



Interpreter Commission
Friday, May 31, 2013 (9:00 a.m. – 12:00 p.m.)
AOC SeaTac Facility,
18000 International Blvd., Suite 1106, SeaTac, WA 98188

MEETING MINUTES

Members Present:

Justice Steve González
Judge Riehl
Kristi Cruz
Sam Mattix
Linda Noble
Dirk Marler
Alma Zuniga
Theresa Smith
Mike McElroy
Marti Maxwell

Members Absent:

Judge Greg Sypolt

AOC Staff:

Shirley Bondon

I. Call to Order and Welcome

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

II. February 22, 2013 Meeting Minutes

Minutes were unanimously approved. The minutes will be posted on the AOC Court Interpreter Program website.

III. Chair's Report

Ethnic Organization Representative:

The Interpreter Commission received information from five qualified candidates interested in filling the Commission membership reserved for an ethnic organization representative. After a thoughtful review of each candidate's qualifications, Justice González selected Eileen Farley.

Ms. Farley is an attorney and the Executive Director of the Northwest Defenders Association, a public defense agency located in King County. Ms. Farley's letter of interest states that her interest in interpreting began when she was a volunteer teacher of English as a Second Language with the International Rescue Committee. In addition to this work, she wrote a chapter in the Washington Criminal Practice in Courts of Limited Jurisdiction, outlining the statutory and constitutional requirements for interpreters.

HB 1542/SB 5398:

Justice González informed members that HB 1542/SB 5398 did not receive a hearing during the regular legislative session. Justice González suggested that the Commission contact the Board for Judicial Administration (BJA) to obtain a recommendation regarding next steps for HB 1542/SB 5398. Judge Riehl felt that the BJA would review this bill sometime in July or August.

Supreme Court Language Access Plan

The Supreme Court received its first request for spoken language interpretation during oral arguments. The request was granted, and Chief Justice Madsen asked Justice González to seek assistance from the Interpreter Commission to develop a language access policy for the Supreme Court. Justice González asked the Issues Committee to lead the development of a language access policy for the Supreme Court. The Issues Committee agreed. Marti Maxwell agreed to contact the Court of Appeals to determine if they have a policy.

IV. Issues Committee Report

The Issues Committee reviewed the following issues and submitted recommendations:

Issue I:

The committee reviewed a request to limit the number of continuing education credits approved per conference or workshop. After reviewing how this issue is dealt with by the American Translators Association, Oregon's Court Interpreter Program and several other professions, including attorneys, guardians, and social workers the committee decided not to approve this request, but agreed that the current guidelines for approval of continuing education should be reviewed and perhaps revised.

The commission discussed the request and one member suggested that some of the credits which have been earned and applied to Interpreter training in the past have not been directly related to interpreting. Also in selecting what courses to take, interpreters consider cost and number of credits given for the course or workshop before selecting, thus a balance needs to be found wherein courses can be both reasonably priced and relevant to interpreting. Staff indicated that in the future, AOC can specify that a course level is beginner, intermediate or expert to assist with decision making, but It should be the responsibility of Interpreters to choose relevant ethical coursework/workshops based on their individual experience level.

A commission member suggested that perhaps a commission committee should review all continuing education requests before they are approved. Staff indicated that the turnaround time for some requests is fairly short, therefore if a committee is used it must be able to respond quickly and regularly.

The Commission agreed to accept the Committee's recommendation not to approve the request, but to ask the Education Committee to consider it during a review and revision of approval guidelines for continuing education.

Issue II:

The Issues Committee reviewed a request to add Computer Assisted Real-time Translation (CART) as a reimbursable foreign language wherein the courts could recoup 50% of this expense. The committee determined that CART is not a language. It is an accommodation for deaf and hard of hearing individuals whereby the proceedings are transcribed and shown on a screen in the courtroom. The Issues Committee recommended denial of the request.

Commission members discussed the request and decided that this accommodation, similar to listening devices, is governed by the American with Disabilities Act (ADA). Pursuant to ADA requirements, each court is assigned an ADA coordinator, usually the Court Administrator. Courts do not charge the public for these services and they are not reimbursed under AOC's Interpreter Program. Due to economic restrictions many courts do not have CART certified court reporters.

The Commission agreed to deny the request, but it will review this information at a later date and consider how the delivery of accommodations relating to improving communication and interpreting fit into the larger context of access.

Issue III:

During the last meeting it was determined that Korean oral exam takers had a very low pass rate. Eighty-one tests had been administered with one passing score. The Issues Committee was asked to contact the National Center for State Courts Consortium on Language Access in order to obtain further data regarding oral exams beginning with Korean exams. The results indicated that nationwide 230 Korean oral exams had been administered with a pass rate of 2.6 percent. NCSC has audited all of oral exams but was unable to share the data with AOC. Justice González proposed and the Commission agreed to send a letter to the NCSC expressing concern about the oral exam and requesting access to audit data.

The Commission also discussed engaging the Korean, Asian and Pacific Islander Bar Associations and others ethnic organizations in a discussion about the oral exam specifically and interpreting generally.

Issue IV:

Per the Commission's direction, the Issues Committee reviewed the Commission's mission and vision and proposes the following revised language that:

1. Gives the Issues Committee authority to address issues regarding access to interpreter services in the courts.
2. States the number of committee members required for each committee will be “at least three”.
3. States the number of committees a commission member may serve on is “at least one”.

The Commission accepted the proposed revisions and discussed changing the ASL liaison position to a regular member. If the liaison position is changed to a regular member position, it would be subject to the same term limits as other members. Due to the limited number of experts in this area, finding someone else to serve could be difficult. Despite this concern, a member recommended changing relevant commission composition language from “(3) interpreters” to “(2) spoken language interpreters, (1) sign language interpreter” (See Attachment).

Justice Gonzalez suggested and the Commission agreed that the Issues Committee should review GR 11.1 in its entirety and suggest revisions.

V. Program Updates

SJI Grant Update:

The Commission discussed the Targeted Court Interpreter Training Initiative (TCITI) report prepared by Ms. Katrin Johnson, past Interpreter Program Coordinator. Sixteen court interpreter candidates participated in the training. Six candidates passed the oral interpreting exam. With a passing rate of 37.5 percent, this was a successful program. Commission members agreed that if funding becomes available the program should be expanded. Members suggested that the program be held annually after oral testing has concluded. Interpreters with scores close to passing could be invited to enroll in this program and receive the assistance needed to successfully pass the next oral exam; thus creating a larger pool of interpreters.

Language Access Coordinator Recruitment:

AOC narrowed the candidate list to two. Justice Gonzalez will interview the final two candidates in the very near future.

VI. Potential Commission Projects

Bellevue College Collaboration:

In order to increase the number of Interpreters in Washington who successfully pass the oral exam, it has been suggested that a program similar to the program developed for the SJI Grant be implemented in collaboration with an educational institution. Bellevue and Tacoma Community Colleges have been recommended as possible sites for a

program of this type. The institution would be responsible for the educational initiative, while AOC could help find funding for the program.

The Commission agreed that this initiative should be assigned to the new Language Access Coordinator.

Revise Process for Noncompliance with Biannual Requirements:

During a previous meeting, the Education Committee discussed revising disciplinary measures for noncompliance for Interpreters who do not fulfill continuing education guidelines for the following biannual requirements. Current requirements for a two – year reporting period include:

1. Complete 16 hours of approved continuing education, two of which must be earned at an AOC approved ethics workshop.
2. Complete 20 court interpreting hours.
3. Report if charged with or convicted of a crime or found in violation of a court order.
4. Submit to AOC a signed, sworn oath of interpreter.

Currently certified court interpreters are responsible for completing a compliance form at the conclusion of each two-year reporting period and submitting it to AOC. For Interpreters not in compliance with these requirements the penalty consists of a letter from AOC followed by subsequent notification by AOC staff that the Interpreter has not met one or more of the requirements listed above. In addition, the certified interpreter will not be issued a current ID badge until all requirements are satisfied. The Commission agreed that a policy needs to be created that places responsibility on the Interpreter to keep their continuing education requirements up to date. The Commission assigned this effort to the Disciplinary Committee.

Adjourn

The next meeting is scheduled for September 13, 2013, 9 a. m. to noon at the AOC Seatac Office Facility, 18000 International Blvd., Suite 1106, SeaTac.

Decision Summary	Status
<i>The Commission postponed a final decision on a request to limit the number of continuing education credits approved per conference or workshop.</i>	<i>Postponed</i>
<i>The Commission denied a request to add Computer Assisted Real-time Translation (CART) as a reimbursable foreign language.</i>	<i>Complete</i>
<i>The Commission agreed that the new Language Access Coordinator will explore collaborating with an educational institution.</i>	<i>Future Action</i>

Action Item Summary	
<i>Closer to the legislative session, staff will contact BJA regarding next steps for HB 1542/SB 5398.</i>	<i>Future Action</i>
<i>The Issues Committee will explore development of a Supreme Court Language Access Plan</i>	<i>In- Process</i>
<i>The Education Committee will review and revise guidelines for approval of continuing education</i>	<i>Future Action</i>
<i>The Issues Committee will contact the NCSC Consortium on Language and obtain Korean oral exam data.</i>	<i>In- Process</i>
<i>The Commission will engage the Korean, Asian and Pacific Islander Bar Associations and others ethnic organizations in a discussion about the oral exam specifically and interpreting generally.</i>	<i>Future Action</i>
<i>The Issues Committee will review GR.11.1 for possible revision.</i>	<i>In-Process</i>
<i>The Disciplinary Committee will revise the process for noncompliance with biannual requirements.</i>	<i>Future Action</i>

Chair's Report

The Supreme Court
State of Washington

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



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

May 20, 2013

The Honorable Richard McDermott
Chief Presiding Judge
King County Superior Court
516 Third Avenue, Room C-203
Seattle, WA 98104

The Honorable Kimberley Prochnau
King County Superior Court
516 Third Avenue, Room C-203
Seattle, WA 98104

Dear Judges McDermott and Prochnau:

The Washington State Interpreter Commission was convened to advise the Interpreter Program, managed by the Administrative Office of the Courts (AOC), on policies and practices to support trial courts in providing language interpreter services. The Commission and Program share the goal of providing education and resources so courts can comply with language access directives set out in state and federal law.

Your court is receiving this letter because it has come to our attention that two defendants in a recent civil matter—*Robert W. Dahlgren vs. Alfonso Loretto, et al., 12-2-27768-1 SEA* — were denied participation in their Unlawful Detainer hearing because an interpreter was not available to assist them. It appears that the defendants requested a continuance because the interpreter was not available, but the court denied that request and proceeded with the hearing. A courtesy copy of the hearing transcript is enclosed with this letter. Following is an excerpt from that transcript:

[Relevant portion of transcript beginning at Page 9 of 74, Line 6:]

Mr. Wicks: The motion on behalf of Defendant Benfa Magluyan requesting a continuance because she needs an interpreter, she speaks a dialect of Tagalog called Kinaray-a, and the Kinaray-a interpreter cannot be available today. He is not currently here, so she is here without the benefit of an interpreter. Defendant Maria Pe Magluyan Yu also needs an interpreter for the same dialect. I have here a motion to continue on her behalf.

Pardon me, I grabbed the wrong stack of papers here. May I?

The Court: Sure.

Mr. Wicks: I also have a motion to dismiss.

Plaintiffs have shown what I perceive to be a blatant disregard for the procedural requirements of the Unlawful Detainer Act.

They have failed to avail themselves of the jurisdiction of this court.

If you – are going to continue the hearing, or should we hear the motion to dismiss right now, your honor?

The Court: I am hearing the motion to dismiss right now.

Mr. Wicks: Yes, Your Honor.

The Court: We – it – it seems unlike that the tenants that are not here today or not – do not have interpreters would have different defenses than the other tenants.

Mr. Wicks: That is correct, Your Honor.

The Court: Do you believe they have different defenses?

Mr. Wicks: No, I do not, Your Honor.

The Court: Okay.

Mr. Wicks: They – they have substantially –

The Court: So I think to –

Mr. Wicks: -- the same fact pattern.

The Court: Please don't speak over me.

So since the –

Are we recording, Eileen?

The Clerk: Yes.

The Court: Okay. We are recording so it's important only one person speak at a time and also that the judge slow down for the interpreter and the attorneys as well slow down.

All right. So we established that all the tenants have – appear to have the same interpreters, and you're representing all of the interpreters – the tenants that – except for Fritz Flor – Fritz Magluyan, Floro – and Jose Munez. And Fritz Magluyan and Floro Sorianosos.

And which of the – which of the tenants again, sir, need interpreters in a dialect other than Spanish?

Mr. Wicks: That – that is Benfa Magluyan and Maria Pe Magluyan Yu.

The Court: Okay. Well, so the – I – if I need to take testimony of them, we will certainly continue them, but it sounds like we have some legal issues – legal issues that can be dealt with.

[Relevant portion of transcript ending on Page 13 of 74, Line 17.]

.....

The transcript goes on to reflect that the hearing proceeded with a discussion of Defendant Maria Pe Magluyan Yu's service of the summons and complaint, but Ms. Yu was not asked to testify as to this matter. *See, page 21, at line 18.* The court did hear testimony from Defendant Gonzalez, who did not need an interpreter regarding his lease. *See, page 25, at line 19.* The transcript also shows that the matter was set out to the afternoon calendar at which time the parties requested to have the matter set over until the following Monday to file an agreement that they had reached during the recess.

Washington law secures the right to an interpreter for persons of limited English proficiency (LEP) who "cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them" (RCW 2.43.010). Whenever an LEP person is a party to a legal proceeding or a witness therein, appointment of an interpreter is mandatory and the interpreter must be provided *throughout* the proceedings. (RCW 2.43.030[1]).

"Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings." (RCW 2.43.030[1]).

Washington law does not contemplate appointment of interpreter services based on the type of hearing being conducted, and neither does it distinguish between proceedings where litigants will testify and proceedings dealing with "legal issues." LEP litigants have the same right to participate in all proceedings related to their matter as non-LEP litigants.

The requirement to provide court interpreters also stems from federal law. All courts that are direct or indirect recipients of federal funding must provide interpreters, at court expense, in all proceedings; failure to do so is a form of national origin discrimination (42 U.S.C. §2000d; 28 CFR §§42.104, 42.203[e]; 67 Fed. Reg. §41455; Lau v. Nichols, 414 U.S. 563 [1974]). This requirement is not limited to the specific program or service that receives funding, but rather extends to the agency's full range of programs (28 CFR §42.104[b][4]). Courts nationwide were recently reminded of these mandates in the August 16, 2010 letter from Assistant Attorney General Thomas E. Perez of the U.S. Department of Justice.

We understand the demands on trial courts, the rigid schedules and finances, and the dedication it takes to manage a court calendar. It's apparent from the transcript that the court made some efforts to try to accommodate the needs of some of the LEP participants in the matter, but these efforts did not extend to all of the LEP participants as is required. Please let us know your thoughts by sending a response to Shirley Bondon, interim staff to the Interpreter

Commission and Coordinator of the Interpreter Program, at Shirley.Bondon@courts.wa.gov, or by calling 360.705.5302.

While neither the Commission nor the AOC Court Interpreter Program has enforcement authority, we are interested in 1) why courts may not comply with the statutory directives; 2) making as many resources available to courts as possible to ensure compliance; and 3) providing education to the court community on the need to appoint certified, registered, or qualified interpreters in every proceeding where one has been requested. We also have an interest, as you do, in upholding the highest standards of access to justice and to ensuring that LEP persons have meaningful access to Washington Courts.

Thank you for your time and consideration on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Gonzalez", written in a cursive style.

Justice Steve Gonzalez
Chair, Court Interpreter Commission

From: McDermott, Richard [Richard.McDermott@kingcounty.gov]
Sent: Friday, May 31, 2013 4:47 PM
To: Gonzalez, Justice Steve
Subject: Your recent letter to us concerning interpreter issues

Dear Justice Gonzalez

It was a pleasure, as always, running into you last evening at the ABOTA meeting. I truly hope that the Supreme Court can make improvements to the civil justice system once the WSBA Task Force report is completed. Please keep in mind that I am extremely interested in this area and offer my services to you and the court as you eventually are called upon to take action.

We briefly discussed an unfortunate incident involving Judge Kim Prochnau who conducted a hearing in the matter of *Robert W. Dahlgren vs. Alfonso Loretto, et al.*, 12-2-27768-1 SEA. I called your attention to previous cases decided by our courts which, at least on their face, appear contrary to the substance of your recent letter. Obviously we all want to do the correct thing and make sure people of all backgrounds have proper access to the courts. However, the current state of the law leaves us a bit bewildered. The cases I am referring to are: *Kustura v. DLI*, 142 Wa. App. 655 (2008), affirmed on other grounds at 169 Wa 2nd 81. The Supreme Court seemed to say that there was no statutory right to interpreter services for non-indigent defendants where the government did not initiate the legal proceeding. The Court chose not to reach the constitutional due process and equal protection claims rejected by the Court of Appeals. Footnote 54 is also a bit puzzling in its discussion of *Marintorres*, 93 Wn. App. 442 which required free interpreters in criminal cases to LEP defendants because they are provided for hearing impaired defendants but *Marintorres* does not apply in cases where the government does not initiate the proceedings.

I also, quite frankly, was disappointed in that your letter to me and Judge Prochnau did not include Judge Prochnau's offer to continue the hearing before the matter was decided to allow for interpreters and participation of the parties, which offer was rejected by the attorney for the parties who wanted to proceed without interpreters.

I certainly understand that initially she rejected continuing the hearing for interpreters but later she could have remedied the situation if the attorney had not been insistent on proceeding. Judge Prochnau is one of our most sensitive and caring Judges and I truly believe that she is one of the first Judges on our Court to try her best to do the right thing and provide a meaningful forum for everyone.

Thank you.

Very Truly Yours

Dick

Richard F. McDermott

Presiding Judge

King County Superior Court

*Superior Court for the State of Washington
In and for the County of King*

JUL 05 2013

**Judge Kimberley Prochnau
Department 7**

**King County Superior Court
516 Third Avenue, E-201
Seattle, WA 98104
206- 477-1367**

May 30, 2013

Ms. Shirley Bondon
Washington State Interpreter Program Coordinator
Administrative Office of the Courts
POB 41170
Olympia, WA 98504-1170

Re: Letter from Justice Gonzalez, Chair of Interpreter Services Commission dated
5/20/2013

Dear Ms. Bondon:

I want to begin by thanking the Interpreter Services Commission for the reminder concerning the statutory requirements with respect to LEP participants.

With respect to the hearing conducted by myself referenced in Justice Gonzalez's letter, I believed that counsel for the LEP participants was waiving their rights to an interpreter with respect to his motion to dismiss. Not only did he indicate his initial willingness to go forward with the motion, despite his companion motion to continue to obtain an interpreter, but later in the proceeding when I suggested continuing the hearing to a later date (which would of course given us the opportunity to obtain an interpreter), he objected to that continuance and stated that he wanted the motion to dismiss resolved that same day. Nevertheless, I now realize that RCW 2.43.060 requires that the court determine that any such waiver be knowing, intelligent and voluntary on the client's part. The statute on its face also does not contain any exceptions for situations where the client's active participation is not required. Additionally, upon reflection and after attending the Judicial Spring Conference program on Interpreter Issues, I can now see how distressing and confusing it could be for a LEP client without access to an interpreter to be present at a hearing involving their rights, even where the hearing was intended only to be preliminary in nature.

Thank you very much for bringing this to my attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Prochnau". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Judge Kim Prochnau

cc: Judge Richard McDermott



Language Access and Domestic Violence Court Open House

The Center for Court Innovation's Domestic Violence Court Technical Assistance Program is pleased to announce our first Language Access and Domestic Violence Court Open House. This two-day Open House is meant to assist jurisdictions in identifying how they could better serve litigants with Limited English Proficiency (LEP) and deaf litigants. **This event has received OVW approval.**

The Open House is scheduled for **October 29 and 30, 2013** and will be held in **Seattle, Washington**. Open House attendees will participate in facilitated discussions and workshops lead by faculty from the Asian Pacific Islander Institute on Domestic Violence, Casa de Esperanza, and the National Center for State Courts. Sessions are meant to broaden participants' understanding of the barriers faced by LEP and deaf survivors of domestic and sexual violence navigating the court system, and provide examples of how to increase their court's capacity to ensure access to justice. Attendees will also have the opportunity to learn from the court interpreter program at the King County Superior Court in Seattle, as well local advocates who work with survivors on navigating the court process.

The event has limited space available, and we request that jurisdictions apply with small teams of up to three people. The ideal team will include a judge, a DV advocate, and a court administrator who is responsible for the court's interpreter program. Other attendees will be considered with an explanation of why they would benefit. Teams are eligible to use OVW grant travel funds to attend the Open House.

Jurisdictions interested in attending should fill out the following brief form and return to Sarah Martino at martinos@courtinnovation.org by **August 21, 2013**. We will let you know as soon as possible if your team will be able to attend so that you may make travel plans as necessary. If you have questions about the Open House, please contact Liberty Aldrich at 646-386-4180.

Please Return by August 21, 2013

Please provide the following information:

1. Proposed Attendee Names/Titles	Contact information	Agency Affiliation
Judge Judy Jasprica (Committee Chair)	jjasprica@co.pierce.wa.us	Pierce County District Court
Terri Cooper (Court Administrator)	tcooper@cityofcheney.org	Cheney Municipal Court
Leslie Savina (Advocate)	lsavina@nwjustice.org	NW Justice Project
Pam Dittman (Staff)	Pam.dittman@courts.wa.gov	AOC, Gender & Justice Commission

The Commission requests and proposes to send a 4-person team comprised of the members from the Gender & Justice Commission's (GJCOM) DV Committee and the Interpreter Commission as well as the GJCOM staff person to this Open House.

Please note, our request for the staff person to attend is due to the fact that the GJCOM is staffed and supported through the Administrative Office of the Courts (AOC) and that staff person would be the point of contact for the team developing any suggested guidelines and/or educational proposals in concert with the GJCOM and the AOC Interpreter Commission.

2. Name of jurisdiction:

The GJCOM is a Washington State Supreme Court Commission established to work on gender issues in the state court system. The Commission focuses on a variety of areas whether it is education for judicial officers and court staff or collaborating and coordinating efforts with others that align with our work plans. We have championed and continue to champion many efforts on the issues of domestic and sexual violence in our courts. Both Commissions work on a state-wide level and are well-known and respected entities.

3. Basic demographic information (size and location) of the jurisdiction:

The GJCOM is comprised of 21 members representing all aspects of the court (judicial officers, clerks, administrators, etc.) and the Interpreter Commission is comprised of 12 members from the court and the public sector. Both Commissions have access to all levels of courts and the ability to collaborate and share information with them along with sharing information with the certified interpreters.

4. Is your jurisdiction is a recipient of OVW funding? Yes No

If yes, please tell us which grant program:

The Gender and Justice Commission, through staff assistance at the Washington State Administrative Office of the Courts, receives and manages the five percent STOP Grant set-aside for courts.

5. Why is your team interested in attending a DV Court Open House that focuses on language access? Please also tell us why you believe the individuals your jurisdiction is selecting to attend will benefit from this training.

The DV Committee addresses the court's response to domestic and sexual violence through developing state-wide policies, procedures, and protocols to enable judicial officers and others to receive timely information relevant to managing dv and sexual assault cases and to appropriately serve victims and survivors of domestic and sexual violence.

The Interpreter Commission develops policies for the Interpreter Program and addresses disciplinary procedures and complaints; compliance, certification, and testing issues; and education.

Washington courts are seeing more and more non-English speaking individuals petitioning for orders of protection and in family court seeking dissolutions and parenting plans. Victims and survivors of domestic and sexual violence already have to navigate the oft-times scary and complex court system and when you add in a person who is non-English speaking and/or deaf or hard of hearing there are additional challenges. The courts are also dealing with limited resources for interpreters and finding interpreters who understand the nuances of domestic and sexual violence.

Through the team and staff, we would be able to provide guidance to other courts, identifying misconceptions or misunderstandings, and assess how courts can identify and assist with these issues. Additionally, the team who attends the Open House can inform the Commissions who then could propose educational seminars on the topics discussed at the Open House for various judicial conferences held each year.

While the DV Committee will be the lead on this project, we understand the need to include a representative from the Interpreter Commission. The partnership with the Interpreter Commission is paramount to the success of any suggested guidelines and/or

educational proposals. It further promotes the cross-collaboration of Commissions and may bring to light areas we can assist survivors and victims of domestic and sexual violence to enhance their safety.

6. Briefly tell us about some of your jurisdiction's current practices aimed at expanding language access for survivors of domestic and sexual violence, and/or some of the gaps in service and protocols that you've identified.

Currently, the Interpreter Commission is exploring video remote interpreting, is exploring a state-wide scheduling system, and is contemplating a public outreach plan to understand the barriers associated with interpreting around languages.

The collaboration between the two Commissions will fill gaps in services to individuals who are deaf and experience language barriers in accessing court services for domestic and sexual violence issues. Attending the Open House as a team will help foster the partnership between the Commissions and enable the Commissions to reach different sectors of our court systems through their respective membership.

About the Center for Court Innovation: A public/private partnership, the Center for Court Innovation helps the justice system aid victims, reduce crime, and improve public trust in justice. With support from the Office on Violence Against Women, the Center provides a variety of services free of charge, including on-site support, site visits to domestic violence courts, peer-to-peer contacts, and planning materials. The Center also develops publications and Internet materials of special interest to a domestic violence court audience. For more information or assistance, contact Liberty Aldrich at aldrichl@courtinnovation.org.



WASHINGTON
COURTS

INTERPRETER COMMISSION 2014 MEETING DATES

EVENT	DATE	LOCATION
Interpreter Commission Meeting	February 28, 2014 8:30 am – 11:30 am	AOC Facility, SeaTac (small conference room)
Interpreter Commission Meeting	May 30, 2014 9: 00 am – 12:00 pm	AOC Facility, SeaTac (large conference room)
Interpreter Commission Meeting	September 12, 2014 9:00 am – 12:00 pm	AOC Facility, SeaTac (small conference room)
Interpreter Commission Meeting	December 5, 2014 9:00 am – 12:00 pm	AOC Facility, SeaTac (small conference room)

Issues' Committee Report



August 26, 2013

TO: Interpreter Commission's Issues Committee
FROM: Shirley Bondon, Manager Court Access Programs
RE: Extension Request

Issue I:

Interpreter Oral Exam applicant is requesting an extension allowing her passing written exam score to remain valid for four years, one year beyond the three year period provided for in program policy (See Attachment A).

Candidate's 2011 Oral Exam Scores

Sight 62% Consecutive 72% Simultaneous 53%

Candidate's 2012 Oral Exam Scores

Sight 64% Consecutive 72% Simultaneous 60%

Relevant Interpreter Commission Policy:

Testing

(1) Written Examination. The written exam is a general English proficiency exam that contains 135 questions in multiple-choice format and includes questions related to legal terminology, English aptitude, and court interpreter ethics. The exam is scored via SCANTRON. A test candidate must pass with a score of 80% or better to be eligible to take the oral examination.

Passing the written examination is a prerequisite to sitting for the oral examination. However, a passing score of the written examination shall only be valid for three years. If a candidate passes the written examination, yet fails to pass the oral examination within three years of the written examination date, the candidate must re-take the written examination in order to be eligible for future oral examinations.

(2) Oral Examination. The oral exam consists of simultaneous, consecutive, and sight

translation interpretation exercises. The entire oral exam is audio taped and sent to the Consortium to coordinate rating. Linguistic professionals, hired by the Consortium, conduct rating. The test candidate must pass each section with a score of at least 70% or better. In no case shall a person be allowed to take the same oral test version more than once within a 12-month period.

Goal of three year expiration of Written Exam Score

Language copied from the October 3, 2008 minutes when the expiration was adopted.

a. Proposed Changes to the Policy Manual

The Commission discussed and adopted changes to the testing and training sections of the interpreter policy manual. Those changes are outlined below:

1. Testing Certified: Appendix B

Three modifications were made to this section, and are identified by underline and strikeout in Appendix B. First, in the section entitled "Testing" (page 11), an additional paragraph was made to "Written Examination." Currently, passing scores for the written examination are valid without an expiration date. The Commission approved to limit the ripeness period of a passing score to three years. Therefore, any candidate who does not pass the oral exam within three years of passing the written exam will not be eligible to re-take the oral exam unless he/she retakes and passes the written exam.

August 22, 2013

To whom it may concern,

I am writing this letter to request an extension for an oral testing to become a Certified Court Interpreter in Russian language. The request is based on the changes in our family circumstances. I am due to give birth to a baby girl around the date of testing which makes it difficult to take a test when I would be 8 ½ months pregnant. I understand that this fall would be the last year that I could take the oral exam, or I would have to start the process all over again, that is why I am asking for a possible extension to either take the test in few more months or the next time it is offered in the fall, therefore moving my third attempt to that time.

I have passed a written exam with a high score in January of 2011. Following written exam I attended orientation and took oral exams in 2011 and 2012. For both of these tests I did extensive preparation, including attending classes and sessions through WITS, Washington State Court Interpreters and Translator's Society Committee, and attending two day conference in Oregon for current and future interpreters in Washington and Oregon. This opportunity is something I am extremely excited about. This would be a way to use my skills and help people on a higher level than I can now. I currently work in the Washington State Office of Administrative Hearings where I serve as a bridge and interpreter for Russian/Ukrainian and Spanish speakers who call and inquire about their cases. I love languages and to be able to do what I love and help people as an interpreter would be more than amazing.

Recently I found out that there would be a job opportunity for me if I obtain my certification. Our OAH office holds administrative hearings for clients who appeal decisions from DSHS, DCS, and about a dozen more state agencies, and during these hearings we provide interpreters for all the non English speakers. Large part of these appellants speak Russian. We currently hire other interpreters to help us, but with my certification, per our Chief Administrative Law Judge, there is a possibility for me to become a Russian interpreter for the agency statewide, to assist clients and judges during hearings. Usually we use two or three Russian interpreters, and sadly one of them passed away just recently. This left us with a need and a greater demand for a Russian interpreter.

As you can see my enthusiasm and my interest in becoming an interpreter is very high, and at the same time demand in our agency has increased as well. Unfortunately I am unable to participate in this year's testing and therefore I am hoping that there is a possibility of moving my test date to a later time or to be able to take it next fall when it is offered again, without starting the process all over again. I truly appreciate your time to review my request and hope to hear back from you soon.

Thank you,

Sincerely

Larisa Ryakhovskiy

GR 9 COVER SHEET

Suggested Technical Change

General Rule (GR) 11.1 Court Interpreters

- (A) Name of Proponent: Interpreter Commission
- (B) Spokesperson: Justice Steven González
- (C) Purpose: To correct several errors occurring as a result of oversight, omission and lack of clarity regarding the Commission's jurisdiction, powers and membership requirements.

Pursuant to GR 11.1 (b) and (c) the Commission is authorized to establish three committees to fulfill ongoing functions related to issues, discipline, and judicial/court administration education. Each committee shall consist of three Commission members; one member shall be identified as the chair, and each member is expected to serve on one committee.

GR 11.1 was not written to limit participation on a committee, but to require involvement of a sufficient number of members on each committee. To clarify intent and encourage greater participation on committees, the Commission wishes to clarify that each committee shall consist of **at least** three Commission members and Commission members should serve on **at least** one committee, but are encouraged to serve on more than one committee should schedules permit.

GR 11.1 (b) (1) also authorizes the Issues Committee to review and respond to issues, complaints and or requests from interpreters. The Commission wishes to clarify that the term "issues" encompasses all issues related to the delivery of interpreter services within Washington Courts, including but not limited to interpreter certification and access to interpreters.

GR 11.1 (b) (3) states that the Judicial and Court Administration Education Committee shall provide training opportunities for judicial officers and court administrators, but fails to include court staff. The Commission wishes to correct the omission and add court staff to the list of persons to be trained.

GR 11.1 (c) specifies the number and composition of Commission membership. The Commission wishes to clarify the types of interpreter, spoken and sign language, authorized to serve on the Commission and to increase the potential number of Commission members from 12 to 15, making it possible to add other representatives as needed without revising the rule.

- (D) Hearing: Not recommended.
- (E) **Expedited Consideration**: Expedited consideration is requested by the Commission. The Commission considers this to be a clarifying/technical change to the rule, rather than a change in the law.

1 **Rule 11.1 Purpose and Scope of Interpreter Commission**

2
3 (a) Purpose and Scope. This rule establishes the Interpreter Commission
4 ("Commission") and prescribes the conditions of its activities. This rule does not modify
5 or duplicate the statutory process directing the Court Certified Interpreter Program as it
6 is administered by the Administrative Office of the Courts (AOC) (RCW 2.43). The
7 Interpreter Commission will develop policies for the Interpreter Program and the
8 Program Policy Manual, published on the Washington Court's website at
9 www.courts.wa.gov which shall constitute the official version of policies governing the
10 Court Certified Interpreter Program.

11
12 (b) Jurisdiction and Powers. All certified court interpreters who are certified in the state
13 of Washington by AOC are subject to rules and regulations specified in the Interpreter
14 Program Manual. The Commission shall establish three committees to fulfill ongoing
15 functions related to issues, discipline, and judicial/court administration education. Each
16 committee shall consist of at least three Commission members and one member shall
17 be identified as the chair.

18 (1) The Issues Committee is assigned issues, complaints, and/or requests from
19 interpreters for review and response. If the situation cannot be resolved at the Issues
20 Committee level, the matter will be submitted by written referral to the Disciplinary
21 Committee.

22
23 (2) The Issues Committee will also address issues, complaints and/or requests
24 regarding access to interpreter services in the courts, and may communicate with
25 individual courts in an effort to assist ~~in with~~ compliance with language access
26 directives required by law.

27
28 ~~(3)(2)~~ The Disciplinary Committee has the authority to decertify and deny certification of
29 interpreters based on the disciplinary procedures for: (a) violations of continuing
30 education/court hour requirements, (b) failure to comply with Interpreter Code of
31 Conduct (GR 11.2) or professional standards, or (3) violations of law that may interfere
32 with their duties as a certified court interpreter. The Disciplinary Committee will decide
33 on appeal any issues submitted by the Issues Committee.

34
35 ~~(4) (3)~~ The Judicial and Court Administration Education Committee shall provide
36 ongoing opportunities for training and resources to judicial officers, ~~and~~ court
37 administrators, and court staff related to court interpretation improvement.

38
39 (c) Establishment. The Supreme Court shall appoint no more than 15 members to the
40 Interpreter Commission, ~~and The Supreme Court~~ shall designate the chair of the
41 Commission. The Commission shall include representatives from the following areas of
42 expertise: judicial officers from the appellate and each trial court level (3), spoken
43 language interpreter (2), sign language interpreter (1), court administrator (1), attorney
44 (1), public member (2), representative from ethnic organization (1), ~~and~~ an AOC

1 | representative (1), and other representatives as needed. The term for a member of the
2 | Commission shall be three years. Members are eligible to serve a subsequent 3 year
3 | term. ~~The Commission shall consist of eleven members~~. Members shall only serve on at
4 | least one committee and committees may be supplemented by ad hoc professionals as
5 | designated by the chair. Ad hoc members may not serve as the chair of a committee.
6 |

7 | (d) Regulations. Policies outlining rules and regulations directing the interpreter program
8 | are specified in the Interpreter Program Manual. The Commission, through the Issues
9 | Committee and Disciplinary Committee, shall enforce the policies of the interpreter
10 | program. Interpreter program policies may be modified at any time by the Commission
11 | and AOC.
12 |

13 | (e) Existing Law Unchanged. This rule shall not expand, narrow, or otherwise affect
14 | existing law, including but not limited to RCW chapter 2.43.
15 |

16 | (f) Meetings. The Commission shall hold meetings as determined necessary by the
17 | chair. Meetings of the Commission are open to the public except for executive sessions
18 | and disciplinary meetings related to action against a certified interpreter.
19 |

20 | (g) Immunity from Liability. No cause of action against the Commission, its standing
21 | members or ad hoc members appointed by the Commission, shall accrue in favor of a
22 | certified court interpreter or any other person arising from any act taken pursuant to this
23 | rule, provided that the Commission members or ad hoc members acted in good faith.
24 | The burden of proving that the acts were not taken in good faith shall be on the party
25 | asserting it.
26 |

27 | *[Adopted effective September 1, 2005]*
28 |

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
LANGUAGE ACCESS) Administrative Order
PLANNING FOR APPELLATE) No. 2011 - 125
COURTS)
_____)

In accordance with Administrative Order No. 2011-96, which outlined the trial courts' responsibility to provide meaningful access to justice for all persons, the Arizona Supreme Court and Court of Appeals, Division One and Division Two, also recognize the importance of language access services for non-English proficient participants in the court system. Therefore,

Pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that each appellate court shall develop a language access plan that documents how the court currently makes its operations available to non-English speaking parties and how it plans to make such services available for those proceedings and operations not currently provided for. Each court's plan shall include operations at the Clerk's Office and describe the following:

1. The court's frequently encountered foreign languages, identified either from local census data or information generated internally by the court.
2. Interpreting and translation resources the court uses to provide language access in appellate matters and staff understanding of said resources.

IT IS FURTHER ORDERED that the Administrative Office of the Courts shall provide technical assistance to the appellate courts, as needed, to comply with this Order.

IT IS FURTHER ORDERED that the Clerk of Court shall submit the language access plans for their respective court to the Administrative Office of the Courts by January 31, 2012.

Dated this 7th day of December, 2011.

REBECCA WHITE BERCH
Chief Justice

Language Access Plan for the Arizona Supreme Court Clerk's Office

I. Legal Basis and Purpose

This document serves as the plan for the Arizona Supreme Court Clerk's Office to provide to persons with limited English proficiency (LEP) services that comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112). This language access plan (LAP) was developed to ensure meaningful access to court services for persons with limited English proficiency.

II. Frequently Encountered Foreign Languages

The State of Arizona provides court services to a wide range of people, including those whose proficiency in English may be limited. The April 2010 Census lists the following languages as being the primary languages of the greatest number of those in Arizona who speak English less than "Very Well":

1. Spanish
2. Navajo
3. Chinese
4. Vietnamese
5. Arabic

The Supreme Court Clerk's Office makes every effort to provide full and effective services to all LEP persons. A survey of Clerk's Office staff and data from the United States Census Bureau data for Arizona shows that Spanish is the most frequently used foreign language in this court's geographic area. . Office personnel rarely see with persons who speak languages other than English and Spanish.

III. Language Assistance Resources

A. Interpreters Used in the Courtroom

In the past four years, the Court has not received a request for an interpreter for oral argument. If such a need arises, the office will provide an interpreter from the list of language interpreters/translators who are under state contract at the time the service is requested.

B. Language Services Outside the Courtroom

The vast majority of Clerk's Office interaction with non-English speaking persons occurs via the telephone and the office's public counter. On rare occasions, the office receives a letter or email in a foreign language.

To facilitate communication between LEP individuals and court staff, the Supreme Court Clerk's Office uses the following resources:

- "I Speak" cards, to identify the individual's primary language;
- "Language Line" telephonic interpreter contract services;
- Bilingual employees of AOC and/or Court of Appeals; and
- If the above resources are not available, staff may use a script written phonetically in Spanish, which asks for the caller's name and telephone number and states that the call will be returned as soon as someone who speaks Spanish is available.

C. Forms

The Clerk's Office regularly provides a few forms for public use. According to staff, most of whom have been employed in the Clerk's Office for several years, no one has asked for any of these forms in a language other than English. Therefore, at this time the forms are available only in English. Should the need arise to translate these forms, based on the volume of annual requests, the office will have them translated and made available.

D. Staff Training and Recruitment

All Clerk's Office employees have been trained regarding the resources available to assist LEP persons visiting and calling the Clerk's Office, wishing to file documents, and attending oral argument. The Supreme Court Clerk's Office is an equal opportunity employer and recognizes that the presence of bilingual staff in the office would be beneficial. The ability to speak and write Spanish is listed as a preferred skill on the deputy clerk's job description and is taken into consideration when evaluating deputy clerk candidates.

E. Evaluation of LAP

The Clerk's Office will routinely assess whether changes to the LAP are needed. The plan may be updated at any time, but will be reviewed at least once every two years.

F. Language Access Plan Contacts:

Clerk's Office Contact:

Sara Jones
Supreme Court Clerk's Office
1501 W. Washington St, Suite 402
Phoenix, AZ 85007
602.452.3396; sjones@courts.az.gov

AOC Language Access Contact:
Carol Mitchell
Court Services Division
Administrative Office of the Courts
1501 W. Washington, Suite 410
Phoenix, AZ 85007
602.452.3965; cmitchell@courts.az.gov

G. LAP Effective Date: February 1, 2012

Approved by:

Rachelle Resnick
Arizona Supreme Court
Clerk of the Court

Supreme Court Language Access Plan

- I. Policy Statement
(Explain the courts commitment and why this is important).
- II. Legal Basis and Purpose
- III. Definition
- IV. Approach
 - (1) Agency Language Access Coordinator:
(Identify the Language Access Coordinator, agency contact information including address, telephone number and email address)
 - (2) Language Assistance Resources
(Describe the steps the court will take to ensure services).
 - (3) Describe how services will be accessed.
- V. Staff Training
(Describe how staff will be trained).
- VI. Notice to Public
(Describe how the public will be notified of the services).
- VII. Monitoring
(Describe how the court will monitor services and provide quality assurance).
- VIII. Complaint
(Explain the complaint process).
- IX. Contacts

Court Interpreter Program Updates

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 8

In Support of Sharing Interpreter Resources through Establishing a Shared National Court Video Remote Interpreting Network and National Proficiency Designations for Interpreters

WHEREAS, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have long recognized the importance of ensuring access to justice through the availability of qualified court interpreter services for limited English proficient individuals accessing the state courts; and

WHEREAS, the COSCA White Paper, *Court Interpretation: Fundamental Access to Justice* (2007), acknowledges the shortage of trained court interpreters in the many languages spoken by those accessing the state courts and recommends considering the feasibility of establishing regional or national pools of interpreters, as well as a strategy for promoting recognition of interpreter certification status among the state courts; and

WHEREAS, the Call to Action from the 2012 Summit on Language Access supports the establishment of a shared national court video remote interpreter (VRI) network as a key national language access priority of the state courts; and

WHEREAS, following the Summit, COSCA's Language Access Advisory Committee (LAAC) and the National Center for State Courts (NCSC) considered the establishment of a shared national court VRI network; and

WHEREAS, as a result of that review, LAAC recommends that a shared national court VRI network be established in order to promote the sharing of interpreter resources among state courts, as well as to enhance the quality, efficiency, and consistency of interpreter resources available to all state courts; and

WHEREAS, to establish the “pools” of interpreters for that network, LAAC developed a method for categorizing court interpreter qualifications on a national basis, or the National Proficiency Designations for Interpreters structure (NPDI), which sets forth a tiered-qualifications structure for foreign language and sign language court interpreters based primarily on court interpreter oral examination scores (using tests developed through the work of the former Consortium on Language Access in the Courts and the NCSC); and

WHEREAS, the NPDI tiered structure is intended to assist state courts by establishing parameters for VRI services so that states entering into agreements with VRI service providers can be assured that they can access court interpreter resources that best meet their needs; and

WHEREAS, the NPDI structure will not control or affect how states manage court interpreter certification within their own states; and

WHEREAS, the NCSC has agreed to maintain the shared national court VRI network on behalf of CCJ and COSCA;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators:

1. Authorize LAAC, with the assistance of the Council of Language Access Coordinators, to promulgate and amend as necessary the National Proficiency Designations for Interpreters tiered structure to further efforts to establish a shared national court VRI network; and
2. Express appreciation to the National Center for State Courts for its willingness to maintain the shared national court VRI network on behalf of the Conference of Chief Justices and the Conference of State Court Administrators, and for its overall efforts to promote the availability of effective VRI solutions for state courts.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2013 Annual Meeting on July 31, 2013

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 7

In Support of Establishing Best Practices/Recommendations for the Use of Video Remote Interpretation

WHEREAS, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have long recognized the importance of access to justice for litigants and others using state courts, including limited English proficient individuals who face particular challenges and hardships in accessing and navigating the justice system; and

WHEREAS, individual state courts have struggled to obtain access to sufficient qualified court interpreter services in the many languages spoken by those who access the state courts; and

WHEREAS, the use of video remote interpreting (VRI) has the potential to offer key benefits to state courts in enhancing the quality, efficiency, accountability, and availability of court interpreter services on a national level, thereby further promoting access to justice in courts; and

WHEREAS, CCJ adopted Resolution 2 in January 2013 and COSCA adopted Resolution 1 in December 2013 supporting efforts by the Language Access Advisory Committee to develop national VRI standards for vendors interested in providing VRI services to state courts, and to address other related VRI issues; and

WHEREAS, consistent with the mandate in CCJ Resolution 2 and COSCA Resolution 1, the Language Access Advisory Committee (LAAC) has developed business policy recommendations and technical requirements for VRI court services to support the quality and consistency of interpreter services provided to state courts through potential VRI technology solutions, as well as to enhance the solutions' versatility and effectiveness;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators:

1. Authorize the LAAC, with the assistance of the Council of Language Access Coordinators, to promulgate and amend as necessary video remote interpreting business policy recommendations, technical requirements, and other related practices for state court interpreter services; and
2. Request the National Center for State Courts, working with LAAC and others, to take further action to support implementation of these VRI business policy recommendations and technical requirements and the creation of potential VRI technical solutions advancing court interpreter resource sharing on a national level.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2013 Annual Meeting on July 31, 2013.



September 4, 2013

TO: Interpreter Commission

FROM: Shirley Bondon, Manager Court Access Programs

RE: NCSC Draft Video Remote Interpreting (VRI) and National Proficiency Designations for Interpreters (NPDI) for VRI Only

After the First Annual Council of Language Access Coordinators (CLAC) Conference in April 2013, two workgroups were composed to develop video remote interpreting (VRI) policy recommendations and national proficiency designations for interpreters (NPDI). Recently, both workgroups requested comments from CLAC regarding the attached recommendations. A summary of the concerns and recommendations offered by the CLAC is provided below. A response to some of the concerns expressed, from Hon. Pat Griffin, Chair of the Language Access Advisory Committee (LAAC), is attached.

LAAC submitted these recommendations to the Conference of Chief Justices and the Conference of State Court Administrators (CCJ/COSCA) during their annual meeting in July. Each coordinator was asked to share information with his or her state court administrator prior to the meeting.

Summary of CLAC Concerns:

The NPDI should provide national standards that provide reasonable assurance that the interpreter being contracted is the professional individual needed. Some coordinators view the NPDI as a wish list of what they would like to have available for each state court. States do not and should not have to change how they are doing things; it is left up to the freelance or contract interpreter (after all, they are in business for themselves) to score at the level required to be included in the NPDI list.

The tier system could be a valuable resource to obtain non-certified language interpreters for VRI only. It should not be used uniformly to classify credentials for those who could attain certification within a state. States should continue to apply their own standards to the certification elements that a candidate presents.

Some coordinators are concerned that the program as designed is not workable for states with few interpreters. They are also concerned that commercial companies may not be able to accommodate the VRI requirements, or will view them as adding too much expense to their programs and could inhibit VRI implementation.

LAAC was asked to vet requirements with real companies already performing this service to get their impressions of the cost and practicalities. They were also asked to consider the possibility that some certified interpreters doing the work now in person in our courts may want to go to work for a private company in the future for a variety of reasons (tired of traveling, tired of waiting on hearings, wanting regular pay, etc.), and if requirements are too high, they could be prevented from working with these companies and perhaps increasing the quality of interpreting provided via VRI.

Before creating certification tiers/categories, coordinators encouraged the National Center for State Courts (NCSC) to address concerns regarding perceived flaws with certification exams, especially given the low pass rate for some languages (Korean, Vietnamese).

The tier system explained below, which is based on the exams passed by an interpreter was recommended:

- **Written:** Interpreter has passed the NCSC - maintained English proficiency exam at 80% or better.
- **Sight:** Interpreter has passed the "sight" translation test to and from the target language at 70% proficiency.
- **Simultaneous:** Interpreter has passed the "simultaneous" interpreter exam to and from the target language at 70% proficiency.
- **Consecutive:** Interpreter has passed the "consecutive" interpreter exam to and from the target language at 70% proficiency.
- **Dual (sight/simultaneous):** Interpreter has passed both the "sight" and "simultaneous" interpreter exams to and from the target language at 70% proficiency.
- **Dual (sight/consecutive):** Interpreter has passed both the "sight" and "consecutive" interpreter exams to and from the target language at 70% proficiency.
- **Triple (multiple exams):** Interpreter has passed the sight, simultaneous and consecutive interpreter exams to and from the target language at 70% proficiency over the course of more than one testing cycle.
- **Triple (in one exam):** Interpreter has passed the sight, simultaneous and consecutive interpreter exams to and from the target language at 70% proficiency in a single one-hour examination.
- **ALTA:** Passed the ALTA Language Services Oral Proficiency Exam (OPI) with a score of at least 12.
- **LTI:** Passed the Language Testing International Oral Proficiency Exam (OPI) with a score of "superior."

Partial Pass vs. Full Pass System - There is significant disagreement whether passing all three tests in one sitting is superior to the partial pass system, the process whereby a test candidate is allowed to retake only those portions of the oral exam she/he did not pass rather than taking the entire oral test again.

While no one can point to empirical data, it certainly makes sense on an intuitive level that being able to take the exam in stages is a substantial advantage over taking it all in one sitting. It doesn't require as much stamina, the preparation for the remaining parts is more focused (no need to practice simultaneous if you have already passed it), and you don't have to shift gears as much (as you might have to do in a courtroom setting).

Washington State Interpreter Commission

The Interpreter Commission has not reviewed the recommendations but has previously discussed several of the concerns expressed by the CLAC.

Oral Exams

The Commission reviewed oral exam results from 2004 to 2013. Results showed progress certifying interpreters in Spanish, Russian and Mandarin, with very little success certifying interpreters in other languages. Korean oral exam takers had a very low pass rate. Eighty-one tests had been administered with one passing score. Vietnamese was also troubling. Forty-five tests had been administered with three passing scores.

The Commission decided that additional data was needed to determine the reasons for the low passing rate. Independent evaluation for each language was proposed as a method for interpreter exam scoring. Justice González proposed including the Korean/American Bar Association in a discussion about the oral exam. The Justice recommended that this would be an issue for the Issues Committee to investigate. The Commission instructed the Issues Committee to contact the NCSC Consortium on Language Access and gather additional data for a more thorough discussion of oral exams beginning with Korean exams. AOC staff has requested and received some data from the Language Access Services Section (LASS), and section leadership has agreed to provide more data on test validity.

Partial Pass vs. Full Pass System

Washington requires interpreter candidates to pass all exams in one sitting, but has discussed changing this requirement. While some believe requiring candidates to pass all exams in one sitting increases testing difficulty for the reasons expressed above, it's not clear that this difficulty results in a better qualified interpreter.

Certification Tiers

The Commission has discussed certification tiers for the courts' interpreter program and currently two tiers are used, certified and registered. To increase the number of credentialed court interpreters in non-certified or non-registered languages, the Commission has discussed adding another tier, but this has not received a positive response. Some believe adding an additional tier simple decreases quality. Certification tiers in the context of VRI have not been discussed.

Attachments (3)

From: [CLAC-general List](#) on behalf of [Vagenas, Konstantina](#)
To: CLAC-GENERAL@LISTSERV.NCSCONLINE.ORG
Subject: [CLAC-GENERAL] Important Message from Pat Griffin to CLAC
Date: Sunday, July 21, 2013 5:24:29 PM
Importance: High

To all, I wanted to express LAAC's appreciation for your comments on these initiatives, as well as for the hard work over many months of the Work Groups involved, under Christine Johnson's and Steve Canterbury's leadership, respectively. Tina is collecting all of your feedback (some of which has been shared with the CLAC listserv and other comments only with Tina as her email suggested). It is important that LAAC has the opportunity to consider all of your valuable input before considering these matters during the summer CCJ/COSCA meeting.

I also thought it may be helpful to clarify that the purpose of the national proficiency designations for interpreters (NPDI) is to establish some standards to assist states as they consider entering into relationships with video remote interpreting (VRI) service providers. Unlike the telephonic interpreting services that most all of us use in our states (in which we are at the mercy of the providers and, for the most part, have no knowledge concerning the qualifications of the interpreters provided), the goal is to establish criteria for interpreter qualifications so that when a state uses an interpreter from VRI, it will have assurance that the interpreter has a certain level of competence as defined by their tier level. The NPDI also acknowledges that operational needs of individual states require that each state have the ability to establish its own court interpreter certification requirements – it does NOT establish reciprocity standards. It will be stated in any resolution related to these designations that the tiered structure will not control or impact how states manage court interpreter certification within their own states. The tiered structure is intended to assist state courts by establishing parameters on a national basis, through the tier levels, for a state to use if it chooses to enter into an agreement with a VRI service provider. States can choose not to enter into any agreements with VRI providers, or to state in their agreement with a VRI provider that they will use only interpreters from tiers 1 or 2 (which are generally consistent with the testing standard accepted by the Consortium in 2006) for certain more common foreign languages, or will use interpreters only from a particular tier for certain kinds of proceedings; states will have the flexibility to set up whatever contractual arrangements with VRI service providers that best meet that state's needs.

I read Deborah Unitas' concerns about the need to address testing maintenance issues and am aware that these issues have been of concern to the members of the Consortium for some time. The intent for the reorganization from the Consortium for Language Access in the Courts was to establish a clear organizational structure, the Language Access Services Section, within the National Center for State Courts, to ensure that resources, under LAAC's direction, can be focused on the areas of most importance to state courts. The language access services area in NCSC continues to undergo changes and transition. I believe that LASS, through Tina's leadership and hard work (as well as others), has made tremendous progress in many ways – although all of

us recognize that much more needs to be done. In addition, there are many competing demands for LASS's resources. To ensure that LAAC, in working with the NCSC to set LASS's test-related work plan (which doesn't include policy issues) over the next year or so, understands what you feel are the most critical areas with testing, you will shortly be receiving a survey asking for you to share your testing-related priorities (such as testing maintenance and which tests, testing development, etc.) to assist LAAC and NCSC in setting LASS's work priorities.

Finally, we know there is not universal agreement about whether an interpreter needs to pass the oral examination in one sitting or over a certain period of time, or for some other qualifications in the proficiency designations. It is likely that research would need to be completed on the issue of test-taking timing issue for the issue to be resolved. That said, it is extremely helpful to understand your concerns and the reasons behind those concerns. This is our first venture into this process, and we hope to make the best decisions that we can at this point, understanding that we may need to make changes in the future, to better meet our shared needs. As we move forward in addressing language access, the NCSC under Tina's direction will address the many issues (apart from the VRI Tiers). As always, please continue to email Tina your inquiries and she will prioritize them with LAAC and staff. Thank you again. Pat

National Proficiency Designations for Interpreters: Spoken Language

Tiers for Languages where an NCSC Oral Exam is Available

Tier 1

- FCICE; OR
- NCSC Oral Exam Scores obtained in one test cycle:
 - ST=80% (at least 75% on each ST sub-part); C=80%; S=80%; AND*
- Certified in at least one state

Tier 2

- NCSC Oral Exam Scores:
 - ST=70% (at least 65% on each ST sub-part); C=70%; S=70%; AND*
 - If scores were obtained through an incremental pass system, all passing scores are to have been obtained within a 12-month period AND*
- Certified in at least one state

Tier 3

- NCSC Oral Exam Scores obtained in one test cycle:
 - ST=60% (at least 55% on each ST sub-part); C=60%; S=60%; AND*
- NCSC Written Exam Score = 80%; AND
- Completion of a State Court Interpreters' Orientation

Tier for Languages where no NCSC Oral Exam is Available

Tier A

- Oral Proficiency Interview (OPI) Scores (non-English language):
 - ALTA=12 or LTI=Superior; AND*
- NCSC Written Exam Score = 80%; AND
- Completion of a State Court Interpreters' Orientation

DEFINITIONS

Explanation of Tier System:

Tiers 1, 2 & 3 = tiers for interpreters who interpret in a language where either an abbreviated or full oral exam is available.

Tier 4 = tier for interpreters who interpret in a language where no oral examination exists but an Oral Proficiency Interview (OPI) is available from ALTA or LTI [or other similarly approved entity]

Explanation of Tests and Test Administration:

Oral Examination = an abbreviated or full oral interpreting test maintained by the NCSC.

FCICE = Federal Court Interpreter Certification Examination; this test is used by the US Administrative Office of the Courts and is considered more difficult than the NCSC oral exam with a pass rate of about 4% nationwide.

Written Exam = 135-question multiple choice test maintained by the NCSC

ST=Sight Translation; this portion of the NCSC oral exam is comprised of two separate sub-parts whereby a candidate is required to sight translate an English-language document into the target language and sight translate a non-English document into English.

C= Consecutive

S=Simultaneous

One Test Cycle = oral test administered in full during a one-hour period on the same day

Incremental Pass System = the process whereby a test candidate is allowed to retake only those portions of the oral exam s/he did not pass rather than taking the entire oral test again.

Oral Proficiency Interview (OPI) = an oral test measuring an individual's non-English language skills (not interpreting skills)

ALTA = Alta Language Services

LTI = Language Testing International

Other:

State Court Interpreters' Orientation = initial training in a state or US territory that includes ethics, legal terminology, and exposure to modes of interpreting.

Certified = status conferred upon an individual by a state confirming the individual has attained and continues to maintain the highest credentials offered to court interpreters within the jurisdiction; in addition to passing an oral interpreting exam, being certified typically includes completion of initial and on-going training and in some states a criminal records screening.

Additional Provisions (from VRI Meeting on 6/28/2013):

The NCSC database will indicate the state where the interpreter obtained certification or completed the qualification process.

The NCSC database will provide an appendix listing states' policies and procedures for certification, including whether a state requires criminal records screening for its court interpreters, and the related policy (if applicable).

States are responsible for notifying the NCSC if an interpreter who was certified or qualified in that state and who is listed on the NCSC database has been "decertified" or has had other disciplinary action taken against him/her making them ineligible to provide court interpreter services in that state.

National Proficiency Designations for Interpreters: Sign Language

Tier 1

- RID Certification:
- SC:L (Hearing)
- CLIP-R (Deaf)

Tier 2

- RID Certification:
- NIC; CSC; CI/CT; NAD IV or V (Hearing)
- CDI (Deaf)

DEFINITIONS

RID = Registry of Interpreters for Deaf; this organization is the entity that tests and certifies sign language interpreters. Most all of the states recognize certification offered by RID.

Specialist Certification

SC:L = Special Certificate: Legal; this certification is considered a specialist certification offered to hearing interpreters who seek to interpret in court settings.

CLIP-R = Conditional Legal Interpreting Permit-Relay; this certification is considered a specialist certification offered to interpreters who are Deaf seeking to interpret in court settings.

Generalist Certification

NIC = National Interpreter Certification; this certification is the primary generalist certification that all sign language interpreters obtain currently. Throughout RID's history, the organization offered different tests and levels of certification that are still recognized as valid even though the tests may no longer be offered (see below):

CSC = Comprehensive Skills Certificate; this certification is a fully recognized certification from RID but the test is no longer offered.

CI/CT = Certificate of Interpreting/Certificate of Transliteration; this certification is a fully recognized certification from RID but the test is no longer offered.

NAD IV or V = National Association of the Deaf; NAD used to offer their own testing separate from RID. In the early to mid-2000s, RID and NAD merged their testing process and now only RID tests and certifies sign interpreters. NAD no longer certifies sign interpreters

CDI = Certified Deaf Interpreter; this certification is offered to interpreters who are Deaf.

VIDEO REMOTE INTERPRETING POLICY RECOMMENDATIONS AND REQUIREMENTS

Access to justice by way of language access to the courts is critical for ensuring accountability and public trust and confidence in the judiciary. In order for the courts to ensure accountability to our nation's diverse population, state courts should promote access to justice for all individuals no matter their ability to understand or speak English. Video remote interpreting (VRI) will allow the courts to remove impediments such as expense, distance, and the paucity of locally available interpreters in many languages from their goal of providing equal access to all court users. The Language Access Advisory Committee has developed as guidelines the below business policy recommendations and technical requirements for VRI court services to support the quality and consistency of interpreter services provided to state courts through potential VRI technology solutions, as well as to enhance the solutions' versatility and effectiveness.

VIDEO REMOTE INTERPRETING BUSINESS POLICY RECOMMENDATIONS

1. To ensure quality and consistency of VRI services, service providers (entities other than court or court-sponsored entities providing video remote interpreter resources contractually to state courts) must staff/contract exclusively with those interpreters who fall within the national proficiency designation tiers as defined by the Conference of State Court Administrators (COSCA) and are included in the shared national court video remote interpreting network ("VRI network") maintained by the National Center for State Courts (NCSC), as an agent of COSCA.
2. Service providers must access the VRI network maintained by NCSC, and must provide information about their staff and contracted interpreters from the VRI network to courts upon request.
3. Service providers must conduct a uniform intake at the time of scheduling, and prepare subsequent billing that captures assessment-friendly data, such as date, language/dialect, whether there was successful delivery of

interpretation services, cost of these services, national proficiency designation of interpreter who provided services, type of court, and length of court event. Service providers may also provide number(s) and role(s) of consumer(s), mode of interpretation and type of court event/hearing. Service providers should maintain the data in reportable format. The Language Access Advisory Committee (LAAC) may modify the aforementioned categories of data; such modifications will be published and available for distribution to all concerned parties.

4. Service providers must employ a complaint process, which would include court interpreter performance and other vendor issues and provide for prompt, written responses to complaints, for courts to utilize. Service providers must provide interpreters' names for the record for quality control purposes. They must also provide this information to the court upon request and comply with requirements that NCSC demands for use of the VRI network.
5. Service providers' staff and contracted interpreters must sign and agree to abide by an interpreter Code of Ethics approved by COSCA.
6. Service providers must have the capability to provide both services on demand (within no more than sixty minutes) and services as scheduled. Service providers must also specify which languages they can provide on demand.
7. Service providers must provide training for use of remote interpreting equipment, as defined by LAAC, consistent with best practices, for all of their interpreters/contractors.

VIDEO REMOTE INTERPRETING TECHNOLOGY REQUIREMENTS

Technology is a fast and ever-changing world, so requirements must start with the business goals of state courts using or planning to use video remote interpreting (VRI) technology:

- Interoperability – Courts want to switch providers or use multiple providers easily.
 - Use non-proprietary video and audio technical standards.
 - Use widely available video and audio technical standards.
- Reliability – Courts want the system to work all of the time and every time.
 - Provide a system availability of 99.9%.
 - Resolve technical problems within five minutes for 90% of all problems where the court’s technology and bandwidth meet the recommended standards.
- Quality – Courts want business quality audio and video to ensure appropriate due process.
 - Exhibit no perceivable latency in video or audio.
 - Exhibit no visible jerkiness in video.

Courts vary tremendously in their current capabilities to support remote interpretation, so technical solutions must work for several different court environments:

- Provide end points for electronic courtrooms with existing digital video capabilities.
- Provide end points for non-electronic or audio only courtrooms.

Technical requirements also vary for the different modes of interpretation and interpretation needs in court:

- Provide consecutive interpretation capability.
- Provide simultaneous interpretation capability.
- Provide private sidebar interpretation capability.
- Provide capability for sight translation of court documents by interpreter.

Finally, courts sometimes want to integrate the end points permanently into electronic courtrooms and at other times want to use temporary mobile end points.

- Provide fixed end points.
- Provide mobile end points.