



COURT INTERPRETER COMMISSION
MEETING MINUTES
AOC SEATAC OFFICE
FRIDAY, JULY 20, 2011
11:00 A.M. – 2:30 P.M.

Members Present: Frank Maiocco, Judge James Riehl, Mike McElroy, Sam Mattix, Kristi Cruz, and Leticia Camacho.

Participating by telephone: Justice Susan Owens, Judge Gregory Sypolt

AOC Staff: Katrin Johnson

Guests (by telephone): The Honorable Janis Whitener-Moberg and Barbara Smith, Grant County District Court

1. General Business

Justice Owens was unable to participate in-person today. The meeting is being chaired by Frank Maiocco.

Approval of July Minutes

The minutes of the February minutes were unanimously approved.

2. Video Remote Interpreting Update

InDemand Interpreting provided a Video Remote Interpreting (VRI) demonstration at a previous meeting. Since then, the company has collaborated with the AOC and Grant County District Court on a VRI pilot program. Grant County District Court Presiding Judge Janis Whitener Moberg and Court Administrator Barbara Smith reported on the use of VRI.

After experiencing technical challenges in the first few weeks, the system worked quite smoothly, allowing the interpreter to interpret simultaneously, consecutively, and for private conversations.

There has been some resistance, though the participants haven't been adamantly opposed. A local court certified interpreter raised a concern about the constitutionality of using VRI, which was not shared by local attorneys. There have been some scheduling issues, because of the limited availability of only one certified Spanish interpreter. The interpreter's transition from simultaneous to consecutive (and vice versa) is not as seamless as with in-person interpretation. In general, the process requires active management by the judicial officer.

The Court has enjoyed using the services of a certified interpreter. VRI works most effectively for short hearings. It was unsuccessfully attempted for a bench trial. The cost analysis hasn't been completed yet, so it is still unknown whether it's financially beneficial to continue with VRI in the future.

An online survey was made available to track participants' reactions to the technology, but there have been an insufficient number of responses.

A major advantage of the vision of VRI is the quick availability of interpreters. However, the staffing necessary to achieve that level of service won't be possible until there is a larger demand from more courts using VRI. It may be a hard sell to the legal community, until these advantages can be fully enjoyed.

3. Issues Committee Report

- A. **Waiver request** – A Spanish interpreter candidate who passed the written exam more than three years ago contacted the AOC seeking a waiver from the three-year rule, citing his experience as an interpreter with the Board of Industrial Insurance Appeals as justification. The Issues Committee denied the waiver request.

- B. **Translation portion of the written exam** – The written exam contains two portions. The first part is 135 multiple-choice English questions, developed and maintained by the Consortium for Language Access in the Courts. The second is a translation portion originally designed by the Washington AOC in 1993 to identify whether candidates possess sufficient skills non-English language. The translation portion of the exam is not maintained by the Consortium, and lacks the same degree of reliability and validity standards. A motion was made to eliminate the translation portion from the written exam. The motion was seconded and unanimously approved. The Commission would like to reconsider this issue in the future if a valid/reliable written exam for screening language proficiency becomes available in the future. The Commission decided that this change would affect certification candidates prospectively, and not affect scores from previous years of testing.

- C. **Statutory Change:** The Issues Committee continued discussing the Washington RCWs regarding the financial responsibility for interpreters in civil matters, and their inconsistency with U.S. Department of Justice Title VII standards for federal funding recipients. An informal survey went out to court interpreter schedulers to identify what common practices are in paying interpreter costs in civil cases, and most courts are paying court interpreting costs in civil cases.

Issues Committee Motion: Interpreter Commission request that the BJA seek to implementing a statutory changing requiring courts to pay interpreter costs for all proceedings. Seconded.

A recommendation was made to amend the motion, extending the request to the BJA to require courts to assume interpreter expenses for all court services, all court-mandated programs, and communications with court-appointed/court-supervised personnel. After much discussion, Commission members indicated that they are in support of courts providing broad interpreter services, but to seek support for such legislation may be counterproductive in this economic environment.

Motion was passed unanimously.

- D. **Walla Walla Superior Court:** A legal aid office submitted a copy of a transcript from a housing court matter, where a pro se litigant was apparently denied the services of a court interpreter. A letter will be drafted and sent to the Bench addressing the situation.

4. Disciplinary Committee Report

AOC staff has worked to draft a new disciplinary procedure, which has been reviewed by the Disciplinary Committee. One purpose for the new draft is to establish a streamlined process for AOC certification programs in other fields as well as interpreters. The drafted regulations would apply only to the handling of misconduct, not failure to comply with continuing education requirements.

The Commission discussed and recommended several edits in the document. Commission members supported moving forward with the draft regulations, but first want to send it out for review by interpreters. The question still remains about whether the Commission should have subpoena powers. Further discussion will resume at the next Commission meeting.

5. Interpreter Testing & Training Update

In May the AOC conducted the Orientation class in Bellevue and Yakima for those who passed the written exam. The Bellevue class was professionally filmed, which will provide programmatic flexibility for candidates with scheduling conflicts. This year, for example, a candidate was unable to attend the Saturday classes due to religious conflict.

In June the AOC coordinated an optional four day skills building workshop for candidates preparing for certification. Language specific training was available in Spanish, Korean and Vietnamese, while others could attend a language neutral group. The workshop included a national trainer for plenary sessions, complemented by local trainers working with small groups. In tandem with the event was a one day continuing education workshop for certified/registered interpreters.

In June there was also a presentation at the DMCJA (District and Municipal Court Judges Association) Spring Conference on effectively working with sign language

interpreters, understanding how to facilitating communication for persons who are Deaf, and legal requirements under the ADA and General Rule 33.

Over the summer Registered interpreter candidates have been taking the Versant English Test and (VET) and Oral Proficiency Interview (OPI). All persons who have taken the VET have passed well above the Consortium's recommended 49 passing score. Staff has experienced many difficulties with administering the OPI exams, as raters have not been available at pre-arranged testing times.

- 6. Court Interpreter Reimbursement Update: Presentation of submitted data** –This issue was tabled until the next meeting.
- 7. Translated Materials:** The AOC recently had informational documents translated into Spanish: The Washington Guide to Courts, Self-Represented Persons in Municipal Court; Self-Represented Persons in District Court; and Self-Represented Persons in Superior Court Civil Proceedings.
- 8. Adjourn**