



Interpreter Commission
Friday, May 4, 2012 (9:00 a.m. – 12:00 p.m.)
AOC SeaTac Facility, 18000 International Blvd., Suite 1106, SeaTac,
WA 98188

MEETING MINUTES

Members Present:

Justice Susan Owens
Leticia Camacho
Dirk Marler
Sam Mattix
Mike McElroy
Steve Muzik
Kristi Cruz
Theresa Smith
Judge Judith Hightower

Members Absent:

Judge James Riehl
Judge Gregory Sybolt
Frank Maiocco

AOC Staff Present:

Katrin Johnson

The meeting was called to order by Justice Owens at 9:05 a.m.

Justice Owens announced that she will no longer serve as Chair of the Interpreter Commission. Justice Steven González will serve as the new Chair. Justice Owens, Justice González, and Katrin Johnson will coordinate the transition in leadership.

Justice Owens noted her appreciation for the Interpreter Commission's work during her eleven-year tenure, and her appreciation for all the contributing participants.

I. October 28, 2011 Meeting Minutes

It was moved and seconded to approve the October 28, 2011 meeting minutes. The motion passed unanimously.

II. Disciplinary Committee

A. Disciplinary Procedures

At the July 20, 2011 meeting, the Commission discussed the new disciplinary procedures, and decided to put them out for comment. Interpreters, including WITS, submitted comments and concerns. Justice Owens requested that the Disciplinary Committee meet with the Commission's interpreter representatives

and a representative from WITS to discuss these concerns, and submit joint recommendations to the Commission. The combined group met twice to discuss the draft procedures, and the results of those discussions were:

- Clarification of the definition of *Gross Incompetence*.
- Modification of *Failure to Appear* as grounds for disciplinary action to ensure it does not include isolated events.
- Establishing a statute of limitations.
- Permitting the respondent interpreter to challenge imposed costs, fees and restitution.

The combined group discussed whether a cap should be set on the fees and expenses assessed to a respondent interpreter. The Disciplinary Committee unanimously agreed that no cap should be set. If a determination of misconduct has been found, and if a determination has been made that the costs and fees are reasonable, it is inconsistent to set a cap for the respondent interpreter and require others to make the payment instead.

After some further word-smithing and minor editing, **a motion was made and seconded to approve the disciplinary procedures. The motion passed unanimously.**

The new disciplinary procedure will be applied prospectively, and to any complaints that have been filed (but not yet acted upon).

B. 2010/2011 Biannual Compliance Update

December 31, 2011 marked the end of a 2-year compliance cycle for certified & registered interpreters. As of February, 48 interpreters had not met the compliance requirements, or had failed to submit paperwork showing their compliance. By the time the letters of complaint were issued and the Committee met in March, 16 interpreters continued to be out of compliance. Sanctions imposed by the Disciplinary Committee were:

- 5 Revocations of certification
- 4 Revocations of registered status
- 3 Three-month suspensions of certification/registered status
- 3 Extensions to complete requirements
(1 had met requirements by the time the Committee met)

The Disciplinary Committee based their decisions on various factors including, but not limited to:

- Interpreters' history of non-compliance with biannual reporting requirements in previous years;

- Whether they demonstrated some movement on completion of the requirements versus none;
- The amount of time they had to complete the requirements (some had more than 2 years, if credentialed during 2009); and
- Level of communication with AOC staff on the issue, particularly whether requests for waivers were sent in advance of the due date or substantially after.

The Commission discussed concerns over why interpreters may not be completing biannual requirements or reporting their compliance on a timely basis, and other challenges to the profession. There was further discussion on whether data could be gathered to better profile how much work is available for court interpreters, and sharing this information may be useful for prospective interpreters who are deciding whether to become credentialed. Interpreter representatives suggested that WITS could possibly collaborate with the Commission on the survey. The question came up as to why people seek to become certified interpreters. Staff shared that the AOC has administered a survey in 2010 and 2011 in conjunction with the oral exam registration, and that question is included. Staff will compile and share results of that question, as well as draft a sample survey to elicit information requested by the Commission members.

C. Interpreter Complaint

A complaint was filed against an interpreter for misconduct, and the Disciplinary Committee made a finding by clear and convincing evidence that misconduct had occurred: failure to appear without good cause. Court records and invoices signed by the interpreter demonstrated a pattern of double-booking, accepting assignments from different courts within the same time period. In most instances these assignments were located in different cities or counties, and in all identified instances the interpreter made no effort to advise the courts about the scheduling conflicts. Over the two months that were investigated, the interpreter failed to appear for two assignments. In these instances, the interpreter made no efforts to notify the courts in advance of the hearing that there was a scheduling conflict.

The Disciplinary Committee decided that the appropriate sanction for this interpreter's conduct is public reprimand. Complete information will not be made public until after the appeal timeline has run, and/or pending the outcome of an appeal (if filed).

D. Imposing a Fee for Late Reporting of Biannual Compliance

The Disciplinary Committee sought Commission input on whether there is support to impose a late fee for interpreters who fail to report their biannual compliance in a timely manner in future years.

The Commission was in favor of a late penalty, as that is a common immediate sanction for late reporting in other professions. Members also expressed support of an immediate temporary suspension for interpreters who report late and/or haven't completed the requirements.

The Disciplinary Committee was instructed to draft a new process (or several alternatives) for interpreters for meeting/reporting biannual reporting requirements which includes some form of immediate sanctions.

III. BJA Resolution on Language Access

At the October meeting the Commission formed an ad hoc committee to draft resolution language. Leticia Camacho, Judge Riehl, Kristi Cruz and AOC staff developed a draft. The Commission discussed the draft and made some minor edits. **A motion was made and seconded to approve submission of the resolution to the BJA (Board for Judicial Administration). The motion passed unanimously.** Justice Owens will be the sponsor of the resolution.

IV. AOC Court Interpreter Program Update

A. Judicial College

In January Katrin Johnson and Judge Riehl gave a joint presentation on working with interpreters at Judicial College, attended by newly elected/appointed trial court judges.

B. 2011/2011 Testing and Training Update

In Fall 2011 the oral certification exam was administered. The pass rate in 2011 was lower than in recent years. Six candidates passed in the languages of Arabic, Mandarin, Russian and Spanish. Fifty-seven candidates failed. The overall average score was 62%.

In February 2012 the written exam was administered to new candidates. Seventy-two certification candidates passed and eighty-six certification candidates failed. Thirteen registered candidates passed and twenty-seven registered candidates failed.

On April 28, 2012 the first of two Orientation classes was conducted for candidates passing the written exam. The next Orientation will be May 12, 2012 at Big Bend Community College in Moses Lake.

C. State Justice Institute (SJI) Grant

The AOC received notice a few days ago that it is the recipient of an SJI grant for interpreter training. The training program funded by this grant will be specifically limited to candidates who have taken the oral certification exam in recent years, and have had close-to-passing scores. The intention of this training initiative is to target candidates who have demonstrated high aptitude, and provide them the information and resources necessary to improve their skills to certification level performance.

D. Pacific Northwest Court Interpreter Conference

The AOC is collaborating with Court Interpreter Services of the Oregon Judicial Department to deliver the first ever Pacific Northwest Court Interpreter Conference. This three-day conference will provide instruction for candidates seeking to become certified, continuing education credits for interpreters of all languages, and language-specific instruction for Spanish certified interpreters.

E. Interpreter Profile System

AOC staff developed a web-based tool for purposes of managing interpreter contact information, and activity completion pertinent to interpreter program requirements. The Interpreter Profile System permits certified/registered interpreters to log in and update their own contact information, geographic availability, and enter their details on biannual reporting requirements. AOC staff are able to use the information to monitor biannual compliance, track candidates' progress through the certification/registered steps, and customize e-mail or mailing communications to targeted populations based on factors such as language, status, completion of activities, etc.

V. State and National Updates

A. PERC (Public Employment Relations Commission) Decision

In November PERC issued a decision regarding the eligibility of specific interpreters to exercise collective bargaining rights with the Washington Federation of State Employees. The Executive Director ruled that court interpreters hired by DSHS for purposes of interpreting in hearings initiated by DSHS do qualify for collective bargaining rights with WFSE. This matter is currently under appeal with the PERC Board. Written briefs were submitted in December/January by OFM and WFSE, and a decision is forthcoming. The AOC is working with an ad hoc group of Superior Court and Juvenile Court administrators to keep an eye on these decisions, and identify what impact, if any, it will have on court interpreting.

B. Restructure of the Consortium for Language Access in the Courts

The Consortium is an organization of 44 state judiciaries, which oversees the development, administration, and evaluation of oral certification exams. Washington was one of the four founding Consortium member states in 1995. The Consortium is now undergoing an organizational restructure to better respond to the budgetary, staffing, and resource needs.

C. October National Language Access Summit

The National Center for State Courts received a grant from the State Justice Institute for a National Language Access Summit in Houston, paying for five-member teams from each state to attend. The intention is for the teams to be high-level representatives of state judiciaries, and each team must include at least one trial court judge. A challenge to forming the Washington team is that this event coincides with the annual judicial conference. The Commission discussed who would be recommended members of the team, and suggested that Justice González, an experienced court interpreter scheduler (Emma Garkavi or Martha Cohen), and Katrin Johnson attend. Other suggestions included representatives who can showcase the advances made in language access in Washington, representatives from a hands-on level, as well as representatives from the higher policy-making level. It was also suggested to request the SCJA and DMCJA presidents to recommend participants.

VI. Commission Membership

Several of the members' terms will end in September. The Commission discussed suggestions for advertising for open seats. AOC staff will follow up on soliciting nominations prior to the next meeting.

Next meeting, Friday August 24, 9:00 – noon.

Recap of Motions May 4, 2012 meeting

Motion Summary	Status
Approval of October Meeting Minutes	Passed
Approval of the new Court Interpreter Disciplinary Procedures	Passed
Proposed BJA resolution regarding payment of interpreter costs in civil cases	Passed

Action Items:

- AOC staff will post approved October meeting minutes to AOC website.
- AOC staff will draft an interpreter survey for Commission to review/edit.
- AOC staff will share results of the annual oral exam survey which asks (among other things) why candidates seek to become certified court interpreters.
- Disciplinary Committee will draft a revised process for interpreters failing to meet biannual compliance requirements, or failing to report them on time.
- Justice Owens will sponsor the language access resolution at one of the upcoming BJA meetings.
- AOC staff will summarize Commission's suggestions for membership of the Washington team at the National Language Access Summit.
- AOC staff will recruit new members for the upcoming vacancies.