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| final_logo_pc [Converted] | **Interpreter Commission Meeting**  **Friday, December 3, 2021**  **8:45 AM – 12:00 PM**  **Zoom Videoconference** |
| **MEETING MINUTES** | |

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| **Members:**  Judge Mafe Rajul, Chair  Francis Adewale  Anita Ahumada  Ashley Callan  Kristi Cruz  Jeanne Englert  Luisa Gracia  Katrin Johnson  Diana Noman  Frankie Peters  Naoko Inoue Shatz  Donna Walker  Justice Helen Whitener  **Liaisons:**  Judge Joshua Sundt, OAH  Berle Ross, ODHH  **AOC Staff:**  Kelley Amburgey-Richardson  Michelle Bellmer  Moriah Freed  Dr. Lisette Garcia  Bob Lichtenberg  Dr. Carl McCurley  James Wells | **Guests:**  Adrián Arias  Andrea Reeff  Carl Tanne  Carla DN  Chela Fisk  Cindy Nosko  Deirdre Murano  Elianita Zamora  Emma Garkavi  Gail Cannon  Helen Eby  Johannes Voogt  Kathy Seymour  Lettie Hylarides  Linda Noble  Maria Elena Montes de Oca Ricks  Maria Lucas  Mario  Michael Zheleznyak  Milena Calderari-Waldron  Natsuya Izuka  P. Diane Schneider  Pablo Sepulveda  Patsy Robinson  raulc  Teresa Garcia  Teri Atwood  Tony  Yolanda Lopez |

**CALL TO ORDER**

* The meeting was called to order at 8:48 AM
* Commission members introduced themselves.

**APPROVAL OF SEPTEMBER 24, 2021 MINUTES**

* The BJA Resolution Renewal section of the previous meeting minutes was amended for clarification.
* The minutes were adopted with modification.

**CHAIR’S REPORT**

**Recognition of Interpreter Professionals**

* Emma Garkavi was recognized for her work on advocating for the interpreter profession. Luisa Gracia shared some words of support and a commemorative plaque presented on behalf of the Commission.
* Martha Cohen was also recognized. Judge Rajul shared some words of support in absentia because she could not attend the meeting.

**Commission and Committee Membership Changes**

* Judge Matthew Antush has resigned from the Commission, effective 11/8. Francis Adewale is serving as the interim Issues Committee chair. DMCJA has appointed Judge Lloyd Oaks from Pierce County to fill Judge Antush’s seat on the Commission.
* Ashley Callan, new AWSCA member representative, has chosen to join the Issues and Education Committees.
* Luisa Gracia has been appointed as the new Education Committee chair and will be replacing Katrin Johnson.

**New Supreme Court Commissions Manager**

* Kelley Amburgey-Richardson has been promoted as the new Supreme Court Commissions manager, replacing Cynthia Delostrinos. She previously was the primary staff member to the Gender and Justice Commission. The Interpreter Commission is excited to begin working with her in the new role.

**Introduce Dr. Lisette Garcia**

* Dr. Lisette Garcia has been hired as the new AOC Equity Researcher. Her role is to be responsive to the Supreme Court Commission’s research needs – it is a broad role. Dr. Carl McCurley noted that the hiring of a dedicated equity researcher is a positive signal that these issues are being taken more seriously by the judicial branch.
* The following research priorities were shared with Lisette ahead of today’s meeting: Interpreter recruitment, language access users, and reimbursement for the courts. She has begun familiarizing herself with the issues in preparation of supporting the Commission and their research needs, including reading the language barriers section of the Gender Justice Study.
  + Judge Rajul emphasized the importance of addressing interpreter recruitment, both for sign and spoken languages.

**ACTION:** Dr. Lisette Garcia asked for point people from the Commission to be identified for each of the research priorities. She asks that they contact her to set up a meeting at [Lisette.Garcia@courts.wa.gov](mailto:Lisette.Garcia@courts.wa.gov).

**Language Access Interpreter Reimbursement Program Update**

* **LAP Approval Criteria Workgroup –** Francis Adewale
* The Issues Committee set up a workgroup to look at the criteria for language access plan (LAP) approval ahead of courts submitting LAPs in the coming months, chaired by Kristi Cruz. They are going to present the workgroup report at the next Issues Committee meeting in January, before presenting it before the full Commission.
* **Program Update –** Michelle Bellmer
* The Language Access Interpreter Reimbursement Program now has 101 courts participating. As the program is growing, new technology is being developed by AOC to meet the reporting requirements.
* Educational programs are being developed to support the courts participating in the program. Two, first of their kind, programs have been held so far for courts to meet AOC staff and receive support in developing LAPs.
* The development of an approved LAP is a requirement in the program. If this requirement is not met by the courts, AOC has the ability to withhold funds.
* May 1, 2022 is the final deadline for courts in the program to submit LAPs. For courts not in the program, the deadline is being evaluated as to whether it applies to them.
* **Vote to Fund Contractor from Commission Funds** – Judge Rajul
* Judge Rajul outlined the proposal to hire an individual to review LAPs. She proposes the Commission use its funds to hire this person to provide additional staff support to review LAPs.
* Bob Lichtenberg and Judge Rajul will work together to determine a funding amount and coordinate with Michelle Bellmer to hire a contractor.
* Commission members requested to view the job listing before it is released and to have input in the hiring process to ensure the candidate meets the job competencies to review the LAPs.

**MOTION AND VOTE:** The Commission moves and unanimously votes to approve the use of Interpreter Commission funds to hire a contractor to review Language Access Plans.

**COVID-19 Vaccine Mandates for Interpreters**

* Not all courts are mandating COVID vaccinations for interpreters, and the Commission is interested in hearing how different courts are navigating this evolving situation. Judge Rajul opened the discussion up to members and guests in attendance to share their experiences at different courts.
* The City of Seattle is asking interpreters to provide proof of vaccination for in-person services.
* Spokane courts have not asked interpreters to provide vaccination status, despite working in-person. Staff from Spokane confirmed that none of the Spokane courts are requiring proof of vaccination, and that a vaccination requirement for interpreters is unlikely because they are not court employees.
* Unvaccinated interpreters shared that they have lost clients due to their choice to be un-vaccinated, but are still able to work remotely. They are no longer working with courts that require vaccines.
* Interpreters shared that courts are still requiring interpreters to be masked in-person, and many clients feel more comfortable if the interpreters are vaccinated.
* It was suggested that the Commission conduct more research to determine what practices are being conducted throughout the state on this subject.

**Gender Justice Study Report**

* Feedback was solicited from Commission members after the last meeting on the language barriers section of the study. Kristi Cruz and Bob Lichtenberg did not receive any feedback.
* Recommendations from this section of the study are included on page 20 of the meeting packet.

**ACTION:** A workgroup with AOC staff support will be convened to develop a work plan to incorporate the language barriers section recommendations into the interpreter program and commission work. Kristi Cruz, Jeanne Englert, and Katrin Johnson volunteered for the workgroup.

**Recent Rules Actions Update**

* The GR 9 rulemaking proposal has been submitted. If the rules are approved, they will become effective in July of 2022. If approved, the Commission will consider adding another Court Administrator Representative as well as more community representatives and a Co-chair.
  + It was added that more rural representation could be helpful on the Commission to diversify perspectives.
* Comments for GR 11.3 will be provided to the Supreme Court by February 28, 2022 and Comments for GR 11.1 at the end of May 2022.
* The revised BJA Language Access Resolution renewal proposal was submitted to include deaf and hard of hearing individuals for coverage under the Resolution.

**RCW 2.42 and RCW 2.43 Revisions**

* The scope of who is entitled to an interpreter has changed and needs to be reflected in the proposed RCW revisions.
* Judge Rajul is asking for volunteers to draft the revisions.

**ACTION:** Donna Walker will lead the RCW 2.42 workgroup with Naoko Inoue Shatz and Anita Ahumada assisting. Luisa Gracia will lead the RCW 2.43 workgroup with Katrin Johnson, Donna Walker, Diana Noman, and Naoko Inoue Shatz assisting. Francis Adewale volunteered if either workgroup needs addition attorney support.

**Court of Appeals Division I Translation Ruling**

* The decision is included on page 46 of the meeting packet.
* The COA Div. I has decided that language access extends to appellants seeking to submit Statements of Additional Grounds. The question now is who will pay for the translation.
* It will require the Office of Public Defense (OPD) to translate the entire trial transcript, which will be lengthy and costly. OPD will be seeking additional funds from the legislature to cover the costs associated with this decision.
* The decision will allow LEPs to meaningfully participate in the appeals process.

**COMMITTEE AND PARTNER REPORTS**

**Issues Committee Report**

* Francis Adewale provided the Issues Committee report under the Chair’s Report section of the meeting.

***Standards of Practice and Ethics for Washington State Judiciary Interpreters*** – Emma Garkavi, Linda Noble, and Milena Calderari-Waldron

* The Ethics Manual is a joint project between Seattle Municipal Court and the AOC Interpreter Program.
* Previously, the California manual was used as a similar tool. The new manual is developed in line with GR 11.2 specifically for Washington interpreters.
* Linda Noble shared some content from the section on perceived conflict of interest and impartiality and the section on history as a preview for the Commission.
* Milena Calderari-Waldron shared about the 16th century interpreter code that she researched. She translated it into American English – it is included in the appendix.

**Discussion**

* Commission members asked what the process is for any feedback that the commissioners may have as this is the first time the full commission is seeing the document.
* Commission members had a discussion about how to circulate the manual. It was published very recently, and is currently posted online. Printed copy without appendices will be available soon.
* Justice Whitener suggested circulating the manual via the judicial news and to find other opportunities to share it widely within the legal community. It was suggested to include reference to this manual in future education proposals. She suggested the Education Committee look into this approach. The manual will be a good resource for judges to understand the role of interpreters.
* Commission members recognize the value of this work for educating interpreters who work in Washington Courts. Concerns were raised about sections that appear to be inconsistent with some court and interpreter practices. These inconsistencies could create confusion, particularly if this Manual is used as a guide for reviewing disciplinary complaints.
* Concerns were raised about how the standards document is related to the disciplinary process, given the commission’s role in disciplinary actions. The disciplinary process is referenced in one chapter where the disciplinary manual is linked for reference.
* The manual is not considered a document published by the Interpreter Commission. It was produced by the Interpreter Program and Seattle Municipal Court.
* The guidelines included in the document are not enforceable – the enforceable document is GR 11.2. It is a document with real-world guidelines and standards of practice adopted from years of experience.
* Commission member Luisa Garcia participated and reviewed the document, and Commission member Katrin Johnson reviewed the section on Attorney – Client communications.
* Other Commission members are hoping to provide review before printing, but panelists indicated there was no opportunity for feedback on the document.

**ACTION:** Kelley Amburgey-Richardson and Bob Lichtenberg will work to get the Ethics Manual circulated in the Judicial News.

**Education Committee Report**

* Luisa Gracia is the new Education Committee chair. She thanked Katrin Johnson for her hard work and dedication.
* The Education Committee assisted with the Reimbursement Program meet and greet in October. The event was well received.
* The LAP training webinar in November went well. Templates and tools for developing LAPs were provided to the courts.

**Disciplinary Committee Report**

* The Disciplinary Manual revision is about halfway completed. The Committee is hoping to have the manual revisions completed by February 2022.
  + AOC has decided that the public records process will apply to disciplinary records under GR 31.

**Office of Administrative Hearings (OAH) Liaison Report** – Judge Josh Sundt

* Laura Bradley has been hired as the DEI and language access coordinator at OAH. She will now serve as the liaison to the Interpreter Commission.
* Judge Sundt thanked Michelle Bellmer and Bob Lichtenberg for facilitating trainings and letting OAH participate, and Luisa Gracia for speaking to OAH staff about interpreting.
* OAH is seeking guidance on a particular issue. OAH handles a lot of sensitive information, such as social security numbers, as part of the evidence. They would like to know if there are best practices for providing electronic access to evidence for interpreters, like contracting or confidentiality agreements. Please contact Judge Josh Sundt if you have any guidance at [Joshua.sundt@oah.wa.gov](mailto:Joshua.sundt@oah.wa.gov).

**ACTION:** Please contact Judge Josh Sundt if you have any guidance on confidentiality and providing electronic access to evidence for interpreters at [Joshua.sundt@oah.wa.gov](mailto:Joshua.sundt@oah.wa.gov).

**Interpreter Commission Legislative Work**

* Last year, the Commission reacted as they were asked to weigh in on legislation. This year, the Commission has scheduled an extra meeting during the legislative session to better prepare. The Commission is seeking volunteers to help track legislation.

**ACTION:** Naoko Inoue Shatz and Francis Adewale volunteered to track legislation of interest on behalf of the Interpreter Commission during the 2022 legislative session.

**COMMISSION STAFF REPORT**

**Commission Manager’s Report**

* Kelley Amburgey-Richardson introduced herself as the new Commissions manager. Formerly, she served as primary staff to the Gender and Justice Commission. She is working to familiarize herself with all of the Commissions work and looks forward to supporting the work of the interpreter commission.

**Interpreter Program Report**

* Interpreter Program staff collaborated on the Ethics Manual with Seattle Municipal Court.
* In October, an 8 week skill building course for interpreters was completed. 15 people participated.
* Oral exams were recently completed for near-passers of the test in early November. Results are expected in the next week or two.
* Registered exams will begin to be administered online.
* AOC sponsored a class with NOTIS on remote interpreting. Over 90 people participated.
* Ethics classes centered on the manual are being planned for next year.

**The meeting was adjourned at 11:57 AM**