

**Washington State Supreme Court
Interpreter and Language Access
Commission
(ILAC)**

May 10, 2024

Meeting Packet

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

Meeting Agenda



Language Access and Interpreter Commission Quarterly Meeting

Friday, May 10, 2024 - 8:30 AM to 12 Noon PM
Via Zoom

AGENDA

<ul style="list-style-type: none"> • Call to Order • Member Introductions & Meeting Rules 	Judge Diaz	
Chair's Report (<i>Order Subject to Change</i>)		
<ul style="list-style-type: none"> • Approval of previous meeting minutes • Current and Upcoming Membership Vacancies • In-Person/Hybrid September Meeting • Appellate Court LAP • RCW Changes Update • ASL Exam Update • Language Access Team Update <ul style="list-style-type: none"> - Testing and Training Update - Language Access and Reimbursement Program (LAIRP) - Interpreter Compensation Study - Language Access Plans - Interpreter Scheduling System - AWSCA Presentation • Language Equity Through Translation & Interpretation Programs 	Judge Diaz Judge Diaz Judge Diaz James Wells James Wells Eunyoung Kim Tae Yoon Leonard Alvarez James Wells Veronica Trapani-Huebner and Caitilin Walsh	P 5 P 14 P 15 P 40 P 41
Committee and Partner Reports <u>Issues Committee Meetings Report</u> <ul style="list-style-type: none"> • Comments for revisions to GR 11.3 • Reported concerns from courts about with remote interpreting <u>Education Committee Meetings Report</u> <ul style="list-style-type: none"> • Remote Interpreting Materials • Fall Conference Proposal 	Judge Oaks or Designee Judge Robertson Ashley Callahan or Designee	P 43 P 47 P 51 P 56

<ul style="list-style-type: none"> • SCJA and DMCJA conferences 		
<u>Disciplinary Committee Report</u> <u>Translation Committee Report</u>	Judge Okoloko or Designee Luisa Gracia or Designee	P 59 P 63
<ul style="list-style-type: none"> • Survey 		
<u>Liaison Reports</u>		
<ul style="list-style-type: none"> • Access to Justice (ATJ) Board • Office of Administrative Hearings (OAH) • Office of the Deaf and Hard of Hearing (ODHH) 	Vanna Singh Tony Griego / Cristina Labra Berle Ross	P 71
Announcements		
Next Commission Meeting	September 27, 2024 Sea-Tac and Zoom 8:30 AM-12 PM	

Meeting Minutes



**Language Access and
Interpreter Commission
Quarterly meeting**

Friday 02/23/2024 | 8:30 AM –
11:40 AM Zoom Videoconference

Meeting Minutes

Members:

Judge Diaz
Judge Oaks
Judge Okoloko
Kristi Cruz
Ashley Callan
John Plecher
Diana Noman
Donna Walker
Iraxte Cardwell
Naoko Shatz
Anita Ahumada
Jeanne Englert
Florence Adeyemi

AOC Staff:

James Wells
Kelley Amburgey-Richardson
Eunyoung Kim
Tae Yoon
Leonard Alvarez
Karl Jones
Rashida Robbins
Laura Sanchez
Jessica Janet
Robert Lichtenberg

Liaisons:

Tony Griego
Cristina Labra

Guests:

Michael Cadena
Luisa Gracia
Yelena Kazatskaya
Diane Scheider
Miriam Currey
Grasa Barbosa
David Poland
Yoseph Petros
Amber Bahler
Yolanda Lopez
Younghee Kim
Stacey Romero
Socorro Villeda
Anastasia Stavrogina

Morgan Jericho
Laura Hurley
Duane Fite
Christina Woelz
Nattalia Patterson
Joseph Mansor
Adrian Arias
Nicole Pierce
Helena Green
Victor Maldonado

CALL TO ORDER

The meeting was called to order at 8:40 AM.

Approval of Previous Meetings Minutes - Motion to corrections title date on previous minutes to reflect December and remove March 2023. Ashley Callan and Iratxe Cardwell abstained from approving minutes as they were not in attendance at the December meeting. December Meeting Minutes approved.

CHAIR'S REPORT

Welcome and Introductions

- Judge Diaz called the meeting to order.
- Three vacancies currently open within the committee

Deaf Community Representative Candidates

- 2 candidates: Sandra Carr and David Poland

Translation Representative Candidates

- 3 candidates: Luisa Gracia, P. Diane Schneider and Helen Green

Public Defense vacancy

- Kelley Vomacka stepped down from her role as the Public Defense Representative since she took on a new position outside of public defense. OPD will be submitting a new representative. Committee will vote probably at the next meeting.
- Each candidate introduced themselves and share why they want to be part of the committee.

Commission Representatives Candidates Voted to bring the following members onto ILAC:

- **Deaf Community Representative**
 - David Poland
- **Translation Representative**
 - Luisa Gracia

In-Person Meeting

- The majority voted for the next meeting scheduled for May 10th to be held virtually and for the September 27th to be a hybrid meeting. Those attending in person will meet in Sea-Tac AOC office.
- It was reiterated that travel expenses are covered by AOC for anyone wanting to travel to attend in person.
- Suggestions were made to have available microphones throughout the hybrid meeting to better serve Deft & Hard of hearing attendees.

RCW 2.43 Revisions

- There were no concerns with statue other than a minor concern regarding budget the recommendation to lift the 50% cap to give AOC more flexibility to distribute money to court participating. The bill submitted for legislative session this year did not pass as time ran out before the bill was able to be lifted off the floor.
- Committee plans to res-submit next year. AOC will be taking what was learned this year about communicating with court associations and how to best address their concerns. AOC will look again at the revisions to 2.42 and apply the lessons learned for getting ready with that bill which is projected to be submitted in the extended 2025 session.

- Reports of a good education session. The CLE was motivated by Chief Judge Estudillo. Cristine Stoneman from DOJ civil rights division came out for the presentation. Eunyong Kim-AOC Court Program Coordinator filled-in at last minute notice and did exceptionally well with presentation. 250 people were present in person and about 150 online.

ABA Standards of Practice Update and the Upcoming Conference

- Moving from a language access framework to a language justice framework involves deprioritizing English and prioritizing creating multilingual spaces so that real equal access and justice may be achieved.
- ABA is incorporating Deft and Hard of Hearing, sign language interpreters throughout focusing outside title 6 to achieve thoroughness in equal access and justice.
- Standards for language access in courts link:
https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/sclaid_standards_for_language_access_proposal.pdf

ASL Exam Update

- The development of the new ASL exam is of high priority to AOC and Dawn Marie Rubio-State Court Administrator. The national center of state courts is also looking at this and created a recently created an ASL legal credentialing group. Due to this being of high priority Dawn Marie will personally contact the national center for state court to offer AOC funding to the NCSC work group to start the process of test development.

Introduction to new AOC staff

- AOC New staff was introduced and each person took a moment to introduce themselves.

Language Access Team Update

- Upcoming training:
 - Ethics and Protocol training scheduled for March 28-29, 2024
 - Interpreter Oral testing scheduled for June 1-2, 2024
- Wrapping up a compliance period 2022-2023, next we will meet with discipline committee to discuss next steps for people that are not in compliance.
- It was highly recommended for commission members to consider attending language access trainings as knowledge re-freshers or if in need of additional training.
- Interpreter Scheduling
 - AOC is currently working on developing or procuring a statewide interpreter scheduling application system. The initial business analysis phase is focused on a system requirement assessment and options analysis.
- Language Access and Interpreter Reimbursement Program (LAIRP)
 - 111 executed contracts for FY 2024. Invoices for QTR 1 were due by end of December 2023. Received 90 invoices of which 88 have been reviewed.
 - Total reported cost for QTR 1 for providing interpreter services and language access was about 2.2 million dollars. Out of this, the approved events for interpreter services and staff interpreters would be reimbursed at 50% while good and services will be reimbursed at 100%. For QTR 1 we approved around 1 million dollars which is 27% of total program funds. We consistently see a 10% denial rate which means that courts are using non-credential court interpreters for credential languages.

- We continue to make updates to our application. One common reported error in QTR 1 was about interpreter credentials so we added more information to guide courts.
- Interpreter Compensation Study
 - Study started in November 2023. We are currently in the data collection. AOC partner with a third-party vendor who created survey and AOC helped distribute this survey to Superior court, juvenile courts, court of limited jurisdiction, court administrators and around 400 Interpreters to include AOC credentialed interpreters and DSHS court certified interpreters and non-court certified interpreters.
 - We are going to have focus group as the second phase of the data collection to be able to get a better understanding of the challenges and all that is going on with providing interpreter services in courts.

Committee and Partners Reports

Issues Committee Meetings Report

GR 11.3 - Remote Interpretation

- The Issues Committee sent a letter with about 11 recommendations which included reassessing the burden of interpreter cost and modifications to the language around interpreter qualifications.
- Pre-pandemic court rule was called telephonic interpretation and it limited the use of telephone court interpreting to non-evidentiary hearings. This changed during the pandemic as the need to have greater flexibility using remote interpreting for spoken language and sign language was requested by litigants, interpreters and courts.
- This commission came together after receiving greater requests for flexibility to revise GR 11.3 and expanded out to a rule on remote interpretation. This process resulted in the changes in the rule. Currently this committee feels that the current GR 11.3 protects the rights to equal justice for LEP and Deaf litigants to participate in hearings.
- Board of Judicial Administration (BJA) created a remote proceedings workgroup to identify what court rules need to be modify after the pandemic when it comes to matters of remote hearings services. The workgroup proposed changes to GR 11.3 and brought those suggested changes to this committee. The differences between the existing rule (that was rewritten by the ILAC and passed by this Court) and the proposed rule is when a court must find good cause to allow remote interpretation. In the existing rule, good cause is required to allow remote interpretation for evidentiary hearings of all types, criminal and civil. In the proposed rule, good cause is required to allow remote interpretation for criminal matters only, whether non-evidentiary or evidentiary. The proposed rule reflects the current reality that many protection order hearings and many, many other civil matters are conducted at least partially remotely without a finding of good cause. ILAC committee informed the work group that their suggested changes will not be supported. Changes were submitted to the supreme court and are currently open for public comment. Comments are due by April 30th. Once comments are

received Supreme court will decide.

https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=6096

- A letter from Northwest Translators and Interpreters Society (NOTIS) is in the meeting packet page 69 regarding the deep concern about the increasing use of non-AOC-credentialed (Certified or Registered) Interpreters. Issue was brought during issues Committee meeting hoping ILAC and the AOC can do something to help eliminate the use of non-credential interpreters in the courts.
- NOTIS representative reiterated the importance of using court certified interpreters during court proceedings to ensure the quality of interpretation services and prevent the likelihood of mistrials and appeals due to the potential violation of an LEP's constitutional right to accurate interpretation as mandated by RCW 2.43.030. Attendees were reminded that interpreters who call themselves 'qualified' are not credential.
- It was determined that it is not appropriate to send the NOTIS letter via AOC's court interpreter coordinator listserv.
- Trying to incentivize courts to use certified interpreters as part of the reimbursement program has always been the goal of AOC. AOC will continue to promote the use of court certified interpreters in the courts and will work with ILAC and courts to educate all in this process.
- Suggestion to share comments and concerns with AOC staff regarding experiences using non-credential interpreters so that the issues committee may form robust actions to bring courts into compliance.

Systemic Concerns that courts have reported with remote interpreting

- The issues brought up by KCDC and some other courts were discussed in at the last issues committee meeting:
 - Loss of opportunities for confidential communications between defense counsel/client, and thus due process.
 - The hearings are taking longer because they generally occur in consecutive mode.
 - Interpreter Issues: Few are willing to come in person, even for trials/substantive hearings, with some charging very high amounts for working in-person.
 - Some interpreters working remotely from improper locations, double-booking, leaving assignments early.
- Question about whether these issues are related to technology issues, funding issues which prevents courts to have the correct technology, education issues, disciplinary issue for some interpreters. The hope is to think creatively of all the various ways 'we' as the commission can bring upon solutions to these issues and help add value to this courts via training, a forum for conversation or something else.

Education Committee Meetings Report

Remote Interpreting Materials

- The committee has engaged in dialog regarding remote court interpreters and how to best support the education courts, staff and interpreters may benefit from. Some ¹⁰

preliminary ideas include a checklist for court and judges to go by when working with remote interpreters. The hope is that these checklists will be available prior to their May 2024 meeting.

- The committee has been reviewing some of the materials already created by ILAC during COVID and a couple of new documents have been created.

Judicial College

- During Judicial college training this committee offers training to new judges about how to work with court interpreters.
- The Court Education group at the AOC indicated the January 2024 session was great. Some initial evaluation is in the packet. More detailed evals will be available later.
- Feedback regarding Judicial College stated that it is important and valuable to include real court experience scenarios. This feedback is being brought forward as the committee plans for the annual judicial training that is scheduled for the fall.

Fall Conference Proposal

- The draft proposal is in the packet. The Equity and Access team at the AOC reached out to AOC staff as they were planning on doing a session on sign language interpreting in court and ADA issues. Since there is a lot of overlap, a combine session is preferred and asking for a longer timeslot seems most effective.

Disciplinary Committee Report

Remote Interpreting Materials

Complaint Report

- 3-investigations are ongoing.
- During next week meeting discussions regarding interpreters who did not complete their compliance requirements that were due December 2023. Included for this meeting, there will be discussion regarding potential ways to streamline this process that happens every 2years.

Disciplinary Manual Revision

- AOC staff is looking at re-organizing the structure of the manual and newer staff will be brought into the project. AOC staff also recently met with the AG's office about their role in disciplinary matters and they may do a review of the manual as well.

Translation Committee Report

Charter

- The committee has been discussing a charter to better understand the scope and priorities of the committee. A copy is in the meeting packet page 83.
- Note: Appellate Courts LAP wasn't being considered during the development of the charter.
- Committee scope of work has 4 main categories: committee work and objectives, needs assessments, guidance and technical assistance, and outreach and facilitation.

- Update on the LAP for the appellate courts and discuss creating a sub-committee of the translation committee.

Liaison Reports

Office of Administrative Hearings (OAH)

- Tony Griego discuss a few updates from the OAH: They have hired our first Administrative Hearings Interpreter, Nelson Avilan. Nelson is court certified in Spanish interpretation and started on January 16th. He is already providing interpretation in administrative hearings and will help us mature our language access services including translation work and training on how to work with interpreters.

WSCCR Report

- Presentation about some of the work he has been doing on language access and language usage in WA.
- Report findings could be a good conversation starter to discuss data and questions that ILAC might want to have investigated.

Meeting adjourned at 12:00PM.

Chair's Report



INTERPRETER AND LANGUAGE ACCESS COMMISSION (ILAC)

MEMBERS TERMS (MAY 2024)

Below is a list of members of ILAC as of May 2024 with the Current Term the members are serving and the End Date of that term. Members (other than the Chair) may serve for up to two consecutive terms. The terms with the highlighted End Dates are up in 2024 indicating the that renewal or recruitment is needed for that seat.

Seat	Member	Current Term	End date of Current Term
Spoken Language Interpreter	Diana Noman	2nd	09/30/2024
Appellate Court Representative	Justice Whitener	1st	09/30/2024
AOC Representative	Jeanne Englert	2nd	09/30/2024
Attorney Representative	Kristi Cruz	2nd	09/30/2024
AWSCA Member Representative	Ashley Callan	1st	09/30/2024
Public Member Representative	Michelle Hunsinger de Enciso	1st	09/30/2025
Spoken Language Interpreter	Iratxe Cardwell	1st	09/30/2025
Public Defender Organization	<i>Vacant</i>	1st	09/30/2025
DMCMA Representative	Analisa Mai	1st	09/30/2025
Ethnic Organization Representative	Naoko Schatz	2nd	09/30/2025
Public Member Representative	Florence Adeyemi	2nd	09/30/2025
ASL Interpreter	Donna Walker	2nd	09/30/2025
Deaf Community Representative	David Poland	1st	03/30/2026
Translator / Translation Services Representative	Luisa Gracia	1st	03/30/2026
Certified Deaf Interpreter Representative	John Plecher	1st	03/30/2026
Community Organization Representative	Anita Ahumada	2nd	09/30/2026
DMCJA Member Representative	J. Oakes	2nd	09/30/2026
SCJA Member Representative	J. Okoloko	2nd	09/30/2026
Chair	J. Diaz	NA	NA

SUBSTITUTE HOUSE BILL 2006

State of Washington

68th Legislature

2024 Regular Session

By House Appropriations (originally sponsored by Representatives Peterson, Mena, Ryu, Ramel, Cortes, Reed, Ormsby, Kloba, Cheney, Doglio, Goodman, Thai, Ortiz-Self, Lekanoff, Hackney, and Davis; by request of Administrative Office of the Courts)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to court interpreters; amending RCW 2.43.010,
2 2.43.030, 2.43.050, 2.43.060, 2.43.080, 2.43.070, 2.43.040, 2.43.090,
3 2.56.030, 7.105.245, 13.04.043, and 2.42.120; reenacting and amending
4 RCW 2.43.020; adding new sections to chapter 2.43 RCW; and
5 recodifying RCW 2.43.040 and 2.43.080.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 2.43.010 and 1989 c 358 s 1 are each amended to read
8 as follows:

9 It is hereby declared to be the policy of this state to secure
10 the rights, constitutional or otherwise, of persons who, because of a
11 non-English-speaking cultural background, are unable to readily
12 understand or communicate in the English language, and who
13 consequently cannot be fully protected in legal proceedings unless
14 (~~qualified~~) interpreters are available to assist them.

15 It is the intent of the legislature in the passage of this
16 chapter to provide for the use and procedure for the appointment of
17 such interpreters. (~~Nothing in chapter 358, Laws of 1989 abridges~~
18 ~~the parties' rights or obligations under other statutes or court~~
19 ~~rules or other law.))~~

1 **Sec. 2.** RCW 2.43.020 and 2010 c 190 s 2 are each reenacted and
2 amended to read as follows:

3 As used in this chapter:

4 (1) ~~(("Appointing authority" means the presiding officer or~~
5 ~~similar official of any court, department, board, commission, agency,~~
6 ~~licensing authority, or legislative body of the state or of any~~
7 ~~political subdivision thereof.~~

8 ~~(2) "Certified interpreter" means an interpreter who is certified~~
9 ~~by the administrative office of the courts.~~

10 ~~(3))~~ "Credentialed interpreter" means an interpreter who is
11 credentialed by the administrative office of the courts in a spoken
12 language.

13 (2) "Judicial officer" means a judge, commissioner, or magistrate
14 of any court.

15 (3) "Language access plan" means a plan that is publicly
16 available which contains the elements required by RCW 2.43.090.

17 (4) "Legal proceeding" means ((a)) any proceeding in any court
18 ((in this state, grand jury hearing, or hearing)), and in any type of
19 hearing before ((an inquiry judge,)) a judicial officer, an
20 administrative law judge, or before an administrative board,
21 commission, agency, or licensing body of the state or any political
22 subdivision ((thereof)).

23 ~~(((4) "Non-English-speaking person"))~~ (5) "Person with limited
24 English proficiency" means ((any)) a person involved in a legal
25 proceeding who cannot readily speak or understand the English
26 language, but does not include ((hearing-impaired persons)) deaf,
27 deaf-blind, and hard of hearing individuals who are covered under
28 chapter 2.42 RCW.

29 ~~(((5) "Qualified interpreter" means a person who is able readily~~
30 ~~to interpret or translate spoken and written English for non-English-~~
31 ~~speaking persons and to interpret or translate oral or written~~
32 ~~statements of non-English-speaking persons into spoken English.))~~

33 (6) ~~(("Registered interpreter" means an interpreter who is~~
34 ~~registered by the administrative office of the courts.))~~ "Presiding
35 officer" means the judicial officer or similar official of any court,
36 department, board, commission, agency, or licensing authority of the
37 state or of any political subdivision thereof.

38 **Sec. 3.** RCW 2.43.030 and 2005 c 282 s 3 are each amended to read
39 as follows:

1 (1) ~~((Whenever an interpreter is appointed to assist a non-~~
2 ~~English-speaking person in a legal proceeding, the appointing~~
3 ~~authority shall, in the absence of a written waiver by the person,~~
4 ~~appoint a certified or a qualified interpreter to assist the person~~
5 ~~throughout the proceedings.~~

6 ~~(a) Except as otherwise provided for in (b) of this subsection,~~
7 ~~the interpreter appointed shall be a qualified interpreter.~~

8 ~~(b) Beginning on July 1, 1990, when a non-English-speaking person~~
9 ~~is a party to a legal proceeding, or is subpoenaed or summoned by an~~
10 ~~appointing authority or is otherwise compelled by an appointing~~
11 ~~authority to appear at a legal proceeding, the appointing authority~~
12 ~~shall use the services of only those language interpreters who have~~
13 ~~been certified by the administrative office of the courts, unless~~
14 ~~good cause is found and noted on the record by the appointing~~
15 ~~authority. For purposes of chapter 358, Laws of 1989, "good cause"~~
16 ~~includes but is not limited to a determination that:~~

17 ~~(i) Given the totality of the circumstances, including the nature~~
18 ~~of the proceeding and the potential penalty or consequences involved,~~
19 ~~the services of a certified interpreter are not reasonably available~~
20 ~~to the appointing authority; or~~

21 ~~(ii) The current list of certified interpreters maintained by the~~
22 ~~administrative office of the courts does not include an interpreter~~
23 ~~certified in the language spoken by the non-English-speaking person.~~

24 ~~(c) Except as otherwise provided in this section, when a non-~~
25 ~~English-speaking person is involved in a legal proceeding, the~~
26 ~~appointing authority shall appoint a qualified interpreter.)) (a)~~
27 Credentialed interpreters shall be appointed in legal proceedings
28 involving participation of persons with limited English proficiency,
29 unless good cause is found on the record for appointing a
30 noncredentialed interpreter.

31 (b) For purposes of this chapter, "good cause" includes, but is
32 not limited to, a determination that:

33 (i) Given the totality of the circumstances, including the nature
34 of the proceeding and the potential penalty or consequences involved,
35 the services of a credentialed interpreter are not reasonably
36 available; or

37 (ii) The current list of interpreters maintained by the
38 administrative office of the courts does not include an interpreter
39 credentialed in the language spoken by the person with limited
40 English proficiency.

1 (2) If good cause is found for using an interpreter who is not
2 (~~certified or if a qualified interpreter is appointed, the~~
3 ~~appointing authority shall make a preliminary determination, on the~~
4 ~~basis of testimony or stated needs of the non-English-speaking~~
5 ~~person, that the proposed interpreter is able to interpret accurately~~
6 ~~all communications to and from such person in that particular~~
7 ~~proceeding. The appointing authority shall satisfy itself on the~~
8 ~~record that the proposed interpreter:~~

9 ~~(a) Is capable of communicating effectively with the court or~~
10 ~~agency and the person for whom the interpreter would interpret; and~~

11 ~~(b) Has read, understands, and will abide by the code of ethics~~
12 ~~for language interpreters established by court rules)) credentialed,~~
13 ~~the judicial or presiding officer shall make a preliminary~~
14 ~~determination that the proposed interpreter is able to interpret~~
15 ~~accurately all communications to and from the person with limited~~
16 ~~English proficiency in that particular proceeding. The determination~~
17 ~~shall be made on the basis of testimony or stated needs of the person~~
18 ~~with limited English proficiency.~~

19 (3) The judicial or presiding officer shall satisfy itself and
20 state on the record that:

21 (a) The proposed interpreter is capable of communicating
22 effectively in English and in the non-English language. If the
23 interpreter is assigned to interpret between two non-English
24 languages (relay interpreter), the interpreter shall not be required
25 to communicate in English;

26 (b) The proposed interpreter has read, understands, and will
27 abide by the code of professional responsibility for judiciary
28 interpreters established by court rule. If the interpreter does not
29 meet this requirement, the interpreter may be given time to review
30 the code of professional responsibility for judiciary interpreters;
31 and

32 (c) The person with limited English proficiency can understand
33 the interpreter.

34 (4) The court shall inquire whether the interpreter can
35 accurately interpret in the consecutive mode and whether the
36 interpreter can accurately interpret in the simultaneous mode.

37 (5) If the proposed interpreter does not meet the criteria in
38 subsection (3) of this section, another interpreter must be used.

1 **Sec. 4.** RCW 2.43.050 and 2017 c 83 s 2 are each amended to read
2 as follows:

3 (1) ~~(a) Upon ((certification or registration with the~~
4 ~~administrative office of the courts, certified or registered))~~
5 obtaining an interpreter credential with the administrative office of
6 the courts, credentialed interpreters shall take ~~((an))~~ a permanent
7 oath, affirming that the interpreter will make a true interpretation
8 ~~((to the person being examined))~~ of all the proceedings ~~((in a~~
9 ~~language which the person understands,))~~ and that the interpreter
10 will repeat the statements of the person ~~((being examined))~~ with
11 limited English proficiency to the court or agency conducting the
12 proceedings, in the English language, to the best of the
13 interpreter's skill and judgment.

14 **(b)** The administrative office of the courts shall maintain the
15 list of credentialed interpreters and a record of the oath in the
16 same manner ~~((that the list of certified and registered interpreters~~
17 ~~is maintained))~~.

18 (2) Before any person serving as an interpreter for the court or
19 agency begins to interpret, the ~~((appointing authority))~~ judicial or
20 presiding officer shall require the interpreter to state the
21 interpreter's name on the record and whether the interpreter is a
22 ~~((certified or registered))~~ credentialed interpreter. If the
23 interpreter is not a ~~((certified or registered))~~ credentialed
24 interpreter, the interpreter must ~~((submit the interpreter's~~
25 ~~qualifications))~~ be qualified on the record.

26 (3) Before beginning to interpret, every interpreter appointed
27 under this chapter shall take an oath unless the interpreter is a
28 ~~((certified or registered))~~ credentialed interpreter who has taken
29 the oath as required in subsection (1) of this section. The oath must
30 affirm that the interpreter will make a true interpretation to the
31 person being examined of all the proceedings in a language which the
32 person understands, and that the interpreter will repeat the
33 statements of the person being examined to the court or agency
34 conducting the proceedings, in the English language, to the best of
35 the interpreter's skill and judgment.

36 **Sec. 5.** RCW 2.43.060 and 1989 c 358 s 6 are each amended to read
37 as follows:

38 (1) The right to ~~((a qualified))~~ an interpreter may not be waived
39 except when:

1 (a) A ~~((non-English-speaking))~~ person with limited English
2 proficiency requests a waiver on the record; and

3 (b) The ~~((appointing authority))~~ judicial or presiding officer
4 determines on the record that the waiver has been made knowingly,
5 voluntarily, and intelligently.

6 (2) ~~((Waiver of a qualified interpreter))~~ The waiver of the right
7 to an interpreter may be set aside and an interpreter appointed~~((7~~
8 ~~in))~~ at the discretion of the ~~((appointing authority,))~~ judicial or
9 presiding officer at any time during the proceedings.

10 (3) The waiver of the right to an interpreter does not preclude a
11 person with limited English proficiency from exercising the right to
12 an interpreter at a later time.

13 **Sec. 6.** RCW 2.43.080 and 1989 c 358 s 8 are each amended to read
14 as follows:

15 All language interpreters serving in a legal proceeding, whether
16 or not ~~((certified or qualified))~~ credentialed, shall abide by a code
17 of ~~((ethics))~~ professional responsibility for judiciary interpreters
18 established by supreme court rule.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 2.43 RCW
20 to read as follows:

21 The court shall appoint a team of interpreters as required by
22 supreme court rule.

23 **Sec. 8.** RCW 2.43.070 and 2005 c 282 s 4 are each amended to read
24 as follows:

25 (1) Subject to the availability of funds, the administrative
26 office of the courts shall establish and maintain a credentialing
27 program for spoken language interpreters and administer ((a))
28 comprehensive testing ((and certification program for language
29 interpreters)).

30 (2) The administrative office of the courts shall work
31 cooperatively with ~~((community colleges and other))~~ public or private
32 ~~((or public))~~ educational institutions, and with other public or
33 private organizations to establish ~~((a certification preparation~~
34 ~~curriculum and))~~ suitable training programs and engage in recruitment
35 efforts to ensure the availability of ~~((certified))~~ credentialed
36 interpreters. Training programs shall be made readily available in
37 both eastern and western Washington locations.

1 (3) The administrative office of the courts shall establish and
2 adopt standards of proficiency, written and oral, in English and the
3 language to be interpreted.

4 (4) The administrative office of the courts shall conduct
5 periodic examinations to ensure the availability of ((certified))
6 credentialed interpreters. Periodic examinations shall be made
7 readily available in both eastern and western Washington locations.

8 (5) The administrative office of the courts shall compile,
9 maintain, and disseminate a current list of interpreters
10 ((certified)) credentialed by the office.

11 (6) The administrative office of the courts may charge reasonable
12 fees for testing, training, and ((certification)) credentialing.

13 (7) The administrative office of the courts may create different
14 credentials and provide guidance for the selection and use of
15 credentialed and noncredentialed interpreters to ensure the highest
16 standards of accuracy are maintained in all judicial proceedings.

17 **Sec. 9.** RCW 2.43.040 and 2023 c 102 s 1 are each amended to read
18 as follows:

19 (1) Interpreters appointed according to this chapter are entitled
20 to a reasonable fee for their services and shall be reimbursed for
21 actual expenses which are reasonable as provided in this section.

22 ~~(2)(a) In all legal proceedings ((in which the non-English-~~
23 ~~speaking person is a party, or is subpoenaed or summoned by the~~
24 ~~appointing authority or is otherwise compelled by the appointing~~
25 ~~authority to appear, including criminal proceedings, grand jury~~
26 ~~proceedings, coroner's inquests, mental health commitment~~
27 ~~proceedings, and other legal proceedings initiated by agencies of~~
28 ~~government, the cost of providing the interpreter shall be borne by~~
29 ~~the governmental body initiating the legal proceedings.~~

30 ~~(3) In other legal proceedings, the cost of providing the~~
31 ~~interpreter shall be borne by the non-English-speaking person unless~~
32 ~~such person is indigent according to adopted standards of the body.~~
33 ~~In such a case the cost shall be an administrative cost of the~~
34 ~~governmental body under the authority of which the legal proceeding~~
35 ~~is conducted.~~

36 ~~(4))~~ and court-mandated classes, a person with limited English
37 proficiency is not responsible for the cost of the interpreter if
38 that person is:

39 (i) A party;

1 (ii) Subpoenaed or summoned;

2 (iii) A parent, guardian, or custodian of a juvenile; or

3 (iv) Compelled to appear.

4 (b) In legal proceedings initiated by agencies of government, the
5 cost of providing the interpreter shall be borne by the governmental
6 body initiating the legal proceedings.

7 (3) Subject to the availability of funds specifically
8 appropriated ((therefor)) for this purpose, the administrative office
9 of the courts shall reimburse the ((appointing authority for up to
10 one-half of the payment to the interpreter where an interpreter is
11 appointed by a judicial officer in a proceeding before a court at
12 public expense and:

13 (a) The interpreter appointed is an interpreter certified by the
14 administrative office of the courts or is a qualified interpreter
15 registered by the administrative office of the courts in a
16 noncertified language, or where the necessary language is not
17 certified or registered, the interpreter has been qualified by the
18 judicial officer pursuant to this chapter;

19 (b) The court conducting the legal proceeding has an approved
20 language assistance plan that complies with RCW 2.43.090; and

21 (c) The fee paid to the interpreter for services is in accordance
22 with standards established by the administrative office of the
23 courts)) participating state court for language access services costs
24 and one-half of the payment of interpreter costs unless a higher
25 reimbursement rate is established in the omnibus budget.

26 **Sec. 10.** RCW 2.43.090 and 2008 c 291 s 1 are each amended to
27 read as follows:

28 (1) ((Each trial court)) Trial courts organized under this title
29 and Titles 3 and 35 RCW must develop and maintain a written language
30 ((assistance)) access plan to provide a framework for the provision
31 of ((interpreter)) language access services for ((non-English-
32 speaking)) persons with limited English proficiency accessing the
33 court system and its programs in both civil and criminal legal
34 matters. Courts may use a template developed by the administrative
35 office of the courts in developing their language access plan.

36 (2) The language ((assistance)) access plan must at a minimum
37 include((, at a minimum, provisions addressing)) provisions designed
38 to provide procedures for court staff and the public, as may be
39 necessary, that address the following:

1 (a) Procedures to identify and ~~((assess))~~ provide the language
2 needs of ~~((non-English-speaking))~~ persons with limited English
3 proficiency using the court system;

4 (b) Procedures for ~~((the appointment of))~~ requesting and
5 appointing interpreters as required under RCW 2.43.030 ~~((. Such~~
6 ~~procedures shall not require the non-English-speaking person to make~~
7 ~~the arrangements for the interpreter to appear in court))~~;

8 (c) Procedures for notifying court users of the right to an
9 interpreter and the availability of interpreter services. Such
10 information shall be prominently displayed in the courthouse in the
11 five ~~((foreign))~~ or more languages other than English that ~~((eensus))~~
12 reputable data indicates are predominate in the jurisdiction;

13 (d) A process for providing timely communication ~~((with non-~~
14 ~~English speakers by))~~ between individuals with limited English
15 proficiency and all court employees who have regular contact with the
16 public and ~~((meaningful))~~ effective access to court ~~((services,~~
17 ~~including access to))~~ services provided by the clerk's office and
18 other court-managed programs;

19 (e) Procedures for evaluating the need for translation of written
20 materials, and prioritizing and providing those ~~((translation needs,~~
21 ~~and translating the highest priority materials. These procedures))~~
22 translated materials. Courts should take into account the frequency
23 of use of forms by the language group, and the cost of ~~((orally~~
24 ~~interpreting))~~ providing the forms by other means;

25 (f) A process for ~~((requiring and providing))~~ training ~~((to))~~
26 judges, court clerks, and ~~((other))~~ court staff on ~~((the requirements~~
27 ~~of the language assistance plan))~~ best practices in serving
28 individuals with limited English proficiency in legal proceedings and
29 how to effectively ~~((access))~~ assign and work with interpreters and
30 provide interpretation; and

31 (g) A process for an ongoing evaluation of the language
32 ~~((assistance))~~ access plan and a process for monitoring ~~((of))~~ the
33 implementation of the language ~~((assistance))~~ access plan.

34 ~~((+2))~~ (3) Each court, when developing its language
35 ~~((assistance))~~ access plan, must consult with judges, court
36 administrators ~~((and))~~, court staff, court clerks, interpreters, and
37 members of the community, such as domestic violence organizations,
38 pro bono programs, courthouse facilitators, legal services programs,
39 and/or other community groups whose members speak a language other
40 than English.

1 ~~((3) Each court must provide a copy of its language assistance~~
2 ~~plan to the interpreter commission established by supreme court rule~~
3 ~~for approval prior to receiving state reimbursement for interpreter~~
4 ~~costs under this chapter.~~

5 ~~(4) Each court receiving reimbursement for interpreter costs~~
6 ~~under RCW 2.42.120 or 2.43.040 must provide to the administrative~~
7 ~~office of the courts by November 15, 2009, a report detailing an~~
8 ~~assessment of the need for interpreter services for non-English~~
9 ~~speakers in court-mandated classes or programs, the extent to which~~
10 ~~interpreter services are currently available for court-mandated~~
11 ~~classes or programs, and the resources that would be required to~~
12 ~~ensure that interpreters are provided to non-English speakers in~~
13 ~~court-mandated classes or programs. The report shall also include the~~
14 ~~amounts spent annually on interpreter services for fiscal years 2005,~~
15 ~~2006, 2007, 2008, and 2009. The administrative office of the courts~~
16 ~~shall compile these reports and provide them along with the specific~~
17 ~~reimbursements provided, by court and fiscal year, to the appropriate~~
18 ~~committees of the legislature by December 15, 2009.))~~

19 (4) Beginning January 1, 2025, and every two years thereafter,
20 all courts must submit their most recent language access plan to the
21 administrative office of the courts.

22 (5) The administrative office of the courts shall provide
23 technical assistance to trial courts in developing their language
24 access plans.

25 (6) Each court must provide a copy of its language access plan to
26 the administrative office of the courts in accordance with criteria
27 for approval recommended by the interpreter and language access
28 commission for approval prior to receiving state reimbursement for
29 interpreter costs under this chapter.

30 (7) Each court shall make available on its website translated
31 information that informs the public of procedures necessary to access
32 a court's language access services and programs. The information
33 shall be provided in five or more languages other than English that
34 reputable data indicates are predominant in the jurisdiction.

35 **Sec. 11.** RCW 2.56.030 and 2019 c 271 s 5 are each amended to
36 read as follows:

37 The administrator for the courts shall, under the supervision and
38 direction of the chief justice:

1 (1) Examine the administrative methods and systems employed in
2 the offices of the judges, clerks, stenographers, and employees of
3 the courts and make recommendations, through the chief justice, for
4 the improvement of the same;

5 (2) Examine the state of the dockets of the courts and determine
6 the need for assistance by any court;

7 (3) Make recommendations to the chief justice relating to the
8 assignment of judges where courts are in need of assistance and carry
9 out the direction of the chief justice as to the assignments of
10 judges to counties and districts where the courts are in need of
11 assistance;

12 (4) Collect and compile statistical and other data and make
13 reports of the business transacted by the courts and transmit the
14 same to the chief justice to the end that proper action may be taken
15 in respect thereto;

16 (5) Prepare and submit budget estimates of state appropriations
17 necessary for the maintenance and operation of the judicial system
18 and make recommendations in respect thereto;

19 (6) Collect statistical and other data and make reports relating
20 to the expenditure of public moneys, state and local, for the
21 maintenance and operation of the judicial system and the offices
22 connected therewith;

23 (7) Obtain reports from clerks of courts in accordance with law
24 or rules adopted by the supreme court of this state on cases and
25 other judicial business in which action has been delayed beyond
26 periods of time specified by law or rules of court and make report
27 thereof to supreme court of this state;

28 (8) Act as secretary of the judicial conference referred to in
29 RCW 2.56.060;

30 (9) Submit annually, as of February 1st, to the chief justice, a
31 report of the activities of the administrator's office for the
32 preceding calendar year including activities related to courthouse
33 security;

34 (10) Administer programs and standards for the training and
35 education of judicial personnel;

36 (11) Examine the need for new superior court and district court
37 judge positions under an objective workload analysis. The results of
38 the objective workload analysis shall be reviewed by the board for
39 judicial administration which shall make recommendations to the
40 legislature. It is the intent of the legislature that an objective

workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 2008, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, domestic violence, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of hate crime offenses, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of hate crime offense victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate

1 cultural sensitivity and awareness into the daily operation of
2 juvenile courts statewide;

3 (18) Authorize the use of closed circuit television and other
4 electronic equipment in judicial proceedings. The administrator shall
5 promulgate necessary standards and procedures and shall provide
6 technical assistance to courts as required;

7 (19) Develop a Washington family law handbook in accordance with
8 RCW 2.56.180;

9 (20) Administer state funds for improving the operation of the
10 courts and provide support for court coordinating councils, under the
11 direction of the board for judicial administration;

12 (21) Administer the family and juvenile court improvement grant
13 program;

14 (22)(a) Administer and distribute amounts appropriated under RCW
15 43.08.250(2) for district court judges' and qualifying elected
16 municipal court judges' salary contributions. The administrator for
17 the courts shall develop a distribution formula for these amounts
18 that does not differentiate between district and elected municipal
19 court judges.

20 (b) A city qualifies for state contribution of elected municipal
21 court judges' salaries under (a) of this subsection if:

22 (i) The judge is serving in an elected position;

23 (ii) The city has established by ordinance that a full-time judge
24 is compensated at a rate equivalent to at least ninety-five percent,
25 but not more than one hundred percent, of a district court judge
26 salary or for a part-time judge on a pro rata basis the same
27 equivalent; and

28 (iii) The city has certified to the office of the administrator
29 for the courts that the conditions in (b)(i) and (ii) of this
30 subsection have been met;

31 (23) Subject to the availability of funds specifically
32 appropriated therefor, assist courts in the development and
33 implementation of language ((assistance)) access plans required under
34 RCW 2.43.090.

35 **Sec. 12.** RCW 7.105.245 and 2021 c 215 s 33 are each amended to
36 read as follows:

37 (1) Pursuant to chapter 2.42 RCW, in order to ensure that parties
38 have meaningful access to the court, an interpreter shall be
39 appointed for any party who is deaf, hard of hearing, deaf-blind, or

1 has a speech impairment and cannot readily understand or communicate
2 in spoken language. Notwithstanding the provisions of chapter 2.42
3 RCW, the court shall not:

4 (a) Appoint an interpreter who is not credentialed or duly
5 qualified by the court to provide interpretation services; or

6 (b) Appoint a person to provide interpretation services if that
7 person is serving as an advocate for the party.

8 (2) Pursuant to chapter 2.43 RCW, in order to ensure that parties
9 have meaningful access to the court, an interpreter shall be
10 appointed for any party who (~~cannot readily speak or understand the~~
11 ~~English language~~) has limited English proficiency. Notwithstanding
12 the provisions of chapter 2.43 RCW, the court shall not:

13 (a) Appoint an interpreter who is not credentialed or duly
14 qualified by the court to provide interpretation services; or

15 (b) Appoint a person to provide interpretation services if that
16 person is serving as an advocate for the party.

17 (3) Once an interpreter has been appointed for a party, the party
18 shall no longer be required to make further requests for the
19 appointment of an interpreter for subsequent hearings or proceedings.
20 The clerk shall identify the party as a person who needs interpreter
21 services and the clerk or the court administrator shall be
22 responsible for ensuring that an interpreter is available for every
23 subsequent hearing.

24 (4) The interpreter shall interpret for the party meeting with
25 either counsel or court staff, or both, for the purpose of preparing
26 forms and participating in the hearing and court-ordered assessments,
27 and the interpreter shall sight translate any orders.

28 (5) The same interpreter shall not serve parties on both sides of
29 the proceeding when not on the record, nor shall the interpreter
30 appointed by the court for the proceeding be the same interpreter
31 appointed for any court-ordered assessments, unless the court finds
32 good cause on the record to do so because it is not possible to
33 obtain more than one interpreter for the proceeding, or the safety of
34 the litigants is not compromised, or any other reasons identified by
35 the court.

36 (6) Courts shall make a private space available for parties,
37 counsel, and/or court staff and interpreters to sight translate any
38 written documents or to meet and confer.

(7) When a hearing is conducted through telephone, video, or other electronic means, the court must make appropriate arrangements to permit interpreters to serve the parties and the court as needed.

Sec. 13. RCW 13.04.043 and 1993 c 415 s 6 are each amended to read as follows:

The administrator of juvenile court shall obtain interpreters as needed consistent with the intent and practice of chapter 2.43 RCW, to enable ~~((non-English-speaking))~~ youth with limited English proficiency and their families to participate in detention, probation, or court proceedings and programs.

NEW SECTION. **Sec. 14.** RCW 2.43.040 and 2.43.080 are each recodified as sections in chapter 2.43 RCW.

Sec. 15. RCW 2.42.120 and 2008 c 291 s 2 are each amended to read as follows:

(1) If a hearing impaired person is a party or witness at any stage of a judicial or quasi-judicial proceeding in the state or in a political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings, and any proceeding in which a hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(2) If the parent, guardian, or custodian of a juvenile brought before a court is hearing impaired, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

~~(3) ((If a hearing impaired person participates in a program or activity ordered by a court as part of the sentence or order of disposition, required as part of a diversion agreement or deferred prosecution program, or required as a condition of probation or parole, the appointing authority shall appoint and pay for a qualified interpreter to interpret exchange of information during the program or activity.~~

~~(4) If a law enforcement agency conducts a criminal investigation involving the interviewing of a hearing impaired person, whether as a victim, witness, or suspect, the appointing authority shall appoint~~

1 and pay for a qualified interpreter throughout the investigation.
2 Whenever a law enforcement agency conducts a criminal investigation
3 involving the interviewing of a minor child whose parent, guardian,
4 or custodian is hearing impaired, whether as a victim, witness, or
5 suspect, the appointing authority shall appoint and pay for a
6 qualified interpreter throughout the investigation. No employee of
7 the law enforcement agency who has responsibilities other than
8 interpreting may be appointed as the qualified interpreter.

9 ~~(5)~~ If a hearing impaired person is arrested for an alleged
10 violation of a criminal law the arresting officer or the officer's
11 supervisor shall, at the earliest possible time, procure and arrange
12 payment for a qualified interpreter for any notification of rights,
13 warning, interrogation, or taking of a statement. No employee of the
14 law enforcement agency who has responsibilities other than
15 interpreting may be appointed as the qualified interpreter.

16 ~~(6))~~ Where it is the policy and practice of a court of this
17 state or of a political subdivision to appoint and pay counsel for
18 persons who are indigent, the appointing authority shall appoint and
19 pay for a qualified interpreter for hearing impaired persons to
20 facilitate communication with counsel in all phases of the
21 preparation and presentation of the case.

22 ~~((7))~~ (4) Subject to the availability of funds specifically
23 appropriated therefor, the administrative office of the courts shall
24 reimburse the appointing authority for up to one-half of the payment
25 to the interpreter where a qualified interpreter is appointed for a
26 hearing impaired person by a judicial officer in a proceeding before
27 a court under subsection (1) ~~((7))~~ or (2) ~~((7 or (3))~~ of this section
28 in compliance with the provisions of RCW 2.42.130 and 2.42.170.

--- END ---

RCW 2.42.010

Legislative ~~declaration~~—Intent.

It is hereby declared to be the policy of this state to secure the ~~constitutional~~ rights constitutional or otherwise, of ~~Deaf, DeafBlind, persons and of other persons who~~, and Hard of Hearing Persons, who ~~because of impairment of hearing or speech~~, are unable to readily understand or communicate the spoken English language, and who consequently cannot be fully protected in legal proceedings unless ~~qualified~~ interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the appointment of such interpreters.

[The original 2.42.050 language moved to the new 2.42.040]

RCW 2.42.~~020410~~

Definitions.

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Certified Deaf Interpreter" means an Interpreter who is Deaf, has native or near-native fluency in American Sign Language (ASL), and has expertise in visual and tactile communication modalities to enhance meaningful participation in legal proceedings. A Certified Deaf Interpreter holds a Deaf Interpreter credential recognized by the Interpreter and Language Access Commission. "Impaired person" means a person who, because of a hearing or speech impairment, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, speech impaired, or hard of hearing.
- (2) "Court-Certified Interpreter" means a visual or tactile language Interpreter who is hearing and holds a credential to interpret in legal proceedings, recognized by the Interpreter and Language Access Commission. "Qualified interpreter" means a visual language interpreter who is certified by the state or is certified by the registry of interpreters for the deaf to hold the comprehensive skills certificate or both certificates of interpretation and transliteration, or an interpreter who can readily translate statements of speech impaired persons into spoken language.
- (3) "Deaf" A person with a cultural identity that also includes the use of a visual or signed language and has some degree of hearing loss. "Intermediary interpreter" means a hearing impaired interpreter who holds a reverse skills certificate by the state or is certified by the registry of interpreters for the deaf with a reverse skills certificate, who meets the requirements of RCW ~~2.42.130~~, and who is able to assist in providing an accurate interpretation between spoken and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person and a qualified hearing interpreter.
- (4) "DeafBlind" A person with a cultural identity that also includes the use of a visual, tactical, or signed language and has some degree of hearing loss and vision loss. "Appointing authority" means the

~~presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision.~~

(5) “~~H~~Hard of Hearing” A person with an identity that includes some degree of hearing loss and includes the use of a visual or signed language.

(6) “Judicial Officer” means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision thereof.

(7) “Legal proceeding” means any proceeding in any court and in any type of hearing before any judicial officer, or before an administrative board, commission, agency, or licensing body of the state or any political subdivision.

(8) “Qualified Interpreter” means a visual or tactile language Interpreter who is either Deaf or ~~Hard of H~~Hard of Hearing, whose credential is not recognized by the Interpreter and Language Access Commission, and who had been qualified on the record by the designated judicial officer for that specific interpreting event.

(9) “Spoken Language Interpreters” Refer to RCW 2.43.

(10) “Team interpreting” means the use of 2 or more Interpreters as established by Supreme Court rule.

[The original 2.42.120 language moved to the new 2.42.030]

RCW 2.42.~~120~~030

Appointment of interpreter ~~—Responsibility for compensation—Reimbursement.~~

(1) If a Deaf, DeafBlind, or Hard of Hearing ~~a hearing impaired~~ person is a party or witness at any stage of a legal proceeding, the court shall first identify the interpreter needs of the party or witness and then appoint and pay for the needed signed language Interpreter(s) from the list of credentialed Interpreters provided by the Administrative Office of the Courts. This may include but is not limited to Court Certified Interpreter(s), Certified Deaf Interpreter(s), or a team(s) of such interpreters. ~~judicial or quasi-judicial proceeding in the state or in a political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings, and any proceeding in which a hearing-impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.~~

(2) If the parent, guardian, or custodian of a juvenile brought before a court is Deaf, DeafBlind, or Hard of Hearing person is a ~~a~~ party or witness at any stage or a legal proceeding, the court shall first identify the interpreter needs of the party or witness and they appoint and pay for the needed signed language Interpreter(s) from the list of credentialed Interpreters provided by the Administrative Office of the Courts. This may include but is not limited to Court Certified Interpreter(s), Certified Deaf Interpreter(s), or a team(s) of such Interpreters. ~~hearing impaired, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.~~

(3) If a Deaf, DeafBlind, or Hard of Hearing person is summoned to jury duty, the court shall first identify the interpreter needs of the party or witness and then appoint and pay for the needed signed language Interpreter(s) from the list of credentialed Interpreters provided by the Administrative Office of the Courts. This may include but is not limited to Court Certified Interpreter(s), Certified Deaf Interpreter(s), or a team(s) of such Interpreters. ~~hearing impaired person participates in a program or activity ordered by a court as part of the sentence or order of disposition, required as part of a diversion agreement or deferred prosecution program, or required as a condition of probation or parole, the appointing authority shall appoint and pay for a qualified interpreter to interpret exchange of information during the program or activity.~~

(4) If a Deaf, DeafBlind, or Hard of Hearing person participates in a program or activity ordered by a court as part of the sentence or order of disposition, required as part of a diversion agreement or deferred prosecution program, required as a condition of probation or parole, or therapeutic courts requirements, the courts shall first identify the interpreter needs of the party or witness and then appoint and pay for the needed signed language Interpreter(s) from the list of credentialed Interpreters provided by the Administrative Office of the Courts, to interpret during the required program or activity. This may include but is not limited to Court Certified Interpreter(s), Certified Deaf Interpreter(s), or a team(s) of such Interpreters. ~~law enforcement agency conducts a criminal investigation involving the interviewing of a hearing impaired person, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. Whenever a law enforcement agency conducts a criminal investigation involving the interviewing of a minor child whose parent, guardian, or custodian is hearing impaired, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.~~

(5) If a Court Certified Interpreter and or a Certified Deaf Interpreter is not readily available, and good cause is found, the court shall appoint and pay for a Qualified Interpreter and or a Qualified Deaf Interpreter.

For purposes of this chapter, "good cause" includes but is not limited to a determination that:

a. Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a credentialed interpreters are not reasonably available;

Or

b. –The language of Deaf, Deafblind, or Hard of Hearing person is so nuanced a uniquely skilled Interpreter is needed and is not listed on the current list of ~~s~~ maintained by the Administrative Office of the Courts.

~~If a hearing impaired person is arrested for an alleged violation of a criminal law the arresting officer or the officer's supervisor shall, at the earliest possible time, procure and arrange payment for a qualified interpreter for any notification of rights, warning, interrogation, or taking of a statement. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.~~

(6) If good cause is found for using an interpreter who is not credentialed, the judicial officer shall:

a. ~~I~~nquire as to the Qualified Interpreter's and or a Qualified Deaf Interpreter's experience and qualifications and shall satisfy itself on the record that the appointed interpreter is qualified to interpret the proceedings.

b. ~~C~~onfirm with the part needing the Interpreter that the party can effectively communicate with the Interpreter, and

c. ~~C~~onfirm with the Interpreter that the Interpreter can effectively communicate with the party needing the Interpreter.

d. Having done so to the court's satisfaction, shall enter on the record that the appointed Interpreter is qualified to interpret the proceedings.

~~Where it is the policy and practice of a court of this state or of a political subdivision to appoint and pay counsel for persons who are indigent, the appointing authority shall appoint and pay for a qualified interpreter for hearing impaired persons to facilitate communication with counsel in all phases of the preparation and presentation of the case.~~

(7) If the linguistic needs of a Deaf, DeafBlind, and Hard of Hearing person and or the needs of the courtroom are such that a team of Interpreters is required, the court shall appoint and pay for a team(s) of Interpreters following RCS 2.42.070.

The Administrative Office of the Courts or Supreme Courts may provide guidelines for selection and use of credentialed and qualified interpreters in order to ensure that the highest standards of accuracy are maintained in all judicial proceedings.

~~Subject to the availability of funds specifically appropriated therefor, the administrative office of the courts shall reimburse the appointing authority for up to one-half of the payment to the interpreter where a qualified interpreter is appointed for a hearing impaired person by a judicial officer in a proceeding before a court under subsection (1), (2), or (3) of this section in compliance with the provisions of RCW 2.42.130 and 2.42.170.~~

RCW 2.42.130

~~Source of interpreters, qualifications.~~

~~(1) If a qualified interpreter for a hearing impaired person is required, the appointing authority shall request a qualified interpreter and/or an intermediary interpreter through the department of social and health services, office of deaf services, or through any community center for hearing impaired persons which operates an interpreter referral service. The office of deaf services and these community centers shall maintain an up-to-date list or lists of interpreters that are certified by the state and/or by the registry of interpreters for the deaf.~~

~~(2) The appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the hearing impaired person, that the interpreter is able in that particular proceeding,~~

program, or activity to interpret accurately all communication to and from the hearing impaired person. If at any time during the proceeding, program, or activity, in the opinion of the hearing impaired person or a qualified observer, the interpreter does not provide accurate, impartial, and effective communication with the hearing impaired person the appointing authority shall appoint another qualified interpreter. No otherwise qualified interpreter who is a relative of any participant in the proceeding may be appointed.

RCW 2.42.140

~~Intermediary interpreter, when.~~

~~If the communication mode or language of the hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the appointing authority who shall appoint and pay an intermediary interpreter to assist the qualified interpreter.~~

RCW ~~2.42.050~~ 2.42.040

Oath.

1. Upon a Court Certified Interpreter and or Certified Deaf Interpreter obtaining recognized credentials, the interpreter shall provide to the ~~A~~administrative Office of the Courts a permanent oath affirming that the Interpreter will make a true interpretation of all communication between the court and the Deaf, DeafBlind, and Hard of Hearing person to the best of the Interpreter's skill and judgement.
2. Before beginning to interpret any legal proceedings or a may be necessary, the judicial officer shall require
 - a. Court Certified Interpreter and or Certified Deaf Interpreter to state on the record the Interpreter's name and credentials and inquire whether or not they have filed a permanent oath with the Administrative Office of the Courts.
 - b. If the Court Certified Interpreter and or Certified Deaf Interpreter does not have an oath on file, the judicial officer shall administer an oath.
 - c. Qualified Interpreter must be qualified on the record and administered an oath to affirm that the Interpreter will make a true interpretation of all communication between the court and the Deaf, DeafBlind, and Hard of Hearing person to the best of the Interpreter's skill and judgment.

~~Every qualified interpreter appointed under this chapter in a judicial or administrative proceeding shall, upon receiving the interpreter's initial qualification from the office of the deaf and hard of hearing, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or other agency conducting the proceedings, to the best of the interpreter's skill and judgment.~~
- ~~1.3.~~ The Administrative Office of the ~~C~~courts shall maintain a record of the oath in the same manner that the list of certified Interpreters is maintained.

[The original 2.42.150 language moved to the new 2.42.050]

RCW ~~2.42.150~~ 2.42.050

Waiver of ~~right~~ Right to interpreter.

~~(1)~~1. The right to a ~~qualified~~ an interpreter may not be waived except when:

~~(a)~~a. A ~~hearing impaired~~ Deaf, DeafBlind, and hard of Hearing person

i. requests a waiver through the use of a Court Certified Interpreter or Qqualified interpreter; on the record or

~~(b)~~ii. Makes such a request in writing, and ~~The counsel, if any, of the hearing impaired person consents; and~~

~~(c)~~b. The ~~appointing authority~~ judicial officer determines on the record, that the waiver has been made knowingly, voluntarily, and intelligently.

~~(2)~~c. Where such determination is made to waive Interpreter services, the court shall reserve the right to appoint an Interpreter as standby. Waiver of a qualified interpreter shall not preclude the hearing impaired person from claiming his or her right to a qualified interpreter at a later time during the proceeding, program, or activity.

2. The waiver of an Interpreter shall not preclude the Deaf, DeafBlind, and Hard of Hearing person from exercising the right to an Interpreter at a later time.

[NEW language]

2.42.060

Code of Conduct for Judiciary Interpreters

All interpreters serving in legal proceedings, whether or not certified or qualified, shall abide by the Conduct of Professional Responsibility for Judiciary Interpreters established by Supreme Court rule.

[NEW language]

2.42.070

Team Interpreting

The court shall appoint a team of interpreters as required by Supreme Court rule.

[NEW language]

2.42.080

Testing and Credentialing of Interpreters

1. The Administrative Office of Courts shall:
 - a. Work cooperatively with one or more national organizations specializing in sign language interpreting or sign language interpreting test administration to establish one or more suitable testing instruments that are approved by the ~~Interpreter~~ Language and Access Commission to credential Deaf and hearing interpreters and
 - b. Shall implement policies and procedures for the administration of testing and credentialing of sign language interpreters to interpret in legal settings and courthouses.

[The original 2.42.160 language moved to the new 2.42.090]

RCW ~~2.42.160~~ 2.42.090

Privileged communication.

~~(1) An Interpreter shall not be examined as a witness in regard to any interpreted privilege communication otherwise obtained in their professional capacity following the Code of Professional Responsibility for Judiciary Interpreters as required by Supreme Court rule.~~

~~qualified and/or intermediary interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law.~~

~~(2) A qualified and/or intermediary interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.~~

[The original 2.42.170 language moved to the new 2.42.100]

RCW ~~2.42.170~~ 2.42.100

~~1. Fee.~~ Cost of Providing Interpreter ~~— Reimbursement~~

1. Interpreters appointed according to this chapter are entitled to a reasonable fee for their services and shall be reimbursed for actual expenses, including but not limited to mileage, parking, travel expenses, overnight accommodations.
2. Subject to the availability of funds specifically appropriated for this purpose, the ~~Administrative Office~~ ~~offe~~ the Courts shall reimburse the participating state court for language access services costs in accordance with terms of agreement established by the Administrative Office of the

Courts, agreed to by the participating state court and in accordance with approved Language Access Plan that complies with RCW 2.43.110 and:

- a. The appointed Interpreter has credentials that are recognized by the Administrative Office of the Courts; or
- b. When no credentialed Interpreter is available, the appointed Interpreter is qualified on the record by the judicial officer pursuant to this chapter.

~~*A qualified and/or intermediary interpreter appointed under this chapter is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services.*~~

[The original 2.42.180 language moved to the new 2.42.180]

RCW 2.42.180

1. ~~Visual recording of testimony.~~ Visual and Audio Recording

2.1. At the request of any party to the proceeding or on the ~~appointing authority's~~ Judicial officer's initiative, the ~~appointing authority~~ judicial officer may order ~~that the testimony of the hearing impaired~~ of the Deaf, DeafBlind, and Hard of Hearing person and the interpretation of the proceeding by the qualified interpreter be testimony to be visually and audio recorded and be part for use in verification of the official transcript record of the proceeding.

3.2. In any evidentiary hearing involving a felony offense, the ~~judicial officer~~ judicial proceeding involving a capital offense, the appointing authority shall order that the testimony of ~~the hearing impaired person~~ the Deaf, DeafBlind, and hard of Hearing person and the interpretation of the ~~proceeding testimony by the qualified interpreter be~~ visually and audio recorded and be made part of the official record of the proceeding. ~~for use in verification of the official transcript of the proceeding.~~

Language Access Team Reports

Court Interpreter Program Updates for May 2024

Training

- Hosted a two day Ethics and Potocol training in March which is a required step in becoming credentialed in WA. Over 80 attendees participated and the invitation included prospective interpreters, court administrators and commission members. Over 15 languages were represented. 12 interpreters took the oath administered by Judge Oaks as part of the credentialing process
- Attended and observed a full day orientation hosted by OJD Court Interpreter Program in Salem, OR and met with OR interpreter program staff

Recruiting /Outreach

- Attended PNCFL (Pacific Northwest Council for Foreign languages) held in March and met with world language teachers for future recruiting efforts. This is the oldest reginal organization that provides professional developments for world language educators.
- Engaging in regular meetings with Bellevue College and OSPI as well as multi agency workgroups

Credentialing

- Completed credentialing process for two WA interpreters in the Spanish language and the Samoan language
- June Oral Exam details are finalized and it will be held on June1, 2 and June 5. This will be a group of near passers with the plan to host a larger Oral Exam in October which will be held in both Eastern WA and Western WA.

Compliance

- Generated reports for 2022/23 compliane cycle, communicated and administered sanctions for non-compliant interpreters following the policy and continue to update courts on interpreter status changes
- Reviewed and approved over 200 CE classes year to date

LANGUAGE ACCESS AND INTERPRETER REIMBURSEMENT PROGRAM

May 2024 Update

STATUS UPDATE , REVENUE SHARING, AND NEXT STEPS

STATUS UPDATE



- 98 Courts submitted invoices in either Q1 or Q2
- 13 courts did not submit any claims
- 2 courts opted out
- Program Funds Usage
 - Total approved claims: \$2.19 million
 - 10% denied due to non-qualifying events
 - 53% of total program funds utilized

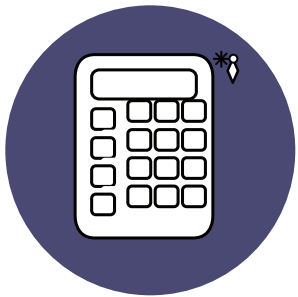
REVENUE SHARING



- Revenue Sharing Notification to courts in March
- FY24 Revenue sharing process initiated in April
- Data analysis of FY24 Q1 and Q2 invoices
 - Considerations for additional expenses
- Criteria for adjustment based on % of allocated budget usage during the first half of FY24
 - 32 Contracts with Increased Budget
 - 33 Contracts with Reduced Budget
 - 46 Contracts with Unaffected Budget (40-60% expenditure in Q1 and Q2)
- \$3.795 million allocated to courts
- Notifications letters sent out on May 1st, 2024
 - Final notice

"Thank you for the opportunity to participate in this partnership to provide improved interpreter access to the community."

WHAT'S NEXT



- FY24 Invoice Deadlines
 - Q3 due by May 31, 2024
 - Q4 due by July 15, 2024 (fiscal end: hard deadline)
- LAIRP Application Updates for FY25
 - Explore alternative methods for data entry
 - Sub-categories under Goods and Services
- FY25 (July 1, 2024 - June 30, 2025)
 - Outreach efforts to begin in June
 - New budget allocation for FY25 based on finalized list of participating courts

INTERPRETER COMPENSATION STUDY



- Current Update: Data Analysis Stage
 - Surveys and Focus Group Meetings completed
- Evaluation, Recommendations, and Final Report
- Scheduled to be completed by June 2024

Committee Reports



**Interpreter Commission
Issues Committee Meeting
March 18, 2024**
Zoom Videoconference
12:00 PM – 1:00 PM

Meeting Minutes

Participants: Judge Rebecca Robertson, Iratxe Cardwell, Diana Noman, Kristy Cruz, Latricia Kinlow, Ashley Callan, Frankie Peters, Dave-Interpreter, John Plecher, Samuel Chung, James Wells, Leonard Alvarez, Eunyoung Kim, Tae Yoon, Laura Sanchez.

Previous Meeting Minutes

- February meeting minutes pending approval due to pending edits. Meeting minutes will be shared via email at a later day.

Concerns Courts have with Remote Interpreters

- I. Courts reporting concerns with remote interpretation: Judge Robertson from KCDC and her guests (Latricia, Frankie and Judge Chung) shared the following concerns:
 - Difficult to get interpreters to accept in-person assignments.
 - i. Some Interpreters in King county have attempted to negotiate a rate for in-person services that is higher than the expected rate.
 - ii. The concern is that Zoom interpreters are doing this because they can get more cases across the state and other states leaving no incentive to come to in-person assignments.
 - iii. Issue may cause courts to dismiss cases.
 - iv. Issue is causing a huge detriment for people who have language access issues for trial. They are simply not getting the hearings they are entitled to.
 - Due Process concerns with interpreters
 - i. Difficulty to get interpreters to attend in-person hearings after they signed up for the assignment.
 - ii. Interpreters on ZOOM create significant issues as such does not allow the litigants to speak to public defendant or litigants speak to their interpreter as often times they are not in the same room. Resolving simple issues requires finding a separate room to set them up for a ZOOM chat conference connection, resulting in needing more time to resolve simple matters.
 - iii. DPD in King county have express significant concerns regarding the changes on GR 11.3 and continue to object such changes. DPD has hire their own interpreter alleging that court interpreters hire by the courts are not reliable and do not come to court often

enough to engage in meaningful conversations. Others public defending agencies do not have the funding to do this.

- The doubling of time it takes to use ZOOM
 - i. What used to take 10min now takes 30min because interpretation services are being done in consecutive mode.
 - ii. Interpreters have been found to double or triple book via ZOOM when they have been booked for a 2hr minimum.
- Panel wants to see what the committee will do when there's evidentiary hearings, and interpreters do not show up in person. Price-gouging and double-booking is of high concern. Panel understands that interpreters need to make a living but the courts need interpreters to be integral and ensure that they are providing the services based on the agreement made when they accept assignments. Latricia recapped the committee that these issues have been ongoing issues for a long time and continue to be unresolved issues. Latricia recalls that the push back has been to not push too hard on interpreters to avoid for interpreters to become unionized. Latricia added this is not a remedy for the courts if 'we' want to provided certified or registered interpreter services in courts. The commission was asked to step up to help ensure interpreters are complying with requirements in order to maintain those certifications. Latricia does not want to get rid of the ZOOM capabilities as she sees value in them during non-evidentiary hearings.
- Frankie supports virtual services and clarified that the term "unavailable interpreters" being used in the meeting stand for interpreters choosing not to attend hearings in-person and choosing only ZOOM appearances. It was reiterated that there are no contracts with interpreters and courts do not have the ability to set any pay rates for interpreters leaving courts at the mercy of what interpreters ask to get paid.
- Judge Chung is interested in getting a formal survey from all courts to better access and address all the pending issues. The survey should also address the ASL issues being experience at courts. Issues have been known to occur yet the issues have no consequences, resolving the issues needs a formal request for action.
- Panel brought forward the possibility to create stronger awareness to the Reimbursement Interpreter program and partnership with other states who have certification processes that will allow/qualify us to use court interpreters from other states.
- Judge Robertson added that rural areas are benefiting from ZOOM services as such services minimizes the need to call language line for support yet that benefit certainly has not been felt in the more urban/suburban areas. It was added that Pierce county has now retuned to all in person contributions leaving Thursdays for ZOOM services report that they have no issues getting interpreters to come in person. King County is still allowing remote access which in turn is causing issues, therefore, King county courts are seriously considering limiting ZOOM and getting rid of ZOOM to end the issues with interpreters not willing to come to court.
- Panel agrees that interpreters need to take responsibility, and added that the same responsibility lies upon the courts as well. Panel also stated that they do not see all the issues related to the pay for interpreters. Iratxe made herself available to Judge Robertson and her guest to set a meeting for a deeper dive to trouble shoot ideas to resolve all issues. She reiterated that interpreter services will not go back to what they were before the pandemic. Zoom does provide interpreter services that without ZOOM they could not have and interpreters are able to help more courts that often times where court that interpreters could not help in the past due to long distance travel involved. It

was acknowledged that in-person interpreters do provide a higher quality of services, is better for due process and for the LEP, yet courts can't force interpreters to come in-person as court interpreters are independent contractors giving them the right to choose where they want to render their services.

- Regarding King county, it was mentioned that there's no personal relationships between interpreters and coordinators. In some courts, this connection makes the difference. Personal connections between coordinators and interpreters can influence the outcome when issues arise at the last minute. King county has their automated scheduling system, yet that system still needs the support of scheduling coordinators to have the best results for the need at hand. It was suggested for King county to think of having an interpreter for the day, to invest in coordinators getting to know the interpreters and for the court to remain committed to only use credential interpreters. Iratex mentioned that it is important to mention that King county district court is the lowest paying court, paying \$60.00 dollars for a 2hr min. while all other surrounding courts pay \$65+ dollars.
- Judge Robertson stated King county is limited to what their executives give them, making it difficult to pay interpreters more. Panel asked what ideas if any does King county court have to contribute as possible solutions the commission may consider for solutions to these issues. Judge Robertson shared concerns for allowing ZOOM appearances during evidentiary hearings.
 - Ideas for possible commission consideration include:
 - Asking interpreters to sign contracts requiring them to appear in person for hearing when an in-person interpreter is required.
RE: permissive language included in the GR11.3- in person interpretation was recognized as the best, yet ZOOM has become the default
 - Request for a percent of interpreters work to be in person versus ZOOM. This in turn will be seen as a requirement that interpreters must meet during the years' worth of interpreter's work. In custody cases, Judge Robertson would like to see interpreters in person.
 - Possible experiment with paying in-person interpretation more than ZOOM appearances.
- Panel recommend awareness to how courts are managing the handling of providing tech-services. Diana suggested for King county court to consider having a designated room set up with lap tops to allow the litigants to speak to public defender or litigants to speak with their interpreter as the need arise. It was also mentioned that when personal relationships are not present, this lack of networking can result in the lack of work efficiency. The current scheduling system needs the support of co-relations between interpreters and coordinators to rid parties from thinking that their only connection to the court is a machine. Once again it was reiterated that interpreters are independent contractors therefore courts can not force them to take jobs they do not want.
- Panel pointed out struggles of with staffing issues within the courts. Frankie shared that most courts will not have dedicated staff to help coordinate or have a direct connection with interpreters. Most courts are dealing with budget cuts and layoff across the state in many courts. The panel pointed out that they are coming to the commissions to raise these issues as the commission is about language access provisions for court matters and that is where they want to keep the focus on.
- James asked the panel; What can the AOC and ILAC do to help courts with judges and court when asking for additional funding around language access? Is there training or practices, better equipment, best practices that judges and courts will be most interest?

Judge Robertson shared that rates of pay for interpreters should be uniformed, and added that the state thinks this is a local concern, and counties have 1% cap limiting money even more. One-way AOC/ILAC can help is by going to legislature to request additional money for interpreter services. Regarding the scheduling system being used for booking interpreters in King county: King county courts have 300 employees, 9 locations, 25 judges and one person that handles interpreters for all of the above mentioned. It will be very difficult for this one person to create a relationship with interpreters while managing all the needs alone. As a best practice for ZOOM will be to encourage interpreters to take one assignment at a time, to be available for the full 2hrs, to have audio that works and to do their work within appropriate environments free of distractions.

- Judge Chung asked how wide spread is the out-of-state job opportunities for interpreters. James stated that currently the AOC is running an interpreter compensation study and once this is completed, AOC will be able to answer this question.
- James ended the meeting recognizing that the conversation will continue and more wide discussion will come about as we move forward. James mentioned that one other topic for this meeting was GR 11.3 proposed changes, encourage the panel to see the document Kristy put together as a response to the proposed changes and submit any suggested changes.

Meeting adjourned – 1:05pm

Washington State Supreme Court Interpreter and Language Access Commission

COMMISSION MEMBERS

Honorable J. Michael Diaz, Chair
WA Court of Appeals, Division One

Honorable Edirin Okoloko
Superior Court Judges Representative

Honorable G. Helen Whitener
Appellate Court Representative

Honorable Lloyd Oaks
District and Municipal Court
Judges Representative

Ashley Callan
Superior Court
Administrators Representative

Annalisa Mai
District and Municipal Court
Administrators Representative

Jeanne Englert
Administrative Office of the Courts
Representative

Iratxe Cardwell
Interpreter Representative

Diana Noman
Interpreter Representative

Donna Walker
American Sign Language
Interpreter Representative

Kristi Cruz
Attorney Representative

Michelle Hunsinger de Inciso
Public Member Representative

Florence Adeyemi
Public Member Representative

Vacant
Public Defender Representative

Anita Ahumada
Community Member Representative

Naoko Inoue Shatz
Ethnic Organization Representative

Luisa Gracia
Translation Services Representative

David Poland
Deaf Community Representative

John Plecher
Certified Deaf Interpreter Representative

April 26, 2024

TO: Supreme Court Rules Committee

FROM: Interpreter and Language Access Commission (ILAC)

RE: Comment on Proposed Changes to GR 11.3

Dear Justice Yu and Rules Committee Members,

The Interpreter and Language Access Commission (ILAC) has serious concerns about the proposed changes to GR 11.3. The proposed changes include some minor modifications to the language that would be acceptable. However, ILAC believes that the rule would result in less judicial oversight over the accessibility of important civil proceedings for individuals who are limited English proficient (LEP) or deaf or hard of hearing (DHH). Thus, ILAC does not support the proposal.

By way of background, in December 2020, our Supreme Court modified GR 11.3 to permit broader types of remote interpretation, which had been limited to telephone interpreting and to non-evidentiary hearings. The COVID-19 pandemic prompted that rule change as our courts were starting to use video interpretation in all types of hearings. Our Supreme Court enacted that rule change without comment. Remote interpretation continued to be limited to non-evidentiary hearings.

Then, in October 2021, ILAC submitted a proposal to amend GR 11.3 further. Namely, ILAC sought to expand the use of remote interpretation *to evidentiary hearings*, with procedural safeguards designed to ensure that persons who are LEP or DHH were able to meaningfully participate in such hearings, even when using this relatively new medium. Our Supreme Court received input from various organizations, which may be found here: [Comments for GR 11.3 - Remote Interpretation](#).

In response, the ILAC convened a workgroup to address the concerns of those various stakeholders, some of whom thought the rule was too permissive, some of whom thought the rule did not go far enough in permitting courts freely to use remote

interpretation. As we explained to our Supreme Court in the spring of 2022, the ILAC's proposed rule was a product of compromise, seeking to balance the interests of the courts, court users who are LEP or DHH, advocates, interpreters, and other stakeholders. Our Supreme Court passed the rule change, making it effective in November 2022.

With that background, we wish to provide the following comments regarding the proposed rule amendment:

- We agree that remote interpreting is a valuable tool in the delivery of language services. Remote interpretation is particularly necessary in counties where there is no credentialed language interpreter available or willing to appear in person, and in all counties for those languages of lesser diffusion. Thus, the rule already envisions and allows for remote interpretation in all types of hearings in all types of cases. And the rule requires additional procedural safeguards in the form of individualized judicial oversight *only for evidentiary hearings*, where the rule has long counseled caution. GR 11.3(a).

In such evidentiary hearings, the rule requires that a court who wishes to appoint a remote interpreter (1) to make a good cause finding that an in-person interpreter is not “practicable” and (2) to make a preliminary determination on the record—on the basis of the testimony of the person utilizing the interpreter services—of the person’s ability to participate via remote interpretation services. Id. There is no challenge to the remainder of GR 11.3(b) through (i), which provide additional safeguards to effectuate the protections of GR 11.3(a).

Since the rule was enacted, ILAC has not received notice of any operational or other concerns from any stakeholders about understanding or making the two findings required by GR 11.3(a).

In summary, we believe GR 11.3 already grants the courts the technological flexibility they need to efficiently dispense justice, while ensuring that procedural safeguards are in place for a subset of particularly important hearings, namely evidentiary hearings. And there is no claim or evidence before you that it is impractical for a court to make those two relatively simple findings prior to appointing a remote interpreter. On the contrary, the proposal maintains the good cause standard for criminal cases and a version of the second finding.

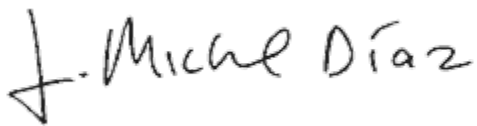
Thus, the proposed amendment is unnecessary and, crucially, persons who are LEP or DHH would lose the protection of having a judge pause and individually decide whether a remote interpreter was appropriate in certain important cases, described below.

- If the proposed amendment is adopted as presented, we are concerned that, as a matter of practice, remote interpretation in many types of important civil matters will proceed remotely “automatically” without due regard to the unique needs of persons who are LEP or DHH. Civil matters include protection order hearings and involuntary treatment act matters, where a person who is LEP or DHH may be at their most vulnerable. While the proposed rule may reflect the current reality that some civil matters are conducted remotely without a finding of good cause, that fact may mean only that more guidance and training is required, not that these sound procedural bulwarks should be lowered.
- We believe additional study would be warranted before amending the rule again. As we have discussed, the most impacted stakeholder is the LEP or deaf individual, whose views no one has solicited since the 2022 amendment. We do not know whether remote interpretation is working effectively for those members of our community. ILAC would be happy to work with the Washington State Center for Court Research, BJA Task Force or any other stakeholder to study these issues, solicit additional feedback, and continue to provide guidance and training to our state judiciary as needed.

We believe, at this time, the rule, as written, adequately balances the interests of all stakeholders. Thus, ILAC urges the to Court to reject the proposed changes, which are more specifically addressed in the comments below.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "J. Michael Diaz". The signature is written in a cursive, flowing style.

J. Michael Diaz
Judge, Washington State Court of Appeals – Division I
Chair, Interpreter and Language Access Commission

Comments regarding specific language changes:

(a) Interpreters may be appointed to provide interpretation via remote means only or audiovisual communication platforms for ~~nonevidentiary~~ all noncriminal proceedings and those criminal proceedings in which good cause is shown. ~~For evidentiary proceedings, the interpreter shall appear in person unless the court makes a good cause finding that an in-person interpreter is not practicable.~~ The court shall make a preliminary determination on the record, on the basis of the testimony of the person utilizing the interpreter services, and shall inquire on the record to ensure the ability of the interpreter and the person utilizing the services of the interpreter to clearly communicate with each other. ~~of the person's ability to participate via remote interpretation services.~~

ILAC comments as to:

- 1) Sentence one: Accept revision in the first sentence to replace “audio only or audiovisual communication platforms” with “remote means.”

This change helps with clarity and applies plain language principles.

- 2) Sentence one: Reject revisions striking “non-evidentiary” and replacing it with “all non-criminal proceedings and those criminal proceedings in which good cause is shown.”
- 3) Sentence two: Reject deletion of “For evidentiary proceedings, the interpreter shall appear in person unless the court makes a good cause finding that an in-person interpreter is not practicable.”

As the rule has long been written, ILAC believes the important distinction is between evidentiary and non-evidentiary hearings, not between civil and criminal matters. Therefore, this change is not needed.

- 4) Final sentence: Combine the current rule with some of the proposed language from the proposal. We propose that the final sentence should read, “The court shall make a preliminary determination on the record—on the basis of the testimony of the person utilizing the interpreter services—of the ability of the interpreter and the person utilizing the services of the interpreter to clearly communicate with each other.”

Summary of ILAC counter-proposal:

- (a) Interpreters may be appointed to provide interpretation via remote means for non-evidentiary proceedings. For evidentiary proceedings, the interpreter shall appear in person unless the court makes a good cause finding that an in-person interpreter is not practicable. The court shall make a preliminary determination on the record—on the basis of the testimony of the person utilizing the interpreter services—of the ability of the interpreter and the person utilizing the services of the interpreter to clearly communicate with each other.”



**Interpreter Commission
Education Committee Meeting
January 31, 2024
Zoom Videoconference
12:00 PM – 1:00 PM**

Meeting Minutes

Present: Ashley Callan, Chelle Hunsinger de Enciso, Iratxe Cardwell, John Plecher, Jeanne Englest, Donna Walker, James Wells, Eunyoung Kim, Janelle Hankinson, Laura Sanchez.

Introduction of New AOC team members

James provided a brief background on the expansion of AOC language access team and introduce the new AOC Court Interpreter Coordinator- Eunyoung Kim and Court Program Specialist-Laura Sanchez. Eunyoung and Laura shared a brief introduction of themselves.

Fall Conference: Judicial Conference scheduled to convene in September of 2024

- James created awareness to the upcoming Judicial conference where all judges go to. AOC frequently sponsors a session at this conference and James is looking to have a sponsor session for this September 2024 conference. The conference committee is currently soliciting proposals. All proposal ideas are due 02/23/2024 for consideration. Proposals may be any length we want.
- Ashley stated that previously AOC has partner with the newly created Disability Rights Task Force to help co-sponsor a session.
- Ashley shared that the Supreme court who leads the charge wants us to participate, yet Ashley feels a bit paralyzed as to what that participation request might look like.
- Iratxe shared she is already thinking of proposals ideas. She further inquired as to who will be presenting what the presentation will be about (subjects) and further provided ideas to present about spoken language interpreters' ordeals when in court.

Idea concept: GR11.2-Specifically about evidence that come in via 911 calls or recordings from wire taps or forms. In her experience prosecutors come to trial expecting Interpreters to translate and or interpret on the record-which is against GR11.2.

Idea concept: Private attorney thinking they can do translations because the are familiar with the targeted language. A class regarding GR11.2 will be to support/reinforce the knowledge of what GR11.2 supports and prohibits.

- Ashley shared that she believes the Idea concepts Iratxe shared also applies to ASL translation. Donna and John agree that the request to translate those very

chaotic recordings is unrealistic, cannot uphold the promise that they will be accurate and extends the time of court proceedings.

- Jeanne shared 3 proposal ideas for Judicial conference. It will be helpful to plan and target what we think is very critical to provide throughout the year. We need to keep track of what we are planning to do and have done. That means: Are we doing any other workshops in any other conferences? If yes, we should probably not re-do the same ideas in the September conference.

Information with lots of technical pieces will be best to have the webinar recorded that people can refer back to. Some trainings are best to have in webinars that are recorded due to amount of technical information being provided. Consider shorter training sessions, options to be in person or remote and consider the targeted audience (judges, court administrators, interpreters, lawyers). Jeanne wants to come up with a suggested plan of trainings needs to see where trainings best fit.

Idea concept: remote proceedings court rules

Request to consider facilitating training after the conference in September. Answer the question of: *“What is really critical around Language Access that we have to talk about and use best practice, and bench marks”* and avoid duplication of efforts.

Idea concept: Regarding the new translation component in part of ILAC

Will we want to have conversations about what that mean for courts around translation?

- Ashley stated that she agrees with all of the above ideas and that she further recognizes we have been reactionary and not planning out what our priorities are and creating plans to create classes or webinars to achieve set goals. Ashley acknowledged that we have not submitted a session for the other associations Spring Conferences. Aside from the online basic language access training and the remote interpretation checklist forms she sent out yesterday, we do not have anything slated for 2024 as far as education. James confirmed Ashley’s comment.
- James shared that he was recently ask to present at the DMCMA conference with Leonard to talk about Language Access. Ashley stated that her organization might have been the one that had contacted James, James corrected his reference to DMCMA and confirmed it was Superior courts who contacted him with request to present alongside Leonard-New Court Program Analyst coming to Language Access Team on 02/01/2024. James added that the education committee at the AOC have been more willing to be involved in our work and also big supporters of planning and setting up curriculum of where we want to go. James believes we may be able to reach out to them more to get that sort of planning. James further stated that we will not have anything from the translation committee by September, but it’s a good suggestion for next year.
- Ashley added that the September conference is exclusively for judges and court commissioners. She thinks that anything presented regarding translation court administrators **need to participate** because they will be the ones to do that work with support and guidance from the bench. If we are not considering a conference where both judicial officers and court administrators will be present we will need to

ensure to plan a corresponding training for court administrators that align with what is being taught to the judges.

- James shared that for the remote proceedings, there is a sub-committee working with the task force, and they are more or less leaving up to us to work on remote proceedings. He also mentioned that RCWs may or may not have changes this year by March.
- Jeanne asked if we could pair some remote proceedings best practices and other things to consider with the court rule changes that are coming. James stated there will be a session on that task force of the BJA, yet can't confirm.
- Ashley made suggestion to create condensed training sessions for judges to fall back to as freshers when they "forget" what their best practices are within Language Access strategies.
- Donna made suggestions regarding remote hearings:
Suggestion: Identify what judges really need to know and look into efforts to close the loop of all the unknowns.
Suggestion: Use concrete examples, as such "stick" stronger to people's minds. Stories that actually happen in courts stick to people's mind and help them remember learned concepts and best practices. Use role play to help people remember what they are being taught. "Show them, rather than tell them" approach.
- Iratxe supported Donna's suggestion and added that specific court examples help the judges understand the limitations of interpreters and interpreters feel like the judges "have their backs."
- Ashley added that hearing from someone that was directly affected "it drives it home". Role play is what helps others understand best.
- James added that it is important to teach the roles of everyone involved to help judges understand the process the interpreters go by and the importance of using certified court interpreters.
- Eunyong suggested to consider including Ethics and Protocol trainings for interpreters and all other stakeholders so that they can learn to advocate for themselves (She underlined the fear some interpreters experience during court proceedings for speaking up for themselves to a judge)
- Ashley added that it is important to let judges know that all audio evidence must be translated ahead of time. Iratxe added that interpreters need to be trained and empowered (underline that court interpreters are often identified as "Court pleasers") to know the right words to say when a judge is asking them to do something that is not authorized by GR11.2.
- Donna made the recommendation to make a checklist and examples of what will make stronger and better presentations that can help people remember, and put to practice.
- Ashley's proposal for the September session:
 1. Nuts and bolts of interpreters' work
 2. Ways to avoid pitfalls
 3. Best practices for trials
 4. Q&ASpeakers will TBD. Ashley asked how long should the training be-2hrs? She also added that she loves the idea of scenarios. Ashley will work with James on the

proposal and will submit to Judge Diaz for feedback and edits. Ashley will announce that ILAC will submit a proposal for the September conference during annual conference committee meeting tomorrow. Collaboration will be via emails. Donna suggested for John Pelcher to be a presenter. John agreed to help.

Regarding Other Items:

- James review of interpreter materials, if there is feedback please share suggestions online.
- Ashley asked for feedback regarding all documents.

Next meeting 02/21 suggested change: 02/28, everyone agreed to meet on 02/28

Meeting adjourned at 12:59pm

DRAFT



**Interpreter Commission
Education Committee Meeting
April 24, 2024
Zoom Videoconference
12:00 PM – 1:00 PM**

Meeting Minutes

Present: Ashley Callan, Iratxe Cardwell, David Poland, Jeanne Englert, Emily-ASL INTER, James Wells, Tae Yoon, Leonard Alvarez, Eunyoung Kim, Laura Sanchez

- Previous meeting minutes not approved. Pending edit suggestions.
- David Poland attending meeting for the first time. David express interest in learning more about the committee's functions to determine if he wants to join in.

Update on Proposal for fall Judicial Conference

- Proposed session title: Meaningful Language Access: Working with Court Interpreters in the courtroom was accepted.
- Jonathan Whitby-AOC ADA Coordinator contacted committee members to propose a join discussion during the fall conference. Join presentation is expected to last 3hrs on October 01, 2024.
- Background: The Judicial conference is an annual conference attended by judges from all over the State and all court levels.
- Currently committee is pending confirmation on panelist for this conference.
- Objective for this Fall Conference: to share best practice strategies and promote meaningful services with real world scenarios to the courts. The panel will include subject matter expert interpreters who will share do's and don'ts and outline pitfalls in the courts.

Remote Interpreting

- Some courts oppose to the practice of remote interpretation.
- Thoughts around the opposition to remote interpreting services revolve around courts not knowing how to prepare for remote interpretation services and interpreters contribute in a negative way when they do not know how to prepare themselves when rendering successful remote interpretation services.
- Checklist for courts and interpreters where created to help prepare both.
- Committee members agree that courts need more information to best practice the use of various online remote services and platforms.
- To support the needs of the courts and interpreters' hands-on trainings and lunch and learns where suggested by various committee members.
- Idea to create a survey to ask courts about Best Practices and general guidelines was also suggested.

Next meeting Monday May 13, 2024 12-1pm

65th Washington Judicial Conference Session Proposal Template

65th Washington Judicial Conference is scheduled for end of September, 2024
(dates to be announced)

PROPOSAL DEADLINE: February 23rd to scott.hillstrom@courts.wa.gov

TOPIC AREA:

Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered, and how it relates to the judicial officers' daily roles and responsibilities.

SUBMITTING ORGANIZATION:

PROPOSED SESSION TITLE:

STATUS: ☐ Received ☐ Accepted ☐ Not Accepted Notes:

PROPOSED BY:

CONTACT NAME:

CONTACT PHONE:

CONTACT EMAIL:

TARGET AUDIENCE:

☐ Experienced Judges

☐ New Judges

☐ Other:

SUBMITTING ORGANIZATION:

COURT LEVEL AUDIENCE:

PROPOSED DURATION:

☐ 90 Minutes

☐ 3 Hours

☐ Other:

SESSION TYPE:

☐ Plenary

☐ Choice

☐ Colloquium

☐ Other:

SESSION DESCRIPTION: Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

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LEARNING OBJECTIVES: Describe what participants will be able to do or say as a result of this session.

FUNDAMENTALS COVERED: Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

PARTICIPANT RESOURCES: Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

PROPOSED TEACHING METHODS AND ACTIVITIES: Describe how the session will be presented to actively engage the audience in the education (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

DIVERSITY AND INCLUSION: Describe how the session will incorporate issues of diversity and inclusion into the topic. (*Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.*)

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RECOMMENDED FACULTY (include contact information):

NUMBER OF DAYS HOUSING FOR FACULTY:

ANTICIPATED COST:

FUNDING RESOURCES:

A/V AND ROOM SETUP:

CAN SESSION BE RECORDED (hosted in LMS):

CAN FACULTY MEET AN AUGUST 16 DEADLINE:

PROPOSAL DEADLINE: February 23rd to scott.hillstrom@courts.wa.gov



**Interpreter and Language Access Commission
Translation Committee Meeting
March 22, 2024
Zoom Videoconference
12:00 PM – 1:00 PM**

Meeting Minutes

Present: Iratxe Cardwell, Luisa Gracia, Sandra Arechiga, Sarah Pendleton, Laura Friend, Joy Moore, Laurie Garber, Annalisa Mai, Diana Noman, Tae Yoon, James Wells, Leonard Alvarez, Laura Sanchez

Greetings and Introductions

- Luisa Gracia introduced herself as the new Translation Representative and Chair of the translation committee.

Appellate courts Language Access Plan-LAP and subcommittee plans

- Over the last few years courts have strived to get a language access plan for appellate courts. Collaborations with many courts and Judge Diaz and ILAC executive committee recently approved a draft language access plan as part of the process to improve language access in the appellate courts of WA.
- Judge Diaz has asked to create a subcommittee within the translation committee to support the translation work of appellate courts in accordance with the language access plan.
- Special guest Sara Pendleton-Deputy Clerk at Supreme Court who also represents all 3-Divisions of Courts of Appeal shared that she was tasked to create the first draft of language access plan for appellate courts which was proposed and approved by Supreme Court 9-0 as drafted. Judge Diaz presented the draft to Court of Appeals executive committee and they also approved as is.
- There is a site for templates in various languages and live-forms that will allow information to be gathered digitally. At the Court of Appeals, it's easier to generate template letters because they have non-attorney courts that used standard documentation process in the same type of program. At the Supreme Court, it's more complicated. Custom letters are required unless it's a very common case type.
- Panel asked how appellate courts received request for translations. Sara shared that these requests come from incarcerated individuals seeking support to understand written information in English. Historically appellate courts did not help LEPs with translation services, but word has gotten out about translation services being currently available which has caused a spike in requests to translate court letters in to various languages. These services are being funded with the clerk's office available budget.
- Panel asked how Sara Pendleton knows which language is being requested for translation services. She relies on her known knowledge in languages. Sara speaks English, Japanese and French. She has lived abroad and is familiar with written languages.
- Sara shared that they are 1 of 6 appellate courts in the nation to have a drafted language access plan. Judge Diaz sent the language access plan to DOJ because they have services that review language access guidelines to ensure they comply with basic

standards. James informed this committee that they will soon receive a copy of this language access plan for their review.

- Panel shared that appellate courts will greatly benefit from a plan of process. Securing interpreters for translation services may work in some instances, yet streamlining these services will ensure higher quality services as often times interpreters are not always good translators and vice versa.
- Sara Pendleton provided her email for further feedback; sarah.pendleton@courts.wa.gov
- There is more demand for translation services at appellate courts, and limited need for interpreter services. Sara currently has a handful of known interpreters who provide translation services. These interpreters were found by online search and contracted for a one-time use. Appellate courts want to streamline translation services to avoid one-time services which has caused delays in payment for these services.
- Panel asked for clarification if the demand of translation at appellate courts was for a full caseload. Sara Pendleton explained that appellate courts are currently only focusing on translation for administrative processes such as correspondence about next steps. In the LAP draft, the Supreme Court has required that only certified translators be used to provide translation services. However, currently they are using credentialed interpreters instead due to lack of resources.
- Appellate courts are looking into creating template letters for communicating appeal processes.

Suggested Protocols for Translations:

- James Wells, Luisa Gracia and Tae Yoon met for discussion on protocols for translations. They derived the following three areas identified as most important:
 - i) Court forms
 - ii) Case specific documents
 - iii) General information
- Tae Yoon stated that the protocols work will start with general information protocols. Work will include identifying topics and translator certification requirements as well as assessing whether the need for a reviewer and editor for all translation work will be optimal for the quality of these services. Committee agrees to start work with general information protocols.
- Luisa Gracia invited the committee to consider reviewing information that comes out from the court to maintain specific terminology clear, consistent and ensure plain language is used across all languages. Finally, it was recommended for this committee to have access to ASTM standard for translation, American Translators Association-ATA information and to create a standard glossary.
- Tae Yoon will ask James Wells if the ASTM may become available to this committee.

Presentation of mock survey for courts to identify:

- The main purpose of the Translation Survey for courts is to identify the number of courts that have translated materials, translated forms and languages to assess translation needs.
- Committee members were asked to provide feedback to the [Mock Survey for Courts](#) by the end of **Thursday, March 28th**. The final version will be out early April and survey findings will be presented at the next meeting.
- Committee approved motion to send Translation Survey to the courts.

Action Items

- Committee agrees to keep meeting once per month on the 4th Friday of each month at noon. Meetings will remain flexible in the instance members have other obligations.

Links below were shared after meeting adjourned to initiate discussion on translation protocols for upcoming meetings:

- Federal Guidelines for plain language

[Federal plain language guidelines](#)

- Accessible documents

[Documents – Accessible Technology \(washington.edu\)](#)

- ATA

[Getting It Right - American Translators Association \(ATA\) \(atanet.org\)](#)

Next committee meetings:

- April 26th
- May 17th



**Interpreter Commission
Education Committee Meeting
April 24, 2024
Zoom Videoconference
12:00 PM – 1:00 PM**

Meeting Minutes

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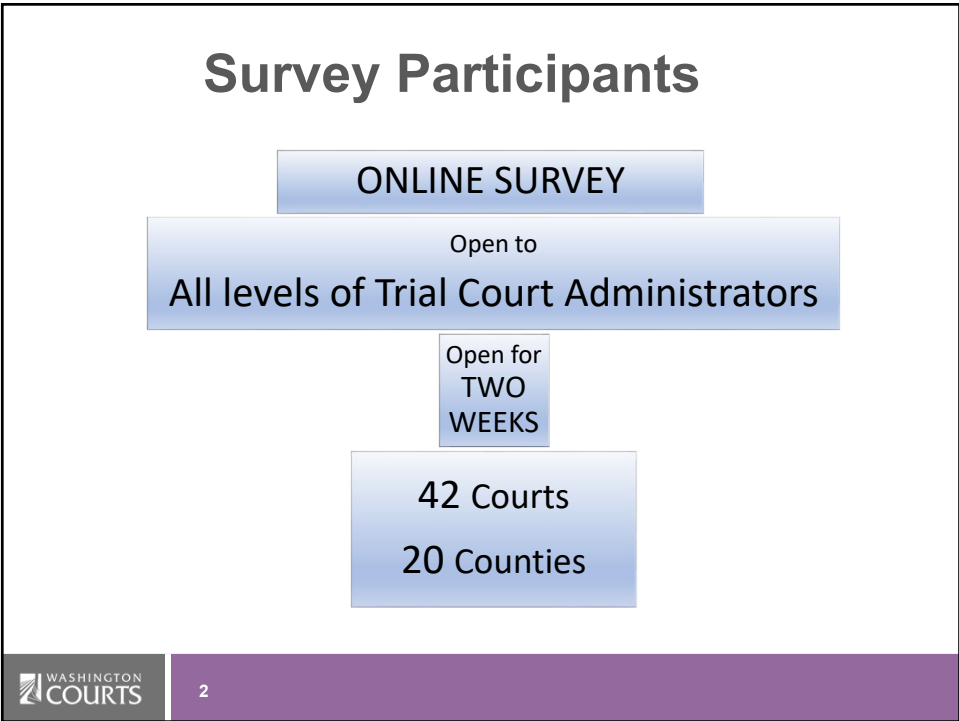
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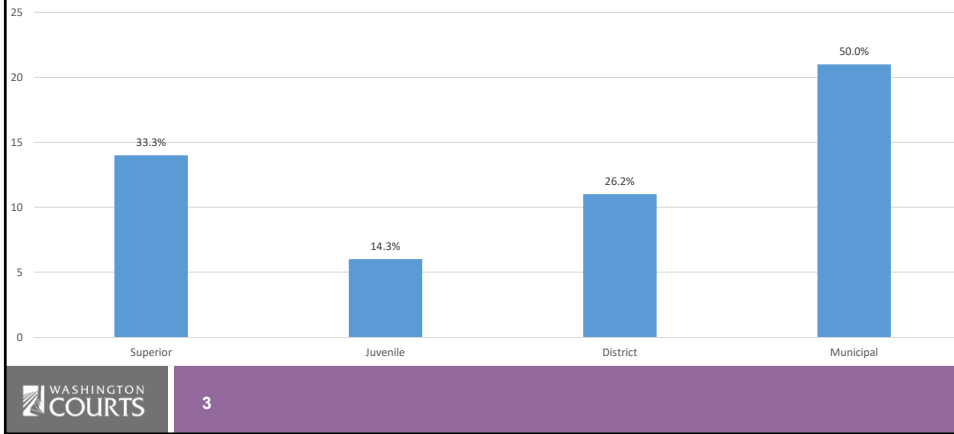
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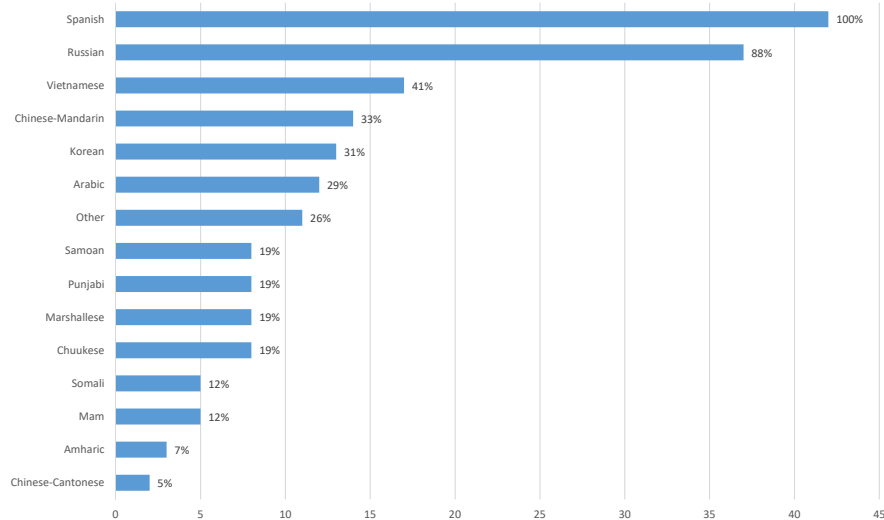


Participant Demographic

Superior 14
Juvenile 6
District 11
Municipal 21



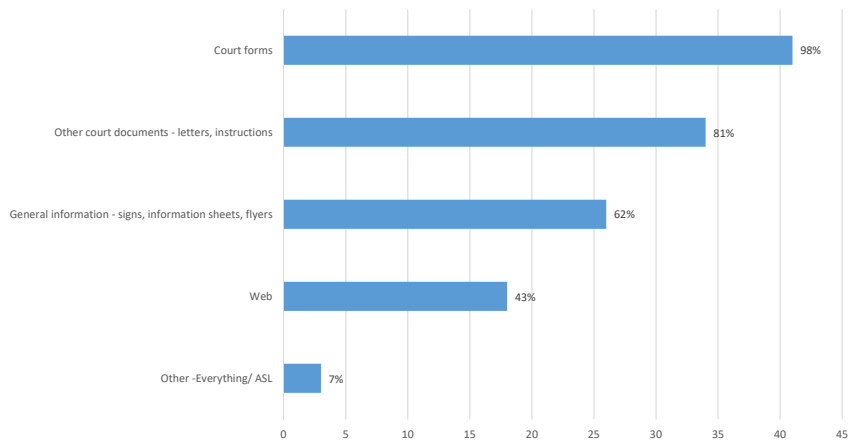
5 Most Spoken Language



WASHINGTON COURTS

4

What materials or documents need to be translated in your court? Select all that apply

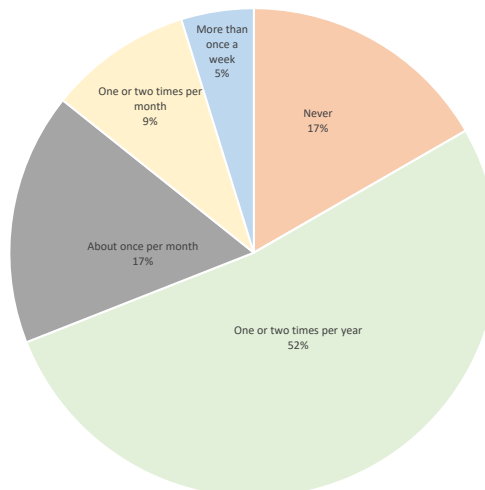


Did your court translate anything in the last 2 years?

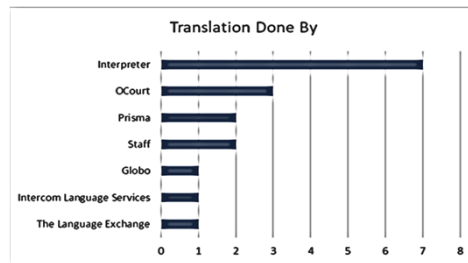
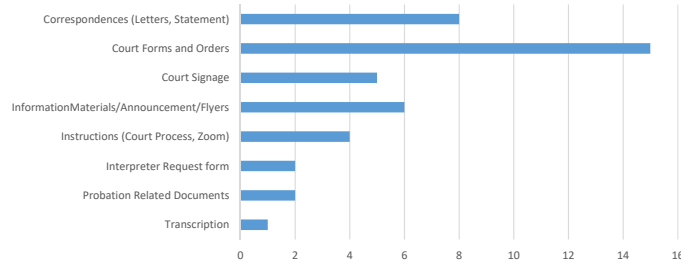
Yes – 61.9%

No – 38.1%

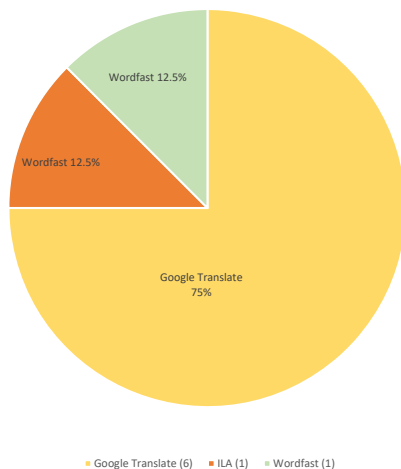
FREQUENCY OF TRANSLATION



Translation Project Snapshot



CAT Tools



Google Translate (6) ILIA (1) Wordfast (1)

**Does your court
use any CAT
(computer assisted
translation) tools?**

Yes – 19%

No – 81%

Do you review the original ENGLISH DOCUMENT before sending it for translation?

Yes 90.5%

No 9.5%

Does your court have any glossaries available for interpreters or translators?

Yes 9.5% (SPANISH)

No 90.5%

Common Court Forms	Languages	Courts with Most Translated Court Forms
<ul style="list-style-type: none"> Criminal Domestic Violence Related Forms Plea Forms Deferral Forms Advisement of Rights Indigency Screening Forms Infraction Related Forms Notice of Court Date Payment Plans Motion and Order for Dismissal Rights to Appeal 	<ul style="list-style-type: none"> • Spanish • Vietnamese • Russian • Amharic • Mandarin • Tigrinya • Somali • Arabic • Korean • Marshallese 	<ul style="list-style-type: none"> Federal Way Municipal Court San Juan Superior Court Tukwila Municipal Court Seattle Municipal Court King County Superior Court

Other Translated Materials

- Flyers
- AOC Poster
- Website
- Local Resource Booklets
- Work Crew/Day Reporting Referral Form
- Website
- Webex Information

Common 'Sight Translated' Documents

- Judgement and Sentence Order
- Plea Forms/ Change of Plea
- Memorandums of Disposition
- Advisement of Rights
- No Contact Orders/ Protection Orders
- Public Defender Application
- Payment Plan
- Family Law Forms/ Guardianship Forms
- Continuances
- Conditions for Release/ Jail Commitment
- Unknown

Would you like to partner with other courts to identify similar translation needs and work towards resolving them?

Yes 71.4%

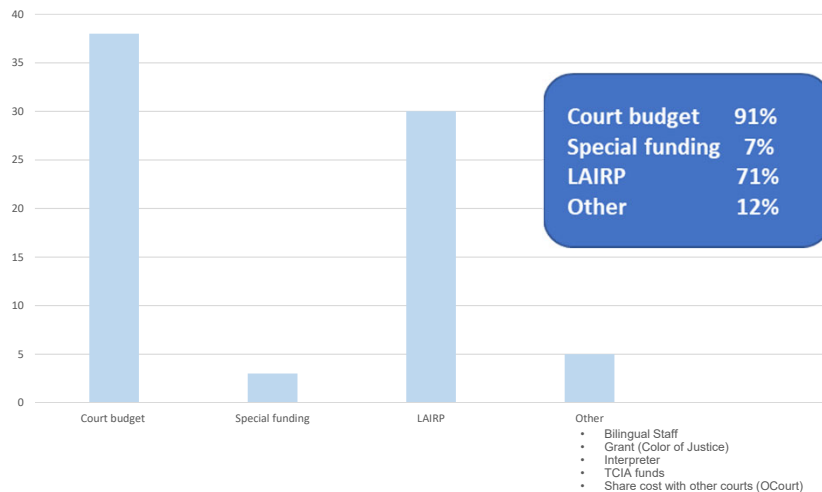
No 28.6%

Would you like to receive some guidelines or training regarding how to effectively handle translation projects

Yes 83.3%

No 16.7%

Translation Funding Source



Additional Reading Material



ANTI-RACISM TRAINING AND COMMUNITY HEALING WORKSHOP


**Bridging the gap to
civil/legal aid and the
opportunity to heal
from the negative
impacts of the
criminal justice
system.**

EVENT HIGHLIGHTS

- Meet and greet civil legal aid service providers.
- Community gathering towards healing.
- Opportunity to support anti-racial work.
- A space to hold discussions around anti-racial inequity.
- Bring your questions, comments, and concerns about the current crisis in your community.

**SATURDAY
JUNE 22ND 2024
FROM 11AM TO 2PM
SOCIAL HALL
1721 E 56TH ST,
TACOMA, WA 98404**

**Coffee, lunch and
snacks will be
provided.**

Email to register, sponsor or donate
 **asoneya@gmail.com**



**Come join to get a chance to
win \$100 gift card⁷¹**

TACOMA HEALING AWARENESS COMMUNITY



FORMACIÓN ANTIRRACISMO Y TALLER DE SANACIÓN COMUNITARIA

Cerrando la brecha hacia la asistencia civil/legal y la oportunidad de superar los impactos negativos del Sistema Criminal de Justicia.

LO DESTACADO DEL EVENTO

- Conocer y saludar al servicio de asistencia jurídica civil.
- Encuentro comunitario hacia la curación.
- Oportunidad de apoyar el trabajo antirracista.

Un espacio para debatir sobre la desigualdad racial.

Traiga sus preguntas, comentarios o preocupaciones sobre la crisis actual en su comunidad.

Día: SÁBADO 22 DE JUNIO DE 2024
Hora: 11:00 AM a 2:00 PM

Lugar: *SOCIAL HALL*
1721 E 56TH ST,
TACOMA, WA 98404

Habrà café, almuerzo y refrigerio.

Para registrarte, patrocinar o donar envía un email a: asoneya@gmail.com



Ven y podras participar en la rifa de una gift card de \$100.