section 5 "Payment Structure", for those interpreters, providing that the interpreter is found otherwise qualified on the record by the Court pursuant to RCW 2.43.

3) Non-Credentialed Languages

Compensation for interpreters for languages for which neither certification nor registration is offered will be reimbursed where the interpreter has been qualified on the record pursuant to RCW 2.43.

B. Sign Language Interpreters Qualifying Events

Reimbursement for actual expenses incurred for services of American Sign Language (ASL) interpreters appointed by an appointing authority pursuant to RCW 2.42 will be authorized pursuant to the payment structure as outlined in Section 5 "Payment Structure", when the interpreter is listed with the Department of Social and Health Services, Office of Deaf and Hard of Hearing (DSHS, ODHH) as a court-certified ASL interpreter.

C. Salaried Staff and Contract Interpreters

Reimbursement will be provided for salaried staff or contracted interpreters meeting the Qualifying Event conditions for the payment of credentialed spoken and sign language interpreters, as referenced in subsections (A) and (B) above.

D. Telephonic and Video Remote Interpreting

The AOC will reimburse local jurisdictions for using certified, registered, or otherwise qualified interpreters operating by telephone or video when providing court interpreting services for Limited English Proficiency (LEP) persons or persons who rely on sign language for in-court proceedings and for services that are provided by the Court to the public outside of the courtroom. To the extent possible, the services must meet the Qualifying Event conditions for the payment of credentialed spoken and sign language interpreters, as referenced in subsections (A) and (B) above.

3. Language Access Items & Services

Courts can request reimbursement for the cost of goods and services that are meant to increase language access to the Court. Some of the acceptable items for reimbursement are listed below. Items and services that are not listed below will first need to be approved by Program staff. If an item or service is not approved prior to purchase, it may not qualify for reimbursement under the Program.

- Interpreter Scheduling Software or Service
- Document Translations
- Portable Video Device(s) for Video Remote Interpreting (only up to 50% reimbursement)
- Equipment used for Simultaneous Interpretation
- Printed Signage for Language Assistance Purposes

Commented [CDJ1]: We need to figure out a percentage of a court's contract, or a separate pot of funding that can be used for these types of language access expenses.

Courts should not be allowed to use all of their reimbursement funding for these sorts of costs. Majority of the funding should be to pay court interpreters.

- Staff Training on Language Access, Interpreting, or Bilingual Skills Improvement - (ex: interpreters skills training for bilingual staff who want to become certified, training for staff who are partly bilingual to improve their skills, general training on working with language access issues. Some examples can be found here: <https://www.nmcenterforlanguageaccess.org/cms/en/courts-agencies/about-language-access-basic-training>).
- Other items or services may qualify for reimbursement, but the Court must seek approval from Program staff prior to purchasing and seeking reimbursement.

4. Scope of Reimbursement Funding

Reimbursement payment under this Agreement will only be made to the Court when the cost is paid out of the budget (or budgets, in the case of multi-court collaborative applicants) of the Court responsible for full payment.

5. Payment Structure

A. Hourly Rate

1) Rate for Spoken Language Interpreters

Subject to the maximum compensation allowable under this contract, the AOC will reimburse the Court under this Agreement for 50 percent of the hourly cost and the hourly minimum charges for services provided under this Agreement by AOC-certified, registered, or otherwise court-qualified interpreters.

2) Rate for Sign Language Interpreters

Subject to the maximum compensation allowable under this contract, the AOC will reimburse the Court under this Agreement for 50 percent of the hourly cost and the hourly minimum charges for services provided under this Agreement.

3) Salaried Interpreters

Subject to the maximum compensation allowable under this contract, the AOC will reimburse the Court for 50 percent of the cost of staff interpreters meeting the funding conditions for staff interpreters and will reimburse only for their provision of interpreter services, up to a maximum total salary of \$60,000 plus 27 percent in benefits (i.e., state reimbursement = up to \$30,000 of salary plus 13.5 percent in benefits).

4) Contracted Interpreters

Subject to the maximum compensation allowable under this contract, the cost of contracted interpreters who are paid on an hourly basis will be reimbursed under the same conditions as in 2.A and 2.B above. The cost of contract interpreters who are paid other than on an hourly basis (e.g., on a half-day or flat rate basis) will only be reimbursed for the

Commented [CDJ2]: Still reviewing feedback from Reimbursement Courts. There is support for providing a range of rates that certain types of interpreters should be paid. See attached email from Emma Garkavi.

Question – will we run into issues if we do list rates?

Commented [CDJ3R2]:

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actual number of hours of interpreting provided for each Qualifying Event.

5) Telephone Interpreting Rate

The AOC will reimburse local jurisdictions for up to 50 percent of the cost of using certified, registered, or otherwise qualified interpreters providing interpretation by telephone or videophone for LEP persons or persons who rely on sign language, up to a maximum of \$1.64 per minute (with no minimum service time).

6) Hourly Minimum Rate Charges

Where a minimum hourly rate charge is imposed, reimbursement will be paid for half of such hourly minimum rate.

B. Travel Time and Mileage

The AOC will reimburse Courts for up to 50 percent of the cost of interpreter travel time or mileage when such charges are in accordance with this Exhibit A and reimbursed as identified below in *Interpreter Travel and Mileage Reimbursement*. In such event, travel time and mileage charges will only be reimbursed for interpreters meeting the Qualifying Event conditions listed in Section 2 above. The AOC reserves the right to limit travel reimbursement to reasonable travel, based on known availability and location of certified, registered, or otherwise qualified interpreters.

C. Language Access Items and Services

Commented [BM4]: INFO: Still applicable – courts can enter the rate they paid but the auto-calculation only calculates a maximum of \$1.64. We don't have feedback from courts to know whether this amount is ok or too low. One related problem with the application is that some courts pay their telephonic interpreter hourly rates for in court proceedings. However, courts enter data into the system for a telephonic interpreter, they can only enter in a per minute rate, not an hourly rate. So courts enter that data using the "In-Person" data entry page instead of the telephonic. This results in some inaccuracies in the data, i.e., if someone wanted to compare in-person costs vs. telephonic costs.

Commented [CDJ5]: Need to figure out a percentage of a court's total contract that can be spent on these types of expenses. OR include a separate pot of funding specifically for these purposes.

INTERPRETER TRAVEL AND MILEAGE REIMBURSEMENT

Interpreter mileage and/or travel time will be reimbursed as follows:

1. MILEAGE

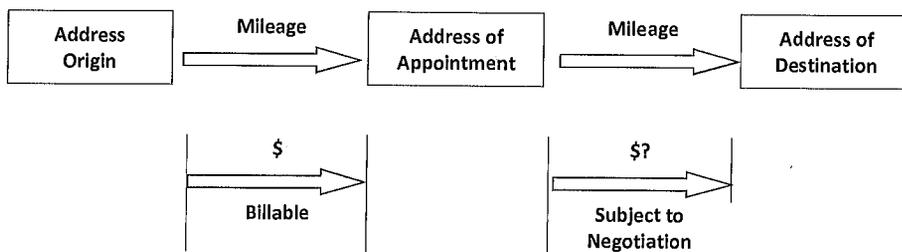
Interpreter mileage will be reimbursed in accordance with the prevailing Office of Financial Management (OFM) Policy and Guidance rate. The Court will notify interpreters of any change in the OFM rate before it becomes effective.

Mileage will be reimbursed on a from "address of origin"¹ to "address of appointment"² basis. The Court and interpreter will negotiate reimbursement for mileage traveled from the "address of appointment" to "address of destination"³ on a case-by-case basis. (NOTE: Courts are encouraged to have a consistent policy regarding the return trip.) In Eastern Washington, due to the scarcity of interpreters and vast distance, it is recommended that the Court reimburse the interpreter for mileage on an "address of appointment" to "address of destination" or roundtrip basis⁴.

Interpreter mileage related to an appointment is billable if a required party fails to appear. "Failure to appear" means a non-appearance by the LEP or deaf or hard of hearing client, attorneys, witnesses, or any necessary party to a hearing, thereby necessitating a cancellation or continuance of the hearing.

If the interpreter fails to appear, they will not be paid for mileage.

Mileage related to appointments that have been cancelled where the interpreter has received prior notice of the cancellation is not billable.



¹ "Address of origin" means the interpreter's home, office, or immediately previous appointment meeting place.

² "Address of appointment" means the courthouse or other location of the interpreter assignment.

³ "Address of destination" means the interpreter's home, office, or immediately next appointment meeting place.

⁴ "Roundtrip" means from the interpreter's home/office to the appointed meeting place, followed by the interpreter's return to their home/office.

2. TRAVEL TIME

Travel time will be reimbursed on a from “address of origin” to “address of appointment” basis. The Court and interpreter will negotiate reimbursement for travel time from “the address of appointment” to “address of final destination” on a case-by-case basis at the time the appointment is requested. (NOTE: Courts are encouraged to have a consistent policy regarding the return trip.) In Eastern Washington, due to the scarcity of interpreters and vast distance for travel, it is recommended that the Court reimburse the interpreter for travel time on an “address of appointment” to “address of destination” or roundtrip basis.

Interpreters must travel for either a minimum of sixteen (16) miles or for one-half hour in order to be eligible for travel time reimbursement. Exceptions to the sixteen (16) mile minimum requirement shall be made when the use of a ferry contributes to the one-half hour or more of travel time.

Travel time will be reimbursed at a rate of one half the hourly interpreter rate for each hour of travel. Example: Interpreter traveled four hours to an appointment and the hourly rate is \$50. One half of the hourly rate is \$25. The calculation would be 4 x \$25 = \$100 for travel time.

Distance	Reimbursable
Origin \Rightarrow Appointment 0 -15 Miles	Mileage Only
Origin \Rightarrow Appointment 16+ Miles or half-hour travel*	Mileage and Travel Time*

*Travel Time can be claimed only when traveling time is half an hour (30 minutes) or more.

Interpreter travel time related to an appointment is billable if a required party fails to appear. “Failure to appear” means a non-appearance by the LEP or deaf or hard of hearing client, attorneys, witnesses, or any necessary party to a hearing, thereby necessitating a cancellation or continuance of the hearing.

If the interpreter fails to appear, he/she will not be paid for travel.

Travel time related to appointments that have been cancelled where the interpreter has received prior notice of the cancellation is not billable.

Reimbursement Program

Garkavi, Emma <Emma.Garkavi@seattle.gov>

Fri 5/29/2020 11:44 AM

To: Bellmer, Michelle <Michelle.Bellmer@courts.wa.gov>; Delostrinos, Cynthia <Cynthia.Delostrinos@courts.wa.gov>;

Cc: 'KC Municipal Courts Coordinators (Trish.Kinlow@TukwilaWA.gov)' <Trish.Kinlow@TukwilaWA.gov>; Gracia, Luisa <Luisa.Gracia@seattle.gov>;

Dear Michel and Cynthia,

It was great to meet with you online and to hear about the changes to the state Reimbursement Program.

Trish and I continued talking about some of the changes and strongly recommend establishing ranges of reimbursable pay rates. This way the program doesn't dictate specific pay rate, but instead establishes 'floor' and 'ceiling' for reimbursement purposes.

Based on what the courts are currently paying, we suggest the following ranges of fair market rates:

Certified Interpreters: \$55 - \$70

Registered Interpreters: \$50 - \$65

Non-credentialed Interpreters: \$30 - \$60

Why these ranges are important? Reimbursement program not only helped to defray court expenses, but it was instrumental in pushing the courts to use best practices in providing interpreter services. Since its inception many more courts started working with credentialed interpreters, paying fair rates, working directly with interpreters and not through agencies.

I believe the program should continue doing that – encouraging courts to follow best practices, including in payment policies.

Examples:

- We do not want any courts to get reimbursed for paying \$20 per hour. The court is free to pay \$20 per hour, but they will not receive reimbursement, unless they pay a fair 'floor' level rate.
- At the same time, the program should not reimburse the court deciding to pay much above what other courts are paying, let's say \$120 per hour.

The court is free to pay this rate, but they will be reimbursed only at the 'ceiling' level.

An important consideration is that these ranges should be reviewed every 2 or so years, to make sure the rates do not stagnate. There could be zero adjustment or X% adjustment, depending on what is happening with COLA.

The ranges also will prompt courts to realize, they should not pay the same rate to interpreters with hugely different credentials and skill sets. We Certification is such a difficult credential to get, the interpreter should be paid at higher rate than a Registered (generally speaking – a bilingual person), and certainly more than a non-credentialed interpreter.

Again, many thanks for your work on this project. Looking forward to more courts receiving reimbursement and improving Language Access.

Thanks,

Emma Garkavi,

Interpreter Services Strategic Advisor II

Seattle Municipal Court

600 5th Ave, Room 850

Seattle, WA 98124

206-733-9075 | FAX: 206-684-8115 | emma.garkavi@seattle.gov

The Supreme Court
State of Washington

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



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

MEMORANDUM

TO: Members of Supreme Court Interpreter Commission

FROM: Steven González, Justice, Washington State Supreme Court
Chair, Supreme Court Interpreter Commission

DATE: May 5, 2020

RE: Commission Focus on Language Access Issues Related to COVID-19

Dear Commission Members,

In preparation for our upcoming Interpreter Commission meeting on June 5, 2020, I would like to gather information from each of you regarding the ongoing work of the Commission to ensure language access during these very challenging times for our judicial system. As you may have noted, our courts are in the midst of conducting limited operations while researching, learning, implementing, communicating, and training for the future, a future that is cloaked in much uncertainty, with the serious potential for those living in the margins of our society to fall into the cracks. At the highest levels of our judicial system, we are trying to determine the best way to conduct future court operations as virtual court proceedings, however limited for now, are being implemented.

With large changes in direction, opportunities arise to improve and expand one's mission while altering one's stride. As I mentioned in my Chair's Report at the February meeting, we have to consider expanding the mission of the Commission to address general language access barriers in our judicial system that affect people who are limited English proficient or who have communication disabilities. Our core mission is access to justice, pure and simple.

Now that our courts are striving to provide language access in the best possible way via virtual court processes, I would like your input on the Commission's priorities for the coming year to support that objective. As each of you represent a stakeholder group, I request that each of you contact your stakeholders and come to the meeting prepared to present, in roundtable fashion, the necessary considerations addressing the following:

- Needed policies affecting remote court interpreter availability, skills, training needs, and ethical practices.
- New court rules necessary to use remote interpreting processes properly
- Training judicial officers and court staff on best practices involving remote interpreters
- Community outreach and awareness of remote interpreting quality and technology
- Translation of court access instructions involving remote proceedings
- Translation guidance to courts
- Other matters you deem important for the Commission's mission.

If possible, please submit a written report on your findings from your colleagues and stakeholders containing the important considerations and recommendations that you reached. Please send your report for inclusion in the meeting packet by **Thursday, May 28, 2020**, to Commission Support Staff Robert Lichtenberg, Robert.Lichtenberg@Courts.Wa.Gov. Having the ability to review the report as part of the meeting packet will provide us the opportunity to have a productive discussion regarding the direction of the Commission in the months and years to come.

Thank you so very much for your time and attention to this request. I understand each of you have additional responsibilities managing transitions of your own, both personal and professional. On behalf of the Supreme Court justices, I thank you for your devotion to matters of this sort, something larger and nobler than our individual selves and so necessary to the orderly and just conduct of our branch of government.

Sincerely,



Steven González
Chair, Supreme Court Interpreter Commission

To: Justice Steve González, Chair
Supreme Court Interpreter Commission

From: Judge Andrea Beall, Representative
District and Municipal Court Judges Association

RE: Request for Information Regarding Impact of Pandemic on Language Access in Courts

Date: May 28, 2020

This report is furnished in response to your inquiry to Commission members for input on the impacts of COVID-19 on court operations, specifically with regard to impacts on language access issues the Commission has a role in monitoring. I have just a few issues raised by my colleagues. Unfortunately I did not get a lot of response to my request for input. However, here are the salient considerations for Commission review:

- 1) Challenge of notifying LEP persons of the remote hearing in a language they can read. Also concern about the level of education and the person's ability to read the written remote hearing instructions even if translated. Particular concern over languages of lesser diffusion.
- 2) Lack of interpreters, especially in languages of lesser diffusion. Languages specifically noted: Mam, Q'iche and Nawhuati. A comment that the last 2 are languages with no interpreters in state. As a result, the language line becomes the only means of providing an interpreter.
- 3) Concern that with remote interpreters, attorneys will not have had the opportunity (or have taken the time) to meet with their client with the help of the interpreter before the hearing begins. The responding court was concerned about the inefficiency and delays caused if the attorneys wait until the time of the remote hearing to request to meet with their client with the help of the remote interpreter.

(Prepared by R. Lichtenberg, with permission)

May 29th, 2020

To: Supreme Court Interpreter Commission, Justice Steven Gonzalez, Chair

Presented by: DMCMA Representative to Commission, Frankie Peters

Commission Focus on Language Access Issues Related to COVID-19

Justice Gonzalez, Chair to the Supreme Court Interpreter Commission, has asked in preparation for the Commission's June 5th, 2020 meeting, that Commission members provide responses, thoughts, and ideas specific to addressing the issues and needs surrounding Language Access in direct response to the COVID-19 pandemic. Courts around the state have been working through difficult and changing times, and the Commission is seeking ways to better address and assist with issues presented to our courts and interpreter services.

It is important to note that Washington has over 200 courts with vast differences in location, population, frequency of interpretation needs, and most importantly resources available to the court. These resources may not only include funding, but general technological capabilities that may be available to larger courts with more viable resources. In addition to the current status of courts, it is also important to note that these are changing for every court. What we were seeing in regards to resources and technological capabilities in late 2019 may be drastically different for those same courts today.

We are in a constantly changing environments, and courts are looking to be both progressive and sustainable in the long run. Based on reports and data, the current pandemic is going to be around for a while, so process and procedural changes need to be able to hold efficacy over a long period of time. It should be recognized that change is necessary, and looking at progressive options to assist in this change will provide the best service to ensuring access to justice.

Below are ideas and thoughts provided in response to the questions listed on the memorandum provided by Justice Gonzalez:

Needed policies affecting remote court interpreter availability, skills, training needs, and ethical practices.

Access availabilities will be a primary concern moving forward. Ensuring that interpreters have the means to access the technology being utilized by the courts, i.e. Zoom or Microsoft Teams. Courts will need to actively share the platforms being utilized, as well as provide individual testing (outside of scheduled dockets) to ensure the platform provides an adequate means for interpretation, for both the interpreter and court.

Courts and interpreters should be often encouraged to have active communication with each other to ensure that all information needed is being presented. As remote interpretation may become much more commonplace, it will be beneficial for appropriate and clear communication

to happen between the courts and interpreters. Recommendations and best practices can be provided to both courts and interpreters to include certain things beyond case information, such as: test connections and platform access prior to the scheduled docket, provide the court process for interpretation (is this going to be simultaneous or consecutive interpretation), etc.

Tip sheets for interpreters may be helpful moving forward. Many courts across the country have utilized tip sheets that incorporate how to test connectivity, ensure access to video platforms, making sure the hearing is being conducted in a proper location with no distractions, checking that the device being used is fully charged or plugged in, etc.

New court rules necessary to use remote interpreting processes properly

It should be considered that remote interpreting is going to become much more of a “normal” moving forward. Though some courts will be anxious to get back to previous processes, many courts are using this as an opportunity to be progressive and move their courts to the future. All existing court rules should be looked at to ensure that not only telephonic, but video interpreting is included in court rules. There may want to be some consideration of what video interpreting looks like for non-spoken interpretation. Rules may be helpful around the requirements or process for sign interpretation via video. Given the open court structure, courts will want to ensure that sign interpretation is viewable to the public. It is also worth noting that some courts may be moving to in-person courts while still utilizing video remote platforms for court sessions.

Training judicial officers and court staff on best practices involving remote interpreters

Specific training may be difficult, as courts will have different processes as well as platforms used to address the needs. The important part of this is going to be communication with the courts, both with judicial officers as well as court managers and interpreter coordinators. Frequent communication will need to include best practices, even if this includes monthly “words of wisdom”; there could be monthly emails sent out to the interpreter ListServ that cover different aspects of ensure appropriate interpretation, i.e. “A great way to ensure effective coverage of a video proceeding is to provide all application and hearing information to the interpreter, in addition to setting up a test session with the interpreter to verify access and connectivity needs are addressed prior to the hearing.” Communications going out to all courts are going to be critical in ensuring that we are getting as much helpful and important information out to the courts as possible. Frequent contact over a course of time in pieces is going to be more beneficial to courts as opposed to a couple trainings with all this information may be more helpful. As courts are dealing with a lot of change, it may be easier for them to adapt to additional changes this way, as opposed to being given a book of “to-do’s”.

Community outreach and awareness of remote interpreting quality and technology

Similar to the above, communication is going to be key in ensuring the best services are made available and provided to the public. What is shared with the interpreters regarding requirements and best practices should be shared with the courts, and visa versa. Courts and interpreters need to continue to be encouraged to have meaningful communication with each

other regarding practices, processes, platforms, etc. To have the most positive impact, communication needs to happen on this level frequently. The Commission will be able to provide the “what”; the meaningful information to ensure compliance, while the communication between the interpreter and court is going to provide the “how”.

Other matters you deem important for the Commission’s mission.

Courts have presented logistical issues in response to the problems faced in providing interpreter services to the public. These issues encompass not only resource needs, but recommendations and best practices provided to the courts to address these needs. Responses provided by the court community have included issues with provided non-spoken interpreter services where courts have been closed and the public in need of the service does not have the technological ability to utilize the interpreter service the court is providing. Direction is requested by these courts on how ASL interpretation can be provided when the courts are only able to conduct telephonic hearings at this time. It is instances like these that encourage frequent communication to the courts, as a means to present AOC and the Commission as a resource to be utilized throughout the state.

Based on the above, there are a couple over-arching takeaways: 1) understanding that remote interpreting may become much more common-place and taking advantage of this by being progressive in how the Commission addresses needs, what legislation and court rules provide, and how we are supporting equal access to all participants, and 2) encouraging and ensuring positive communication is actively happening between the courts and interpreters.

Though these issue resolutions are coming from the unprecedented times that we are currently facing, by taking a positive and progressive approach to change there is an opportunity for growth and advancement. The collection of responses and ideas presented is much appreciated, as this provides the opportunity to look at these issues in a “big picture” sense, allowing us to look towards the future and providing the best service that we can.

Thank you for the opportunity and encouragement to provide our thoughts and ideas ~

Frankie Peters

TO: Members of Washington State Supreme Court Interpreter Commission

Attention: Justice Steven Gonzalez, Chair, Washington State Supreme Court Interpreter Commission

FROM: Florence O. Adeyemi, MSW/Court Credentialed Interpreter/WA Supreme Court Interpreter Commission Public Representative Member

DATE: May 28, 2020

RE: Commission Focus on Language Access Issues Related to COVID-19

Membership on the Washington State Supreme Court Interpreter Commission translates to the fact that one represents over 7.5 million people that are resident in the State and approximately 25% of whom speak languages other than English, which on any given day, either directly or indirectly, impacts the work that we do as a Commission on behalf of the State. This fact further highlights the responsibilities we have, side by side with the opportunities we are offered to be of service. I do indeed appreciate and respect each member's work and particularly as we keep the necessary social-distance, yet find ways to stay connected for health, wellness and work! Much Kudos to the Chair, Justice Steven Gonzalez-- for your leadership of this dynamic Commission. Our public stakeholders continue to count on us.

Since early February of 2020, my meetings and community interactions have increased considerably by intention, partially because of the obvious needs-- to assist in filling gaps in community mental health booster exercises, along with community intervention on dual levels of helping to manage behavioral health and facilitate accommodation for language interpretation and translation needs among our diverse communities in this dreaded period of COVID-19. From my personal experience and feedback by the various communities that I work with so far in the last few months, I have a list of recommendations for us, based on my research and information gathered.

****Needed Policies Affecting Remote Court Interpreter Availability, Skills, Training needs and Ethical Practices –**

My Suggested Recommendations for Your Consideration –

1. Target Language consumers and groups in our communities include high populations of individuals, families, groups, cultural associations, the disabled, people of all ages and backgrounds, but seem amiss due to near zero justice system outreach to meet with them as need be, especially at this time. My personal outreach encounters and on behalf of our Commission have generated a longer list than anticipated. This is an eye-opener and a biting reminder that our Interpreter Commission has one more concrete and now hot item needed on our agenda to reach out to these 'missed' communities who hardly know that we exist on their behalf and as a bridge between them and our judicial system.
2. Our core mission stands out to facilitate public access to justice where most of our bilingual populations in the State appear barely aware of our existence as a Commission in their service. We are therefore challenged for a solid and robust community outreach plan, particularly in this period dealing with COVID-19. While compiled data on affected persons and populations are available, we still face a real need to make ways to reach the many other parts unreached in the sidelines of our society. Language is key to communication and as we know, access to information as needed can save lives. As the responsible Commission on this, we have a duty and should make reasonable efforts to expand Language Translation beyond only a few languages for any reason.
3. Form standing partnerships with diverse bilingual/multilingual community organizations and institutions whereby we would be privy to public and community activities where we can interactively function in our position as informed and professional conduits between the public and the justice system.
4. Conduct periodic Video Remote Interpreting (VRI) Webinar trainings which can be a useful tool for interpreters and the courts as an alternative to Zoom. We can also recommend that as a platform of communication between the courts, interpreters and the larger public and for the purpose of court information dissemination when necessary. That can help to demystify court proceedings for public consumers.
5. Consider recommending the use of WebEx platform for remote hearings, VRI, Video Conference to our courts. WebEx Meetings or Events do support interactive webinars or large-scale events and can make it easy to connect, communicate and collaborate as needed.
6. What are your ideas about the above recommendations and how we proceed with efforts to incorporate them as part of our policy proceedings needed to assist in solving some of the challenges posed by the coronavirus pandemic?

To: Justice Steve González, Chair
Supreme Court Interpreter Commission

From: Judge Andrea Beall, Representative
District and Municipal Court Judges Association

RE: Request for Information Regarding Impact of Pandemic on Language Access in Courts

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(Prepared by R. Lichtenberg, with permission)

To: Interpreter Commission, Supreme Court Justice Steven Gonzalez, Chair
From: Sharon R. Harvey, AOC Representative
Date: May 28, 2020
Re: Commission Focus on Language Access Issues Related to COVID-19

CHALLENGE

The Coronavirus (“COVID-19”) pandemic has impacted Washington State courts because trial courts not only have to ensure access to justice for Washingtonians but also do so under shrinking local budgets and in compliance with public health guidelines. Some trial courts have commented that the Interpreter docket may prove challenging during the new normal of hearing cases remotely.

BACKGROUND

The Centers for Disease Control and Prevention and the Washington State Department of Health both recommend that people share a six feet distance and avoid public spaces if they have underlying health conditions. These recommendations were enforced by the U.S. President’s national emergency declaration on March 13, 2020, and, a state of emergency order issued by Governor Jay Inslee (“Governor”) on February 29, 2020. The Governor’s order was extended, and, eventually became a “Stay Home, Stay Healthy” order that closed non-essential businesses, banned public gatherings, and required Washingtonians to stay home unless they were pursuing essential activities. Hence, many courts that could not comply with the six feet distancing requirement, closed their doors or offered remote hearings for certain cases. Washington State Supreme Court Chief Justice Debra Stephens issued an order on April 29, 2020 that provided guidance to presiding judges across the state that allowed them to adopt, modify, and suspend court rules and orders necessary to address emergency conditions. Additionally, Chief Justice Debra Stephens’ Order refers to remote interpreting protocols developed by the Washington State Interpreter Commission (“Commission”) and states the Commission may assist courts in processes related to providing notice in commonly used languages in Washington.

The Administrative Office of the Courts (“AOC”) has endeavored to assist trial courts during the COVID-19 pandemic by creating the [Guidance for Setting up a Virtual Court](#) web page and partnering with the District and Municipal Court Judges’ Association (“DMCJA”) and Superior Court Judges’ Association (“SCJA”) to host a series of webinars known as “Friday Forums.” The weekly Friday Forums have addressed the following topics: (1) Telephonic and Video Hearings and Public Access, (2) Remote Hearing Logistics, (3) Protection and Emergency Orders, (4) Returning to Normal- Staff Morale, Self-Care, Resuming Court Operations in a Social Distancing Environment, and, (5) Returning to Normal – Jury Trials. There may be other Friday Forum topics, such as addressing case backlogs and permanent operational changes to Washington Courts after

the COVID-19 pandemic. These webinars are recorded and located on the Washington Inside Courts web page.

ISSUE ANALYSIS

The Interpreter Commission Chair has requested that each Commissioner consult their respective stakeholder and address the following issues below for a roundtable discussion. Thus, I will address each separately.

- **Needed policies affecting remote court interpreter availability, skills, training needs, and ethical practices.**

The COVID-19 pandemic has not only caused illness but also massive unemployment. State and local funds have decreased and many trial courts have been requested to reduce their budgets. Hence, policy may not be as much of a priority as is adequate funding to provide access to justice. Some courts have expressed the need for adequate funding for remote hearings in Interpreter cases, such as: (1) money to hire interpreters, (2) money to purchase web cameras for computers, and (3) funds to purchase technology to accommodate interpreter dockets. Further, the Chief Justice's Order dated April 29, 2020 provides links to Interpreter Commission resources that include best practices for remote hearings and other valuable information. During this crisis, funding not policy may be key to assisting courts with obtaining the basic necessities for interpreter dockets, especially our rural courts.

The AOC has created *Guidance for Setting up a Virtual Court*, which is a web page dedicated to assisting courts with virtual hearings during the COVID-19 pandemic. The web page lists the virtual court directory, which provides the public with a way to find virtual courtrooms. The AOC does not provide livestreaming or host recordings. The web page also has a link to [Interpreter Guidance Information](#), which lists resources for court interpreting during COVID-19. The AOC has also applied for [CARES Act](#) funding to assist courts during this time and is awaiting to hear whether the request has been granted.

Trial courts may see the benefit in holding cases remotely even after the pandemic. Interpreter cases, however, may pose a problem for courts because fewer cases may be heard in a time of extreme case backlog from the suspension of jury trials. The Interpreter Commission may fill this gap by assisting courts with strategies on how best to deal with Interpreter cases during a time of social distancing requirements and shrinking local budgets.

- **New court rules necessary to use remote interpreting processes properly**

Some DMCJA members suggested that Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 3.4 may need to be amended to address public health emergencies, such as COVID-19. This rule provides that a defendant has the right to confront an accuser "in person." The thought was also to allow for certain video conferencing platforms, such as zoom. This may be handled, however, with deferring a case to a date when the court is reopened. Also, the Chief's Order may also

resolve related concerns. Further, the [Remote Interpreting Best Practices during the COVID-19 Emergency](#) resource seems to provide sufficient guidance regarding rules.

- **Training judicial officers and court staff on best practices involving remote interpreters**

Some judges have inquired about the best web-based platform for remote hearings with interpreters. Hence, the Interpreter Commission may want to provide a list of web-based platforms that enable interpreters to work under remote conditions and comply with Code of Professional Responsibility requirements. The AOC has provided a list of platforms on its *Guidance for Setting up a Virtual Court* web page.

- **Community outreach and awareness of remote interpreting quality and technology**

The AOC has created web sites and webinars in order to outreach to the Judiciary. The Interpreter Commission may want to work with interpreter associations regarding remote interpreting quality and technology. The Commission may also want to find a way to solicit feedback from courts regarding remote interpreting quality and technology.

- **Translation of court access instructions involving remote proceedings**

Trial court judges are busy setting up for jury trials and other hearings during a time of social distancing and shrinking budgets. Any resources that the Interpreter Commission or any other entity may offer will be appreciated during this COVID-19 pandemic.

- **Translation guidance to courts**

Resources regarding translation guidance has been provided by both the AOC and the Interpreter Commission. The Commission may want to ensure that courts, especially rural courts, are aware of the Translation Resources and Helpful Links resource information.

PROPOSED SOLUTION

America is facing a public health emergency, which is known as the COVID-19 pandemic. This is a time in history when more than forty (40) million Americans have filed for unemployment and more than one hundred thousand (100,000) living in the U.S. have lost their lives from the disease. This pandemic has greatly impacted our economy and has left courts wondering how they can provide access to justice and other legal requirements during a time of social distancing requirements and shrinking budgets. Concerns for the district and municipal courts include *funding* for technology, personal protective equipment, hand sanitizers and masks, to hire interpreters, just to name a few. The Interpreter Commission may want to serve as an organization that fills in the gaps by offering assistance to courts by providing resources that will allow them to ensure that parties needing interpreter services are receiving these services in the most effective and efficient manner possible during this COVID-19 public health emergency.

COVID-19 Impact on Public Defense Attorneys' Representation of LEP and Deaf Clients

A survey was distributed statewide to public defense attorneys asking how limited English proficient (LEP) and Deaf clients are participating in their cases with current court process due to the COVID-19 virus. Seventy-five attorneys responded, representing a wide geographic cross-section of the state. Most attorneys represent clients on criminal matters. The following are recommendations stemming from those survey results, followed by summaries of the survey results. Many direct quotes from respondents are included for better description of how communication is limited under current circumstances.

Recommendations

1. **Allow attorney communication with in-custody LEP and Deaf client.** Courts must verify whether the local jail provides attorney visiting rooms that (a) have sufficient space for an attorney, client, and interpreter to meet and maintain at least a six foot distance; and/or (b) sufficient telephonic access to procure telephonic interpreting services. If the jail is unable to accommodate either of these options, the court must work collaboratively with corrections and public defense to identify a solution.
2. **Require that video hearing platforms accommodate private communications.** Attorneys must have the opportunity privately speak with clients for brief periods during hearings. Many video platforms do not have this capability, as well as hearings conducted by telephone. Zoom is an example of a platform that uses breakout rooms and attorneys can briefly confer confidentially with their clients. Many courts rely on other technologies including WebeX, which does not have such capability.
3. **Access to technology for remote hearings.** A significant percentage of criminal defendants are indigent, and many lack telephone and computer technology to participate in remote hearings. Provide access at shelters, libraries, or other accessible locations for homeless defendants to attend remote hearing and make phone appointments with public defenders. Use state funds to buy equipment for such purposes.
4. **Minimize unnecessary court appearances.** Reduce in-person attendance for some hearings where clients have maintained contact with the defense attorney, probation, DOC, or other relevant participants. Limit the use of bench warrants for failures to appear for most important hearings and not in all situations as it is done presently. Restrict Review or Show-Cause hearings in jurisdictions where judges actively monitor

defendants' probation and require regular attendance. Limit appearances to situations where defendants are accused of violating terms of probation or committing new crimes.

5. **Translate instructions.** Create a standardized document and translate it into different languages which includes the following components:
 - When the person's next hearing will occur
 - Whether it will be in-person, telephonic, or video
 - If telephonic or video, give the number or web address the person must access and instructions
 - Whether there will/will not be a warrant issued for the person's arrest if they fail to appear
 - Contact information for their appointed counsel (if applicable)

6. **Purchase simultaneous interpreting equipment (transmitters and responders).** Simultaneous interpreting equipment allows in-person interpreters to maintain social distance during hearings without having to slow-down the process with consecutive interpretation. Use state funds to purchase equipment in bulk, distribute to courts with instructions for maintenance.

7. **Explore on-demand interpreting options with WA court-credentialed interpreters.** Defense attorneys prefer using WA court certified/registered interpreters, but many of their conversations with clients are not pre-scheduled (e.g. a client calls the attorney). Explore ways in which attorneys can connect with WA certified/registered interpreters for impromptu interpreting needs. Language Line currently appears to be the only option for such last-minute needs.

In-Person Hearings

Sixteen respondents have had interpreters for in-person courtroom hearings.

Thirteen responded to the following: *How would you describe the interpreting for the in-person hearing? (Select as many as apply.)*

- Things went fine – no problems: 38% (n=5)
- **Social distancing made logistics complicated in the courtroom: 53.85% (n=7)**
- **It was difficult to have private conversations with my clients: 61.54% (n=8)**

- The court had difficulty getting an in-person interpreter: 15.38% (n=2)
- The court used WA certified or registered court interpreters: 46.15% (n=6)
- The court used Language Line: 7.69% (n=1)
- Other: 30.77% (n=4)

“Other” Responses describe situations where the attorney was in-person with their client, but the interpreter appeared by phone. One respondent said it was impossible to keep safe distance in the video conference room.

Respondents were asked to add more information about **what was challenging, or what steps were taken to make things go smoothly.**

Challenges:

- Attorney had to bring motions to consult with the client and an interpreter present – it took 3-4 weeks.
- Inability to review audio or video discovery with clients.
- Inability to privately communicate with client during the hearing.
- Insufficient space to include interpreter in the visiting booth during client visits in jail.
- Continuing all cases because of inability to talk privately with in-custody clients.

Went Well:

- An interpreter interpreted from the witness stand to maintain proper distance.
- “It was different, but it worked out just fine.” (Skagit County)

“There was no in-person interpretation, and thus no private conversation with the client at all during the hearing. In conference with the client before the hearing, I had to hold my computer up to the pass-through in the window of the jail for the call-in interpreter to attempt to hear and be heard by client. It was inadequate, and the interpreter announced that it was basically unethical to continue as there was no way to be assured that he was hearing and being heard accurately.” (King County)

“In court it is extremely awkward to have a remote interpreter. This makes the hearing slower, and very confusing to the client. I had a separate hearing where the interpreter used a microphone and wireless headset for the client meaning they could social distance. It worked very well. Why isn't this more common?” (King County)

III. Remote Hearings:

Thirty-three respondents had experienced video or telephonic hearings with interpreters. (All participants appeared remotely, not just the interpreter. They responded to **How would you describe the interpreting for the remote hearing? (Select as many as apply)** as follows:

- Things went fine – no problems: 42% (n=14)

- We experienced technology challenges: 24% (n=8)
- **It was difficult to have private conversations with my clients: 58% (n=19)**
- The court used WA certified or registered court interpreters: 40% (n=13)
- The court used Language Line: 12% (n=4)
- Other: 18% (n=6)

"Interpreter cases often combine language and cultural issues that are not present in other cases. The virtual hearings have gone fairly smoothly, however the normal complications of these cases is magnified when having to deal with technology as well."
(Renton Municipal Court)

"Other" responses included the interpreter not logging in to the hearing, poor quality of communication due to technology, and multiple respondents repeated the inability to have private conversations with clients.

Respondents were asked to add more information about **what was challenging, or what steps were taken to make things go smoothly.**

Challenges:

- Eleven attorneys expressed difficulty in having private conversations with their clients before, during, or after the hearings.
- Three attorneys identified difficulties relating to the interpretation. Two stated that telephonic interpreting appears more "mechanical" and reflected less of the tone/emotion the speaker is conveying. One noted the difficulty in conducting a hearing in consecutive mode, and participants' inability to pause or speak in shorter sentences.
- Additional challenges included being able to notify clients about how to access the remote hearings.

"It is very difficult to consult with clients about how to access court hearings remotely, because that requires an interpreter on the line, and I never know when I will reach a client, or when he or she will call back. The problem is compounded by the fact that the Court has proclaimed that it does not want people congregating in the hallways outside the courtroom. Thus, private conversations with non-English speaking clients is extremely difficult."
(Grant County)

Went Well:

- Three respondents described the hearings going well with LEP clients due to the use of Zoom. They used the breakout room function to allow for private conversations between defense counsel with clients and the interpreter present.
- "The sign language client was able to get an ASL interpreter every time he called from the jail, so less of an issue." (King)

IV. Client Communication Outside of Hearings:

Rule of Professional Conduct 1.4 requires attorneys to maintain communication with their clients. This includes consulting with clients about their objectives, keeping clients reasonably informed about the status of their case, and responding promptly to requests for information.

Sixty-two attorneys responded to *How have you communicated with your non-English speaking clients since the stay-home order began? (Select as many as apply)* as follows:

By telephone with a telephonic interpreter	50%	n=31
By video conferencing with an interpreter	13%	n=8
By telephone or video without an interpreter – we communicate in English	16%	n=10
In writing in English – text, email, letter	16%	n=10
I speak/write the same language as my clients	8%	n=5
In-person with an in-person interpreter	16%	n=10
I have not communicated with my clients who need interpreters	15%	n=9
Other	37%	n=23

“Other” responses included repetition of many of the above, but also included additional approaches to communication. Seven respondents indicated that they rely on co-workers who speak Spanish, and several attorneys rely on their own Spanish-speaking skills. Several described efforts with written translation, ranging from best to less-optimal practices. One respondent indicated, “The one jailed inmate communication was with a jailer that spoke the same language as defendant.” (Klickitat County)

“I used Google translate, having it read my sentence to the client. Extremely slow and limited. I cannot get a replay from in-custody defendants because plexiglass. Only able to let client know court continued due to COVID-19 & I would try to get an interpreter to come meet with us. Most clients do not read Spanish well enough to communicate in writing and use Google translate.” (Franklin County)

Respondents who answered in the previous question that they had communicated with clients by telephone, we asked which they have relied on the most frequently. The 32 respondents answered as follows:

WA certified and registered court interpreters	15
Other local interpreters	2
Language Line or other companies	8
People in my office who speak the language	7
Family members	1

V. Biggest Communication Barriers to Representing LEP/Deaf Clients:

Attorneys were asked in an open-ended format to identify the **biggest communications barriers they currently face for effectively representing clients who require interpreters**. The 51 answers vary greatly. Some responses were simple, “I have no way to communicate with my client.” Other responses describe challenges in better detail. Below are the three concerns that appeared most frequently:

1. Attorneys are **unable to communicate with their incarcerated LEP clients**. The visiting areas at the jail are typically a confined space, which prohibits social distancing. In addition, the lack of cell phone service or any reliable telephone service makes telephonic interpreting impossible. Here are some example responses:

"In custody clients and being able to discuss their case and answer questions because interpreters are not in person, and there is no cell service at the jail. Minimal cell service in the tank and very poor sound quality due to the echoes in the tank." (King County)

"Jail communication – it's difficult to set up things like evaluations with the jail. Last week the phone in the interview room broke so my client had to do a Deferred Prosecution evaluation while talking in the general phone area (all parties consented). Still, poses confidentiality concerns. Does not help that jail phone technology is from 1984 and technical issues keep arising e.g. power went out in jail last week." (Clark County)

2. Attorneys expressed **difficulty in conducting confidential communication** during court hearings as well as outside the courtroom:

"In-custody hearings have an inmate appear by video from jail. I cannot clarify or answer questions privately. When we had in person hearings, the judge enforced 6' distancing so I could not have private conversations with any client, but it was impossible with Spanish-speakers – me then 6' to interpreter then 6' to defendant." (Franklin County)

"Since our office is closed to the public, it is very difficult to find a time and place for confidential communications. The Court has been completely insensitive to this." (Grant County)

3. Many described the current **lack of flexibility** in being able to communicate with clients in-person, and as-needed telephonically without making having to make arrangements ahead of time:

"The lack of in-person interpretation is devastating. There is no way to review audio or video discovery." (King County)

"I much prefer court certified interpreters, but I often need them right away, and the Language Line is able to provide that. No need to schedule." (Practices in multiple counties)

VI. Biggest Communication Barriers to Representing LEP/Deaf Clients:

Attorneys were asked to consider the perspective of their clients and identify how interpreting limitations in the current environment impacts their ability to prepare for and participate in their pending cases.

- **Inability to participate with counsel in planning their cases.** Many attorneys described the difficulty in simply interacting with their clients, and the complete inability for them to discuss the facts, review physical evidence, or even understand the legal process.
- **Technology.** Many clients lack access to technology needed for participation in remote hearings or telephonic/video meetings with their attorneys. Courts are not providing defendants with translated instructions on how to participate in remote hearings.
- **Delay.** While many cases are being delayed during COVID19, many cases requiring interpreters are not occurring because of the lack of interpreter availability, and/or lack of opportunity for attorneys to meet with the clients and prepare the cases.

- *"Many do not have phones or internet access. Furthermore, the court does not currently provide instructions for video access in Spanish." (Grant County)*
- *"The ability to have meaningful conversations to prepare adequate investigations or strategic planning with clients." (Skagit County)*
- *"Figuring out how to use the technology." (Okanogan County)*
- *"We're not able to meet face to face. Much of my work requires interviewing clients about the worst things that ever happened in their lives. Requires trust, patience, open body language. Same from the interpreter in the room. Now it's all on the phone, less personal." (Multiple jurisdictions)*
- *"Being unable to communicate with me if I can't find someone to interpret. Not having a court certified interpreter available to discuss important things like discovery, penalties, etc." (King County)*
- *"NO interpreters available that are certified or acceptable for court use." (Klickitat County)*

VII. Demographics of Survey Respondents:

Which case type(s) comprise the majority of your work? (Select all that apply)

- Adult Felony – 51% (n=38)
- District Court - Gross Misdemeanor/Misdemeanor – 36% (n=27)
- Municipal Court – Gross Misdemeanor/Misdemeanor – 36% (n=27)
- Treatment Court – 12% (n=9)

- Juvenile Court – 15% (n=11)
- Civil Commitment – 4% (n=3)
- Dependencies/Termination of Parental Rights – 12% (n=9)
- Other – 3% (n=2) (answers: appeals, indigent defense contract administration)

In which county/city do you practice?

- | | | |
|-----------------------|-----------------------|----------------------|
| ▪ Adams County | ▪ Issaquah | ▪ Renton |
| ▪ Benton County | ▪ Kent | ▪ San Juan County |
| ▪ Bremerton | ▪ King County | ▪ Seattle |
| ▪ Centralia | ▪ Kirkland | ▪ Skagit County |
| ▪ Chelan County | ▪ Kitsap County | ▪ Skamania County |
| ▪ Clallam County | ▪ Klickitat County | ▪ Snohomish County |
| ▪ Clark County | ▪ Lacey | ▪ Snoqualmie |
| ▪ Cowlitz cities | ▪ Lewis County | ▪ Spokane County |
| ▪ Cowlitz County | ▪ Lynnwood | ▪ Spokane Municipal |
| ▪ Douglas County | ▪ Mason County | ▪ Stevens County |
| ▪ Edmonds | ▪ North Bend | ▪ Tacoma |
| ▪ Everett | ▪ Okanogan County | ▪ Thurston County |
| ▪ Ferry County | ▪ Olympia | ▪ Walla Walla County |
| ▪ Franklin County | ▪ Pend Oreille County | ▪ Yakima County |
| ▪ Grant County | ▪ Pierce County | ▪ Yakima Municipal |
| ▪ Grays Harbor County | ▪ Port Orchard | |

Do you currently have any clients in your active caseload that require interpreters?

- 76% - Yes – Foreign Language
- 0% - Yes – Sign Language
- 13.33% - Yes, Both Foreign and Sign Language
- 10.67% - No

MEMO

To: Justice Gonzalez, Washington State Supreme Court, Chair, Supreme Court
Interpreter Commission

From: Kristi Cruz

Date: May 28, 2020

Re: Commission Focus on Language Access Issues Related to COVID-19

In my role as an attorney representative to the Commission, I gathered input from colleagues at the Northwest Justice Project (NJP), volunteer lawyer programs, and advocates working in courts with survivors of domestic violence. Their feedback helped shape these comments and recommendations.

NJP is Washington's largest provider of free civil legal assistance and representation, serving thousands of low-income people in cases affecting basic human needs such as family safety and security, housing preservation, protection of income, access to healthcare, education, and other civil matters. NJP provides services to a diverse population, including racial and ethnic minorities, immigrants, refugees, individuals who speak languages other than English, and individuals with disabilities. NJP routinely works with clients who have experienced institutional barriers to accessing state government programs, including language barriers in courts. As is the case in many other governmental functions, COVID-19 has heightened and highlighted barriers that were already existing.

1. Community Outreach And Awareness Of Remote Interpreting Quality And Technology

Feedback reflected that within LEP communities there is a belief that Washington Courts are closed. Because we know that courts are open for some types of hearings, there seems to be a lack of communication and outreach, in languages other than English, from courts to LEP communities. Despite existing guidance from the Supreme Court on this issue, some courts have not provided information about changed court operations to the public in languages other than English. Additional steps are needed by courts to inform the public of the types of hearings that are being held, how to participate in those hearings, and how to request interpreter services. This outreach could include such things as:

- Signage in the courthouse, translated into the most common languages spoken in a community.
- Public service type announcements on ethnic media outlets, social media, shared with providers and community organizations, posted to the court website.
- Outreach to community-based organizations with information about court procedures and to provide training opportunities for community members to learn how to use the court's remote hearing platform within these CBOs.

- Outreach to CBOs to consider establishing remote access sites, where community members can go to utilize the technology required to access courts remotely, in a safe manner allowing for physical distancing, while being mindful that many people do not have the necessary technology to appear remotely nor do they have a safe space that ensure confidentiality of their communications.

Where courts have provided remote hearing platforms and interpreter services, there are still barriers to accessing hearings when the litigant is LEP. For example, the platform Zoom requires a meeting room and pin before accessing the meeting. Those prompts are only in English. While the court may provide an interpreter once in the meeting room, this initial barrier can be a problem for LEP litigants. Some initial steps to address these barriers include:

- Affirmatively reach out to LEP litigants in advance of a hearing to review the technology and accessibility measures.
- Where the platform chosen by the court has these limitations, the court can initiate calls to LEP parties, through interpreter services, to work around the barrier.
- Courts can provide training to interpreters and community members on the technology.

2. Translation Of Court Access Instructions Involving Remote Proceedings & Translation of Guidance to Courts

The feedback I received on this issue is that access to translated court information is limited. In an informal survey of courts around the state, we observed that some courts have not translated any of the pandemic response court procedures or provided any translated information about how to participate at a remote hearing; some courts are using machine translation on their website to translate information; and some courts have provided limited translations, primarily in Spanish, regarding access courts and changed procedures.

Governor Inslee's *Statewide Language Access Plan for the COVID-19 Response* provides a useful template for court translation of vital documents. The plan, which applies to cabinet-level agencies, requires translation into 36 languages. This language list is based on the 5% or 1,000 speaker threshold in federal guidance. Information about how to access court procedures would be considered vital and an equivalent level of translation should be available for courts. The Governor's plan, including the list of languages, can be found at: <https://www.coronavirus.wa.gov/sites/default/files/2020-05/LanguageAccessPlan.pdf>

Staff at legal services offices, volunteer lawyer programs, and community-based organizations are spending hours explaining these processes to clients when the information is not being provided by courts. Legal and other service agencies cannot be the main vehicle for reaching out and communicating changes regarding court access for low-income and self-represented individuals and communities who are LEP. This does not take into consideration the many pro se individuals who now have less access to self-help resources within the court and have been completely left out of the system due to the technology and language barriers. To address these concerns, we have the following recommendations:

- Issue policy guidance to courts recommending consolidation of court orders issued in response to the pandemic (court operations orders) into one plain language document and provide it in translated form to the public. While courts are understandably updating court orders in response to the changing dynamic of the pandemic, it is not feasible for pro se litigants and members of the public to read multiple court orders and decipher current court practices. Instead, each court can create a single, unified publication which consolidates all current court orders relevant to their court operations during the pandemic response. This unified order would be in plain language and would enable efficient translations. Issue simultaneous or as close to the English publication as possible. For example, King County Superior Court has a document for self-represented individuals (<https://www.kingcounty.gov/~media/courts/superior-court/docs/COVID-19/COVID19-Self-Represented-SCourt-Info.ashx?la=en>) and has translated it into Spanish (<https://www.kingcounty.gov/~media/courts/superior-court/docs/COVID-19/COVID19-Self-Represented-SCourt-Info-Spanish.ashx?la=en>). Additional languages are needed.
- Instead of translating guidance documents or pandemic response court orders in full, the court could focus on translating signage that includes: identify the court operations and hearings that are available, the right to free interpreter services, how to request them, how to participate in the hearing remotely, and how to file a complaint when those services are not provided.
- Work with other Commissions or relevant programs to create a panel to review how pro se or unrepresented LEP and Deaf individuals are faring in their ability to meaningfully participate in court processes during the pandemic.
- Establish a mechanism within AOC to review local court procedures and responses to COVID-19, to include a review of the entire remote hearing process for accessibility and language barriers. This can be done in concert with the AOC Interpreter Services program and staff responsible for providing guidance to courts on ADA accessibility.
- For ex-parte proceedings, guidance can be provided to help courts provide quality interpreter services on an unscheduled basis.
- Provide guidance to courts about the need for telephonic or video remote interpreter services for unscheduled interactions. Consider ways in which the AOC can provide interpreter services for courts during this time or provide interpreter access directly to LEP litigants for brief interactions with court operations and programs outside of legal proceedings.

3. Needed Policies Affecting Remote Court Interpreter Availability, Skills, Training Needs, And Ethical Practices

While the Interpreter Commission has already issued guidance on the availability and use of Washington Court Certified interpreters for remote hearings, concerns remain about the lack of interpreter services in courts. Some courts have not integrated their remote hearing platform with interpreter services or are relying on bilingual advocates, attorneys, and others to provide interpreter services in an ad hoc manner. Still other courts are utilizing national

telephonic interpreter services vendors for evidentiary hearings, despite reminders from the Interpreter Commission of the obligation to comply with RCW 2.42 and RCW 2.43 even as they hold hearings remotely. Even more so during this time, it is imperative that courts are ensuring access to justice through high-quality interpreter services. To address these concerns, we have the following recommendations:

- Provide courts with general information around the use of interpreters via remote means, including some discussion of the needed technology, particularly from the perspective of LEP individuals. Many LEP individuals will have access to a phone or smartphone, but not a computer. This means that the screen size will be extremely limited and courts should consider how the person will participate and the resources the court can provide to ensure access to justice.
- Provide courts with guidance on the use of interpreter calendars. Some courts utilize interpreter calendars because they believe it is an efficient way to schedule interpreter services; however, there are concerns of timely access to courts and other concerns when utilizing interpreter calendars. Feedback was provided that on the interpreter calendar of one Superior Court there was a lot of confusion among LEP participants which could be resolved by court staff or the judge taking extra steps to provide context to participants such as: introductory remarks to explain that there are multiple parties are on the line as well as multiple interpreters, to clarify interpretation issues, and to address questions by litigants. Courts utilizing interpreter calendars should take steps to ensure practices are consistent with the Attorney General's guidance, "Keep Washington Working Act Guidance, Model Policies, and Best Practices for Washington Courthouses."
- Provide guidance and training to courts to better inform their practices and to identify barriers to access, such as:
 - Processes to affirmatively reach out to LEP parties to explain the remote access process.
 - Provide a pre-session with litigants to make sure the technology is working and to explain the process to participate and how interpreter services will be provided.
 - Check in with litigants during the process to make sure they can participate.
- Consider providing guidance that courts should utilize video hearings and video remote interpretation, if possible, and to limit the reliance on audio-only interpretation.
- Work with other Commissions to address access barriers not specifically linked to interpreter services, but which may disproportionately impact LEP communities, including:
 - Use of public hot-spots sites, including court parking lots with Wi-Fi hot spots to allow someone to physically distance themselves but be in a location which provides for confidential communications using the court's Wi-Fi connection. This is important for DVPOs for example because if the petitioner is still living with the abuser, they cannot safely have a video call from home.
 - Providing "remote access" sites within a court building. Provide a space within a courthouse for litigants to appear remotely, while being physically distant.
 - Allow use of applications such as WhatsApp to allow pro se litigants to sign documents. Many pro se litigants do not have computers and rely solely on smart phone access. Review websites for mobile device accessibility.

5. Training Judicial Offices And Court Staff On Best Practices Involving Remote Interpreters

Now more than ever, courts need to identify language barriers and address them. This will require judicial training. Particularly as it relates to unrepresented or pro se litigants, court staff and judges can provide information to litigants and help ensure the process is accessible. To that end, the Interpreter Commission could provide court staff and judicial training on best practices, such as:

- Creating a pre-session with litigants, particularly pro se litigants, to review the technology and ensure interpreter services connections. Taking affirmative steps to engage with LEP and Deaf litigants to ensure accessibility.
- Judicial training on being attentive to access issues to include:
 - Review of process and ensure language match with interpreter and litigant at the start of a hearing.
 - Basic technology training and best practices for inclusion: identifying speakers, silencing phones when not speaking, etc.
 - Reminder that the hearing is open to several litigants and the public. You may hear more than one interpreter. Your case will be called one at a time.
 - Notification of recording.
 - Notification of how to identify technology issues.
 - The need to check in with litigants – that they can participate. It can be difficult to interject or ask a question when appearing remotely. Judges can take extra care to ask for involvement from the parties and allow space for questions.
- Developing procedures specifically for pro se individuals requiring interpreter services.

7) Other Matters You Deem Important For The Commission's Mission

There is a need to gather data on interpreter services. The disproportionate impact of COVID-19 on LEP persons is becoming more evident as access to programs and services are limited for everyone, LEP individuals are encountering additional obstacles. Because Washington Courts are not unified, courts are developing different systems and it is important to gather information about the processes in place around the state, including: what types of hearings are being calendared and how are interpreter services being provided. The AOC could gather data to help inform next steps.

Pro se litigants are experiencing significant barriers to accessing courts. The Interpreter Commission should consider working with self-help centers, court facilitators, and other court programs that interact with a large number of pro se litigants to review practices and develop best practices for remote access to courts. Many services that were available to pro se litigants are not available currently or are developing remote access procedures. Because of the integral role these programs have in access to courts for pro se litigants, it would be good to work with them to identify and address barriers for LEP litigants.

Access to interpreter services outside of courtrooms is limited. Some courts do not have bilingual staff or telephonic interpreter services at points of contact with the public to explain the changed procedures and how to meaningfully participate in the court hearing and court websites often have limited information in languages other than English. Still other courts do not have interpreter services routinely available in ex-parte proceedings, such as when an LEP individual is seeking a protection order. One attorney shared observing a court asking a member of the public to interpret for an ex-parte communication because the court was not prepared to provide remote interpreter services.

Finally, the Interpreter Commission could provide input on specific remote hearing platforms and how they function with interpreter services. There are courts in other states where they have more fully integrated interpreter services in video hearings which could be a resource for Washington Courts. At a minimum, the Commission or AOC could provide feedback on the different platforms to identify access concerns that touch on the interplay between remote hearings and remote interpreter services.

Thank you,

/s/ Kristi Cruz

Interpreter Commission Attorney Representative

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Committee Reports

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission – Issues Committee Meeting Tuesday, March 3, 2020 Teleconference Meeting 12:00 PM – 1:00 PM Call-in number: 877-820-7831 Passcode: 618272#</p>
<p>MEETING MINUTES</p>	

Present: Judge Beall, Judge Rajul, Francis Adewale, Kristi Cruz, Bob Lichtenberg, Diana Noman, Frankie Peters, Naoko Shatz, James Wells

Previous Meeting Minutes

- Approved with modification.

Non-credentialed interpreters and Ad Hoc Committee

- No final recommendation has been reached yet.
- Any questions for members on the Issues Committee who have questions about the report submitted by Diana.

Interpreter Credentialing Tiers

- Many states have a tiered system in their credential based on their scores on the sections of the certification exam: Master level tier for scores of 80% or more, regular tier for scores between 70% and 79% and conditionally approved for scores of 60% and 69%.
- AOC staff will provide more details at the next meeting but provided some preliminary information.
- Conditionally approved interpreters are given a window of years to take and pass the oral exam at the passing rate. If they do not pass in time, they are removed.
- Conditionally approved status allows interpreters to work as a court interpreter, although the types of proceedings they can work in could be limited.
- Courts could pay interpreters differently based on their qualification and their experience.
- Providing training or mentoring to interpreters that are conditionally approved would make the tier more attractive.
- It could be informative to look at why interpreters who would fall into the conditionally approved category are not passing the exam.
- Some issues brought up for further discussion include:
 - Pay differential between tiers.
 - Looking at why people who qualify for conditional approval do not pass the exam.

- Providing training or mentoring for interpreters who qualify for conditional approval.

General Rule about Video Remote Interpreting (VRI)

- An Ad Hoc Committee will be created to look at creating a court rule VRI
- The committee could include people from outside the commission to provide certain expertise.
- An expert in the technical areas would be beneficial. This person may act as a consult to ensure the language in the General Rule is appropriate.
- Ad Hoc Committee members: Kristi Cruz (chair), Bob Lichtenberg, Diana Noman, Judge Rajul.
- General Rules must be submitted to the Supreme Court Rules Committee in September. The last Interpreter Commission meeting before then is in June. The Ad Hoc Committee can meet before then to bring an initial recommendation to the Commission.

DRAFT

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission – Issues Committee Meeting Tuesday, May 5, 2020 Teleconference Meeting 12:00 PM – 1:00 PM Call-in number: 877-820-7831 Passcode: 618272#</p>
<p>MEETING MINUTES</p>	

Present: Judge Beall, Francis Adewale, Kristi Cruz, Bob Lichtenberg, Diana Noman, Frankie Peters, James Wells

Previous Meeting Minutes

- Will reviewed and approved by email.

Update on Draft Proposal for GR 11.4 - Team Interpreting

The Committee reviewed suggested additional language for the draft proposal.

- Some of the suggested language may be more appropriate for a comment to the rule where there could be more elaboration.
- Judge Beall will update the language in the draft rule based on the discussion during the meeting.
 - Suggested language from the meeting, "...in certain linguistic situations as identified by the court, interpreters, or parties using the interpreter services..."
- The updated language would be reviewed at the June Interpreter Commission meeting.
- Judge Beall will circulate an updated version of the draft language.

Update on Tiering Proposal

No new information was available for this meeting

Update on Non-Credentialed Interpreters Policy

James had discussed the possibility of creating a recorded video about GR11.2 with an instructor who is working with the AOC on another interpreter training.

Video Remote Interpreting Rule

- A group was created at the last Issues Committee meeting right before the outbreak of COVID-19 to investigate creating a court rule for VRI. This group had pivoted to help courts in their increased usage of remote court proceedings.

- Prior to the pandemic, the focus of court rules and court procedures focused on situations where only the interpreter was appearing remotely. Courts have now moved to hearings where most if not all parties are appearing remotely.
- Some restrictions on the use of remote interpreting have been suspended as a result of the pandemic.
- The recent focus of the group has been ensure courts know what requirements are still in place, sharing best practices, and identifying resources.
- Work is needed to ensure language access is being provided by the courts for the services they are currently offering.
 - Some surveys have been sent out to courts, however, the response rate was low. The reduction in court services has resulted in many number of courts not having cases involving an interpreter.
- Work on a rule for remote interpreting should be put on hold as the current situation is evolving and may result in more permanent changes in how they operate after the pandemic.
 - Some practical challenges courts face with remote interpreters and hearings can be addressed through education rather than court rule.

DRAFT

GR 11.4 TEAM INTERPRETING (proposed)

- (a) **Spoken Language Interpreters.** To avoid court interpreter fatigue and to promote an accurate and complete court interpretation, when the court anticipates that a court proceeding requiring a court interpreter for a spoken language will last more than two (2) hours, the court shall appoint a team of a minimum two (2) court interpreters to provide interpretation services for limited English proficient participants. Additional interpreters may be required if more than one person requires services at the same time.
- (b) **Sign Language Interpreters.** To avoid court interpreter fatigue and to promote an accurate and complete court interpretation, courts shall appoint a team of two (2) court interpreters for each case participant who needs a sign language court interpreter when the court proceeding will last more than one (1) hour and in challenging linguistic situations. Where a Certified Deaf Interpreter (CDI) or other intermediary interpreter is also required, the court shall also appoint a team of two (2) intermediary interpreters when the court proceeding will last more than one (1) hour. Additional interpreters may be required if more than one person requires services at the same time.

COMMENT:

Communication through sign language can be particularly broad and challenging. Not all Deaf, Deafblind, or hard of hearing participants are fluent in standardized sign language. Some persons may require the assistance of a Certified Deaf Interpreter (CDI). Other Deaf, Deafblind, or hard of hearing participants may have complex linguistic needs such that a team of sign interpreters is necessary. Judges should look to the expertise of the sign language interpreter and the knowledge and experience of the parties to identify such needs and appoint a team of sign language interpreters where appropriate.

- (c) When a team of two (2) court interpreters is required under this rule, the court may proceed with only one (1) court interpreter when:
- 1) two (2) qualified court interpreters were not reasonably available to the court and the court finds and notes on the record that given the totality of the circumstances, there is good cause to proceed with only one (1) interpreter; and
 - 2) the court allows the court interpreter to take breaks at regular intervals. An interpreter should be given a ten (10) minute break after every twenty (20) minutes of interpretation.

 <p>WASHINGTON COURTS</p>	<p>Interpreter Commission Ad Hoc Policy Workgroup Committee Meeting February 19, 2020 Teleconference Meeting 12:00 PM – 1:00 PM Call-in number: 1-877-820-7831 Passcode: 618272#</p>
<p>Meeting Minutes</p>	

Present: Diana Noman, Bob Lichtenberg, Luisa Gracia, Francis Adewale, Frankie Peters, James Wells

Review and Approval August 20, 2019 Meeting Minutes

- Minutes approved with modification

Frequency of meetings

- The committee discussed the frequency of meetings and how long the committee will continue to meet.
- The Committee was created to investigate a particular issue and take recommendations back to the Issues Committee, which can then take the recommendations to the Interpreter Commission.
- It's possible the Ad Hoc Committee could be reconvened for another issue if needed.
- **Decision: The Committee will schedule meetings as necessary and not have a regular schedule.**

Non-Credentialed Interpreter List

- The Committee discussed whether or not there is a need to create a list of non-credentialed interpreters.
- The AOC can test for over eighty languages.
- Many people do not take the exams even if they are available.
 - Courts have an obligation to provide language access and provide interpreters. For languages where few interpreters exist and no credentialed interpreters exist, courts hire the non-credentialed interpreters. This can remove motivation for those interpreters to become credentialed since they will be hired by courts regardless.
 - Depending on the court and the language, the non-credentialed interpreters may be paid at a lower rate than credentialed interpreters. However, if a language is in demand, a court may have to pay higher a rate.
- Credentialed are languages where an oral exam is available from testing companies that do test for that language. The court interpreter reimbursement program treats languages that do not have a credential the same as language for which there is an exam but no one has passed that exam.
- There are a few languages which do not have a credential that are needed with some frequency in some courts.
- Some states have a tiered system of languages. Having a single language in multiple tiers could muddy the waters.

- States with a centralized interpreter scheduling office can schedule non-credentialed more easily since the knowledge of the interpreters with higher skills is centralized. In Washington, most courts schedule their own interpreters and the familiarity with interpreters is separated by each scheduling office.
- Data from interpreter usage from the courts can help inform the Committee how often interpreters in non-credentialed language are needed.
- One advantage of having a list of non-credentialed interpreters is that judges must ask non-credentialed interpreters if the interpreter is familiar with GR 11.2. If the interpreter is not familiar with GR 11.2, then the proceeding must be paused while the interpreter can review the code.
- The list would be kept internal to courts and not publicized on the website.
- This issue could be more of an educational piece for the courts and a list might not be necessary.
- The issue can be raised at the Issues Committee meeting.

Prepared by Diana Noman/Chair of Ad-Hoc Committee on AOC-Non-Credentialed/In-Court Qualified Interpreters

- 1] AOC-Non-credentialed (Non-Certified and Non-Registered)/In-Court Qualified interpreters fall into two categories: the first category are interpreters for whose language(s) a test has not been developed by the AOC and therefore they cannot be tested; second category are interpreters for whose language(s) a testing mechanism does exist and is administered by the AOC, but who have not been tested or have not passed the testing requirements.
- 2] This recommendation pertains to AOC-Non-credentialed (Non-Certified and Non-Registered)/In-Court Qualified interpreters for whose languages no testing mechanism exists with the AOC, but who do provide interpreter services to the courts. These recommendations will provide a degree of insurance to the courts that the AOC-Non-credentialed interpreters whose services are being used, are familiar with courtroom basics and the duties and obligations of an interpreter to the court and to the limited English proficient individual.
- 3] Non-Credentialed interpreters are to be held to the same standards to which Certified and Registered interpreters are held. To accomplish that, Non-Credentialed interpreters need to be tested on the English language skills and need to become familiar with courtroom situations and with GR11.2.
- 4] In order for courts to have dependable interpreters in languages for which no test exists with the AOC, the AOC should develop and host an internal list (not publicly available) of interpreters in languages of lesser diffusion (for which no AOC test exists) on which an interpreter can be placed after completion of required steps by the interpreter.
- 5] STEPS TO BE COMPLETED:
 - 1) Take and pass the Versant English Examination.
 - 2) Watch and study the following video "Working with Interpreters" <https://www.youtube.com/watch?v=kldJ48nzZKU>.
 - 3) Become familiarized with GR 11.2
 - 4) Complete and pass a written examination which assesses understanding information in the video "Working with Interpreters" and GR 11.2. provided by the AOC. (Exam needs to be created)
 - 5) Sign a document attesting to having read GR 11.2. (Form needs to be created)
 - 6) Complete the Ethics and Protocol Class provided by the AOC (currently available via Webinar).

 WASHINGTON COURTS	Interpreter Commission – Disciplinary Committee Meeting February 26, 2020 Teleconference And Follow-up Online Discussions
MEETING NOTES	

February 26 Teleconference

Attendees: Judge Mafe Rajul, Florence Adeyemi, Luisa Gracia, Sharon Harvey, Katrin Johnson, Diana Noman, Robert Lichtenberg, Donna Walker, James Wells

The Committee reviewed the status of interpreters who had not met their Compliance requirements for the 2018-2019 compliance cycle. AOC staff provided a list of the interpreters with letters from interpreters who had formally requested an extension.

Interpreters were broken up into three groups based on the communication with the AOC and individual request for extension. The Committee reviewed the interpreters along with recommendations made by AOC staff. The Committee decided on the following:

Group	Decision
1) Interpreters who had no contact with the AOC.	Three interpreters who had completed many of their requirements given an extension. The remaining interpreters were given a 90-suspension followed by automatic revocation of their credential.
2) Interpreters who had been in contact with the AOC and formally requested an extension	Interpreters were given a 3-month or 6-month extension starting with a beginning date of January 1, 2020 based on the request of the interpreter. Interpreters who do not complete their compliance requirements at that time will be automatically suspended.
3) Interpreters who had been in contact with the AOC but did not submit a formal extension request.	Interpreters granted an extension until March 31. Those who did not come into compliance by that time would be automatically put on Inactive Status.

Online Follow-Up Regarding Inactive Status - March 6 to March 10

Following the teleconference on February 28, the use of Inactive Status was reviewed for the interpreters in Group 3. It was found that Inactive Status may not be appropriate for the use in sanctioning interpreters who not in compliance since these interpreter did

not meet the qualifications of Inactive Status and could go against the intent of the policy.

By online vote, the Disciplinary Committee modified their original decision. Interpreters in Group 3 who did not come into compliance by end of their extension period would be automatically suspended. Interpreters given an extension of March 31 would have their extensions lengthened to April 30.

Online Follow Up Regarding COVID-19 Outbreak - March 23 to March 26

After the outbreak of COVID-19, the Disciplinary Committee held an online vote to lengthen the extensions given to interpreters originally given a 3 month extension because of the potential hardships caused by the outbreak such as the cancellation of several education opportunities and reduced income.

By online vote, the Disciplinary Committee granted interpreters whose extensions ended on April 30 an additional 45 days to complete their compliance requirements.

DRAFT

Court Interpreter Program Reports

Interpreter Program Report For Interpreter Commission Meeting June 5, 2020

Court Interpreter Test Activities for 2020

Ethics and Protocol Class

The Ethics and Protocol class is the final step for interpreter to become credentialed. An in-person class was scheduled for April 24 for interpreters who passed the Oral Exams in 2019 and who were seeking reciprocity from other states. As it became clear an in-person class would not be possible, the Interpreter Program began working the faculty to move the class to an online format. This online class was held on May 7 and May 8. Six new interpreters were sworn in: 5 Spanish interpreters and 1 Arabic interpreter.

Written Exam

The Written Exam is the first step in the credentialing process. The administration of the written exam is currently suspended due to the public health crisis. The AOC is working to move the written exam to a computer-based format. The computer-based format will allow to schedule their exams at their own convenience at one of fifteen test centers across Washington. Most if not all of these testing centers are currently closed and the date of their reopening will depend on how the public health situation evolves over the next few months.

Orientation

The Orientation is attended by individuals who have passed the Written Exam and is typically an in-person. Since the Written Exam is currently suspended and it is unclear when it will be available, there are currently no plans to hold the in-person Orientation this year. A recorded Orientation could be made available if it is possible to resume the Written Exam.

Oral Exams

Special Spring Session

This year a special spring administration was scheduled for test candidates who took the Oral Exam in 2019 and received near-passing scores. These exams had to be cancelled.

General Fall Session

Typically the Oral Exam for certified languages are held in the October. Because of the suspension of the Written Exam, which is a prerequisite for the Oral Exam and the uncertainty of how the public health situation will evolve, we will not hold a general administration of the Oral Exam this fall.

Alternate Session

We will monitor the public health situation and reopening guidelines to determine when an alternate test administration may be possible. We consider holding a special session for the Oral Exam in late 2020 or early 2021 if the circumstances allow. This session would be open for candidates who completed the necessary steps of the credentialing process prior to 2020.

Compliance

The most recent compliance cycle for court interpreter ended on December 31, 2019. The Disciplinary Committee met in February and held follow up discussions by email regarding these interpreters. As of June 1, 2020, thirty-six interpreters have not completed the compliance requirements and face further sanctions:

- 10 interpreter will have credentials revoked on June 10.
- 23 interpreter will have credentials suspended June 14.
- 3 interpreters will have credentials suspended June 30.

Other Program Activities

- Working the Disciplinary Committee to provide additional time for interpreters who faced disciplinary action after the outbreak of Covid-19.
- Worked the Interpreter Commission to hold an online forum on April 24. This provided an opportunity for interpreters to better understand the activities of the court system, voice their questions and concerns, and earn education credits.
- Sponsored free and low-cost trainings for credentialed court interpreters.
- Worked with Interpreter Commission to provide translations for courts developing written and spoken language assistance for LEP individuals.

Court Interpreter Forum (COVID-19)

Report

The Interpreter Commission and Interpreter Program held a forum for court interpreters on April 24, 2020. The forum was held online using the webinar version of the Zoom platform.

Forum Participants

Moderator: Maria Farmer

Interpreter Commission Panelists: Justice Steven González, Judge Mafe Rajul, Diana Noman, Luisa Gracia, Frankie Peters

Audience: Over 150 people attended the forum. The audience was primarily court interpreters.

Gathering Input from Interpreters

Interpreters were able to provide input before, during, and after the forum. Interpreters were able to submit questions or comments prior to the forum by email or by using an online form, which allowed anonymous submissions. This input was used to inform the questions asked by the moderator during the forum. Audience members used the chat feature during the forum and two polling questions were asked. Interpreters were invited to submit additional feedback after the forum using an online forum.

Audience Polling

The following two polls were used at the beginning of the forum:

Please choose which option best your working situation since the outbreak of COVID-19:

Answer Options	Response
I am interpreting regularly for courts remotely.	5%
I am interpreting occasionally for courts remotely.	28%
I have done very little or no remote interpreting in court.	62%
I have been interpreting in person in non-court settings (medical, social etc.).	5%

As a result of the changes in your working situation, which of the following have you considered?

Answer Options	Response
Finding a full-time job that includes benefits.	17%
Interpreting in non-court settings, such as conference interpreting.	35%
Getting certified to do translations.	12%
Travelling more to interpret outside of Washington.	13%
Going back to school for more education.	13%
Brushing up on technological skills equipment for remote interpreting.	72%

Post-Forum Feedback

Registrants of the forum were emailed a short survey after the forum. Approximately 100 people responded to the survey. The complete responses are given in an appendix. Below is a summary of the responses based on the topics most frequently mentioned in the responses.

What information did you find useful in today's forum?

- The Interpreter Commission has a role in listening to interpreters concerns and can help remedy problems and improve working conditions for interpreters in courts.
- Having the opportunity to hear the concerns that other interpreters have and knowing that there many people share the same concerns. Helped to create a sense of community.
- General information about what the courts are actively doing or planning to do to handle interpreter cases during the pandemic.
- The affirmation that interpreter need to speak up and ask for what we need as interpreters when interpreting remotely and in court.
- Information about how courts choose interpreters and the guidelines courts follow in working with interpreters.

What recommendations do you have for future online forums?

- More frequent forums. Topics can be made relevant to the times.
- Set particular topics to be discussed during the forum.
- Have another forum as courts re-open and the situation changes.
- Allow more direct participation by interpreters and interaction during the forum.
- Have other stakeholders such as court administrators and attorneys take part.

What topics do you wish the panel had discussed or discussed in more detail?

- How interpretation will be done as courts reopen and how interpreters will be kept safe.
- The future of remote interpreting.
- Addressing work shortages for interpreters while the courts are closed.
- More detailed information on remote interpreting protocols and equipment.
- How interpreters can address the court and advocate for themselves when there is a problem or issue.
- What projects and work the Interpreter Commission is doing.
- Working conditions for court interpreters.

Court Interpreter Forum (COVID-19)

Appendix

What information did you find useful in today's forum?

- The comments from the commission and the responses from the audience.
- The information about the court current situation, and the remote interpreting topic is very interesting.
- I found it relieving that court interpreters tend to share similar concerns and questions while realizing that the administrative office of the courts staff and judges including Justice Gonzalez and interpreter coordinators at each court are doing their jobs the best they can under the difficult circumstances. It was an informative and empowering session.
- Judges input
- How to earn CEU credits near the end of forum. Glad this was mentioned.
- All the panelists answered the questions that were read. I found the answers quite helpful, like Justice Gonzalez, who said he would back us up if the courts don't follow the safety protocols and request interpreters be present in person.
- It was helpful to know who is on the commission. Also, some of the new types of situations encountered since so much is now by phone. Maria Farmer did a great job....polite and diplomatic!
- The affirmation that we need to speak up and ask for what we need as interpreters when interpreting remotely (and in general).
- General information about what the courts are actively doing or planning on doing to handle interpreter cases during the pandemic.
- Justice Gonzalez's initial presentation.
- Knowing that once the quarantine has ended, it could all go back to normal.
- The whole discussion was very interesting and useful. I liked the answers to the challenges arising from this unprecedented crisis. Also the ability for us to connect virtually was most important and convenient for all of us.
- Interpreter concerns about remote access being the wave of the future.
- Possible transition to remote interpreting and next steps
- Information about remote interpreting.
- I was not aware of the degree of detail available on the website.
- It was interesting to find out how the other colleagues are doing and what challenges they have been facing
- The new methods courts will be using telephonic and VRI
- Current court operations and decreasing demands on interpreting services due to COVID-19.
- It was reassuring to hear members of the Commission express their commitment to getting back to the proven method of interpreting, face to face, once the emergency is behind.
- I didn't know there was someone who could help us as interpreters with problems specific to interpreting in Washington state courts.
- What interpretation is doing presently and what is the trend for the future of the industry.
- The conversation was the best part.

- Hang in there, the AOC have not forgotten interpreters.
- NCSC NIDB for VRI I appreciated the variety of persons involved in this forum. It is important that judges continue to receive education on the use of remote interpreters and it seems Justice Gonzalez and Judge Beall are helping with that. Thank you for providing this opportunity.
- We could possibly use the zoom platform for Clark county. We already contacted our Coordinator to see if this would be useful!
- I look forward to getting info about nationwide video remote interpreter database.
- How courts and other interpreters are coping with the COVID-19 quarantine. How to deal with issues that might arise in a courtroom.
- Interpretation improvement in the court system.
- Everything
- All of it, I practice mainly in the Oregon court system, and the lack of information is appalling. The fact that you are offering this webinar with a wide range of panelist is refreshing.
- It's nice to know there is a group I can turn to when having problems in the Courts. It's nice to feel heard
- Everything. I was particularly glad to hear from the judges. I wish all judges were as considered as Justice Gonzales and Judge Rajul. A few judges have no consideration toward interpreters.
- The information about the court policies.
- I realized I did the right thing when I didn't go to jail today but instead asked if I could interpret remotely and was granted permission to do it. Also information about National Interpreter database was very interesting.
- All information was very relevant to us interpreters. Particularly helpful was the information about new places where we could learn and find more work, such as the National Interpreter Database.
- The steps that are being taken to adjust to the social distancing order by different courts, and that remote trainings counts towards our credits.
- I was worried about Court assignments being sent to "The Language Line", it was good to know that there is a procedure in place to give certified Court Interpreters preference over not certified interpreters.
- Policies and orders by superior court
- I found today's Webinar discussions on the work interactions between the Courts (Judges, attorneys and staff) and the Interpreters-- so enlightening and have a new appreciation for how we all oftentimes do make necessary adjustments as we go in order to ensure best practices in interpreting and justice.in our Courts.
- Learning about how there are MANY of us looking at other options during this time. Judge Gonzalez is a great interpreter advocate!
- The information regarding the courts preferences based on certified and non certified court interpreters.
- Getting to hear the answers to the questions posted prior to the meeting. Also hearing that all courts have different ways of dealing with the same issue.
- Having a forum for Interpreter concerns to be addressed was useful. Glad to hear that Courts are making adjustments to be able to proceed with non-emergency hearings soon.
- It's good to know that after WITS disbanded, there are judges who are still interested in the well-being of the court interpreters & the issues they face on the job.

- Judges need to respect the rules related to providing proper working conditions for interpreters, and that interpreters can actually report any violation to the AOC.
- Polling results - how other interpreters are doing at his time
- I really liked the panel guests it was a good representation. Thank you for making sure there were 2 sign language interpreters. I appreciate that sign interpreters were thought of, so often the spoken language interpreters by sheer numbers are more apart of the discussions.
- Not much
- Information on how interpreters are selected for an assignment.
- It was reassuring to hear from Justice Gonzalez and the commissioner that working remotely whether through video or telephone, interpreters can feel free to speak up if the logistics are not allowing us to do our job. Do not be afraid to ask for repetitions or volume.
- The comments concerning obtaining Continuing Education credits, how the moderators confirmed certified interpreters have precedence over non-certified folks.
- To know that the number of cases the courts are currently processing has decreased.
- The information on going to the USCourts list to add your name to the VRI capable legal terps during this pandemic. Also that courts are aware and committed to in person interpreting. VRI in court is limited. In person is better.
- I found the part about credentialed interpreters vs uncredentialed interpreters being used by some courts will be addressed and that CA will make sure that such is followed.
- Not Much, because I simplify got the impression that telephonic and video remote interpreting will be the new normal indefinitely...no mention of social distancing when we go back to work
- clarity about remote interpretation & interpreter job allocation process.
- That I am not the one who does not know how to do VRI.
- Useful to know how the transition to Remote interpreting is being dealt with in the COVID-19 era. Also very nice to see the faces of the panelists who are intimately involved in setting policies for our profession.
- REMOTE INTERPRETING
- I was already familiar with the topics discussed.
- Most courts in Washington contact credential interpreters first. The courts will be directed not to use Language Line for interpretation. Washington Courts are hearing only some selective requests at this Coronavirus episode.
- I found the form interesting with the panel made up of panelists from different functions in the court system. Questions from those who attended were also insightful. Some of my questions were also answered.
- Directing our attention to recent WA-SC orders and NCSC resources. Justice & judges telling us how to assert ourselves in order to fulfil our responsibilities in court.
- How even remote interpreting jobs are far and few; other-than-interpreting career option considerations.
- Information related to what directives are going directly to courts from the commission.
- The current situation in Courts given the pandemic
- Most was relevant but the case for urgently needed common practice was key. As late as March 19th, I experienced what Justice Gonzalez mentioned - interpreters asked to appear in person at court events where most other participants could barricade themselves behind remote appearances.

- I greatly appreciated Justices Rajul and Stevens' support and reminders that we do have a voice and should use it to speak up when we are unable to perform our roles properly, to not be afraid to do so on record. Also, knowing that we can expect the support of the AOC to provide future courses to help us train so as to be able to work remotely and that the State is encouraging, if I understood correctly, to consider using this new method to care for cases.
- The question and answer section was very informative. Everyone was well prepared.
- It touches on the on-going crisis (pandemic) as it relates to interpreters' job situation. The forum articulated remedial solutions and covered too other problems encountered by the interpreters inside a courtroom. Kudos to all the panelists and especially to James who spearheaded the conference. We hope to have more of this even if we pay for a fee. Thanks so much.
- The information that Judge Steve Gonzales and Judge Rajul regarding the business of the courts and picking the right interpreter was very useful.
- To know that courts are working towards safely accommodating language interpreters during the Covid19 pandemic.
- It is useful to know that some court operations are on-going even though they do not seem to need my language. I'm glad to hear that some information about how to work with interpreters and interpreter needs is being conveyed to judges.
- The information to help me apply for unemployment. The need for interpreters to advise the judge and other parties how to make phone interpreting work as smoothly as possible.
- I already had knowledge of the information presented, but it was interesting to hear the concerns of other interpreters.
- I learned that technology might take the legal interpretation field in a new direction. Also, I found out about the training on video interpretation through an entity whose name I could not write down (I was on my cell phone, driving.) James said he would send us info on the training next week.
- All info was interesting... I was pleased to hear Justice Gonzalez's stated willingness to help when it appears that a court is not reaching out first to certified interpreters.
- More details on how COVID-19 has affected the courts and court interpreters.
- Information about how different courts are dealing with the crisis
- The general guidelines of how courts are supposed to procure interpreters' services.
- I thought it was helpful to get insight on what scheduling has been like lately.
- Guidance from Justice Gonzalez and Judge Rajul on protocol and ethics of telephonic court interpreting.
- The policy of using in-person certified/registered interpreters after COVID 19 would remain the same.
- COVID-19 and its impact on court interpreting - Remote interpreting - Job assignment requirements/best practices - Information on CEU trainings
- I found the format of this forum to be extremely useful. I suggest scheduling regular interpreter / Interpreter Commission forums using this format. 2-4 a year would allow interpreters to ask questions and to hear from the Commission. Thank you for the excellent organization.
- Online real-time surveys for interpreters. Each court's transitional process. Detailed information from different parties, especially from judges on what is feasible and not feasible.
- The entire content was helpful, especially how interpreter coordinators manage interpreter needs. I appreciated the encouragement from the panelists to speak up when issues arise.

- Among others, I have found the highlight of the Supreme Court Order and the information regarding NCSC interpreter database to be of the most of my interest from this forum.
- It was helpful to hear how supportive Justice Gonzalez and Judge Rahul were as to interpreter working conditions during this time. I also appreciated the suggestions on preparing for remote interpreting.
- First of all, thank you for organizing this forum. It was wonderful to reconnect, see some familiar faces, and gain some understanding on how precarious the current work situation is for court interpreters. I found the Bench Card useful, in particular the titles dealing with jury instructions and exhibits other than English.
- I learned what the courts and interpreters are facing since the outbreak of the COVID-19. The interpreter forum helped me see the need to keep interpreters informed and active to be able to contribute in helping the interpreter commission make future decisions during this pandemic.
- Maintaining good court records always. Especially regarding any impediments to proper legal interpreting. Courts should make an effort to remedy circumstances that may hamper interpreters such as, for example, parties talking on top of each other or noisy environments.
- info about remote interpreting
- It was nice to hear from the panelists acknowledging challenges our fellow interpreters are facing these days.
- How remote interpreting will never take the place of onsite interpreting in courts. The rights that we have as interpreters to have a safe environment to work in.
- The guidelines that were given to the courts. It gives the interpreters a lot more confidence on what to expect from the courts or, at the very least, raise as reminders to the courts when interpreting.
- The fact that I am not alone. There is a big group of concerned professional interpreters and translators who are in the same boat at this worrisome time.
- It was encouraging to see judges tuned in about interpreters' concerns.
- I'm filling this out a while after the fact so not remembering everything, but it was good overall information. Request: may I be given an actual certificate of attendance for OJD, since I'm also certified in Oregon ?
- The eligibility of applying unemployment benefits.
- most of it
- It was all useful information.

What recommendations do you have for future online forums?

- Similar educational webinars are always welcome when people are more available at home.
- Safety info regarding cross contamination in court setting
- I think it would be more efficient if the forum topic is more specific. Today the questiones seemed a little all over. For example this forum was regarding the COVID 19 pandemic, yet one questioned read was why do courts offer work to credentialed interpreters first. That question has nothing to do with the pandemic and is something that all interpreters should know the answer.
- More of the same.....maybe a little longer (30 minutes more?)It was hard to get through everyone's questions.... and some may have felt that their issue did not get addressed.
- Have a way to keep all the questions from the chat to make sure they all get follow-up.
- I would suggest that because there are so many people wanting to ask questions and there is limited time, it would be a good idea to have attendees submit questions ahead of time and then give all of us the opportunity to read them ahead of time and vote for them. That way the questions that get the most votes are answered.
- Maybe a little more structure. Frankly a little boring.
- Participation from interpreters. Meaning that we can speak and not only have our comments read by one person.
- Please keep doing this kind of virtual commission meetings as this modality allows us to stay connected and up to date on any developments and ask any questions. I thought it will be more ideal for attendees to allocate time for direct questions.
- Today's was amazing, Perhaps some of the ethical issues raised by remote interpreting.
- This was great, maybe to make sure all questions will be answered in advance, because some questions had no response
- Have more forums!
- It may be helpful to collect incidents which have occurred in court or in legal settings about which one or more of the parties has questions or doubts about the best way to handle them. It would be good if possible to allow for more interaction in discussing situations.
- To take place more often
- Partnerships, if possible, with medical interpreters, local 1671 provides free continued education to all members, some judicial interpreters are also medical interpreters
- Suggestions on CE credits at no cost or lower cost.
- Increment their frequency and invite other stakeholders to participate: court administrators, judges, attorneys. It could be a good educational opportunity.
- I like to attend zoom meeting where you can see all the presenters not just when they're talking. A panel so you can see their names longer than a minute or 2
- I will recommend for the future online forums.
- It would be helpful if more prepare time to submit questions
- Some questions were irrelevant such as classes regarding laws and acceptable behaviors in the US. Maybe those other questions could be weeded out and only questions relevant to our jobs could be read and discussed.
- If all of the people attending could have a camera or screen and be able to share as well or ask questions being unmuted. Thanks
- Organize online forums more often

- I really liked the presentation; audio connection was disrupted several times, but only briefly; other than that, I have enjoyed everything, wish we could have such forums more often.
- More interpretation forums should be held in the future.
- That all participants are required to log in with full name and not as "guest" so everyone present can know who is participating. Also, the continued ability to be able to submit anonymous comments and questions so that participants can more freely communicate without fear of reprisal.
- This one was the first one and it run smoothly and questions were answered. I wouldn't improved anything, just the main theme would change as we start opening up more hearings and see what happens and how our job changes.
- Allow opportunity to ask questions live. Writing them takes too long. By the time one finishes typing the question the topic has already changed.
- I recommend that the person speaking always be shown on the screen. At times, the presenter was not visible.
- I really liked this forum, I would not change anything.
- This is a technical issue. I don't know if Zoom has this capability... Sometimes I could see the faces of all the participants even if they were not saying anything, other times I was only able to see the ASL interpreter only and not the person speaking. If we could keep the multiple people view all the time it would be better.
- More and better trainings catered for court interpreters. NOTIS has some trainings but mostly for medical interpreters.
- Perhaps to have the forums regularly
- keep up with the development of COVID and updates.
- For future online forums of this nature, particularly representing the various communities that we serve through our courts and interpreters, I think that it would be highly beneficial for our work and interest-- to show and reflect a fair representation of demographic diversity on the panel of presenters.
- A more interactive online forums.
- When posting polls, perhaps include a line for other, even if followed by: describe
- Allow for more time for the panel to be able to answer more questions.
- Today's session was informative, productive and effective. Please keep us abreast of news affecting the interpreters.
- I'd like to be able to see the names of other attendees and chat with them.
- Not able to connect until a couple of minutes after the forum started. May be too many people tried to logon at the same time?
- Have a sign interpreter on the panel
- More limited topics
- Shorter answers so more questions can be asked.
- Forums are a practical means to discuss matters related to performance or ethical situations of our profession and a way to keep principles and standards fresh and unified.
- Keep intros more concise and dispense with the laudatory language.
- Have a forum on how to apply for unemployment and the PPP program with specialists from the ESD and SBA.

- It went fine...I think frequent would be good so that issues can be discussed and the meeting not go too long. I liked the opportunity to ask questions in the chat and get those answered. Much appreciated.
- I believe the technical aspect of the forum this afternoon was sufficient enough.
- Needed to look at the Big picture, How COVID-19 will impact us when we return back to work for in person jobs that are scheduled within the next two weeks? How will simultaneous interpreting be possible if social distancing at 6 feet will probably still be in effect? How are the courts supposed to provide mass amounts of interpreting equipment when all interpreters may need them all at once? We are not prepared for this. Instead they talked about telephonic and video remote interpreting like it will be the new normal forever. Telephonic interpreting conditions are awful right now. You cannot hear clearly... Are courts not aware that you cannot do a long hearing wearing earbuds trying to hear several people remotely who are sitting at a table 15 feet away from a receiver? How are we going to outreach these guidelines to the courts so they know this? I didn't expect to take up so much time talking about telephonic payment policies... What about antibody testing for people entering court rooms? There wasn't much relevance to the reality of going back in person. Slowly adapting back to normal hopefully. No talk about this at all. How are we going to adapt to going back to normal little by little? Why was this not discussed? This was frustrating...
- Demo usage of Audio/video for remote interpretation.
- VRI and
- This format could be used for a variety of training such as terminology, explanation of particular changes in WA law, etc.
- NONE. IT WAS REALLY HELPFUL
- More emphasizes on attorneys , witnesses and prosecutors to talk in short sentences when there is an interpreter involved
- I would like more discussion about electronic interpreting. The best equipment etc.
- Two windows, so non-DHH audience have option to see the speaker in addition to the SL interpreter.
- I'd like to hear some general audience input, which may be moderated (time/quantity/topic).
- Explain more clearly how questions should be posed (there was a Q&A option, but it seems that it wasn't being used). The chat box had two options: panelists OR panelists and attendees. Maybe make it clear from the outset what mechanism is to be used for posing questions and providing answers to questions posed by other attendees. Do NOT allow select people to speak. Allowing Chris Kunej to speak was inappropriate because no one else was given the opportunity to question him or disagree with what he said. He could have followed up with an email if he felt he needed to clarify his position, not been given a platform to speak as the sole voice.
- None at present
- Participant ability to enlarge upon, or refute Panel assertions. More frequent Forums.
- Would you consider asking for input and having a discussion regarding the most mentioned concerns? Perhaps a topics such as these challenges we encounter while working: Being provided access to documents and knowledge of the type of cases we will be interpreting for that day BEFORE we begin, or provide such days before. Some of us really need time to prepare our vocabulary, as not all are Pleas, Arraignments, Omnibus, basic hearings... You get the picture. Working with attorneys that expect immediate sight translation without actually providing the Interpreter time to read through the document(s); many are so incredibly lengthy

that it is difficult to do so in a timely manner between cases and not have the Court interrupt and then the Attorney and his client are not actually well serve. Oftentimes the attorney wants to just rush through these, some complain that we are taking too long and want us to summarize, I know that is unethical and I do not determine what to say, I let the attorney make that call; Working in close proximity with dangerous inmates

- I think it was nicely done.
- Attendees will see face to face the panelists for better rapport. Suggest attendees will be in group one at a time in the web conference such as Asian all together latin American countries (hispanic), and the like for the commission to better understand the cultural barrier between providers and interpreters.
- I would like to see more of the same format that consist of Judges, Administrators and experienced Interpreters in the panel.
- Clarifying, at all times, if we are referring to certified interpreters, registered or something else.
- Holding a similar forum perhaps twice a year would be a good thing. I also appreciated our colleague's remark about information to new-comers on US and WA law, or to put it more simply, what we can do in the US and what we can not. I have had such concerns, myself, for years. If we are truly acting within our ethics and protocol, there is little we can do to rectify the situations created when an accused person is astonished by being held to task for a deed that may not even have merited a remark in a home county. Information access! We do language access, but we are aware of the need for information access. Someone has to pick up on that.
- The starting time confused me. When I tried to sign in at 3:00 I was not admitted into the meeting right away. Then I saw the time saying 2:30 and that the meeting would not start until 3:00. Being totally out of my normal daily routine, I thought I was trying to sign in 30 minutes early so I left. At 3:20 I realized my mistake and rejoined with the forum already in session. I am willing to listen to the first 20 minutes when it becomes available to make sure I listen to the whole forum. Maria Farmer did a great job as a facilitator. Hopefully she can do it again in the future!
- I cannot think of anything in particular since this is the first time I attend one of your forums, so there is nothing to compare it with, besides the topic of this forum was unprecedented.
- No recommendations. The forum yesterday was very well thought out.
- I think that more important than specific subject matter is to simply have an online interactive forum -- with the participation of Interpreter Commission members and the Washington State credentialed interpreter community -- on a regular basis. I think quarterly between scheduled Commission meetings would be ideal -- so members could discuss what happened at the last meeting, and could incorporate feedback from the interpreter community as the agenda for the next meeting is considered. Also... it would be ideal if Commission meetings were live-streamed, and if at least a short period -- e.g., 20 minutes -- could be set aside to answer questions discussed in advance, and also (if there is time) to entertain live questions and feedback from virtual attendees.
- Forums like this should be organized on a regular basis discussing more specific issues at a time.
- I prefer not to hear self-serving comments from the interpreter coordinators who are not presenters but guests. And I do mean King County Superior Court coordinator, who said he would be "remiss" if he didn't correct some info. All political spin and untrue.
- Nothing. The forum was very informative. Thank you very much for organizing it.
- No recommendation at this time.

- Thank you very much, AOC and panel members! Will submit ideas for the next forum by email.
- It would be nice to have subjects that qualify for other type credit for interpreters (not just General).
- Collect questions ahead of time and assign either the Commission members or other experts to answer these questions, so that attendees get the answers they seek. Please follow the rules and do not allow just one person to speak without others to argue. Anyone can write an additional question/opinion/answer in the chat box for all to see. Also showing a question on the screen may help.
- Prior surveys for court interpreters (before forum) and brief presentation of the results. I am aware that this will be a lot more work for the AOC (esp. for James), so whenever possible will be great. I really enjoyed the forum. Thank you for your hard work!
- Training on telephonic/remote interpreting, ethical challenges for court interpreters.
- I'm not sure if the technology is able to accommodate more interaction. I'm under the impression that it would be more effective for participants to voice their input.
- Focus on one or two specific topics and go more in-depth on information
- Please, focus on one or two topics and go in-depth.
- Everything is perfect.
- Does the law require certified court interpreters outside of the courtroom for private Client/Attorney meetings. And why are Public Defenders now employing non-certified Language Line interpreters for private meetings. Are clients protected?
- move quickly from one topic to the next, not get too bogged down by certified v. non-certified. rules are pretty clear on the topic
- It would be very much to have something like this online forum every so often so that we have that sense of community and feel that we're not alone.
- Remote interpreting best practices and protocols.
- Maybe give the participants the materials, expectations of the panel, in advance, so that the interpreters can read and think of applicability and issues. This will make the Q & A more directed (hopefully).
- I would like to learn more how protocols have changed in different courts in Washington due to the quarantine.
- Offer opportunities to discuss issues relating to interpreters' work.
- I very much appreciated that there were judges on the panel. I would love to see these types of forums in the future, specifically where judges, attorneys and interpreters are able to discuss relevant topics and give feedback to each other. It would be great to even invite judges and attorneys from our areas to the forum, since I believe it would be educational for all participants.
- So far I have no recommendations. Everything is perfect.

What topics do you wish the panel had discussed or discussed in more detail?

- Working conditions in King County.
- court function after the pandemic
- I wanted to know more technical aspects of remote court interpreting including how to switch between lines (open and privileged, etc.) and ethics associated with remote interpreting
- Health and safety issues
- I would have liked to hear more about when do the courts plan in doing remote interpreting for more than emergency cases, and if we can somehow get all the Courts to agree. Right now I ask the ciurts and all I get is " we don't know"
- Perhaps how to handle the situation when there is more than 1 language in an event and both interps are there by phone.
- Why non-certified interpreters get called over certified ones sometimes and how to prevent that. Who should get "the memo" so they understand how important this is?
- I would have liked an actual response to the question about KC Superior Court's new way of dealing with remote interpretation and the scheduling and payment of interpreters.
- Resources to help struggling interpreters through these lean times.
- Unemployment.
- Topics relating to issues interpreters encounter
- The use of agencies like Language Line in lieu of credentialed interpreters.
- Remote interpretation and their possible implementation for simultaneous interpretation
- The anticipated future of interpretation business in the courts.
- I was pleased to know about the detail available on the website. I was also pleased to learn there is a form on line to use to submit issues and doubts for review by the Commission
- The future of remote interpreting
- Continued education classes provided by the AOC for free
- Unemployment application.
- Not just problems but also ideas that have been successful & suggestions to improve services.
- How can we streamline the courts interpretation.
- The distinction between in-person and remote is a traditional distinction. The possibilities within remote, phone versus video, are new, and important. That deserves focus.
- Why King County superior Court OIS favor one interpreter over the other certified interpreters
- I would appreciate more discussion on payment for interpreters using remote technologies. It was briefly mentioned that it is harder on us but our pay is generally lower than when we have in-person assignments.
- How can we reach out to our coordinator to make it possible for a remote interpretation.
- Coordinate the effort to enable more remote interpreting for all courts
- I have received enough information related to this crisis period and its effect on courts and interpreters.
- Panel should have discussed more in detail the interpretation and how to make it more effective.
- The process about submitting concerns to the issues committee.

- Again, sir being the first one I believe that people have their questions answered. The situation is fluid, so the topics will change organically. Maybe the next one is about the platform that the court system is using when that happens.
- What can be done to teach judges and lawyers how to work with interpreters. Some judges and some attorneys are great; but there are those who need to learn a lot.
- How to talk to courts about using my services remotely and what technology tools are best to use.
- Very pertinent topics were discussed. One comment was that sometimes when there was a comment or an idea from an interpreter, the answer had a somewhat defensive or dismissive tone from some participants and there was no definite call to action. When an interpreter raises an issue, whatever it is, even though it may not apply to everyone, it is an important issue and it needs to be heard and acted upon, or at least acknowledge the question and the issue even if there is not an immediate answer. Also, the barrier to implementing simultaneous remote interpreting capabilities in courtrooms is not there. We can very easily have a simultaneous rendition with no additional equipment other than a cell phone with headphones. The interpreter connects to the court via the court telephone and renders into the cell phone for simultaneous. There are apps that can split the 2 radio signals to create a 2-way communication in two channels. We already have the technology and it is very easy to implement.
- It was very thorough.
- I was happy with the content
- What is the possibility of converting most of the cases through zoom or other online means.
- It was a well done forum despite the fact that it took only a relatively short time to plan. For next time, we could explore deliberate relevant open Questions and Answers learning forums between our Judges, attorneys and Interpreters.
- About making it possible for other interpreters to be offered and accept jobs remotely via Zoom and other internet accessible calls. 2. That the Courts, Interpreter Services offices and accredited agencies will follow the rule about securing credentialed interpreters first over the non-credentialed.
- The topics discussed were appropriate
- Norms for pay rates and minimum hours to bill with remote interpreting.
- It has been extremely difficult going to the ESD web site to apply for the unemployment benefits for self-employed, independent contractors such as us. I was hoping to touch on some of the sticky points to watch out for & how to fill out certain questions specifically for us. Because if you answer a question that's not what it calls for, it will log you out. If it took you too long to think how to answer a question, like 3 minutes, it logs you out! And if you thought about calling them, it might be next year before you'll be able to get through!
- How we can be sure that every court adheres to the rule of contacting certified interpreters first.
- The trend in the use of technology in interpretation.
- How to advocate for ourselves in the court room
- Protocol for remote interpreting
- The cabal of ladies who get all the Superior Court jobs. That should run off the same "first-come-first-serve" system as occurs with District Court. (Interpreter Web)

- Why has the immediate default of paying for interpreter services gone to a one-hour minimum and has not stayed at the two-hour minimum. Interpreters are not doing telephonic interpretation of their own free will, therefore the two-hour minimum should still apply.
- Getting the website list updated so that courts can see and find those interpreters who are court certified and can interpret remotely now using their video and webcam equipment from home during the quarantine. If courts are needing interpreters and not able to schedule them, and we are here at home ready to work but not being called/emailed, that is an immediate need that should be addressed ASAP. Thx!
- How we could avail of the unemployment benefits. Another topic to talk about is the impending economic impact of this lock-down to the overall operation of the state court system.
- Screening for COVID before entering court rooms... Antibody tests -how are we going to phase out social distancing little by little when we get back to in person jobs in the next two weeks?(unless stay home get extended) -Perhaps a requirement for interpreters to keep a 6 foot distance while using equipment now is a requirement? -Deploying more interpreting equipment to the courts
- Safety precautions during in person interpretation.
- The questions from interpreters.
- How to address work shortages during the time courts are closed.
- EQUIPMENT FOR INTERPRETING. HOW TO USE IT WHEN IT IS NEED IT FOR SOCIAL DISTANCING
- A better distribution of assignments among interpreters in district courts. Some interpreters find the assignments have always been taken no matter how often they log in.
- Perhaps new ideas to do electronic interpreting more efficiently.
- Prior to the forum I followed WA-AOC suggestion in a previous email to check out NCSC resources re: VRI, and I did their 4-module online training in VRI. I learned hand signals to use, and printed out VRI "Interpreter Event Checklist". Don't re-invent the wheel!
- More emphasis on consecutive interpreting when IN-PERSON (vs listening headset) for these two reasons: (1) in my case, the courts have been OVERWHELMING accommodating; (2) social distancing, with listening device, is compromised/nixed during interpreter/LEP interface for equipment donning/retrieving and any interim interventions (say a dead battery or need to change frequency due to interference).
- Modes of remote interpretation. Technology to allow for simultaneous video remote. I wanted to ask what steps could be taken to encourage courts to invest in technology and assist them in getting interpreter-compatible technology. My question was misunderstood as one of funding. I wasn't asking AOC to fund it, but rather whether it could encourage and provide guidance.
- I think all questions/topics were adequately discussed given the time we had
- KC Superior Court OIS's selective use of Interpreters
- I am aware of the time constraints placed upon the Panel, but I believe that if we Interpreters are given the opportunity to safely share our concerns without feeling there may be some sort of retribution, I believe it will help many of us to better fulfill our roles. Similar to what was done, and let me say it was amazing! I appreciate that they did touch on these as best they could considering the present situation.
- How to address the judges when there is a problem or issue?
- The role of court interpreters' offices in scheduling assignments, not to play favorite. particularly the king county superior court interpreter services office.

- What would happen if this pandemic stayed with us for a year or more. How the Judicial system would look like.
- Same as the answer to number 2.
- Unfortunately, I missed learning if we are going on with mostly telephonic or returning to in-person. And if mostly telephonic, will the usual hearing assignment be paid 1- or 2-hour minimums?
- Transitioning back to in person interpreting. How will that happen? 2. In the last month I have received about 4 or 5 emails requesting a phone interpreter. By the time I responded to those emails they were all taken by someone else (even when I responded right away!). In the last month I have gotten only one phone interpreting job through the courts. I received that job through a phone call from the Interpreter Coordinator rather than through an email. In any case, 1 phone job over the last month. Is this normal for other interpreters? Or if more jobs are available, what can I do to get a few more jobs?
- More detail on technology and remote interpreting.
- Sources for learning more about remote interpreting and methods
- Remote interpreting technology.
- Ways to support court language interpreters during this uncertain times
- More discussion of Commission current projects and issues would be nice.
- For the future forums, it would be important to discuss projects Interpreter Commission is working on -- like report to the constituents; best practices;
- Challenges and issues on remote interpreting in court and legal settings.
- An overview (or review to some) of how an interpreter can find remote work within the non-unified WA court system.
- Safety/protective gear for interpreters working on in person interpretation. What is allowed, what is not, use of remote interpreting equipment owned by the interpreter and ways the court can assist with changing ear buds for each defendant on multiple defendant cases.
- What to expect the hearings to be in the future. What kind of equipment to use.
- Attorneys using court interpreters on the spot at the same time as court hearings for reading 11-page Guilty Pleas and expecting quick signatures. Should court interpreters agree to sign quick attorney verbal summaries of guilty pleas...
- more detailed info on remote interpreting platforms, protocols in wa for remote interpreting. Are rates going to be the same for remote interpreting as in person? Practical info.
- Freelancers/self employed stimulus benefits, and other supportive resources during these challenging times.
- I think it was a great overview of the current situation. It would be good to have a similar forum 6-8 weeks down the road to catch up on the new changes\requirements. Thank you for your hard work!
- I assumed we'd be talking about more of the logistics of video/remote interpreting, but it was mentioned there would be another upcoming webinar on that topic.
- Payroll Protection Benefits
- the content was appropriate. There is only so much time available.
- More details on how interpreters could protect themselves or be included on more of the online webcasts.
- None.
- No additional comments on this.

- None that I can think of. I found the forum to be inclusive and encouraging.
- I was happy with the presentation.
- I would like to express my gratitude to the members of the panel, moderator and AOC staff for preparing & making this forum happen! GREAT JOB!!! :)
- Thank you to James, Maria and to the panelists, everyone did a great job.
- I think the panel's answers were adequate
- I have no recommendations.