



**Interpreter Commission**  
**Friday, December 6, 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 Steven González  
Eileen Farley  
Sam Mattix  
Linda Noble  
Dirk Marler  
Theresa Smith  
Alma Zuniga  
Kristi Cruz

### **Members Absent:**

Judge Greg Sypolt  
Judge James Riehl

### **AOC Staff:**

Shirley Bondon  
Robert Lichtenberg

### **Visitors**

Tara Cook

## **I. Call to Order, Introductions, and Welcoming Remarks**

The meeting was called to order by Commission Chair Justice Steven González at 9:14 a.m.

## **II. September 13, 2013 Meeting Minutes**

The minutes of the September 13, 2003 Commission meeting were unanimously approved via online voting with corrections as noted by Justice González and Mr. Marler. The minutes will be posted on the AOC Court Interpreter Program website.

## **III. Chair's Report**

Justice González initiated roundtable introductions and introduced Robert Lichtenberg, the new Interpreter Commission Language Access Program Coordinator who began with the AOC on November 18, 2013.

Mr. Lichtenberg stated that he has worked for the past 15 years as Assistant Director of the DSHS Office of the Deaf and Hard of Hearing, where he was responsible for oversight of the statewide ASL Interpreter contract and was involved in establishing a nationwide ASL-based video relay services as a part of for people with hearing loss. He indicated that it is his goal to improve the availability and quality of interpreters and

interpreter services to the courts, not only for trial settings but also for court services where language interpretation services are needed for short encounters with the public. Justice González stated that it is important for the committee chairs to meet with Mr. Lichtenberg to review committee expectations and requested that a report be made regarding those meetings at the next Commission meeting. He noted that it speaks volumes about the work of the Commission as Mr. Lichtenberg uses sign language and there are overlaps in the work of ASL interpreters and the spoken-language interpreting community in court settings. He encouraged Commission members to contact Mr. Lichtenberg regarding any questions related to interpreting.

Justice González spoke briefly regarding the Commission's special meeting with the Vietnamese and Korean community representatives.

#### **IV. Issues Committee Report**

Justice González requested reports from the Issues Committee regarding their October 21, 2013 meeting.

Alma Zuniga presented the report on behalf of Judge Sypolt.

**Issue #1:** She reported that an AOC oral exam rescoring request was made by an interpreter who passed the Washington State oral exam in 2011. The interpreter was seeking to have their sight translation test rescored in accordance with Washington's Interpreter Commission policy on rescoring in order to meet California's certification requirements and reciprocity policy rather than taking the California certification exam. Since the interpreter was a rater for Washington's oral exam, the person could not take the WA oral exam again. The Commission decided to notify the interpreter about the test-taking policy that affects raters and to offer to work with that interpreter, if possible.

**Issue #2:** Initial discussion of the online scheduling issue affecting King and Snohomish County's interpreter scheduling software was postponed until Commission Member Noble could be present later during the meeting.

**Issue #3:** Ms. Zuniga shared a draft of a language access plan for the Washington Supreme Court pursuant to an earlier agreement to create such a plan for the Supreme Court which could also be used by the Courts of Appeal, if desired. Justice González requested that the full Commission review and provide feedback on the plan before further action will be taken.

**Issue #4:** A report on the revisions to GR 11.1, GR 11.1 (b) (3), and GR 11.2(a) as proposed by a member of the public was presented. The proposed changes to GR 11.1 sought to expand the role of the Judicial and Court Administration Education Committee ("Education Committee") to the provision of educational and training opportunities for "officers of the court and court administrators" "in support of full compliance with court

interpretation laws and rules". As the current language focuses the role of the Education Committee on the provision of educational opportunities to judicial officers, court administrators and court staff related to court interpretation improvement, the Issues Committee felt this proposed change would obligate the Education Committee to provide training to attorneys as well. The committee had voted not to endorse the recommended changes as it was felt that this is a role belonging to the Washington State Bar Association.

Ms. Farley expressed the view that an awareness of interpreting issues by attorneys is important. Justice González stated that he did not see the current language precluding educating members of the Bar since it does not expand the scope of the Commission beyond its existing resource role and noted that the Gender and Justice Commission does provide educational opportunities beyond the judicial community.

Ms. Cruz noted that there is work in the educational community to train law students and members of the Bar and suggested that partnering with law schools and legal institutions should be examined further.

It was agreed that the proposed language changes would not be adopted. After further discussion, it was agreed that Justice González would refer the matter of reviewing the materials used to provide court administrator trainings to the Education Committee to review and adapt, if possible, such materials to be used for training to other groups of court officers. AOC staff was tasked to refer this matter for follow-up with the Education Committee.

The remaining proposed revision related to a change to GR 11.2 (a) as follows:

"A language interpreter, ~~like an officer of the court~~ is an officer of the court, and shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.

The Issues Committee agreed in principle and revised as follows:

GR11.2.(a) A language interpreter, ~~like~~ as an officer of the court, shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.

Upon the recommendation of the Issues Committee, the Commission agreed with this change. AOC staff will submit all the agreed-upon changes to GR 11 in accordance with GR 9 rules to the Supreme Court for further action.

## **V. Court Interpreter Program Updates**

### **Language Access and DV Open House:**

The Commission heard a report on the Language Access and Domestic Violence Court Open House held on October 29<sup>th</sup> & 30<sup>th</sup>, 2013. Justice González stated that Alma Zuniga had agreed to represent the Commission at the event. Ms. Zuniga reported that groups from many states and from within Washington consisting of court staff, domestic violence advocates, and members of the judiciary were involved.

Information on LEP issues, legislation, language access policy, as well as language access resource availability and needs was shared and discussed in different sessions held on those matters. Of special note for the Commission was a session on interpreter trainings and roundtable discussions on interpreting in the courts. She shared that many LEP interpreters find the profession to be isolating due to the need to observe confidentiality and to act within one's professional role even within one's own community or with family that may be involved in court settings. She stated that interpreters in certain languages do not have enough work or sufficient pay and do not have sufficient opportunities to be involved in domestic violence/sexual assault settings to be knowledgeable in that area. She stated that Judge Judy Rae Jasprica from the Gender and Justice Commission offered funding and suggested collaboration with the Interpreter Commission to offer training to interpreters working in DV/SA settings so that they can be better prepared.

There also was a session on how King County has addressed the use of remote interpreting services to provide language access. Individuals involved in services to victims, case prosecutions, coordination of interpreter services and including interpreters themselves discussed the different ways they have handled remote interpreting services as part of their jobs.

The Commission discussed the offer to provide DV/SA issues training to interpreters and Justice González noted that Libby Stanley (from Abused Deaf Women's Advocacy Services) may be a point of contact. He suggested that there be action taken to move this opportunity forward and requested Ms. Zuniga to be further involved on behalf of the Commission to draw upon appropriate resources to achieve that end.

**Issue #2:** The Commission then returned to Issue #2 which was related to complaints about problems with the assignment of interpreting opportunities through Web-based scheduling software used by King and Snohomish counties for Municipal and Superior court cases. Ms. Bondon presented the following information:

- A Russian interpreter submitted to the AOC documents demonstrating that Russian interpreting jobs were being accepted within seconds of posting. This had occurred at different times and dates. There was concern that an application had been developed to automatically accept jobs on an interpreter's behalf.

Ms. Bondon reported speaking to a Russian interpreter who confirmed that interpreting jobs were being accepted on his behalf. He stated that he had given his log on information for the online scheduling application to family and friends who accepted assignments on his behalf. He further informed Ms. Bondon that when he had scheduling conflicts with those accepted assignments, he reassigned jobs to colleagues.

- An interpreter informed Ms. Bondon that some Snohomish County courts regularly used noncertified Arabic interpreters when a certified Arabic interpreter was available. Ms. Bondon reported that she had contacted Snohomish County court interpreter schedulers regarding Arabic interpreting assignments and learned that noncertified Arabic interpreters were being used because the scheduling software had not been properly calibrated to give certified Arabic interpreters 24 hours to accept assignments before they were made available to noncertified interpreters. After speaking with Ms. Bondon, Snohomish County Court Interpreter Schedulers agreed to correct the problem. Ms. Bondon followed up with the interpreter who brought the glitch to her attention and confirmed that the problem had been corrected.

Ms. Bondon indicated the Issues Committee decided to discuss the issue with the full Commission as it was unclear whether any particular Court or Commission rules were violated and whether the Commission could implement corrective action in the absence of such rules as may be related to online scheduling.

With the permission of Justice González, Ms. Noble gave her overview of the use of scheduling software. She stated that as it currently exists, one can conclude it can be and may have been abused and that some thinking by the Commission should go into reviewing what the best practices should be in order to address of a court system's use of online scheduling software, including addressing the downside aspects of such an approach to interpreter assignments. She noted that the software does not efficiently assign interpreters to job sites, resulting in interpreters having to drive longer distances to assignments when there is an interpreter available with closer proximity to the assignment site. She also voiced concern as to why there is a need by working interpreters to resort to these kinds of unfair practices.

Tara Cook from the King County Municipal Court Interpreter Services division explained that they have addressed the problem of an outside software application automatically accepting jobs for an interpreter. The county has installed a CAPTCHA tool that requires a human to respond to before further use of the scheduling software tool can be had by an interpreter. She explained that staff first do a geographic-proximity review and contact nearby interpreters before a job is posted on the Web. They are also working on policies to hold interpreters accountable.

Justice González suggested that the Commission find a way to bring this matter to a resolution with Snohomish County and to address the bigger picture of online

scheduling as a whole, including consideration of the supply and demand for interpreting assignments. He additionally stated that a request for funding for online scheduling software for the use of the courts did not get approved and hopes that this will be approved for the next budget period.

Ms. Smith noted that the Health Care Authority is using software to schedule interpreters for medical appointments but not without problems and stated that a committee may be needed to look at technology-related issues, given that remote interpreting also is in the picture as an online scheduling solution.

The Commission members discussed what should be addressed by a best-practices workgroup consisting of interpreters, court administrators, and judges to share perspectives on best practices and needs such an online system could address. It was agreed that the Commission establish an ad hoc committee to address the following:

- Best practices and features of an online scheduling approach
- Ensure that the approach can and will enable assigning appropriately qualified interpreters in a cost effective manner

Judge Sypolt suggested that a survey be conducted by the ad hoc committee directed to WIC members and court administrators regarding best practices. Justice González then asked for volunteers. Mr. Mattix, Ms. Noble, Ms. Cruz, and Mr. Lichtenberg volunteered. Ms. Noble was asked to serve as chair and to provide a progress report at the next Commission meeting.

### **Language Access Services Needs Assessment**

Ms. Bondon reported that the National Center for State Courts and the Center for Court Innovation jointly sent a needs assessment survey related to LEP services needed by persons involved in DV/SA, dating violence and stalking cases. The Gender and Justice Commission has distributed the survey tool via various listservs to judicial officers, administrators, clerks, and courthouse facilitators. The Gender and Justice Commission is not sure how it will use the data related to Washington State, however the NCSC will use it to develop training and technical assistance resources.

Justice González suggested that the survey be sent to prosecuting attorney and public defender agencies as well. AOC staff will review whether it is possible to do this as the survey deadline was November 30<sup>th</sup>.

### **King County Budget Striker Amendment**

Ms. Farley reported that King County encumbered a funding provision for \$300,000 until it had received a report on the County's use of interpreter services across various county agencies, as the County Council noted that different methods are used for scheduling interpreters. The Council's concern was to ensure operational efficiency so

that interpreters can be deployed as needed. She offered to contact the County's budget person responsible for this matter and see if a discussion with the Commission membership is possible.

### **Community Outreach Follow-up Report**

Mr. Lichtenberg provided a report on the Commission's Special Community Outreach meeting that was held on November 8, 2013. The purpose was to have a dialogue with communities around languages in which courts have a difficult time finding and or certifying interpreters. The meeting was focused on outreach to Korean and Vietnamese communities due to an insufficient number of certified or qualified Korean and Vietnamese interpreters available to meet demand by the courts.

Information shared at the Outreach meeting revealed that the pass rate for the Korean language exam is negatively impacted by the use of certain Chinese characters in the exam and that there is a lack of resources to get training to become an interpreter despite having language fluency. Furthermore, speakers fluent in Korean or Vietnamese are not being encouraged to become certified interpreters so there is no desire by them to make it a full-time professional career. Mr. Lichtenberg reported that the Korean Bar Association (via Dan Shin) has set up a task force of law students from Seattle University to address this gap and will be providing an update in the near future. He also reported that the Vietnamese-American Bar Association intends to conduct outreach to the community via an Asian community newspaper in which a story would be written regarding the shortage of interpreters. Vietnamese community representative Maily Hoang previously communicated to Mr. Lichtenberg asking for AOC staff to be made available to assist in responding to inquiries from contacts within the community and related professional organizations. Mr. Lichtenberg stated that he has notified Ms. Hoang of his willingness to be a resource as needed.

Justice González noted that interpreting in certain languages is not a sustainable profession and that perhaps the Commission can help by advocating for better pay so that it becomes possible to have interpreters available for court work. The Commission members further discussed how federally-certified interpreters are paid using half day rates vs hourly rates and the tiering of pay based on qualifications. It was observed that many spoken language interpreters are affected by being required to work alone for more than 20 minute stretches and are often the only one for an entire day of court proceedings at a specific location. As a result, the quality of interpreting declines and interpreters are stressed by that so that they are willing to take assignments outside of the court system when possible, often at better pay for less hours per day.

While no specific action was recommended on this matter, the Commission felt that this was a matter for ongoing Commission review and education on the best practices in the use of interpreters. It was noted that ASL interpreters have long taken the position that they will not take assignments longer than an hour and a half if required to do so alone

and it was noted that this ability to coalesce on shared concerns is not so available to foreign-language interpreters.

### **National Center for State Courts VRI manual draft**

Ms. Bondon shared that the Commission is being asked to review and comment on the model Remote Interpreting guide being drafted by the Consortium of Language Access for the Courts (CLAC).

Commission members briefly discussed the report in which it was noted that the movement towards the use of VRI is inevitable. However, Justice González expressed a desire to go about the matter cautiously because it is in the very early stages of development and use. It will involve interpreting across state lines and the Commission needs to look at how it is appropriate for Washington, especially for language interpreters not available for remote areas of the state. One member pointed out that Snohomish uses video conferencing for jail arraignments and some hearings and that the quality is very poor.

It was agreed that members would furnish further comments on the document to Mr. Lichtenberg.

### **Other Matters**

Justice González asked Mr. Lichtenberg to share information related to the AOC budget process. It was stated that the AOC will be preparing a budget request for the 2015-17 biennium and that Commission staff can and may put in a request for funding for online scheduling, interpreter training, conferences, and other Commission initiatives. Mr. Lichtenberg encouraged the Commission to consider its needs for funding, which will then be routed within the AOC for consideration in accordance with the budget development process.

### **Adjourn**

**The next meeting is scheduled for Friday, February 28, 2014 at the AOC SeaTac Facility, 18000 International Blvd., Suite 1106, from 8:30 am to 11:30 am.**

<b>Decision Summary</b>	<b>Status</b>
<i>The Commission agreed that it was not necessary to adopt language changes to General Rule 11 proposed by an interpreter related to educating officers of the court who work with interpreters as the current language suffices for that purpose, but it did agree that a wording change be made to GR 11.2(a) clarifying that a court-appointed interpreter <u>is</u> an officer of the court.</i>	<i>Complete</i>

<b>Decision Summary</b>	<b>Status</b>
<i>The Commission agreed to refer to the Education Committee the matter of reviewing materials used for court administrator trainings to determine whether such educational materials could be used to train other groups of court officials.</i>	Complete
<i>The Commission agreed that it would not be desirable or possible for a certified interpreter/exam rater who sought to rescore (or retake) their Washington oral exam in order to be certified in California under a reciprocity arrangement to do so.</i>	Complete
<i>The Commission agreed on the contents of a Language Access Plan for the Supreme Court (and for the use of the Courts of Appeals, if desired).</i>	Complete
<i>The Commission agreed to the appointment of an ad hoc committee to review best practices and make recommendations as regards the use of online scheduling software by Washington courts</i>	Complete
<i>The Commission agreed to invite a representative of the King County Budget Division to the next meeting to explain the issues for interpreter services that is before the King County Council.</i>	Complete

<b>Action Item Summary</b>	
<i>AOC Staff will report on his meetings with Commission Committee chairs at the next Commission meeting.</i>	In-Process
<i>AOC staff will refer the requestor of the denial of his request for changes to GR 11 to Judge Sypolt for further discussion if desired</i>	In-Process
<i>AOC staff will revise the GR 9 filing to reflect all Commission changes to General Rule 11 as passed by the Commission.</i>	In-Process
<i>AOC staff will inform the interpreter of the Commission's decision not to allow rescoring or retaking and to offer to work with that person to resolve their situation, if possible.</i>	In-Process
<i>AOC staff will refer court administrator training materials related to LEP services to the Education Committee for review and possible training to officers of the court that work with interpreters, including members of the Bar..</i>	Future Action
<i>Ms. Zuniga will work with AOC staff to review the possibility of providing training to interpreters on DV/SA and interpreting in those settings.</i>	Future Action
<i>Ms. Noble, as ad hoc chair, will provide a progress report on work accomplished by the online scheduling committee</i>	Future Action

Interpreter Commission Meeting Minutes

December 6, 2013

Page 10

<i>AOC staff will seek to disseminate the LEP Needs Assessment survey to prosecuting attorneys and public defenders.</i>	<i>Complete</i>
<i>Ms. Farley will request the presence of a King County Budget Office representative at the next Commission meeting.</i>	<i>Complete</i>
<i>Commission members were requested to furnish comments on the CLAC draft related to VRI to AOC Staff</i>	<i>In-Process</i>