

# Interpreter Commission

Administrative Office of the Court  
1112 Quince St SE  
PO Box 41170  
Olympia, WA 98504-1170

# COURT INTERPRETER COMMISSION

**Justice Steven C. González, Chair**  
Washington Supreme Court

**Dirk Marler**  
Administrative Office of the Courts  
*AOC Representative*

**Judge James Riehl**  
Kitsap County District Court  
*District and Municipal Court Representative*

**Judge Gregory Sypolt**  
Spokane County Superior Court  
*Superior Court Representative*

**Kristi Cruz**  
Northwest Justice Project  
*Public Member Representative*

**Samuel Mattix**  
*Interpreter Representative*

**Theresa Smith**  
*ASL Liaison*

**Alma A. Zuniga**  
Northwest Justice Project  
*Attorney Representative*

**Eileen Farley**  
Northwest Defenders Association  
*Ethnic Organization Representative*

**Linda Noble**  
*Interpreter Representative*

**Fona Sugg**  
Chelan County Superior Court  
*Court Administrator Representative*

*Public Member Representative (Vacant)*

**Robert Lichtenberg**  
Administrative Office of the Courts  
*AOC Commission Staff*

**Interpreter Commission**  
**Meeting Agenda**





## Interpreter Commission

Friday, February 28, 2014 (8:30 a.m. – 11:30 a.m.)

AOC SeaTac Facility

18000 International Blvd., Suite 1106, SeaTac, WA 98188

### AGENDA

1. Call to Order	Justice Steven González	
2. Welcome and Introductions <ul style="list-style-type: none"> <li>• Introduction of Fona Sugg</li> <li>• Introduction of Danielle Pugh-Markie</li> </ul>	Justice Steven González	Page 3 Page 11
3. December 6, 2013 Meeting Minutes	Justice Steven González	Page 13
4. Chair's Report <ul style="list-style-type: none"> <li>• Judicial College Training</li> <li>• DOJ Letter to King County</li> <li>• AOC Interpreter Program Budget</li> <li>• Public Member Vacancy/Role</li> </ul>	Justice Steven González	Page 23 Page 29
5. Committee Reports <ul style="list-style-type: none"> <li>• Online Interpreter Scheduling (Ad Hoc)</li> <li>• GR 11.1 and Committee Chairs <ul style="list-style-type: none"> <li>• Revision of Continuing Education Policy- Education Committee</li> <li>• Combining Issues and Discipline Committees</li> </ul> </li> </ul>	Linda Noble and Sam Mattix AOC Staff	Page 49 Page 55
6. Court Interpreter Program Issues <ul style="list-style-type: none"> <li>• King County Budget Meeting Report</li> <li>• NCSC Remote Interpreting Feedback</li> <li>• Failure to Request an Interpreter</li> <li>• Community Outreach Update</li> <li>• 2013 Exam Test Results</li> <li>• Interpreters Compliance</li> <li>• 2014 Test Administration and Training</li> </ul>	Eileen Farley Eileen Farley Kristi Cruz AOC Staff AOC Staff AOC Staff AOC Staff	Page 59 Page 67 Page 109 Page 111
7. Business for the Good of the Order	Justice Steven González	
8. Adjourn	Justice Steven González	

Persons with a disability, who require accommodation, should notify Robert Lichtenberg at 360-350-5373 or [robert.lichtenberg@courts.wa.gov](mailto:robert.lichtenberg@courts.wa.gov) to request accommodations.

**Next Meeting: Friday, May 30, 2014, 9 a.m. – 12 noon. AOC SeaTac Office, Small Conference Room.**



**Welcome**



**New Interpreter Commission Member Introduction**  
**Fona Sugg**  
**Court Administrator Representative**

Ms. Fona Sugg has served in an administrative capacity for Chelan County Superior Court for more than 15 years and currently serves as Judicial Assistant within its court system. In addition to her daily oversight of Superior Court operations and the law library, she serves as the Interpreter Coordinator, Family and Juvenile Court Improvement Program administrator, guardianship program administrator, and manages the courts guardian ad litem registries. The size of the Chelan County Superior Court and her varied responsibilities require her to deal with a wide range of community members and have given her a unique perspective on challenges faced by those who access the court and court programs as well as those who provide those services.

Ms. Fugg holds a Bachelor's Degree in Social Sciences from Washington State University and has completed five of the six required courses to achieve the Certified Court Manager status through the National Center for State Courts. She has previously served the Association of Washington Superior Court Administrators as a member of the Board of Judicial Administration's Court Security Committee, the Adult Static Risk Assessment Project Committee, and is currently a member of the Presiding Judge's Education Committee.



The Supreme Court  
State of Washington

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



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January 28, 2014

Honorable Barbara A. Madsen  
Chief Justice of the Washington State Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

Dear Chief Justice Madsen:

RE: COURT MANAGER REPRESENTATIVE TO THE INTERPRETER COMMISSION

It is my pleasure to nominate Ms. Fona Sugg of Chelan County Superior Court to serve the remainder of the term of Ms. Marti Maxwell on the Interpreter Commission as Court Manager representative. Ms. Maxwell resigned from her position with the Commission on November 8, 2013. In early November, you requested an additional nominee from the Association of Washington Superior Court Administrators for Commission consideration. After reviewing the additional nominee's qualifications, the Commission voted to recommend Ms. Sugg. We are pleased that Ms. Sugg is eager to represent the interests of court administrators and is able to fit this Commission's activities into her schedule.

The term of the court manager representative will end on September 30, 2015.

Thank you for your consideration of this nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve González", written over a white background.

Justice Steve González  
Interpreter Commission Chair

cc: Ms. Fona Sugg  
Mr. Bob Lichtenberg, AOC Language Access Coordinator





WASHINGTON  
COURTS

# Association of Washington Superior Court Administrators

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November 8, 2013

Honorable Barbara A. Madsen  
Washington State Supreme Court  
Temple of Justice  
PO Box 40929  
Olympia, WA 98504-0929

Dear Chief Justice Madsen:

RE: AWSCA REPRESENTATIVE TO THE INTERPRETER  
COMMISSION

The Association of Washington Superior Court Administrators (AWSCA) would like to nominate Ms. Fona Sugg, Chelan County Superior Court, to complete the remainder of Ms. Marti Maxwell's term on the Interpreter Commission. Ms. Maxwell is stepping down, effective November 22, 2013, and if appointed, Ms. Sugg's term will end September 30, 2015. We are confident that Ms. Sugg will provide valuable input and perspective on the important work of the Commission.

Thank you for your consideration of this nomination.

Sincerely,

Jeff Amram  
AWSCA President

cc: Justice Steven C. González  
Ms. Marti Maxwell  
Ms. Fona Sugg  
Ms. Callie Dietz, AOC  
Ms. Beth Flynn, AOC  
Ms. Tina Williamson, AOC

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WASHINGTON  
COURTS

# Association of Washington Superior Court Administrators

*President*

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November 27, 2013

Honorable Barbara A. Madsen  
Washington State Supreme Court  
Temple of Justice  
PO Box 40929  
Olympia, WA 98504-0929

Dear Chief Justice Madsen:

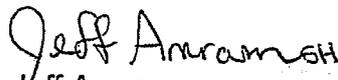
RE: **AWSCA REPRESENTATIVE TO THE INTERPRETER  
COMMISSION**

Ms. Marti Maxwell resigned from her position on the Interpreter Commission effective November 22, 2013. You received a letter dated November 8 nominating Ms. Fona Sugg; Chelan County Superior Court, to complete the remainder of Ms. Maxwell's term. However, we understand that you would prefer more than one nomination for this position.

To that end, please also consider Ms. Marilyn Finsen, Snohomish County Superior Court, for this position. I believe that both individuals bring different strengths to the Commission's work and either would do a fine job. Both are pleased to serve, and background information for each is enclosed.

Thank you for your consideration of these nominations.

Sincerely,

  
Jeff Amram  
AWSCA President

Enclosures

cc: Justice Steven C. González  
Ms. Marilyn Finsen  
Ms. Fona Sugg  
Ms. Shirley Bondon, AOC  
Ms. Callie Dietz, AOC  
Ms. Sondra Hahn, AOC

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STATE OF WASHINGTON  
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360-753-3365 • 360-586-8869 Fax • www.courts.wa.gov

## **Ms. Fona Sugg, Chelan County Superior Court**

Ms. Sugg holds a Bachelor's Degree in Social Sciences from Washington State University and has completed five of the six required courses to achieve the Certified Court Manager status through the National Center for State Courts. She has served in an administrative capacity for Chelan County Superior Court for more than 15 years. In addition to managing the day-to-day operations of the superior court and law library, Ms. Sugg serves as the interpreter coordinator, Family and Juvenile Court Improvement Program administrator, guardianship program administrator and manages the court's guardian ad litem registries. The size of Chelan County Superior Court and Ms. Sugg's varied responsibilities require her to deal with a wide range of community members and have given her a unique perspective on challenges faced by those who access the court and court programs as well as those who provide those services.

Ms. Sugg has previously served the AWSCA as a member of the BJA's Court Security Committee, the Adult Static Risk Assessment Project Committee, and is currently a member of the Presiding Judge's Education Committee.

## **Ms. Marilyn Finsen, Snohomish County Superior Court**

### **Work Experience**

**1/15/2003– Present Snohomish County Superior Court Everett, WA**

#### **Assistant Administrator of Superior Court Operations**

- Administrative responsibility for court operations which includes support for 20 judicial officers, case management, jury, trial confirmation, arbitration, family court and GAL Registry, GMP, interpreters, expert witness, continuity of operations, ADA program
- Administrative responsibility of the Recovery Service Division which includes 4 drug courts Juvenile and Adult Offender, Family and At Risk Youth as well as a DOSA program
- Supervisory responsibility for Division Managers, Supervisors, Coordinators, Juvenile Probation Counselors and staff assigned to the Superior and/or Juvenile Court Operations providing customer service
- Position reports to the Superior Court Administrator

**10/13/1997– 1/15/2003 Snohomish County Superior Court Everett, WA**

#### **Administrative Project Manager**

- Management responsibility for network administrators and DJJC security liaison
- Lead, direct and assumes responsibility for high priority projects; i.e. grants, policy and procedures, program and legal contracts, personnel investigations and litigation
- Develops, negotiates and administers contracts and/or amendments for juvenile legal services (2 M) and professional services
- Management responsibilities for public disclosure, media inquiries, special interest group, government and private officials
- Position reports to the Superior Court Administrator

**5/1/1986 – 10/13/1997 Snohomish County Corrections Everett, WA**

#### **Administrative Assistant for Programs**

- Oversight, planning and administration of the Corrections Department Programs Division including operations of the Medical, Mental Health, Food Services, Ministry, Classification and Counseling Programs
- Develop and implement programs plans, policies and procedures, negotiate professional contracts, grant writing, facilitated certification
- Program development, training and management responsibilities for employee occupational health issues/personal safety
- Position reports to the Program Manager

**10/1/1983 – 5/1/1986 Snohomish County Corrections Everett, WA**

#### **Counseling Supervisor**

- Supervisory responsibility for counseling and classification staff
- Coordinate and supervise the operations of the Snohomish County Prisoner Integration program

- Position reported to the Programs Manager

**8-13-1981 - 10/1/1983 Snohomish County Corrections**

**Everett, WA**

**Corrections Counselor**

- Counsel and advocate for case load of 35 + inmates
- Coordinate jail programs and services (recreation, ministry, commissary, life skills, alcohol and drug assessment and referral)
- Position reported to the Counseling Supervisor

**5-17-1978 – 8-13-1981 Snohomish County Corrections Everett, WA**

**Corrections Officer**

- Supervision and custodial care of Work Release inmates of the facility, monitor and document movement during outside release
- Position reported to the Work Release Supervisor

**Summary of Qualifications**

**1978 – Present Public Service for Snohomish County Everett, WA**

- Demonstrated ability to serve as an advocate and liaison for the judicial branch in relations with legislative, executive and other state governmental and judicial branch agencies
- Provide fiscal policy, oversight and direction for judiciary budget, including audits, budget and resource/grant development
- Demonstrated competencies in staff management to lead, administer and supervise as well as bring in diverse groups to problem solve
- Effective communication skills both orally and in writing for position papers, legal/personnel correspondence and public presentations.
- Oversee strategic planning and innovative project development (i.e. transition to new facilities, multiple programs and contracted services)
- Demonstrated understanding of the principles and practice of organizational/program planning including budget development and fiscal management to maximize court goals
- Research, development and implementation for "best practice policies for court programs, administrative orders, and ordinances.
- Proven ability in negotiation of labor contracts and relations
- Thoroughly research, develop and prioritize long range goals, work plans, system analysis and financial impacts of court operations
- Proven ability in networking and maintaining relationships with elected official, department staff, law enforcement, courts, community agencies, departments, labor organizations, and the general public
- Established reputation of self discipline and accountability through role modeling, flexibility and providing direction that reflects the values of the court
- 34 plus years of experience in progressive management and supervision positions within Snohomish County (5 levels) which includes;
  - 10 years as the Assistant Administrator responsible for all aspects of Superior Court Operations
  - 5 years of management experience developing programs/policies for juvenile court operations
  - 19 years of experience in developing and managing programs within a corrections facility and detention alternatives.

**Education and training**

**Graduate – Fellow: National Center for State Courts, Williamsburg Virginia**

**Bachelors in Criminal Justice - Columbia College , Marysville, Washington**

**Associates in Arts and Science - Everett Community College, Everett, Washington**

1978 – Present Continuing Education

Completed training through Institute for Court Management, University of Washington Cascade Management, Snohomish County, AJA, NIC Management and supervisory certifications through Washington State Criminal Justice Training Commission and Snohomish County Human Resources.

## **Ms. Danielle Pugh-Markie**

Ms. Danielle Pugh-Markie joined the Washington State Administrative Office of the Courts (AOC) as the Supreme Court Commissions Coordinator on January 2, 2014. Ms. Pugh-Markie comes to the AOC from the National Council of Juvenile and Family Court Judges (NCJFCJ), where she was the Program Director of Program Development for the Family Violence and Domestic Relations Program (FVDR). In this capacity, she developed and implemented the short- and long-term vision for FVDR training and coordinated with other divisions on those efforts. She also coordinated training and provided technical assistance to judges, domestic violence advocates, court personnel, and other court stakeholders. She oversaw the technical assistance to Technical Assistance Providers Project designed to increase the capacity of U.S. Department of Justice Office on Violence Against Women (OVW). In this capacity, she collaborated with OVW and technical assistance providers to design and host roundtables, focus groups, and working group meetings to enhance their ability to respond to domestic violence, sexual assault, dating violence, and stalking.

Prior to joining the NCJFCJ, Ms. Pugh-Markie worked at a think tank in Washington, D.C. and the World Health Organization in Copenhagen, Denmark. She holds a Bachelor of Science in Industrial and Labor Relations and a Master of Public Administration from Cornell University.

While not working on access to justice issues, Danielle loves traveling, skiing, snowboarding, and being with loved ones. She now lives in Olympia with her husband, two little boys, and mom.



# Meeting Minutes





**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 Sybolt 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.**

Decision Summary	Status
<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>	Complete

<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 Sybolt 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

<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>

## **Chair's Report**





U.S. Department of Justice

United States Attorney  
Western District of Washington

Please reply to:  
J. Michael Diaz  
Assistant United States Attorney  
Direct Line: (206) 553-4358

700 Stewart Street, Suite 5220 Tel: (206) 553-7970  
Seattle WA, 98101-1271 Fax: (206) 553-1065  
[www.usdoj.gov/usao/waw](http://www.usdoj.gov/usao/waw)

January 9, 2014

**Via Email and First Class U.S. Mail**

Mr. Paul Sherfey  
Chief Administrative Officer  
King County Superior Court  
King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

Re: Review of Interpretive Services in King County Superior Court;  
DOJ # 171-82-22

Dear Paul:

Thank you for providing the training materials in your letter dated October 9, 2013. They were helpful. Thank you also for the productive telephone conferences on September 11, October 7, and December 23, 2013. Once again, we appreciate the collaborative spirit in which our discussions have progressed.

As discussed during our most recent telephone conference, the purpose of this letter is to notify you that — contingent upon your agreement to the terms of this letter, memorialized by your signature below and return of this letter to my office — the Department of Justice (“DOJ”) Civil Rights Division and the U.S. Attorney’s Office for the Western District of Washington are closing the above-referenced review. The file will remain open only for purposes of ensuring compliance with certain terms below, in the manner described below.

To first briefly summarize where we have been: by letters dated March 28, 2011 and August 27, 2012, the DOJ Civil Rights Division’s Federal Coordination and Compliance Section informed your office that DOJ was reviewing allegations of failure to provide appropriate language assistance services by the King County Superior Court (“KCSC”) for possible discrimination on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, (“Title VI”). As we advised in that correspondence, the DOJ is responsible for investigating complaints of violations of Title VI, as well as other federal laws, made against recipients of federal financial assistance from DOJ. Rather than initiating a formal investigation at that time, we informed you of the allegations and offered to work with you to reach a productive and amicable resolution.

Over the last two years, as memorialized in the various letters exchanged, we have received information from the KCSC that has permitted us to complete our review, and the KCSC has voluntarily taken significant action, both in training and practice, to supplement current KCSC policies with respect to interpreter services and to respond to concerns raised during the review. This letter is the product of this amicable, patient, and persistent collaboration.

Through this period of cooperation, we were able to reach the following terms of agreement:

- (1) The KCSC commits to provide, or, as the case may be, continue to provide, at no cost to limited English proficient ("LEP") individuals, timely and appropriate language assistance services in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law. In all other instances, the KCSC will provide certified or qualified interpretation services free of charge to (a) LEP parties, witnesses, or victims; (b) LEP parents, legal guardians, or custodians of minor children who are parties, witnesses, or victims; and (c) LEP legal guardians or custodians of adult parties, witnesses, or victims. The KCSC otherwise will continue its existing training, operations and practices with respect to its interpreter services.
- (2) At the end of every three months (quarterly) after January 1, 2014, for a period of 18 months, the KCSC will submit to the DOJ a financial report that identifies (a) the amount spent on interpreter services for the foregoing quarter, (b) whether and by how much those costs exceeded the line budget, and (c) whether that expenditure amount is consistent or not with the same time period for the preceding year.
- (3) Should the provision of no cost foreign language interpreter services greatly exceed the budgeted amount and additional funding be needed to provide those services, the KCSC will make its best efforts to secure the additional funding needed to continue to provide meaningful access, including interpreter services, at no cost to LEP parties, witnesses, etc. in all court proceedings and operations, both civil and criminal.
- (4) Should those best efforts by KCSC to secure a sufficient budget fail, the DOJ and the KCSC will reconvene and agree to work in good faith to accomplish our shared goal, as stated in paragraph (1) above.
- (5) The KCSC will revise its interpreter manual to reflect the foregoing and conduct training on the manual for its judicial officers. It is our understanding that nearly all KCSC judges attend the annual state-wide Superior Court Judges and Administrator's Conferences, which includes sessions on interpreter use. It is further our understanding that new KCSC judges receive individualized training upon starting and that the KCSC conducts ad hoc training as needed on interpreter issues, such as that conducted at the Judges Committee Meeting in June of this year.

If you still agree to these terms, please sign the last page below and return this document to my office. Once received, this office will keep the file open only for the purposes of terms (2)-(4) above. Although we do not expect it, should there be a material breach of any term of the agreement, DOJ has the discretion to reopen this matter and assess the need for additional review and/or a formal investigation.

This letter does not constitute a finding that the KCSC is or will be in full compliance with Title VI or other federal laws, nor does it address other potential claims of discrimination on the basis of national origin that may arise from the activities of the KCSC. Likewise, this letter does not constitute an admission by KCSC with regard to any specific allegation reviewed in this matter, nor a finding that the KCSC is not or has not been in full compliance with Title VI or other federal laws.

The purpose of this letter, instead, is to memorialize (a) the KCSC's commitment to devise and implement the above policies, plans, and procedures, which the parties agree, when fully implemented, will address the DOJ's concerns regarding the KCSC compliance with the non-discrimination provisions of Title VI language access obligations as they relate to access to court proceedings and operations by LEP individuals; and (b) the status of the DOJ's review of those complaints, its intent to close its review of those complaints, and its future limited involvement in the matter.

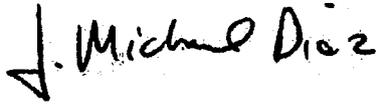
Please note that this letter does not affect any rights that the individual complainant(s) may have to file private lawsuits regarding the concerns raised in their complaints to the DOJ. We will retain the complaints for our records and take the information provided into account if we receive similar future complaints against the KCSC.

We are obligated to inform you that recipients may not intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone who has either taken action or participated in an action to secure rights protected by the civil rights laws the DOJ enforces. The protection against retaliation extends to recipient employees who provide information or otherwise cooperate with the DOJ's review. Any individual who alleges such harassment or intimidation may file a complaint with the DOJ. We would investigate such a complaint if the situation warrants.

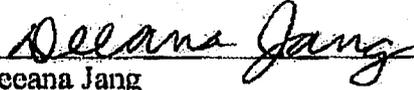
Under the Freedom of Information Act, it may be necessary to release information and related correspondence and records shared by recipients and complainants upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

If you have any questions concerning this letter or any of its terms, please contact J. Michael Diaz at the number above, or Michael Mulé, the Civil Rights Division attorney assigned to this matter, at (202) 514-4144 or Michael.Mule@usdoj.gov. We look forward to hearing from you.

Sincerely,



J. Michael Diaz  
Assistant United States Attorney  
Western District of Washington

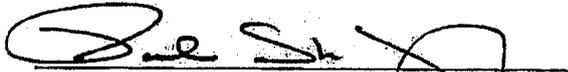


Deena Jang  
Chief  
Federal Coordination and Compliance Section  
Department of Justice  
Civil Rights Division

cc:

Ms. Christina Dimock, Assistant United States Attorney, Western District of Washington  
Mr. Michael Mulé, DOJ Civil Rights Division, Federal Coordination and Compliance Section  
Mr. Tom Kuffel, Senior Deputy Prosecuting Attorney, King County Prosecutor's Office  
Ms. Callie Dietz, State Court Administrator, Administrative Office of the Courts

Agreed to this 21<sup>st</sup> day of January, 2014.



Paul Sherfey, on behalf of King County Superior Court

**From:** Mulé, Michael (CRT) [mailto:Michael.Mule@usdoj.gov]

**Sent:** Monday, February 24, 2014 10:34 AM

**Subject:** Important Information About DOJ Language Access /Equal Access Event on Friday 2/28



This is a follow up to the United States Department of Justice, Civil Rights Division's invitation to join us on Friday, February 28, 2014 from 11am to 12:30pm for a discussion on language access in ensuring equal access to justice in Room 7411 of the Robert F. Kennedy Department of Justice Building. If you plan to join us and have not yet rsvp'd, please do so by Wednesday, February 26, 2014. Important information and the program for this event are included below.

Please arrive by 10:30 on Friday so that you have enough time for building security. Remember you must present valid picture identification (i.e. state driver license/identification, government identification/credentials, etc.) to enter the building. All non-DOJ staff must enter the visitor's entrance of the Department of Justice Building located on Constitution Avenue Northwest between Ninth and Tenth Streets. Once you pass security, please take the first set of elevators to the 7th Floor. For DOJ Staff, please enter at the visitor's entrance and take the first set of elevators to the 7th Floor.

At this event, the Department of Justice, Civil Rights Division will release the Language Access Planning and Technical Assistance Tool for Courts, which will be posted on the main page of the website [www.LEP.gov](http://www.LEP.gov) on Friday, February 28, 2014. Additionally, other participants will describe actions designed to improve language access to the courts.

This event will be recorded. A closed-captioned version of the video from this event will then be posted on the Civil Rights Division website. When the video is available, we will send an announcement, including an email to everyone who was invited to the event.

**Program:**

Opening Remarks: Jocelyn Samuels, Acting Assistant Attorney General, Civil Rights Division

- Panel: Providing Language Access in the Courts: Working Together to Ensure Justice.
  - **Deeana Jang**, Chief, Federal Coordination and Compliance Section, Civil rights Division
  - **Lisa Wood**, Chair, American Bar Association's Standing Committee on Legal Aid and Indigent Defendants
  - **Harry Spence**, Court Administrator of the Massachusetts Trial Court
  - **Moderator:** Honorable Vanessa Ruiz, Senior Judge, District of Columbia Court of Appeals.
- Question and Answer

If you have any questions, please email [LEP@usdoj.gov](mailto:LEP@usdoj.gov).

Sincerely,  
Deeana Jang  
Chief  
Federal Coordination and Compliance Section  
Civil Rights Division

# Young Han

Attorney at Law

SHIRLEY BONDON

AOC Staff to the Commission  
Washington State Court Language Access Program  
c/o Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170

RE: Letter of Interest and Resume-Serving on the Commission

Dear Ms. Bondon:

Please accept my letter of interest and resume for consideration in order to serve on the commission.

Although my resume reflects a legal and HR experiences, I would like to take this opportunity to discuss my experience with court ordered interpreters while I practiced criminal defense in Washington state. My practice primarily focused on criminal defense and my targeted client based spoke Korean, with English as a second language. Thus, whenever my client had a court hearing, a court ordered, Korean-speaking interpreter was ordered.

Through hundreds of hearings and trials, in general, I found the experience with court ordered interpreters satisfactory. However, there were issues that consistently arose:

- the court staff failed to order the interpreter and thus we had to continue the hearing;
- the court staff failed to confirm with the interpreter service resulting in no interpreter and thus we had to continue the hearing;
- the interpreter service did not have adequate back up interpreters whenever a confirmed interpreter did not appear;
- the interpreter frequently summarized the judge's words, the prosecutor's words, or the court staff's words and DID NOT provide simultaneous translation;
- the Korean speaking interpreters who had very strong reputations, as I was told on a few occasions, were too expensive and thus I felt my clients did not get the best service.

If an opportunity on the commission opens up, I would like to be considered to serve on the commission. As both a prosecutor and a criminal defense attorney, I think it is critical to provide quality interpreter services in order to serve a basic requirement in the court system; that each person understands the process.

Very truly yours,



Young J. Han  
Attorney at Law

## Young J. Han

---

### Objective

To use my extensive skills and abilities to contribute to a dynamic organization.

### Notable Accomplishments

- While employed at Pactera Technologies NA, Inc., as the Senior Business Adviser:
  - Owned strategic efforts to integrate company's largest and most complicated merger with Vanceinfo Technologies, Inc., resulting in the creation of the largest China based outsourcing and staffing company.
  - Managed active litigation cases.
  - Directly responsible for the company's human resources team of four (4) full time employees. The human resources team is responsible for supporting three (3) business units, which have a total of three hundred (300) full time employees located in over twelve (12) states.
  - Owned creating and management of vendor relationships to serve company's need for: legal counsel, employee benefits, and property and casualty insurance.
  - Appointed as Sole Employee Dispute Manager, consulting Cross-functional, Senior Team Leaders to effectively manage employee disputes, which required collaboration among the following stakeholders: Finance; Offshore Legal Teams; Corporate Counsel; Offshore Human Resources; and Executive Leaders.
  - Created the Visa Immigration Policy and Procedure for a visa dependent company.
- A Law School educated, trusted business leader who created, streamlined, and improved complex business processes and platforms by working with Executives and Leaders of Cross Functional Teams.

### Skills & Qualifications

- Possesses extensive knowledge of Commercial Law relating to large outsourcing contracts with vendors.
- Excellent communication skills, both verbally and in writing.
- Extensive familiarity with international cultures and business etiquette.
- Excellent and effective problem solver
- Possesses a high level of integrity and application of business values in all external dealings with vendors.
- Proven ability to manage without authority.
- Proficient in the use of Microsoft Office (PowerPoint, Word, and Excel) products.
- Possesses superb negotiation and influential skills.
- Excellent ability to develop legal language to include in contracts.
- Excellent organization and leadership skills.
- Demonstrated success in cross group collaboration, dealing with ambiguity and problem definition.
- Strong Project Management skills.

## **Experience**

Pactera Technologies NA, Inc. (Global Consulting Co.)

2012-Present

Redmond, WA

Position: Senior HR Manager & Sr. Business Adviser

- Advises senior team leaders in matters regarding integration and consolidation of resources post acquisition.
- Manages four (4) full time employees in the human resources group.
- Creates new policies and procedures for company's visa process and management.
- Advises vice presidents and other senior team leaders in matters of extreme sensitivity and confidentiality such as employee disputes.
- Advises recruiting team and account management team in matters dealing with candidate feasibility.
- Responsible for company's internal and external compliance in matters ranging from local legal compliance to federal export control compliance.
- Creates trusted HR business partner to align with needs of aggressive sales team while adhering to compliance.

Beyondsoft Consulting, Inc. (Global Consulting Co.)

2010-2012

Redmond, WA

Position: HR Operations Manager

- Established best practices for the Human Resources and Operations Platform for the wholly owned U.S. Subsidiary. This included creating and implementing the company's contract management policy and procedure and the company's visa management policy and procedure.
- Streamlined existing business units within U.S. locations and devised main growth strategies to support newly created mobile wireless team in California.
- Consulted with Senior Management, Offshore Executives, and Team Leaders in order to align Human Resources for optimum business success.
- Directly supervised a team consisting of four members addressing: Recruitment; Payroll Processing; Employee Benefits.
- Conducted business reviews of contracts, creating contract review process, execution, and compliance.
- Owned procuring Employee Healthcare Benefits, Legal Counsel, Payroll Processing Company, and Corporate Housing.
- Appointed compliance officer to conduct, highlight, repair, and monitor internal and external compliance issues facing entire the U.S. platform.

Novel Interactive (Business Software Co.)

2009-2010

Redmond, WA

Position: HR Operations Manager & Business Manager

- Developed Human Resource Systems and Practices, including Orientation Materials and the Human Resource Manual and Employee Handbook.
- Developed and prepared documentation and presentations for Investor Meetings, acting as an Adviser to the CEO.

WeMade Entertainment USA (Global Casual Game Co.)

2008-2009

Kirkland, WA

Position: Business Manager & HR Manager

- Targeted, procured, established, and managed all company tactical operations and logistics.
- Created Human Resources Platform which was required to support parent company's aggressive efforts to establish subsidiary company and to position subsidiary as key integration component for future acquisition plans.

- Established and implemented best practices for Target Acquisitions, Analyzed Monetization Business Methods, and Lead Business Developments Efforts.
- Acted as the Lead Business Developer for the company's future third party title, including licensing, intellectual property, branding and marketing, and monetization models.
- Conducted due diligence on independent game studios, titles, and virtual communities for company acquisition.

Metropolitan Construction & Design (Real Estate Development Co.) 2007-2008

Kirkland, WA

Position: Business Manager & HR Manager

- Created an organic Human Resource Department fielding all employees, sub-contractors, and temporary employee questions regarding employment law, company policy, and dispute resolution and company practices.
- Drafted the Employee Manual as well as additional Human Resources documents.
- Reviewed and revised sub-contractor and supplier agreements and ultimately established standard policies between company and third party vendors.

Han & Associates

1998-2008

Seattle, WA

Position: Founder

- Founded and directed law firm managing seven employees.
- Facilitated the day-day operations of the law firm, developing and implementing office initiatives.

### Education

- Seattle University School of Law (Seattle, WA) Juris Doctorate, Graduated 1997
- University of California at Davis (Davis, CA), B.A. in English with a Minor in Asian American Studies, Graduated 1992

### Certifications

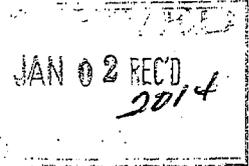
- Licensed to practice law in the state of Washington

**References available upon request.**

LAW OFFICE OF MICHAEL J. IZAK, PLLC

December 29, 2013

Shirley Bondon  
AOC Staff to the Commission  
Washington State Court Language Access Program  
c/o Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170



Dear Ms. Bondon:

I am replying to your Opportunity for Service seeking Letters of Interest to serve on the Washington State Court Interpreter Commission as outlined in the November 2013 issue of the NWLawyer.

I have been licensed to practice law in the State of Washington since 1998. I am admitted to practice law in the State and the Federal courts in both Washington and Oregon.

I am a trial attorney. I work principally in law matters which involve deaf and hard of hearing persons. My law cases range from family law matters, bankruptcy matters, car insurance matters, and personal injury cases. My curriculum vitae is attached hereto.

I am a deaf person. When I was licensed by the Washington State Bar in 1998, I was the only licensed deaf lawyer in the State of Washington. I understand there are one or two deaf lawyers admitted to the Washington Bar since then. I depend primarily on sign language interpreters in the court system in many counties and in the Federal Courts. I have seen bad and good sign language interpreters. I am concerned about the quality of communications and the professional ethics of non-English speaking interpreters.

I have a history with the development of RCW 2.42 and RCW 2.43 involving sign language and non-English-speaking persons. I was a Washington State Association of the Deaf lobbyist to the Washington State Legislature in 1983 through 1986. I was the person responsible in 1983 for successfully changing and improving to RCW 2.42, Interpreters in Legal Proceedings, legislatively in 1983. The RCW 2.42 is about



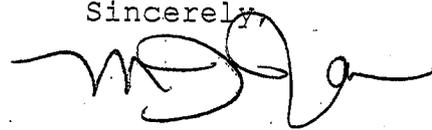
accessibility of the courts for the deaf and about sign language interpreters in the courtroom proceedings. The RCW 2.43, Interpreters for non-English-speaking persons, came later in 1989 and was modeled originally after RCW 2.42, but later, in 2008, was modified and reduced to what it is today.

The language of General Rule 11.1 seems to ignore RCW 2.42 and sign language interpreters in general. Both sign language interpreters and non-English interpreters have similar backgrounds however the Rule's frequent mention of RCW 2.43 makes the Rule distinct and separate from covering sign language interpreters. This seems wrong to me and both RCW 2.42 and RCW 2.43 should be combined administratively as a whole in application to encompass all non-English-speaking interpreters without any emphasis on disability or exclusivity.

I have remained interested in providing assistance and information to various court administrations around the state about sign language interpreters and continue to do so. I did not know there was a Washington State Court Interpreter Commission until now. I wish to volunteer my time and to assist in the Commission's overview of non-English-speaking interpreters to include sign language interpreters under its purview.

If you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Izak', written over a horizontal line.

Michael J. Izak

**MICHAEL J. IZAK**



**RELEVANT SKILLS**

I am a trial attorney and litigator for the past sixteen years. I do a lot of family law matters which often includes applying a detailed knowledge of real estate, paternity, child support, adoption, dissolution, property, and or creditor/debtors matters. I do guardianships (receiverships) of incapacitated persons. I do bankruptcies. I do a lot of incorporation and tax consultation work for a large number of Washington non-profit community service agencies.

I believe I had completed hundreds of court matters from start to finish. I have considerable experience initiating cases, participated in court hearings, motions practice, defense motions, brief writing, trials, cross-examinations, negotiations and settlements. I participated meditations, arbitrations and conflict resolution matters. I represented and defended persons in municipal, state district and superior county courts. I have participated in and have knowledge of the court rules in more than 14 Washington county courts.

**EMPLOYMENT HISTORY**

LAW OFFICE OF MICHAEL J. IZAK, PLLC                      1998 - Present

    Trial attorney and litigator.

WASHINGTON STATE SUPREME COURT                      1996 - 1997

    I was a Law Clerk to Honorable Justice Charles Z. Smith. I researched and wrote memorandums of law setting forth Justice's opinions on Washington State Supreme Court cases. I researched and wrote writ of certiorari background legal memoranda for Justice Conferences' acceptances or denials. I received the Washington State Supreme Court 1996 Outstanding Law Clerk Quill award.

UNIVERSITY OF WASHINGTON ADMINISTRATIVE LAW JUDGE                      1995-1996

    I was a Presiding Officer and Reviewing Officer for the University of Washington (UW). I was appointed by the UW to adjudicate University first-level and second-level parking violation appeals. As a Presiding Officer, first-time appeals for parking violations were evaluated and adjudicated. As a Reviewing Officer, all appeals on adjudicated first-level appeals from other Presiding Officers were reviewed, evaluated, and adjudicated de novo.

I was a Senior Computer Systems Analyst. I analyzed, designed and wrote computer software programs using many different mathematical computer software platforms and operating systems to support aircraft engineering and navigation programs. I managed a software engineering project team whose engineering goal objectives were met on time and under budget.

### EDUCATION

BT, Rochester University of Technology, 1972

JD, University of Washington, 1996

### BAR ADMISSIONS

- Admitted to the bar:
  - Washington State
  - Oregon State
  - United States District Court, Western Washington
  - United States District Court, Eastern Washington

### PROFESSIONAL INVOLVEMENTS AND ACTIVITIES

- I am a member of the Washington State Association for Justice
- I am a consultant to many non-profit Washington State deaf social clubs and organizations
- I was a Registered Lobbyist to the Washington State Legislature 1983-1993..

### AWARDS

- Numerous Washington State Bar community service awards (2000-2013)
- Washington State Supreme Court 1996 Outstanding Law Clerk Quill Award
- 2011 Outstanding Community Service Award from Southwest Center of the Deaf and Hard of Hearing of Vancouver, Washington

2014

THEA JENNINGS



December 24, 2013

Shirley Bondon  
AOC Staff to the Washington State Court Interpreter Commission  
Washington State Court Language Access Program  
Administrative Office of the Courts  
POB 41170  
Olympia, WA 98504-1170

DEC 26 2013

Dear Ms. Shirley Bondon,

Please accept my resume for the position on the Washington State Court Interpreter Commission. As a dedicated legal professional, I believe strongly in everyone's right to access the justice system regardless of their economic or cultural background. Our court system can be overwhelming and complex to navigate even for the native English speaker; to help ensure access for those also challenged by language barriers would give me great pride and satisfaction.

My current job experience as Limited License Legal Technician (LLLT) Program Lead and my past experience with the Office of Disciplinary Counsel (ODC) have prepared me well to assist the Commission in its work of developing quality, competent interpreter services. Working in the administration of WSBA's regulatory functions has put me in a unique position: Not only do I understand what it takes to administer a certification process, but I also understand the court system, the rules and regulations necessary to the administration of justice, and the importance of the disciplinary process. As an ODC paralegal, I had regular contact with limited English proficient witnesses and worked closely with interpreters, so I appreciate the significance of an interpreter's work both to the administration of justice and to the individual who has a story to tell that might not otherwise be heard.

My experience assisting limited English proficient students in their studies and teaching English abroad fostered growth of my respect and empathy for people of diverse cultural backgrounds. I enjoy working closely with people from all corners of the world, being inspired by their stories, and helping them fulfill their desire to thrive in our community.

My commitment to finding solutions to our state's access to justice crisis and to eliminating barriers to the justice system is reflected in my work as the LLLT Program Lead. I am proud of the WSBA's strong commitment to service and feel it is my time to further reflect that culture of service. I hope to serve my community through the work of this Commission.

Thank you for your consideration of my candidacy. I look forward to hearing from you.

Sincerely,

Thea Jennings

## EXPERIENCE

December 2012-present: **Limited License Legal Technician (LLLT) Program Lead, Washington State Bar Association (WSBA), Regulatory Services Department (RSD)**, the regulatory arm of the WSBA that oversees the admission and licensing of lawyers and other limited license practitioners. The LLLT Program is a new program mandated by the Washington Supreme Court providing for the licensing and regulation of non-attorneys to engage in discrete activities that currently fall within the definition of the "practice of law." The LLLT Program Lead assists in the development and on-going administration and support for all aspects of the LLLT Program. Responsibilities include to:

- Act as the liaison to and provide staff support for the LLLT Board, including coordinating meetings; developing agendas and preparing meeting materials, taking minutes, and attending all meetings; advising the LLLT Board and following up on Board actions as appropriate; providing other services to the Board as needed, such as reviewing and drafting rules and regulations.
- Work with the LLLT Board to develop, administer, and manage the LLLT licensing and admission process, including developing the application process and screening procedures; developing the examination requirements, working with the LLLT Board to develop exams, and managing the administration of the exams; determining the LLLT Continuing Legal Education (LLLT CLE) requirements and procedures for approval of programs.
- Administer and manage the LLLT licensing process for successful exam takers, the LLLT annual re-licensing process in conjunction with the licensing project lead, the mandatory LLLT Continuing Education program, and the LLLT discipline process.
- Develop and maintain the LLLT pages of the WSBA website.
- Prepare presentation materials and present about the LLLT Program to paralegal students and possible future LLLTs.

February 2012-December 2012: **Executive Paralegal, WSBA, Office of Disciplinary Counsel (ODC)**, the disciplinary body that prosecutes ethical violations by Washington attorneys. Oversaw use of case management system and supported management team of ODC in the implementation and improvement of office procedures and policies. Responsibilities included to:

- Assist the management team in identifying and developing new processes related to documentation and case management; keep the management team informed of any processes that do not comply with office standards and applicable court rules and brainstorm possible solutions.
- Collect, tabulate, and organize information as requested by management team to analyze departmental workflow and implement case management policies.
- Act as departmental lead for issue identification, maintenance, and development of the departmental case management system in collaboration with the IT department; serve as departmental expert on the database, answering questions, resolving problems, and providing training and direction to staff responsible for data entry.
- Write training and instructional materials and conduct classroom and ad hoc staff training on use of the case management system.
- Assist the management team in the preparation of memoranda, reports, and presentations, including development and preparation of statistics on the operation of the lawyer discipline system for quarterly and annual reports.

## THEA JENNINGS

- Research and draft memoranda on various legal issues as requested by the Chief Disciplinary Counsel.

December 2007-February 2012: **Paralegal I/II, WSBA, ODC.** Supported a team of attorneys in the investigation, research, and prosecution of instances of ethical misconduct by Washington attorneys. Responsibilities included to:

- Assist in investigations by reviewing grievances, pinpointing and retrieving missing information, researching case law, and analyzing potential violations of the Rules of Professional Conduct (RPC).
- Draft substantive letters and legal memoranda such as requests for additional information, dismissal letters and final analysis letters (detailing the results of investigations), and research memoranda.
- Draft and edit pleadings such as formal complaints, motions, hearing briefs, and proposed findings to ensure compliance with office style guides and applicable court rules.
- Assist attorneys in disciplinary hearings to ensure their smooth operation by preparing exhibit and trial notebooks, preparing witnesses, tracking admitted exhibits, conducting research, and conferring with attorneys regarding witness examination.
- Assist attorneys in ensuring compliance with applicable court rules and the Rules for Enforcement of Lawyer Conduct (ELC).

January 2007-December 2007: **Reading Lab Teaching Assistant, Bellevue College.** Worked collaboratively with limited English proficient and developmental reading students to help focus their studies and develop reading skills to the college level. Responsibilities included to:

- Oversee a computer classroom where students worked independently on reading software applications.
- Guide students in creating an individual learning plan and choosing reading software appropriately challenging for their skill levels.
- Review student work to identify progress and opportunities for skill-building.

September 2002-June 2005: **College jobs.** While enrolled in college, held three positions that each fostered my current skill set and increased my awareness of and respect for other cultures and backgrounds. Accomplishments included teaching English abroad to French grammar school students and tutoring college students of varying levels of English proficiency to help improve their writing through discourse about their college papers. Responsibilities included to:

- Prepare and implement lesson plans both independently and collaboratively with English language teachers in France.
- Assist students with grammar, spelling, content issues, organization, brainstorming, and improving writing strategies and products.
- Coach students on editing their own writing and ensuring conformance with required style guides.

## EDUCATION

University of Washington Professional and Continuing Education Program, Certificate in Paralegal Studies, Seattle, WA, June 2006

University of Washington, Seattle, WA, Bachelor of Arts Degree in English and French, March 2005, Cum Laude, GPA 3.88

## REFERENCES AVAILABLE ON REQUEST

Andrew Stave  
Attorney at Law

**Stave Law Office, PLLC**

14900 Interurban Ave S  
Ste 271  
Tukwila, WA 98168  
(206) 241-1558

Yukiko Stave  
Attorney at Law

December 26, 2013

Shirley Bondon, AOC Staff  
c/o Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170

DEC 30 2013

VIA USPS FIRST CLASS MAIL

Re: Washington State Court Interpreter Commission

Dear Ms. Bondon:

I am writing to apply for a volunteer position of the Commission Member. I learned of the opportunity from Washington State Bar Association's monthly magazine. Please find the enclosed resume for your review.

When I immigrated to the United States from Japan, the Immigration at the SeaTac airport gave me a brochure titled "Welcome to the United States." It basically stated "if you need more information, please visit [www. . .](http://www. . .) A computer is available at a public library." This was one-sheet.

I was an international student studying law at a law school in the US prior to immigrating to the U.S. So this was ok. I already knew a life in the U.S. But I wonder if immigrants who cannot even speak English at the time of arrival can figure things out in the U.S. with this one-sheet brochure. It's better than nothing, though.

I was also frightened by the real story broadcasted in Australia and Japan called "Melbourne Incident." Several Japanese tourists visiting Australia were wrongfully convicted and sentenced for trafficking heroin to serve in an Australian prison for 15 to 20 years. Their Australian Legal Aid attorneys reportedly could not communicate with them very well. And the jury did not believe their explanation stating that their suitcases were stolen and swapped in Malaysia on the way going to Australia from Japan.

Another Japanese person who was convicted of domestic violence in the U.S. a few years ago told me that she plead guilty but did not understand at all what was going on in court. If appointed, I would like to bring a culturally and linguistically sensitive standpoint to the Commission.

Sincerely,



Yukiko Stave



## Yukiko Stave, Esq.

**Bar Admissions:** Washington State, March 2012; American Samoa, May 2005; Hawai'i, November 2004

### **Education and Training:**

**William Mitchell College of Law, Minnesota**

*Juris Doctor*, January 2004. Access Scholarship, merit-based, renewable.

**Doshisha University, Kyoto, Japan.** *Bachelor of Law*, March 1997. GPA: 3.43/4.00.

**National Institute for Trial Advocacy, Colorado.** *Certificate in Trial Skills*, September 2012.

**Pierce County Center for Dispute Resolution, Washington.** *Certificate in Mediation Training*, July 2013.

### **Experience:**

**Stave Law Office, PLLC, Washington**

*Attorney at Law*

June 2013 – present

Civil litigation, criminal defense and immigration law practice. Runs an office together with an attorney husband.

**The Mergis Group, California**

*Document Review Attorney for Dorsey & Whitney LLP Seattle Office*

August 2011 – January 2012

Reviewed and selected documents based on relevance and privilege for e-discovery of commercial litigation.

**University of the Ryukyus, Okinawa, Japan**

*Conflict of Interest (COI) Manager*

October 2009 – March 2010

Designed a public university's COI management plan & implemented the review process. Examined risks of COI.

**Midosuji Law Offices, P.C., Osaka, Japan**

*Foreign Lawyer*

2007 – 2008

Researched, drafted, reviewed and responded to pleadings, memoranda, contracts and letters for corporate clients.

**American Samoa Government Department of Legal Affairs, American Samoa, US Territory**

*Assistant Attorney General*

2005 – 2006

Prosecuted all types of misdemeanors including traffic violations from initial appearance to final disposition.

**Law Offices of Alan W.C. Ma, Hawai'i**

*Temporary Law Clerk*

August 2004 – October 2004

Liaised with immigrant clients & the attorney. Drafted advice letters, agreements, memos, petitions, briefs & wills.

**Wisconsin Department of Justice Criminal Appeals Unit, Wisconsin**

*Summer Law Clerk*

May 2002 – August 2002

Drafted research memos and reply briefs to felony defendants' sentencing appeals. Observed oral arguments.

**William Mitchell College of Law, Minnesota**

June 2001 – January 2002

*Teaching Assistant for Future in Learning Law Program (FILL), Research Assistant, Circulation Assistant etc.*

Taught high school students basic principles of tort law in a joint program with Saint Paul Public School District.

**State of Minnesota District Court, Second Judicial District, Minnesota**

*Extern to the Honorable Judge John S. Connolly (Retired)*

June 2001 – December 2001

**Languages:** Japanese (native), English (strong for a non-native), Mandarin Chinese (read some/write some)

### **Public Speaking and Refereed Publication:**

*Challenges for Rule of Law in Communal Societies with Confucianism.* Accepted Speaker, the 25<sup>th</sup> IVR World Congress of Philosophy of Law and Social Philosophy, Germany, August 19, 2011

*War Crimes Against Women: An Asian Perspective*, 2008 Edition LAWASIA Journal, Australia, March 2009

### **Leadership:**

**American Bar Association Young Lawyers Division, Illinois**

*"Associate Judge" for Award/Subgrant Team (Funded Position)*

2005 - 2006

**Equal Justice Works, Washington D.C.** *Membership Council Representative (Sponsored Position)* Fall 2003



## *Lawrence Pang*

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Jan 6, 2014

Shirley Bondon, AOC Staff to the Commission  
Washington State Court Language Access Program  
c/o Administrative Office of the Courts  
P. O. Box 41170  
Olympia, WA 98504-1170

RE: Interest in serving in the Washington State Court Interpreter Commission

Dear Shirley,

I'd like to express my interest in serving in the Washington State Court Interpreter Commission.

I have been certified as a Cantonese Court since 1999. During a period of 8 years, I was employed by Language Line as their certified court interpreter, handling legal cases and those involved with courts and law enforcement agencies and officers.

Other than practicing in courts as interpreter, I own 2 other businesses an insurance agency and a Washington State Liquor Control Board alcohol server training provider. A good proportion of my customers are Chinese customers.

At the same time I am a big believer in community services. I was publicly elected as a board member of the Seattle International Special Review District Board (created by Seattle City Ordinance in 1973) for 2 terms from 1999 to 2002. I was elected as board member and secretary of the Seattle Chinese Chamber of Commerce and as President in 2009 and 2010.

Moving beyond the Chinese community, I was elected as board member of the Seattle Metropolitan Chamber of Commerce. During my 2-year term, I participated in their "Multi-cultural Business Development Vice President" search and President Search team.

In 2011, I single handedly created the First Ethnic Community Police Appreciation Award. Six different ethnic groups, namely, Chinese, Hispanic, Filipino, Korean, African and Vietnamese joined together to nominate Seattle Police Officers who had made extra effort in serving the ethnic community. On Nov 13, 2012 we held the 2<sup>nd</sup> Annual Ethnic Community Police Appreciation Award Night. This year the number of partnering organizations grew to 18. We even caught the attention of King 5 who sent their team to stay with us the whole night and aired the report in the 11 o'clock newscast. (link to King5 news clip: <http://www.king5.com/news/Seattle-residents-honor-police-officers-179234501.html> or [www.ecpap.org](http://www.ecpap.org)) About 2 months ago, we just did our 3<sup>rd</sup> Annual Police Appreciation Event on Nov 12, 2013. The number of partnering ethnic community organizations grew to 25.

Outlook into 2014: responding to interest expressed by ethnic communities outside of Seattle city proper, we will expand the scope of the officer nomination beyond Seattle, to cover the whole King County. Plans are also being developed to develop programs to foster cross cultural understanding.

## Resumé

### Personal Profile

Name: Lawrence S. Pang

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Born and raised in Hong Kong; immigrated into the USA in 1993; live in the same address for the last 20 years.

Family: married with 2 adult sons.

### Education:

BA degree in contrastive linguistics, Chinese University of Hong Kong

Superior Diploma of French Language and Civilization, Université de la Sorbonne, Paris, France

Former Member of Institute of Linguist, London, UK

### Professional Certification and License:

Washington State Court Interpreter Certification since 1999

Washington State Insurance License since 1995

Washington State Security License since 1996 (currently inactive)

### Business Experience / Employment history:

Telephonic Interpreter; Language Line Services (2000 – 2007)

Certified Cantonese Court Interpreter in various Washington state courts since 1999 to present

Insurance agency 2003 to present

Washington State Liquor Control Board authorized MAST (Mandatory Alcohol Server Training) Provider

### Community Services

Washington State Hong Kong Club secretary 1998

Seattle International Special Review District publicly elected Board member 1999-2002

Seattle Chinese Chamber of Commerce, Secretary (2000-2006), President (2009-2010)

Seattle Metropolitan Chamber of Commerce, Member of Board of Trustees (2011- 2012)

Ethnic Community Police Appreciation Project, founder (2011, 2012, 2013)

## **Committee Reports**



## Ad hoc Committee on Scheduling Practices Interim Report – Feb. 21, 2014

Linda Noble – Committee Chair

Members:

Tara Cook

Kristi Cruz

Bob Lichtenberg

Sam Mattix

Marti Maxwell

At a full committee meeting by telephone on 1/17/14, we established that the goal of the committee would be to produce a “best policies and practices” document with respect to designing and employing computer programs to facilitate scheduling of interpreters. This document should be ready to present to the full Commission at the May meeting.

We identified stakeholders in the process (see attached, “Stakeholders for Scheduling Policies”). We discussed expanding the stakeholders to include deaf and hard-of-hearing as well as LEP, but the discussion was not concluded and consensus not reached.

We evaluated online scheduling product specifications from the state of New Mexico (see attached “Online Scheduling Product Specifications”).

Sam and Linda met with Ed Zaldibar (Feb. 11), one of the owners and designers of the 1Lingua System, currently being used in New Mexico courts and by Tukwila and SeaTac Municipal Courts. We discussed specific changes that could be made to system which would bring it into alignment with our stated goals. Namely, to avoid the “feeding frenzy” approach to scheduling interpreters by staggering requests.

In essence, a system can be designed to conform to any specifications set forth by the user. Our goal is to create a better understanding of the needs of *all* the stakeholders so that any system developed takes those needs into account.

Challenges.

- Getting a file-sharing protocol so that we can efficiently collaborate on documents.
- Overcoming resistance to open dialogue about possible different approaches to scheduling, given that King County District Court and Snohomish County Courts have a system in place already and are invested in it.
- Looking at ways in which preferences can/should be included when assigning interpreters.
- Commitment. The Chair of this committee concedes that it has been difficult to devote the requisite amount of time and enthusiasm to this issue. She also recognizes how encumbered other members of the committee are and their limited availability and thanks them.



## Who are the stake-holders to consider when establishing policies/best practices for any kind of interpreter scheduling?

- ❖ Taxpayers, funding sources/managers:
  - best ROI,
  - reduce expense,
  - justify expense (reduce waste)
- ❖ LEP clients:
  - Availability of interpreters
  - Quality of interpreting services (note: LEP persons have very little ability/inclination to provide feedback regarding quality)
  - increased scheduling flexibility – ability to communicate with schedulers to change appointments when necessary (by request of any party to proceeding or court staff)
- ❖ Court interpreter schedulers:
  - ability to readily obtain quality language services when needed
  - increase efficiency scheduling appropriate interpreters
  - ability to deal with reminders/cancellations/changes by communicating efficiently with all parties and staff
- ❖ Court interpreters:
  - earn a living (allows interpreter to concentrate on profession, which ultimately improves the quality)
  - work to improve supply & demand issues (oversupply of Russian & Spanish interpreters, undersupply or poor utilization of interpreters in other languages),
  - end unfair gaming of system which rewards capabilities unrelated to the quality of interpretation (e.g. tech skills, availability of others to constantly monitor websites and/or respond instantly to mass texts/emails)
  - get jobs without having to monitor job openings or be the fastest to respond to mass text/e-mail requests (demeaning and unsafe)
  - focus more on doing jobs and training/education than on getting jobs
  - increase utilization of certified/registered interpreters vs. non-credentialed interpreters
  - get paid promptly
  - streamline invoice process
  - make it easier to get contiguous or over-lapping time jobs with online system if it makes sense
  - reduce unnecessary travel by better use of local interpreters if they are available.
- ❖ Judges: administer justice to all including LEPs
  - availability of interpreters
  - quality interpreting services
  - increased scheduling flexibility – ability to communicate with schedulers to change appointments when necessary (by request of any party to proceeding or court staff)
- ❖ Courts:
  - Quality and accuracy (avoiding appeals)
- ❖ Attorneys: adequately serve and represent their clients including LEPs,
  - availability of interpreters
  - quality interpreting (need to be certain they are effectively communicating with client)
  - increased scheduling flexibility – ability to communicate with schedulers to change appointments when necessary (by request of any party to proceeding or court staff)
- ❖ Clerks:

- Ability to recognize the need for interpreter and act accordingly without direct instruction from the Court
- ❖ Data collection & analysis staff – court & AOC: built-in data collection in online scheduling and invoicing system(s)

## Product Description

In this section, please describe and certify the function, features, performance and endurance quality of the product being offered consistent with the features, scheduling and reporting capabilities as outlined in the Detailed Scope of Work.

### 1. Feature Set

- a) Allows for an unlimited number of interpreters and schedulers.
- b) Allows for the import and export of data.
- c) Allows scheduling over multiple court locations.
- d) Provides central administrative oversight of all activity.
- e) Allows for the input of detailed information for each interpreter, including, but not limited to, e.g. languages interpreted, certifications, availability, preferences, contact and billing information, address, vendor identification, gender, case preferences.
- f) Allows access to view scheduled assignments to schedulers and administrators only.
- g) Provides access from any device with internet access/e-mail and through text messaging.
- h) Includes an application for mobile devices or a mobile-friendly version.
- i) Enables interpreters to log on to view scheduled assignments; schedulers can log on to view all scheduled and pending assignments.
- j) Provides for checking in and checking out of assignments within the interface.
- k) Allows interface with other interpreter databases.

### 2. Scheduling Capabilities

- a) Interpreters can specify their varying availability for specific days or weeks.
- b) Allows for entering multiple court locations and for selecting more than one court per specific assignment.
- c) Allows scheduling of recurring assignments, i.e. pattern dates.
- d) Allows for scheduling two or more interpreters for a single assignment as part of the original request.
- e) Allows for entering and confirming assignments without distribution of request.
- f) Notifies scheduler of interpreters' responses to requests, i.e. viewed, declined, accepted, or attempted to accept an already filled assignment.
- g) Includes automatic e-mailing of assignments daily and/or weekly to interpreters and to schedulers
- h) Precludes sending assignments to already scheduled or otherwise unavailable interpreters, while allowing overlapping scheduling by the scheduler of assignments that are in close proximity.
- i) Allows the identification of interpreters by level of certification to ensure that

interpreters are only scheduled for assignments that match their skill level and by distance from assignment.

j) Confirms assignment via e-mails to the court, scheduler, and interpreter. Interpreter's confirmation includes a calendar link and link to Rand McNally as default for directions to assignment.

k) Sends automatic text/e-mail reminders to scheduled interpreters.

l) Prohibits interpreters from cancelling assignments.

m) Tracks court cancellations of interpreters, with an automatic alert to *all* schedulers.

n) Includes notification of assignments via both text message and e-mail and acceptance by either means.

### 3. Reporting Capabilities

a) Includes automated invoicing consistent with AOC's current interpreter invoice.

b) Provides for a variety of reports which are easy to generate/ including, but not limited to, assignments by language, interpreter, court, type of case, cancellations by court, cancellations by interpreter, Cost of cancellations by case type and court.

c) Allows reports to be generated locally by schedulers or statewide by central administrator.

### 4. Ease of Use/Help & Support

a) Easy to use for scheduler and interpreter.

b) Easy upload and updating of interpreter profiles and court-related information.

c) Customization based on New Mexico specific needs, e.g., invoice; cancellation alerts during year one at no additional charge to AOC.

d) 24/7 tech support via e-mail.

e) Ability to talk with tech support by telephone.

## Supreme Court Interpreter Commission

### Commission Committee Composition and Assignments from Past Minutes

#### Excerpt from Interpreter Commission Meeting

Date: Friday, February 22, 2013

#### From: Chair's Report:

##### Issues Committee (Appointments):

Judge Sypolt agreed to chair the Issues Committee. *Marti Maxwell\**, Linda Noble, Alma Zuniga and Kristi Cruz joined the committee.

##### Disciplinary Committee Member (Appointment)

Judge Riehl accepted appointment as chair of the Disciplinary Committee. Sam Mattix noted that General Rule 11.1 stated, "Members shall serve on only one committee." Justice González determined that it is acceptable to be on more than one committee and Sam Mattix agreed to serve on the Disciplinary Committee. Justice González proposed revising the rule to delete the one committee restriction. (*Other members: Dirk Marler, Sam Mattix, and Mike McElroy\**)  
(\*Denotes no longer member)

##### Judicial/Court Manager Education Committee (Appointment)

Dirk Marler proposed combining the Education and Issues committees to reduce possible duplication. Justice González agreed to discuss this idea with committee chairs.  
Linda Noble agreed to join the Education Committee. (*Other members: Judge Riehl, Chair; Kristi Cruz, Theresa Smith, and Sam Mattix*)

#### From: Adjourn:

Justice González adjourned the meeting. He stated that the agenda items not covered in this meeting will transfer over to the next meeting. They are as follows:

- Bellevue College Collaboration
- Revise Process for Noncompliance with Biannual Requirements

#### From: Action Item Summary:

Justice González will discuss combining the Education and Issues Committees with committee chairs.

#### Excerpt from Interpreter Commission Meeting

Date: Friday, May 31, 2013

#### From: Potential Commission Projects

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.



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

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

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

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

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

(3) The Judicial and Court Administration Education Committee shall provide ongoing opportunities for training and resources to judicial officers and court administrators related to court interpretation improvement.

(c) Establishment. The Supreme Court shall appoint members to the Interpreter Commission. The Supreme Court shall designate the chair of the Commission. The Commission shall include representatives from the following areas of expertise: judicial officers from the appellate and each trial court level (3), interpreter (2), court administrator (1), attorney (1), public member (2), representative from ethnic organization (1), and AOC representative (1). The term for a member of the Commission shall be three years. Members are eligible to serve a subsequent 3 year term. The

Commission shall consist of eleven members. Members shall only serve on one committee and committees may be supplemented by ad hoc professionals as designated by the chair. Ad hoc members may not serve as the chair of a committee.

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

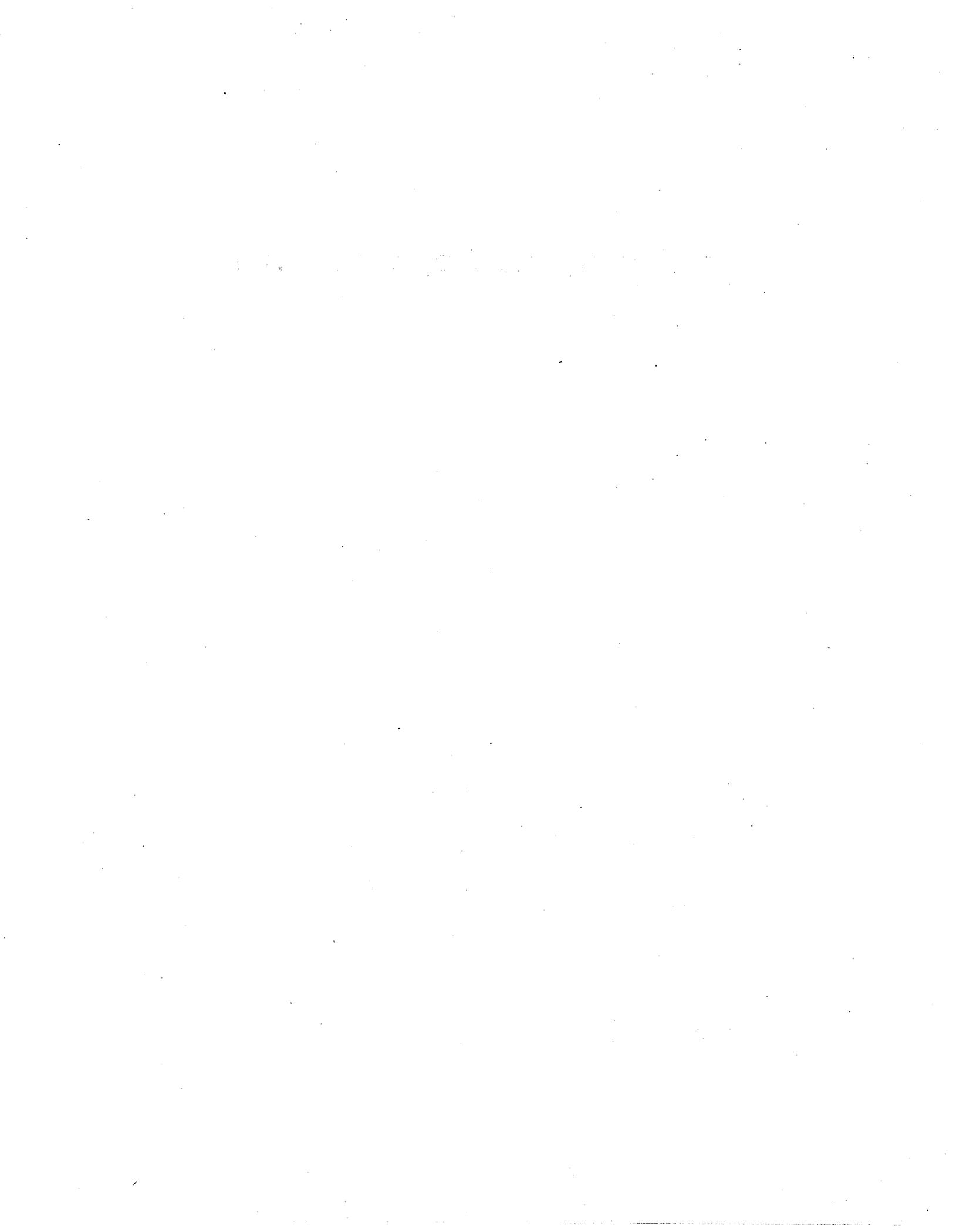
(e) Existing Law Unchanged. This rule shall not expand, narrow, or otherwise affect existing law, including but not limited to RCW chapter 2.43.

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

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

*[Adopted effective September 1, 2005]*

## **Court Interpreter Program Updates**



## **King County Interpreter Budget Meeting Report**

Presented By Eileen Farley to the Interpreter Commission

February 28, 2013

Andrew Bauck, staff with the King County Office of Performance, Strategy and Budget, is compiling a report on interpreter services as they are provided in King County. The report is in response to a proviso contained in the 2014 King County Budget, which states in part:

The report shall be prepared...in consultation with council staff and representatives of the superior court, district court, the department of judicial administration, the prosecuting attorney's office, the sheriff's office, the department of adult and juvenile detention, the department of public defense, the department of public health and any other county departments...to have significant expenses related to interpreter services...The report shall include but not be limited to...actual costs of providing interpreter services, [use]of interpreter services, including how users of the service are identified and how interpreters are assigned;...an examination of the service delivery methodology used, including quality control...[and] an examination of the pros and cons for developing a consolidated system for the provision of interpreter services.

Mr. Bauck speaks Urdu and previously worked in Kashmir as an interpreter for the International Red Cross during visits to detention facilities. He has great appreciation for the importance of quality interpreter services. Thus far in preparation of his report he has met with Mike McElroy, a former Commission member who coordinates interpreters for the King County Prosecuting Attorney's Office, and Martha Cohen, who coordinates interpreter services for King County Superior Court, and has observed a Dependency trial that involved both Somali Maay Maay and Swahili interpreters.

After compiling information and preparing a draft report describing the current state of interpretation services in King County, he plans to convene a small group of stakeholders, including representatives of the groups identified in the proviso. He will ask them to meet 2-3 times and to review his report for comments before he submits it. The report is not due until June 30, 2014 but he hopes to complete it well before the due date.

Mr. Bauck was very clear that although he does not know why the council added the proviso, the county is committed to maintaining high quality interpreter services, although it is difficult to do so in this fiscal climate. When I asked him if there is anything the commission can do to assist him, he said he would appreciate the opportunity to talk with someone identified by the commission who can speak to how other counties are providing these services.





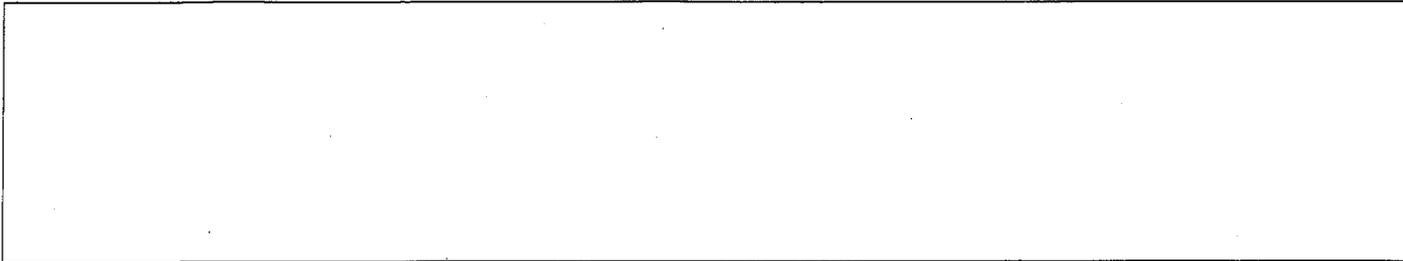
**Describe main strategies that have worked to increase access of services to LEP populations. (For example, “Our division has translated the client intake sheet into Spanish”, “Our felony unit has translated all client handouts into the top languages” or “Our division has two bilingual staff that assist clients when needed”)**

**Describe outreach activities and strategies focusing on LEP populations. (For example, “Our division has Spanish-speaking bilingual staff who volunteer and/or conduct outreach to Spanish-speaking community groups and organizations”)**

**Describe significant successes in working with LEP populations. Please specify those which you consider best practices.**

**Describe the main barriers/challenges in working with LEP populations.**

**In order to increase equitable access to the determinants of equity for LEP populations in King County, what else should DPD, your division, and the county be doing? (go to the last page or [click here](#) for a list of the determinants)**



Please do not hesitate to contact Ericka Turley (206-263-2168) with questions.

## Other Examples

The following examples are elements that may be included in a set of policies and procedures for serving clients with limited English proficiency.

1. Ensure that its clients, irrespective of English language ability, can communicate with staff and receive high-quality legal assistance.
2. Ensure adequate access to interpreter services
3. Ensure that its staff can identify situations when interpretation services are needed
4. Ensure that its staff know how to work with interpreters
5. Ensure that its staff know how to communicate with clients with limited English proficiency including:
  - a. Which documents should be translated
  - b. How to communicate over the phone
  - c. How to communicate in person
  - d. How staff will review forms with clients and obtain necessary information
  - e. How to conduct intake and how staff should follow up with clients after intake
6. Ensure community outreach and education to clients with limited English proficiency are included in the organization's overall community engagement plan
7. Ensure that its efforts to respond to the language needs of clients are effective by conducting periodic evaluation

The following are examples of outreach activities and strategies that could be used to increase access to services for clients with limited English proficiency:

1. Employ bilingual/multi-lingual staff at various levels in the organization in addition to hiring interpreters
2. Provide information about services in several languages on the organization website
3. Create relationships with community organizations that serve clients with limited English proficiency
4. Develop partnerships with local immigrant advocacy organizations
5. Recruit law students from local law schools to act as interpreters and translators
6. Host legal clinics
7. Publish success stories or participate in radio/TV interviews about clients and/or the efforts of a particular specialized unit that serves clients with limited English proficiency.
8. Conduct targeted outreach by finding and contacting various ethnic press entities to distribute information
9. Create public service announcements

## Determinants of Equity

1. **Equity in county practices** that eliminates all forms of discrimination in county activities in order to provide fair treatment for all employees, contractors, clients, community partners, residents and others who interact with King County;
2. **Job training and jobs** that provide all residents with the knowledge and skills to compete in a diverse workforce and with the ability to make sufficient income for the purchase of basic necessities to support them and their families;
3. **Community economic development** that supports local ownership of assets, including homes and businesses, and assures fair access for all to business development and retention opportunities;
4. **Housing** for all people that is safe, affordable, high quality and healthy;
5. **Education** that is high quality and culturally appropriate and allows each student to reach his or her full learning and career potential;
6. **Early childhood development** that supports nurturing relationships, high-quality affordable child care and early learning opportunities that promote optimal early childhood development and school readiness for all children;
7. **Healthy built and natural environments** for all people that include mixes of land use that support: jobs, housing, amenities and services; trees and forest canopy; clean air, water, soil and sediment
8. **Community and public safety** that includes services such as fire, police, emergency medical services and code enforcement that are responsive to all residents so that everyone feels safe to live, work and play in any neighborhood of King County;
9. **A law and justice system** that provides equitable access and fair treatment for all;
10. **Neighborhoods** that support all communities and individuals through strong social networks, trust among neighbors and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood;
11. **Transportation** that provides everyone with safe, efficient, affordable, convenient and reliable mobility options including public transit, walking, carpooling and biking.
12. **Food systems** that support local food production and provide access to affordable, healthy, and culturally appropriate foods for all people;
13. **Parks and natural resources** that provide access for all people to safe, clean and quality outdoor spaces, facilities and activities that appeal to the interests of all communities; and
14. **Health and human services** that are high quality, affordable and culturally appropriate and support the optimal well-being of all people



**EPF Summary of Comments:**

Guide states that use of VRI “may” increase available pool of qualified interpreters but also notes that 1-qualifications of any interpreters used may be verified by users and 2-VRI may reduce the qualifications of interpreters of an unknown pool of interpreters is used.

Guide is technology need, not user need driven.

Guide states that use of VRI “may” be a cost savings but that an assessment should be done to determine whether that is correct. This portion of the Guide lists costs associated with on-site interpreters but does not call out costs associated with VRI for equipment and in particular for staff needed to install, maintain and update equipment.

Guide notes that VRI is appropriate for limited types of proceedings (e.g. not evidentiary hearings) and for limited types of parties (e.g. not children, mentally ill, elderly). Query how cost versus appropriate use will balance should be discussed if any reviewing committee finds VRI adequate in some circumstances.

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## INTRODUCTION

Ensuring access to Limited English Proficient (LEP) individuals through the use of interpreters has become a core court service throughout most jurisdictions in the country. The diversity of languages, geographic location, availability of qualified interpreters, and limited budgets are all factors that have contributed to a rise in interpreting services being offered with the assistance of technology.<sup>1</sup> In the past, Remote Interpreting (RI) service, if available, was generally provided via telephone. Great improvements in the technology used to support these services have occurred and interpreting can now be accomplished using a variety of audio and video equipment that allow for the off-site location of the interpreter, the LEP party or both.

States judiciaries are at varying stages of implementing RI services. Some states have long-established standards for telephone interpreting, other states have made significant efforts in expanding to video remote interpreting, while others are commencing study or beginning use of RI services.<sup>2</sup> Successful use of an interpreter remotely through the various audio and video technologies requires specific knowledge, coordination, cooperation, and patience from everyone involved including court users.

**Note: The quality of the interpretation is of paramount importance and should never be compromised. While RI is not generally a substitute for an on-site interpreter, in certain situations, if the effectiveness of the communication is in no way compromised and certain controls are in place, it can be a viable first choice.**

This guide is designed to be a practical reference for program managers, judges, interpreter coordinators/schedulers, court staff, administrators, technology staff, interpreters and attorneys. It provides an overview of the general factors to consider in providing RI, the types of situations where RI is appropriate, recommended best practices, a survey of the technologies currently available for RI, pros and cons of utilizing the various technologies, and the necessary system requirements. In addition, to being cognizant of the requirements established by the Americans with Disabilities Act (ADA) and guidance set forth by the US Department of Justice

<sup>1</sup> 2010 Professional Issues Committee (PIC) Biennial Survey, Consortium for Language Access in the Courts reported that 34 states used some form of audio or video interpreting services in their courts. See full PIC survey at [Provide web link on NCSC.org]

<sup>2</sup> State programs that have developed policies and procedures governing the use of RI services as well as other resources on RI can be found on the NCSC website at [Provide web link on NCSC.org] In addition state judicial leadership through the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) are supporting efforts to establish national guidance on RI through a shared video interpreting network.

**Commented [BC1]:** Should the intro state that onsite interpreters are still the best option but remote is a good option in certain circumstances and with controls in place that ensure appropriate service? A statement here sets the foundation for what comes up later on page 6. BRENDA CARRASQUILLO

**Commented [2]:** Although RI is not a substitute for on-site interpreters in certain situations, provided the effectiveness of the communication is not diminished, it can serve as a viable alternative service delivery mechanism that is both effective and efficient. We may want to retain the language as is rather than offer a caveat about usage of the technology in the lead-in paragraph. LISA BELL

**Commented [ef3]:**

**Commented [ef4]:** Washington Court Rule GR 11.2 states that interpreters may be appointed to interpret by telephone "for brief, non-evidentiary proceedings, including initial appearances and arraignments, when interpreters are not readily available to the court." (emphasis added). The rule goes on to require that interpreters used must meet the requirements of GR 11.2 and RCW 2.43. If the equipment used does not permit simultaneous interpretation then consecutive interpretation must be used, documents must be read aloud and interpreted and the hearing must be recorded.

The rule is consistent with the conclusion of the report that remote interpreting is not appropriate for:

- Trials, long hearings or complicated evidentiary hearings
- Proceedings involving many individuals
- Proceedings involving parties who are elderly, very young, have mental illness or those who have profound speech or language problems
- Anticipated emotionally charged or contentious testimony. This list is from Appendix B of the Guide.

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**Commented [6]:**

**Commented [ef7]:** The Guide details a number of ways that using VRI impacts court function, often negatively—the need for muted colors/carpets and chairs, limit on where participants may stand or sit, and the need for onsite or readily available IT support for any communication device more complicated than a phone.

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(USDOJ)<sup>3</sup> court systems should always first examine their state statutes, local rules and policies before executing an RI project to ensure full compliance with both federal and state laws.

### WHAT IS REMOTE INTERPRETING

In its broadest sense, RI can be defined as *the provision of interpreting services using technology in a situation where the interpreter is at a location physically separate from the consumers of the interpreting service*. With RI, the English speaker, the LEP speaker, and the interpreter are not all physically located in the same place (unlike on-site interpreting where the interpreter, the LEP speaker and the English speaker are physically located in the same location/courtroom). The consumers may or may not be located with each other.<sup>4</sup>

Using RI, the court can connect the consumer with an interpreter either via *audio* or *integrated audio and video technology*. The interpreter can provide interpretation services either in the consecutive or simultaneous mode depending upon the RI technology being used.

### ASSESSING THE COURTROOM

If a court system is interested in pursuing RI services, it will be necessary to assess the equipment and the types of connectivity currently available in the courtrooms (e.g. landline telephones, computers, audio system, hardwired or wireless internet access, and available bandwidth, etc.) Any new equipment needed to provide RI during a court proceeding can be as simple as a telephone to something more elaborate such as an integrated video remote interpreting system. Consider establishing a designated RI workgroup comprised of key court services staff responsible for the business and technical aspects.<sup>5</sup>

**Note: While some courtrooms may be equipped with wireless internet capabilities, wireless internet is not recommended for interpreted video sessions on the record as the continuous upload/download speeds may not be sufficient to ensure a steady, consistent video. Security issues also arise when using wireless internet.**

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<sup>3</sup>Regulations implementing the Americans with Disabilities Act (ADA) recognize Video Remote Interpreting (VRI) services as a kind of auxiliary aid that may be used to provide effective communication. 28 C.F.R. § 35.104. When a public entity uses VRI it must provide real-time, full-motion video and audio that delivers high quality video images and clear audible transmission of services. 28 C.F.R. § 35.160(d)(1)-(3). See also Daniel A. Osher, Esq., "The Americans with Disabilities Act Updated to Reflect 21<sup>st</sup> Century Challenges," Lozano Smith (2011); US Dept. of Justice, "Questions and Answers Regarding the August 16, 2010 Title VI Language Access Guidance Letter to State Courts" which says that determining whether RI is a reasonable method to provide court language assistance depends upon circumstances such as whether other participants are appearing remotely, availability of qualified in-person interpreters, and quality of the remote technology. See <http://www.lep.gov/faqs/faqs.html> for full FAQs.

<sup>4</sup> Oregon Judicial Department, Court Interpreter Services, "Remote Interpreting in Oregon Courts: A Roadmap," 7/21/2008, p.12

<sup>5</sup>The Language Access Advisory Committee (LAAC) has developed technical and business standards as part of a national VRI network. [Provide web link] for the standards.

Consultation with a court system's Information Technology (IT) experts during all phases of the decision-making process is an important first step to identify the financial costs for adding, maintaining or upgrading equipment. Tech staff can provide insight on whether proposed RI equipment meets industry standards<sup>6</sup> and can effectively perform as intended.

A cost-benefit analysis should be performed to weigh the expenses of upgrading a courtroom's technological capabilities against the current costs for providing on-site interpreting services (e.g. travel expenses, frequency of languages needed versus availability of qualified interpreters).

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### WHO WILL PROVIDE THE INTERPRETING SERVICES

During the assessment phase of analyzing courtroom requirements, it is vital to consider who will provide the interpreting services as individual service providers may require different equipment and specifications. Determining who will provide the service at this stage is a decision that will dictate many of the requisite technological upgrades within the courtroom or courthouse as well as detailed specifications for the upgrades.

Commented [ef9]: Later parts of the report note that expanding the pool of interpreters may reduce quality because of reduced pay to interpreters. Any cost benefit analysis should include not only the initial cost of equipment but the cost of training court room users to operate it and IT personnel needed to maintain and upgrade it.

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The three main options for providing RI services along with pros and cons are:

- 1) Staff or freelance interpreters working out of a location (or locations) under the control of the court, jurisdiction or Administrative Office of the Courts (AOC);

Pro = more quality control

Con = more up-front costs with internal office or courtroom set-up

- 2) Freelance interpreters working in a location not under the court or AOC's control, such as a home, outside office, institution of higher learning, or military installation;

Pro = convenience

Con = less quality control and oversight, therefore a contract or written agreement is recommended

- 3) Commercial vendors

Pro = convenience

Con = less quality control and oversight, therefore a contract or written agreement is recommended; higher per-usage fees

**Note: States are encouraged to first rely on interpreters who meet the particular state's credential requirements. Outside agencies usually have their own internal process in place for qualifying interpreters that may not meet the state's requirements. It is necessary to inquire about the qualifications of interpreters working for commercial vendors.**

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<sup>6</sup>[Provide web link from NCSC.org] from the NCSC CTC Conference 2013 on industry standards.

In some court systems it is possible a combination of all three resources will be utilized depending upon the type of service needed. For example, an agency interpreter may be an adequate choice for interpretation occurring at the counter while a staff interpreter may be more appropriate during court proceedings.

## WHEN SHOULD REMOTE INTERPRETING BE USED

### *Determining when RI is appropriate*

The decision when to use or not use RI is one that requires a balancing of factors such as the type of event, expected duration of the matter, language, cost, and special needs of the LEP litigant to name a few.<sup>7</sup> Historically, RI may have been seen as a second choice solution, to be used only when an on-site interpreter was not available; however, advances in technology, as well as increased experience using RI in courts around the country, now allow RI to be selected as a first-choice interpreting method in certain situations.

As a guiding principle, RI may be used in place of on-site interpreting whenever it will allow for meaningful language access. Courts should ensure LEP court-users are able to fully and meaningfully participate in the proceedings. If it is determined that using RI would negatively impact access for any reason, an on-site interpreter should be used instead.

### *Consider the nature of the event*

In cases that are complex, lengthy or evidentiary in nature, it remains essential to seek an on-site interpreter whenever one is available. In cases which are short, non-complex and will not involve extensive testimony, courts may wish to proceed with RI without considering the availability of an on-site interpreter.

### *Determining availability of an on-site interpreter*

For purposes of this guide, the availability of an on-site interpreter should be determined by the interpreter coordinator or other court staff responsible for assigning the interpreter through the analysis of a number of factors. This analysis should include the proximity of a court-certified interpreter, whether a court-certified interpreter can be on-site when the event is scheduled, and overall cost of court-certified interpreters who are being considered (including interpreting fees and travel expenses).

### *Events and Situations presumed appropriate for RI*

- When proceedings are expected to be short and non-complex.

<sup>7</sup>National Consortium of Interpreter Education Centers (NCIEC), *Fact Sheet on the Use of Video Remote interpreting in the Courtroom*, See [http://www.interpretereducation.org/wp-content/uploads/2012/10/FACT\\_SHEET\\_The\\_Use\\_of\\_Video\\_Remote\\_Technology\\_in\\_the\\_Courtroom.pdf](http://www.interpretereducation.org/wp-content/uploads/2012/10/FACT_SHEET_The_Use_of_Video_Remote_Technology_in_the_Courtroom.pdf)

**Commented [ef10]:** Report is candid enough to admit that situations in which VRI is appropriate are very limited (see of comment previous). The fact that VRI may be an acceptable alternative in some limited circumstances does not mean it is appropriate as a first choice.

**Commented [AM11]:** Removed second half regarding "at every step" in the absence of a legal check confirming that all courts agreed this is required "at every step" of a case.

**Commented [ef12]:** Question whether under Washington law failure of a court to ensure that users are able to fully and meaningfully participate in proceedings "at every step" would be error.

**Commented [ef13]:** GR 11 does not allow phone interpretation in evidentiary hearings, presumably that would include hearings in which testimony is taken. Silence of rule on question of video remote interpretation should not, in my opinion, be read as giving the court authority to use VRI in proceedings involving evidentiary matters.

For example, initial appearances, arraignments, scheduling conferences, or status conferences.

- **When proceedings will involve limited testimony.**
- **When interpreting assistance is needed outside the courtroom.**

Often LEP individuals and families will show up at the court information desk or clerk's counter to pay a fee or file a document. RI is a good resource for these types of situations.

- **When no certified or otherwise qualified interpreter is available in person.**

RI is a good option when interpretation is needed for urgent, emergent or unexpected situations or when an on-site interpreter is not "available" for any reason.

**Factors to consider when determining "availability" of an on-site interpreter:**

- **When the available on-site interpreter does not meet a state's credentialing requirements.**

A qualified remote interpreter may be the better option over a less qualified on-site interpreter who has not met the program's requirements.

- **When the person in need of an interpreter speaks a language of limited diffusion (a more rare language).**

RI opens up the possibilities for locating qualified interpreters for more rare languages in different cities, states or countries. For some languages a remote interpreter may work alone or even as part of a relay team. For example, a remote interpreter who speaks an indigenous language and Spanish may be paired with an on-site interpreter who speaks Spanish and English.

- **When a local interpreter discloses a conflict of interest.**

Many immigrant communities are also small linguistic communities. An interpreter's existing family, social or professional relationship with an LEP individual may compromise the neutrality of the proceeding. It may be necessary to use a neutral interpreter via remote technology to avoid a real or perceived conflict of interest.

- **When it is more fiscally responsible to use a remote interpreter than an on-site interpreter.**

If interpreter travel costs or interpreter rates are high relative to the length or importance of the hearing, RI may provide a cost-effective alternative.

**When an on-site interpreter who meets a state's court qualification process is available, RI should normally NOT be used in the following situations:**

- **When the proceedings are expected to be complex.**

**Commented [ef14]:** Report should note need to determine qualifications of off site interpreters.

RI should be avoided during trials, long hearings, or complicated evidentiary proceedings because of interpreter fatigue and other logistical factors that can jeopardize the accuracy of the interpretation.

- **When the proceedings involve many participants.**

If audio-only technology is used, the interpreter will not have the benefit of visual signs and cues and it will be challenging for the remote interpreter to know who is speaking, as well as the increased potential for parties to speak over one another.

- **When communication is difficult to establish adequately.**

RI should be avoided in situations involving children, the elderly, people with mental illness, unsophisticated users of interpreting services, or individuals who have profound speech or language problems, including deaf or hard of hearing court users without fully developed American Sign Language skills.

- **When emotionally charged or contentious testimony is anticipated.**

For witness testimony that may be lengthy, includes highly-specialized expert terminology, or involves a contentious cross-examination, RI may not be the best option.

**Commented [b15]:** We may want to have this language double checked by legal staff regarding the reference to due process rights or full and meaningful participation of LEP individuals. See also email comment regarding this section generally in light of 9<sup>th</sup> circuit's RI implementation to juvenile bench trials and long hearings.

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## ESTABLISHING POLICIES AND PROCEDURES

The use of RI within a particular court system will vary according to that jurisdiction's economics and needs. It is important for a court system using RI to develop standard policies and procedures regarding its use and to convey this information to court personnel and interpreters. A sample policy might state:

*"At the discretion of the court, all traffic offense proceedings requiring an interpreter may be conducted via interactive audio-visual device."*

There may be instances where one of the parties or the judge objects to the use of remote interpreters even for seemingly simple or routine proceedings. The interpreter coordinator or scheduler should be prepared to address this situation with the court and provide an on-site interpreter if possible.

Courts should have a policy or procedure in place regarding what to do if video or audio is lost during remote interpretation, and all parties should be made aware of this procedure at the beginning of the proceedings. For example, since video is not a requirement for LEP (spoken language) individuals as long as audio is available, a "back-up procedure" for a video interpreted session might be use of a landline telephone in the courtroom and on the interpreter's end.

## TRAINING

All judges, court personnel, legal practitioners (e.g. prosecutors, public defenders, CPS, etc.) staff and freelance court interpreters, and others who would be involved with a court proceeding, should receive proper training on RI protocols and procedures.<sup>8</sup> If specialized equipment will be used, the interpreters should be trained to be fully comfortable using it and be able to troubleshoot if needed. The use of RI technology can present challenges for judges and court staff who have never before used the technology or equipment. If a commercial vendor is being used, an inquiry should be made as to the type and frequency of training their interpreters receive and their trouble-shooting capabilities.

When training judges and court staff on the use of RI, the sessions should be divided into two phases: 1) informational session(s) and 2) mock hearing(s). More than one mock hearing will likely be necessary before judges, court staff and interpreters feel comfortable with the technology.

It is important to have IT staff available whenever possible during all aspects of setup, testing, and training. Local IT can typically provide quick resolution of any problems during setup, testing, and training as well as identify or foresee particular technical problems before they arise.

Commented [ef16]: This cost should be called out in assessing any proposed savings.

## SPECIAL CONSIDERATIONS

While using RI can be a cost-effective option, it may not be appropriate in all circumstances. Courts must remember to consider all factors addressed above to make a situation-specific decision as to the appropriateness of RI.

### *Attorney-Client Communications*

The issue of ensuring private attorney-client conversations can occur is more challenging when RI is being used; therefore, consideration should be given to developing proper protocols, regardless of the type of RI used in the courtroom.<sup>9</sup> Additional equipment or components on existing equipment may be needed. If all else fails, the court may clear the courtroom to allow the attorney, LEP client and interpreter to converse privately.

### *LEP Speaker Appearing Remotely*

Situations may arise when the LEP speaker appears remotely such as from jail or other detention center. If the option exists for the interpreter to be located in the courtroom or with

<sup>8</sup> 28 C.F.R. § 35.160(d)(4) says a public entity that chooses to provide qualified interpreters via VRI services shall ensure that it provides adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

<sup>9</sup> New York State Unified Court System, Office of Court Administration, *Remote Interpreting Operational Standards*, November 2007

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the LEP speaker, special thought should be given for the best placement of the interpreter. Some factors to consider when making such a determination include the location of the LEP speaker's attorney (if he/she has an attorney) and security of the interpreter.

For those instances where the LEP individual's attorney will not be at the same location with the litigant (e.g. attorney in the courtroom while defendant is at the jail) or if the LEP speaker is *pro se*, the better practice is to have the interpreter in the courtroom. This configuration protects the interpreter from being alone with the LEP individual which ensures impartiality and the appearance thereof, and helps to avoid the situation where the LEP speaker asks the interpreter for legal advice. It also ensures the safety of the interpreter. If the LEP speaker has an attorney who will be situated at the remote location with him/her, the interpreter should be placed where it is most convenient for all parties and where accuracy of the interpretation will not be compromised.

#### **Room Standards<sup>10</sup>**

The room layout and furniture should also be taken into consideration in the courtroom as well as at the remote location. Tables with a matte finish, solid colored curtains, adequate lighting, non-squeaky chairs, and neutral colored rooms are ideal for RI.

#### **EQUIPMENT PLACEMENT**

##### ***Microphones, Monitors or Screens, and Cameras***

Courtroom acoustics must be taken into account and audio equipment positioned to ensure the best sound quality for the remote interpreter, the parties and the judge. Particular attention must be given to the placement of microphones so there is no distracting echo. Close proximity between the speaker and microphone or lapel microphones can mitigate these issues. A speakerphone is not recommended unless only one hearing individual is using it, the speakerphone is in that individual's immediate proximity, and no exchange of privileged communication takes place over the speakerphone.

If video equipment is used, cameras should be placed so as to ensure an optimal view of the various speakers by the interpreter and to optimize the LEP speaker's view of the interpreter for any non-verbal cues. Cameras on all stakeholders are recommended but not required. A clear view between the LEP court user and the interpreter is more important than a view of every speaker in order to optimize viewing of non-verbal cues. In more complex hearings, involving testimony or multiple speakers, monitors or screens and cameras should be of

**Commented [ef17]:** Commission may want to observe remote hearings/proceedings used in South King County Jail and Snohomish County Jail if asked to comment on VRI or any proposed amendments to GR 11.

<sup>10</sup> Canadian Network for Inclusive Cultural Exchange, *Remote Real-Time ASL Interpretation Guidelines*, <http://cnice.idrc.ocad.ca/guidelines/asl.pdf>

sufficient size and number to allow convenient viewing by all participants. Multiple cameras and screens may also assist with confidentiality and security issues.

In proceedings where an interpreter for the Deaf or hard of hearing is required, the positioning of the parties is particularly important. Facial expressions, lip movements and bodily gestures are part of the communication process. Therefore, the person who is Deaf or hard of hearing must be able to see the monitor or screen clearly, and the remote sign language interpreter must also be able to see the court user clearly.<sup>11</sup>

***Fax Machine, Scanner, Document Camera, and Printer***

A fax machine and/or computer scanner should be available in order to send and receive court documents if required. Some remote interpreter systems provide the capability of transferring documents over a secure remote instant messenger-like connection or use of a document camera. Additionally, a scanner may be used to scan documents for emailing, which would result in a much clearer representation of court documents. Some remote interpreter systems provide the capability of transferring documents over a secure remote instant messenger-like connection. Interpreters should have access to emails from the court, in the event scanned documents are sent.

**DATA COLLECTION AND FINANCIAL CONSIDERATIONS**

RI has the potential to be a cost-saving endeavor. It is important to implement a data-collecting system to monitor the use of RI, ensure its appropriate use, and track the costs for providing interpreting services remotely versus in-person. Courts may also wish to track their ability to utilize court certified or otherwise qualified interpreters, even if remotely, as opposed to an on-site interpreter without proper certifications. This data can highlight how RI directly improves language access.

Commented [AM18]: Adding this eliminates the benefit of tracking VRI as a quality "raiser". Let's discuss.

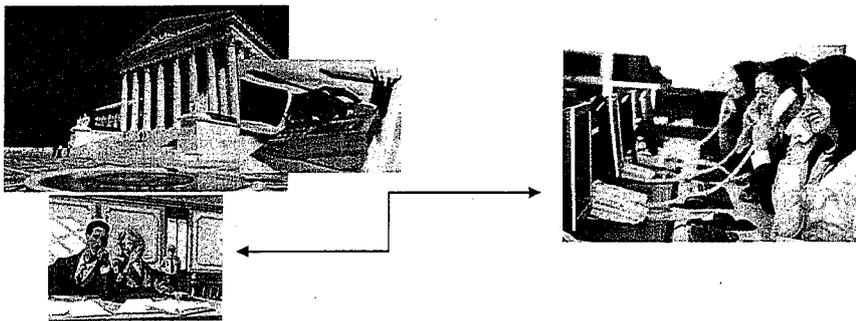
<sup>11</sup> The New York State United Court System, *Working with Interpreters by Video or Teleconference: Tips for Remote Interpreting*, <http://www.nycourts.gov/courtinterpreter/pdfs/CISTipSheet.pdf>

**AUDIO TECHNOLOGIES**

**Telephone**

**Description:** Using a standard telephone and landline to provide remote interpreting services.

**How it Works:** The interpreter is based in a separate location from the court official and LEP speaker and provides interpreting in the consecutive mode. The telephone can be integrated and amplified through a courtroom's existing audio speaker system using a digital audio platform device or can be used as a simple stand-alone device with amplification occurring through the telephone's internal speaker.



**Equipment and Connectivity Required for Interpreting Telephone**

**Commented [RFD19]:** Equipment was listed twice.

Rt via Telephone		
Courtroom Equipment	Interpreter Equipment	Connection*
<ul style="list-style-type: none"> <li>• Telephone with some form of audio capability (internal speaker or amplification through courtroom's audio system)</li> </ul>	<ul style="list-style-type: none"> <li>• Telephone with reliable connectivity</li> </ul> <p><i>*A speaker phone is generally not recommended because of possible issues with room acoustics which could make it difficult for the courtroom/LEP individual to adequately hear the interpreter</i></p>	<ul style="list-style-type: none"> <li>• Standard telephone line</li> </ul> <p><i>*Cellular phone service is not recommended because of the potential for dropped calls or lost signals</i></p>
	<ul style="list-style-type: none"> <li>• Over the ear headset with microphone recommended.</li> </ul>	

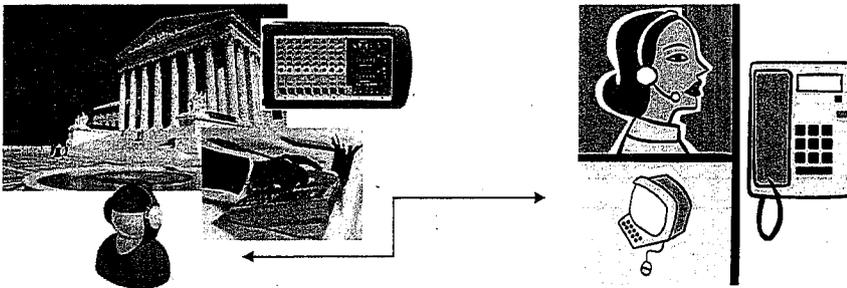
**Pros/Cons and Financial Considerations**

Via Telephone		
Pros	Cons	Financial Considerations
<ul style="list-style-type: none"> <li>• Greater access to qualified interpreters in more languages</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of visual cues may compromise quality of interpretation</li> </ul>	<ul style="list-style-type: none"> <li>• Low to no start-up costs since most courts are already equipped with telephones.</li> </ul>
<ul style="list-style-type: none"> <li>• Cost-effective for the courts</li> </ul>	<ul style="list-style-type: none"> <li>• Consecutive mode of interpretation only which can double the proceeding time</li> </ul>	<ul style="list-style-type: none"> <li>• Agency services are typically charged on a per minute basis</li> </ul>
<ul style="list-style-type: none"> <li>• Interpreters will have access to more paid court work in a variety of locations and jurisdictions.</li> </ul>	<ul style="list-style-type: none"> <li>• No convenient option for attorney-client conversations to occur</li> </ul>	
<ul style="list-style-type: none"> <li>• Can diminish or eliminate delays in legal proceedings</li> </ul>	<ul style="list-style-type: none"> <li>• Limited positioning of parties and judge around telephone</li> </ul>	
<ul style="list-style-type: none"> <li>• Easy to use</li> </ul>	<ul style="list-style-type: none"> <li>• May involve lower pay for interpreters depending on payment structure</li> </ul>	
	<ul style="list-style-type: none"> <li>• May involve lower quality interpreters depending on the interpreter pool being used</li> </ul>	

**Specialized Telephone System**

**Description:** Telephone interpreting with specialized equipment (i.e. mixer, integrated phone line, handset, headphone, touchtone telephone, and speakerphone) allows the opportunity to provide consecutive and simultaneous interpreting services using telephones and a standard telephone line.

**How it Works:** Specialized telephone equipment can be installed directly into an existing courtroom's audio system so that all speaking and hearing occurs through the microphone and speaker system. When installed into the existing microphone system, this system can provide enhanced audio quality into the entire courtroom. A second option is to have mobile carts/consolas that contain a telephone and speaker system that one can be wheeled around from courtroom to courtroom. In both scenarios, the system allows the off-site interpreter to control where his/her voice is going using a keypad: directly to the non-English speaker, into the open courtroom, or to the non-English speaker and his/her attorney.



**Equipment and Connectivity Required for Interpreting via Specialized Telephone System**

**Commented [RFD20]:** Equipment was listed twice.

RT via Specialized Telephone System		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> <li>Mixer device</li> </ul>	<ul style="list-style-type: none"> <li>Touchtone telephone with reliable connectivity.</li> </ul>	<ul style="list-style-type: none"> <li>Standard telephone line</li> </ul>
<ul style="list-style-type: none"> <li>Integrated phone line</li> </ul>	<ul style="list-style-type: none"> <li>Headset and speakerphone (optional)</li> </ul>	
<ul style="list-style-type: none"> <li>One handset/headset for non-English speaker</li> </ul>		
<ul style="list-style-type: none"> <li>One handset/headset for attorney</li> </ul>		

**Pros/Cons and Financial Considerations**

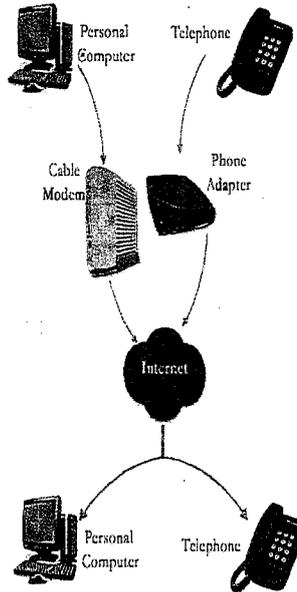
Via Specialized Telephone System		
Pros	Cons	Financial Considerations
<ul style="list-style-type: none"> <li>Confidential attorney-client conversations can occur</li> </ul>	<ul style="list-style-type: none"> <li>Lack of visual cues may compromise quality of interpretation unless interpreter has access to video options</li> </ul>	<ul style="list-style-type: none"> <li>\$2,000-\$7,000 per courtroom to upgrade an "enhanced" A/V system</li> </ul>
<ul style="list-style-type: none"> <li>Greater access to qualified interpreters in more languages</li> </ul>	<ul style="list-style-type: none"> <li>Start-up costs to upgrade each courtroom, purchase mobile carts, train interpreters and court staff may outweigh financial savings</li> </ul>	<ul style="list-style-type: none"> <li>\$15,000 per courtroom to install a full digital A/V system with specialized interpreting technology</li> </ul>
<ul style="list-style-type: none"> <li>Requires only one phone line</li> </ul>	<ul style="list-style-type: none"> <li>Each courtroom must have mixer device which is dependent upon the court's existing system</li> </ul>	
<ul style="list-style-type: none"> <li>Simultaneous OR consecutive mode of interpreting can be used</li> </ul>		
<ul style="list-style-type: none"> <li>Easy to use</li> </ul>		

**Commented [r21]:** First grid included this "con". May involve lower quality interpreters depending on the interpreter pool being used (this point noted in previous assessment grid but not here).

**Voice Over Internet Protocol (VoIP)**

**Description:** Voice over Internet Protocol (VoIP) is a form of communication that *allows making phone calls over a broadband internet connection* instead of typical analog telephone lines. Basic VoIP access usually allows users to call others who are also receiving calls over the internet. Calls can also be made to traditional landline numbers, usually for a service fee. VoIP can turn a standard Internet connection into a way to place phone calls.

**How it Works:** A broadband (high-speed internet) connection is required, which can be done through a cable modem or high speed services such as DSL or a local area network. A computer, adaptor or specialized phone is necessary. Some VoIP services only work over a computer or special VoIP phone, while others allow use of traditional phones connected to a VoIP adapter. If a computer is used, software and a microphone will be needed.



**Equipment and Connectivity Required for Interpreting via VoIP**

RI via Voice Over Internet Protocol (VoIP)		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> <li>• Telephone using standard telephone line or computer with internet connection</li> </ul>	<ul style="list-style-type: none"> <li>• Computer or specialized telephone</li> </ul>	<ul style="list-style-type: none"> <li>• Broadband high-speed internet connection through a cable modem or high-speed services such as DSL or LAN</li> </ul>
	<ul style="list-style-type: none"> <li>• Software and microphone</li> </ul>	<ul style="list-style-type: none"> <li>• Firewall traversal must be taken into consideration for video transmission</li> </ul>

Commented [RFD22]: Equipment was listed twice.

Commented [RFD23]: May need to add Firewall Traversal as a note here since it is a connection issue that should be considered by local IT.

**Pros/Cons and Financial Considerations**

RI via Voice Over Internet Protocol (VoIP)		
Pros	Cons	Financial Considerations

**RI via Voice Over Internet Protocol (VoIP)**

<b>Pros</b>	<b>Cons</b>	<b>Financial Considerations</b>
<ul style="list-style-type: none"> <li>• Avoids fees charged by ordinary telephone services</li> </ul>	<ul style="list-style-type: none"> <li>• Susceptible to connectivity problems associated with broadband services. Connection can be interrupted if insufficient bandwidth is available</li> </ul>	<ul style="list-style-type: none"> <li>• Depends on the company, but typically less expensive than telephone services. Most VoIP companies offer minute-rate plans structured like cell phone bills</li> </ul>
<ul style="list-style-type: none"> <li>• Greater access to qualified interpreters in more languages</li> </ul>	<ul style="list-style-type: none"> <li>• Though uncommon, susceptible to worms, viruses and hacking</li> </ul>	<ul style="list-style-type: none"> <li>• Firewall traversal solutions may be available at an additional cost that would reduce security risks</li> </ul>
	<ul style="list-style-type: none"> <li>• Consecutive mode of interpretation only which can double the proceeding time</li> </ul>	
	<ul style="list-style-type: none"> <li>• Simultaneous mode of interpreting is not possible unless two communication devices are used</li> </ul>	

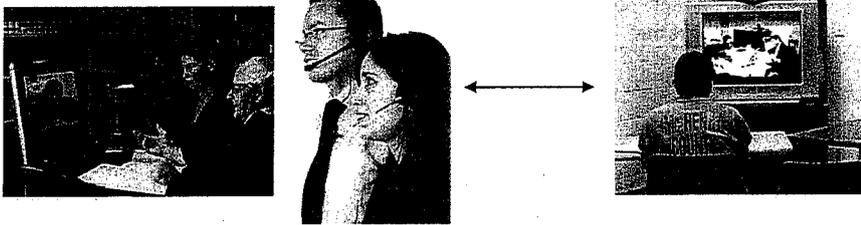
## VIDEO TECHNOLOGIES

### *Video Conferencing System*

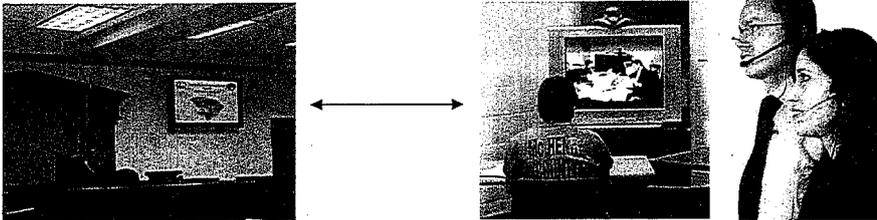
**Description:** Videoconferencing is an interactive technology that sends video, voice, and data signals over a transmission circuit so that two or more individuals or groups can communicate with each other simultaneously using video monitors.

**How it Works:** There are generally two ways of using videoconference technology to provide interpreting services. An interpreter can be with the participants in the courtroom (Fig. A) or the interpreter can be located with the LEP speaker and attorney in a location such as a prison or other courthouse (Fig. B).<sup>12</sup> The off-site speakers are projected on a screen or monitor and their speech is transmitted directly to the headsets of participants and interpreters or over the speaker system. The interpretation is typically conducted in the consecutive mode.

**Fig. A**



**Fig. B**



<sup>12</sup>Braun, Sabine. & J. L. Taylor, *Videoconference and Remote Interpreting in Criminal Proceedings*, Guildford: University of Surrey, 2011, pp. 27-57.

**Equipment and Connectivity Required for Interpreting via Video Conferencing System**

A wide array of technical components that support evidence presentation, remote site interactions, language interpreting and audio enhancement is required. The components needed for a video conferencing system include:

Riva Video Conferencing System		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> <li>• Camera or webcam</li> </ul>	<ul style="list-style-type: none"> <li>• Camera or webcam</li> </ul>	<ul style="list-style-type: none"> <li>• ISDN or IP which contains the required CODEC</li> </ul>
<ul style="list-style-type: none"> <li>• Computer, monitor, television or projector with related software</li> </ul>	<ul style="list-style-type: none"> <li>• Desktop or laptop computer with videoconferencing equipment and related software</li> </ul>	<ul style="list-style-type: none"> <li>• Integrated cabling system</li> </ul>
<ul style="list-style-type: none"> <li>• Microphones, CD/DVD player</li> </ul>	<ul style="list-style-type: none"> <li>• Microphone</li> </ul>	<ul style="list-style-type: none"> <li>• High-speed broadband internet</li> </ul>
<ul style="list-style-type: none"> <li>• Loudspeakers</li> </ul>	<ul style="list-style-type: none"> <li>• Headset</li> </ul>	
<ul style="list-style-type: none"> <li>• Analog or digital network, LAN or internet</li> </ul>	<ul style="list-style-type: none"> <li>• High-speed broadband internet</li> </ul>	

**Note:** Minimum bandwidth requirements differ depending upon the type and model of camera being used in each location, compression ratio being used, and the video format (720p or 1080p) desired. Refer to the manufacturer's documentation for specific bandwidth requirements. It is recommended that the download and upload speeds are equal for smooth video transmission.

**Recommended Minimum Equipment Specifications**

Refer to video equipment manufacturer for specific requirements.

Riva Video Conferencing System		
Computer	Camera or Webcam	Connection
<ul style="list-style-type: none"> <li>• Windows® 7 (32-bit or 64-bit)</li> </ul>	<ul style="list-style-type: none"> <li>• Full HD 1080P 30fps</li> </ul>	<ul style="list-style-type: none"> <li>• 2 Mbps upload/download for 720p</li> </ul>
<ul style="list-style-type: none"> <li>• i5 Intel or comparable processor</li> </ul>	<ul style="list-style-type: none"> <li>• H.264 Video Compression format</li> </ul>	<ul style="list-style-type: none"> <li>• 3 Mbps upload/download for 1080p (See note)</li> </ul>

**RI via Video Conferencing System**

<b>Computer</b>	<b>Camera or Webcam</b>	<b>Connection</b>
		below)
<ul style="list-style-type: none"> <li>• 4 GB RAM</li> <li>• USB 2.0 port</li> </ul>		

*Note: Many environmental factors must be considered when employing video across the internet. Download and upload speeds in a courthouse may fluctuate drastically depending on the available bandwidth across the network, the number of users on the network and the type and amount of streaming data being uploaded or downloaded. This fact should be taken into account when determining minimum available bandwidth requirements. Wireless internet is not recommended for video transmission. It is important to include local IT in the decision making process in order to get the best equipment that the local network can support in order to achieve satisfactory video performance.*

**Pros/Cons and Financial Considerations**

**RI via Video Conferencing System**

<b>Pros</b>	<b>Cons</b>	<b>Financial Considerations</b>
<ul style="list-style-type: none"> <li>• Greater access to qualified interpreters in more languages</li> </ul>	<ul style="list-style-type: none"> <li>• Initial set-up cost could be high depending upon the capabilities</li> </ul>	<ul style="list-style-type: none"> <li>• Price range from approximately \$2,500 for desktop solution to \$300,000 for an integrated video system depending upon the capabilities</li> </ul>
<ul style="list-style-type: none"> <li>• Can diminish or eliminate delays in legal proceedings</li> </ul>	<ul style="list-style-type: none"> <li>• Requires integrated cabling system to allow for access through the court firewall while maintaining a secure courtroom</li> </ul>	
	<ul style="list-style-type: none"> <li>• Signal latency can sometimes delay and distort communication</li> </ul>	
	<ul style="list-style-type: none"> <li>• Consecutive mode of interpretation only which can double the proceeding time</li> </ul>	
	<ul style="list-style-type: none"> <li>• Simultaneous mode of</li> </ul>	

RI via Video Conferencing System		
Pros	Cons	Financial Considerations
	interpreting is not possible unless two communication devices are used	

**Commented [ef24]:** First grid included this "con". May involve lower quality interpreters depending on the interpreter pool being used (this point noted in previous assessment grid but not here).

**Specialized Video Remote Interpreting (VRI) Systems**

**Description:** VRI uses video conferencing technology over dedicated lines offering a high-speed, wide-bandwidth video connection that delivers high-quality video images that allow for sign and spoken language interpreting services. The technology is similar to a different service called Video Relay Service (VRS) which is a free telephone relay service using video technology to allow Deaf and hard of hearing persons to make and receive phone calls using American Sign Language (ASL). With VRS, the Deaf and hearing participants are in separate locations.<sup>13</sup>

**Note:** VRS is not appropriate for court proceedings and is not permitted by the Federal Communication Commission (FCC) as VRS interpreters only identify themselves by a number and VRS interpreters typically do not possess any legal qualifications. *If GR 11 is reviewed for amendment*

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**How it Works:** VRI uses video conferencing equipment over high speed broadband connections or ISDN lines carrying both video and audio messages. Equipment is paired with wired or wireless connections. VRI sessions can be conducted via internet, intranet or ISDN.<sup>14</sup> Typically, the LEP person and English speakers are located together at one location (courtroom) with a web camera (or other technology) while the interpreter works from a separate location.

**Equipment and Connectivity Required for Interpreting via Specialized VRI System**

VRI via Specialized VRI System		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> <li>• Desktop or laptop computer with appropriate software</li> </ul>	<ul style="list-style-type: none"> <li>• Desktop or laptop computer with appropriate software</li> </ul>	<ul style="list-style-type: none"> <li>• High-speed broadband internet access such as T1, DSL, SDSL, ISDN (3 Mbps upload/download recommended)</li> </ul>
<ul style="list-style-type: none"> <li>• Webcam</li> </ul>	<ul style="list-style-type: none"> <li>• Webcam</li> </ul>	
<ul style="list-style-type: none"> <li>• External speakers</li> </ul>	<ul style="list-style-type: none"> <li>• Headphones or integrated speakers</li> </ul>	
<ul style="list-style-type: none"> <li>• Integrated software</li> </ul>	<ul style="list-style-type: none"> <li>• Software</li> </ul>	

Commented [RFD25]: Consistency

Commented [RFD26]:

<sup>13</sup>Registry of Interpreters for the Deaf (RID), *Video Relay Service Interpreting Standard Practice Paper*, 2007. VRS services are regulated by the Federal Communications Commission (FCC) which sets standards that VRS companies and their interpreters must follow. VRS is an offshoot of traditional Telecommunications Relay Service (TRS) or text-based relay services.

<sup>14</sup>Registry of Interpreters for the Deaf (RID), *Video Remote Interpreting Standard Practice Paper*, Video Interpreting Task Force, 2010.

**Pros/Cons and Financial Considerations**

Rivvia Specialized VRI System		
Pros	Cons	Financial Considerations
<ul style="list-style-type: none"> <li>• Court cost savings for short proceedings</li> </ul>	<ul style="list-style-type: none"> <li>• Requires high speed bandwidth to avoid lags, choppy signs, or irregular pauses in communication (3 Mbps upload/download recommended)</li> </ul>	<ul style="list-style-type: none"> <li>• Video interpreting demands that a large amount of data be transmitted in a short period of time. The primary consideration for any video interpreted session is how many frames per second are being transmitted. Good quality requires a minimum of 30 frames per second</li> </ul>
<ul style="list-style-type: none"> <li>• Greater access to qualified interpreters in more languages</li> </ul>	<ul style="list-style-type: none"> <li>• Dedicated ISDN, cable or T1 lines provide a clearer picture and the lines may not be shared by other systems, but it could be quite costly</li> </ul>	<ul style="list-style-type: none"> <li>• Price can range from approximately \$7,640 for a stand-alone solution at each point to greater than \$100,000 depending on the number of locations in a multi-point system</li> </ul>
	<ul style="list-style-type: none"> <li>• IT technology presents its own set of security concerns thus requiring firewalls which limit the type of telecommunications interactions that can occur within the closed network</li> </ul>	<ul style="list-style-type: none"> <li>• Firewall traversal solutions may be available at an additional cost</li> </ul>
	<ul style="list-style-type: none"> <li>• Consecutive mode of interpretation only which can double the proceeding time</li> </ul>	
	<ul style="list-style-type: none"> <li>• Simultaneous mode of interpreting is not possible unless two communication devices are used</li> </ul>	

Commented [RFD27]: Keeping the same standard throughout.

Commented [ef28]: First grid included this "con". May involve lower quality interpreters depending on the interpreter pool being used [this point noted in previous assessment grid but not here]

**Minimum technology requirements for VRI that will also meet ASL requirements**

1. **Video screen:** A flat-panel, LCD computer monitor, with a minimum screen size of 17 inches (measured diagonally from corner to corner) for providers and 19 inches (measured diagonally) for courtrooms. Minimum device resolution capability of 1280 x 720 pixels.

**2. Video camera:** Minimum video resolution of 720p (1280 x 720 pixels, progressive, at 30 frames per second); ideal resolution of 1080p30, 1080p50, or 1080p60 (1920 x 1080 pixels, progressive, at 30, 50, or 60 frames per second, respectively).

**3. Endpoint bandwidth:** Every endpoint must support at least 3Mbps upload/download speed for video calling.

**4. Computer:** Macintosh or PC with a minimum processor speed of 2 ghz, at least 3 gb of physical RAM, 300 gb or larger hard drive with at least 5 gb free, a dedicated video card, and USB 2.0 or higher. The computer should be dedicated to VRI during an interpreting event if you are operating a software endpoint.

**5. QoS:** A connection to a WAN circuit with Quality of Service (QoS) settings that take into account the potential number of concurrent video calls over the WAN and the quality settings for each call. In addition to the bandwidth reserved by QoS, an adequate amount of bandwidth should be available to support other operations, such as e-mail and web traffic, etc.

**6. Encryption:** Every endpoint used for VRI, regardless of type (room based all-inclusive unit or software/computer-based) must support encrypted transmissions, preferably using 256-bit Advanced Encryption Standard (AES-256).

**7. Firewall opening:** The capability to safely traverse court firewalls without compromising security.

**8. URI capability:** All endpoints should be able to place and receive video calls using Uniform Resource Identifiers (URIs).

Commented [RFD29]: Consistency

**Web-Based Applications**

**Description:** Commercial downloadable software applications that allow users who are using the same application to make free video calls over the internet.

**How it Works:** These applications are peer-to-peer systems rather than a client-server systems. In the courtroom it is best used via a laptop computer with an internal or external camera. The laptop computer can either be placed in front of the LEP person to ensure that he/she and the interpreter have clear visibility and audio of each other, or if the speakers are all standing in a small area (e.g. at the bench), the laptop can be placed there to better include principal participants.<sup>15</sup>

**Equipment and Connectivity Required for Interpreting via Web-Based Applications**

RI via Web-Based Applications		
Courtroom Equipment	Interpreter Equipment	Connection
<ul style="list-style-type: none"> <li>• HD quality webcam and a dual core processor, audio capabilities sufficient for all courtroom participants to hear</li> </ul>	<ul style="list-style-type: none"> <li>• HD quality webcam and a dual core processor</li> </ul>	<ul style="list-style-type: none"> <li>• A fast internet connection of 3 Mbps upload/download</li> </ul>

Commented [RFD30]: Consistency

**Pros/Cons and Financial Considerations**

RI via Web-Based Applications		
Pros	Cons	Financial Considerations
<ul style="list-style-type: none"> <li>• Software is available for easy download.</li> </ul>	<ul style="list-style-type: none"> <li>• Users self-register and identities are not verified</li> </ul>	<ul style="list-style-type: none"> <li>• Video calls are generally free</li> </ul>
<ul style="list-style-type: none"> <li>• Software allows courts to connect to interpreters located anywhere.</li> </ul>	<ul style="list-style-type: none"> <li>• No direct customer support</li> </ul>	
<ul style="list-style-type: none"> <li>• Many people use it for personal use, so courtroom users may feel comfortable with the platform.</li> </ul>	<ul style="list-style-type: none"> <li>• Quality of audio and video connections are inconsistent</li> </ul>	
<ul style="list-style-type: none"> <li>• Greater access to qualified interpreters in more</li> </ul>	<ul style="list-style-type: none"> <li>• All persons in the courtroom must consistently</li> </ul>	

<sup>15</sup>Nebraska Administrative Office of the Courts, *Protocol for Use of Remote Interpreters*, Hon. Patrick McDermott, 5<sup>th</sup> Judicial District and issued by the Nebraska Supreme Court Interpreter Advisory Committee, October 2009.

**RIT via Web-Based Applications**

Pros	Cons	Financial Considerations
languages	speak loudly, to be audible to the interpreter.	
	<ul style="list-style-type: none"> <li>• Consecutive mode of interpretation only which can double the proceeding time</li> </ul>	
	<ul style="list-style-type: none"> <li>• Simultaneous mode of interpreting is not possible unless two communication devices are used</li> </ul>	

**Commented [ef31]:** First grid included this "con" May involve lower quality interpreters depending on the interpreter pool being used [this point noted in previous assessment grid but not here.

## GENERAL GUIDELINES AND RECOMMENDATIONS

Regardless of the audio or video technology used, remote interpreting requires additional considerations and cooperation by all people involved to successfully utilize the qualified interpreter's skills to ensure the LEP individual is provided the language access necessary to be linguistically present for the proceeding.

The following are practical recommendations for the court, interpreters, and legal practitioners to consider when using RI technology.

**Note: Before the scheduled start time of any RI proceeding, a connection test with the interpreter should always be conducted.**

### Before the hearing, the COURT should:

- ✓ *Make sure that a connection test with the remote location is successfully completed.*
- ✓ *Inform attorneys, LEP parties and LEP witnesses and court staff that RI will be utilized during the proceedings and explain its purpose.*
- ✓ *Inform attorneys and LEP parties that if at any point the RI process is compromising the LEP speaker's language access, he/she is to inform the court and an on-site interpreter will be provided if possible, or the hearing will be continued.*
- ✓ *Introduce the interpreter to the LEP court user in order to ascertain they can understand and can hear each other.*
- ✓ *Instruct the interpreter that he/she will be bound by the same professional standards and ethics as on-site interpreters.*
- ✓ *Explain to the LEP litigant and attorney the process for conducting a confidential communication between attorney and client.*
- ✓ *Instruct the parties in the courtroom that only one person should speak at a time.*
- ✓ *Instruct the LEP person to notify the court immediately if he/she ceases to hear, see or understand the interpreter, and he/she should raise a hand and the judge will address this problem.*
- ✓ *Instruct the interpreter to notify the court immediately if connectivity issues arise or if he/she is unable to see or hear the proceedings.*
- ✓ *Instruct the court reporter or judicial clerk to keep a log of all technical breakdowns and the remedies used to correct the situation.*
- ✓ *Qualify and swear in the interpreter.*

- ✓ *If audio-only equipment is being used, provide additional instructions to the interpreter and the participants if a non-verbal cue is not communicated effectively and the interpreter must verbally interrupt the speaker to maintain the integrity and completeness of the interpretation. [Carmel's Note: I don't understand this item]*

**During the hearing, the COURT should:**

- ✓ *Direct any statement to the interpreter by beginning "Mr. /Madame Interpreter" to alert the interpreter he/she is being addressed directly.*
- ✓ *Offer breaks to the interpreter if the proceeding is going longer than anticipated as fatigue is a serious factor to take into account. [Carmel's Note: If we are recommending that RI be used for shorter matters, does the court need to provide a break; will fatigue really be an issue?]*
- ✓ *Instruct the witness to keep in mind an interpreter is being used to transmit the testimony and therefore try to speak in complete but shorter sentences.*
- ✓ *[\*Specialized Telephone System Only\*] Speak directly to the interpreter when the "mode" buttons on the telephone equipment need to be changed. For example, "Mr. or Madame Interpreter, I am going to address the defendant" (if the LEP defendant is going to be addressed directly for a response so the interpreter will know to switch to the "Courtroom" mode to interpret the defendant's response); or "Mr. or Madame Interpreter, attorney would like to consult with his/her client" (to alert the interpreter to switch from "Defendant Only" mode to "Counsel-Client Only" mode)*

**Before the hearing, the INTERPRETER should:**

- ✓ *Become familiar with the interpreting equipment. With specialized telephone equipment, be comfortable with toggling between the options ("Courtroom" mode, "Defendant Only" mode and "Counsel-Client Only" mode).*
- ✓ *Inform the court which verbal cue will be used to notify the witness to pause so accurate interpretation can occur.*
- ✓ *Establish with the court the proper protocol to use if a repetition or clarification is needed.*
- ✓ *Consider proper attire if video equipment is being used. Bright colors tend to bleed on to the screen. All dark clothing tends to make faces look washed out while all light clothing tends to make faces darker on the screen. Patterned clothing (checks or stripes) may cause wavering patterns on the screen.*
- ✓ *Report any connectivity issues to the court immediately.*

**Commented [ef32]:** I believe this point assumes someone in the courtroom will describe nonverbal activities not seen by the interpreter who will then, presumably, interpret those comments for the LEP. Possible difficulties include who will do the describing, how it will be interjected into proceedings and possible disputes about how observed behaviors are characterized and described to the interpreter.

- ✓ *[\*Specialized Telephone System Only\*] Develop a system to keep track of what mode is being used.*

**During the hearing, the ATTORNEY should:**

- ✓ *Keep in mind that if only audio technology is being used, interpreter cannot see the courtroom and therefore cannot observe the non-verbal cues naturally noticeable by a live interpreter.*
- ✓ *Stop posing questions when interpreter states: "Your Honor, the interpreter requests a repetition."*
- ✓ *Not interrupt others who are speaking*
- ✓ *Position the microphone so as to ensure speech is being transmitted to the interpreter at all times.*
- ✓ *Avoid shuffling papers or making other unnecessary noises near the microphones*
- ✓ *Be patient while the interpreter completes the interpretation.*
- ✓ *Utilize the established protocol to request that an attorney-client conversation be conducted.*

**\*\* Specialized Telephone System Only: Attorney-Client Conversations\*\***

- ✓ *Instruct the interpreter that he/she should switch to "Counsel-Client Only" mode if counsel needs to speak to the LEP client at counsel table and the RI equipment allows it.*
- ✓ *Advise the interpreter that the confidential communication has concluded so the interpreter can return to either "Defendant Only" or "Courtroom" mode.*

**Selecting an equipment vendor:**

- ✓ *Research the vendors' history of providing the types of desired services and request client recommendations.*
- ✓ *Request that local IT staff be present at all meetings, presentations, and equipment demonstrations to validate technical claims and to assist in determining local court infrastructure compatibility.*
- ✓ *Enquire as to the company's policy of providing equipment warranty, technical support, and turn-around time of repairs/equipment replacement.*
- ✓ *Technical support should include both telephonic and on-site. It is important to develop a service contract that supports the needs of the court with timely and effective service.*



## GLOSSARY OF TERMS<sup>16</sup>

**Analog:** term used to describe any system based on continuous data or events. When used in reference to data storage and transmission, analog format is information which is transmitted by modulating a *continuous* transmission signal, such as amplifying a signal's strength or varying its frequency to add or take away data, e.g., telephones take sound vibrations and turn them into electrical vibrations of the same shape before they are transmitted over traditional telephone lines. The opposite of analog is digital.

**Audio Mixer:** a device that accepts "inputs" from multiple separate sound sources combines them in a customizable way and then "outputs" the result, typically to speakers or a recording device.

**Bandwidth:** the volume of information per unit of time that a transmission medium (e.g. an Internet connection) can handle. As the bandwidth increases, so does the amount of data that can flow through in a given amount of time. An internet connection with a larger bandwidth can move a set amount of data much faster than an internet connection with a lower bandwidth.

**Broadband:** generally refers to high-speed internet access that is always on and faster than traditional dial-up access. Broadband includes several high-speed transmission technologies such as cable, DSL, fiber, wireless, satellite, and broadband over power line (BPLs).

**Cable Internet:** internet service that runs off of the same network as cable television. For cable internet to work, a transmission between a cable modem termination system and a subscriber cable modem is required in order for a user to utilize internet service on their computer.

**Client Server System:** a network made up multiple computers connecting to a single, central server. Client computers connect over the internet to use resources.

**CODEC:** software that takes a raw data file and turns it into a compressed file. Because compressed files only contain some of the data found in the original file, the codec is the necessary "translator" that decides what data makes it in to the compressed version and what data gets discarded. Codec is a short name for "coder-decoder" or "compression/decompression."

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<sup>16</sup>This glossary of terms was developed using information from various useful websites and articles on the web which include: <http://www.livinginternet.com/>; "The Top 30 Internet Terms for Beginners, 2012 by Paul Gil <http://netforbeginners.about.com/od/internetlanguage/tp/the-top-internet-terms-for-beginners.htm>; <http://pcsupport.about.com/od/termsb/g/bandwidth.htm>; [www.wisegeek.com](http://www.wisegeek.com); [www.wikipedia.org](http://www.wikipedia.org)

**Consecutive Interpreting:** the mode of interpreting used where the interpreter renders statements made in a source language into statements in the target language intermittently after a pause between each completed statement in the source language. This mode is used in all question and answer settings such as witness testimony.

**Dial-Up Internet:** internet service that uses the facilities of the Public Switched Telephone Network (PSTN) to establish a dialed connection to an ISP via telephone lines. The user's computer or router uses an attached modem to encode and decode IP packets and control information into and from analog audio frequency signals, respectively.

**Digital:** any system based on *discontinuous* (not continuous or having breaks, e.g., computers) data or events which handle data in digital form, requires modems to turn signals from digital to analog before transmitting those signals over communication lines such as telephone lines that carry only analog signals. The signals are turned back into digital form (demodulated) at the receiving end so that the computer can process the data in its digital format. The opposite of digital is analog.

**Digital Subscriber Line (DSL):** a wire line transmission technology that transmits data faster over traditional copper telephone lines already installed to homes and businesses. DSL-based broadband provides transmission speeds ranging from several hundred Kbps to millions of bits per second (Mbps). The availability and speed of DSL service may depend on the distance from the business to the closest telephone company facility. DSL service is asymmetrical (ASDL), with the bulk of the bandwidth reserved for receiving data, not sending it. (See SDSL)

**Digital Subscriber's Line Access Multiplier (DSLAM):** a network device (usually at a telephone company central office) that receives signals from multiple customer DSL connections and puts the signals on a high-speed backbone line using multiplexing techniques. It acts as a switchboard for local DSL clients, routing requests and responses between each client's computer address and the Internet.

**Ethernet:** a type of connection between computers that forms the basis of most Local Area Networks (LAN). It generally covers only a single building or premises that are close to each other but Ethernet networks may span tens of kilometers. Ethernet allows many computers to connect to one another into a network with the help of special hardware and protocols.

**Firewall:** a system designed to prevent unauthorized access to or from a private network. Firewalls can be implemented in both hardware and software or a combination of both. They are frequently used to prevent unauthorized internet users from accessing private networks connected to the Internet, especially intranets.

**High Definition (HD):** term used to describe video that has resolution substantially higher than that of traditional standard definition. HD has one or two million pixels per frame, roughly five times that of standard definition.

**Integrated Services Digital Network (ISDN):** a set of communications standards for simultaneous digital transmission of voice, video, data, and other network services over the traditional circuits of the public switched telephone network. Prior to ISDN, the telephone system was viewed as a way to transport voice, with some special services available for data. The key feature of ISDN is that it integrates speech and data on the same lines, adding features that were not available in the classic telephone system.

**Internet:** a massive interconnection of computer networks that spans the globe. It is comprised of millions of computing devices that trade volumes of information. The Internet houses many layers of information, with each layer dedicated to a different kind of documentation.

**Internet Protocol (IP) Address:** a unique numerical address that every computer on the Internet has which is used to route packets to the computer (or cell phone, etc.) across the Internet. A computer's "internet protocol" address is a four-part electronic serial number that looks something like "202.3.104.55," complete with dot separators.

**Internet Service Provider (ISP):** a private company or government organization that connects a consumer into the Internet around the world for a fee.

**Intranet:** a generic term for a collection of private computer networks within an organization. An intranet uses network technologies as a tool to facilitate communication between people or workgroups to improve the data sharing capability and overall knowledge base of an organization's employees. Intranets utilize standard network hardware and software technologies like Ethernet, Wi-Fi, TCP/IP, Web browsers and Web servers. An organization's intranet typically includes Internet access but is firewalled so that its computers cannot be reached directly from the outside.

#### **LAN/MAN/WAN:**

- **LAN (Local Area Network):** a group of computers and network devices connected together, usually within the same building. By definition, the connections must be high speed and relatively inexpensive (e.g., token ring or Ethernet).
- **MAN (Metropolitan Area Network):** a larger network that usually spans several buildings in the same city or town.
- **WAN (Wide Area Network):** in comparison to a MAN, it is not restricted to a geographical location, although it might be confined within the bounds of a state or country. A WAN connects several LANs, and may be limited to an enterprise (a corporation or an organization) or accessible to the public. The technology is high speed and relatively expensive. The Internet is an example of a worldwide public WAN.

**Limited English Proficient (LEP):** LEP individuals are persons whose first language is other than English and who have a limited ability to read, write, speak, or understand English.

**Malware:** software designed to disrupt computer operation, gather sensitive data, or gain unauthorized access to information. "Malware" is short for malicious software.

**Modem:** an electronic device that converts a computer's digital signals into specific frequencies to travel over telephone or cable television lines. At the destination, the receiving modem demodulates the frequencies back into digital data. Computers use modems to communicate with one another over a network. "Modem" is short for modulator-demodulator.

**Network:** a group of two or more computer systems linked together.

**Open Systems Interconnection (OSI) Model:** internet working in terms of a vertical stack of seven layers. The "upper layers" of the OSI model represent software that implements network services like encryption and connection management. The "lower layers" of the OSI model implement more primitive, hardware-oriented functions like routing, addressing, and flow control. In the OSI model, data communication starts with the top layer at the sending side, travels down the OSI model stack to the bottom layer then traverses the network connection to the bottom layer on the receiving side, and up its OSI model stack.

**Peer-to-Peer System:** a network made up of two or more computers pooling individual resources such as CD-ROMS, disk drives and printers together. Each computer acts as both the client and the server and communicates directly with the other computers on the network

**Protocols:** layers of information dedicated to different kinds of documentation. The most popular protocols are the World Wide Web, instant message and email.

**Quality of Service (QoS):** an industry-wide set of standards and mechanisms for ensuring high-quality performance for critical applications. The goal of QoS is to provide preferential delivery service for the applications that need it by ensuring sufficient bandwidth, controlling latency and jitter, and reducing data loss.

**Router:** a device that typically works in combination with a modem and acts as the traffic cop for network signals flowing into a location. A router can be wired or wireless or both.

**Server:** a computer or device on a network that manages network resources. For example, a file server is a computer and storage device dedicated to storing files whereby any user on the network can store files on the server.

**Simultaneous Interpreting:** the mode of interpreting where the interpreter renders an interpretation continuously at the same time someone is speaking. This mode of interpreting is used for most court room proceedings.

**Symmetric Digital Subscriber Line (SDSL):** high-speed Internet access service with matching upstream and downstream data rates. Data can be sent to the Internet from the client machine or received from the Internet with equal bandwidth availability in both directions.

**T1 Lines:** ("T-carrier line") a type of broadband connection used to connect to the internet. A T1 line uses a highly advanced method of transferring data with the ISP. Advantages of using a T1 line include constant speeds and highly secure connections, though a downside is that most T1 lines have very high monthly subscription charges associated with them. A T1 line uses a specific type of telephone line that has the ability to carry more data than standard telephone phone lines. T1 lines can be made out of twisted copper or glass fibers (also known as fiber optics). Twisted copper and fiber optics allows very large amounts of data to be transferred than with a DSL or dial-up connection that uses normal copper wires.

**Transmission Control Protocol (TCP)/Internet Protocol (TCP/IP):** two distinct network protocols; TCP and IP are so commonly used together that TCP/IP has become standard terminology to refer to either or both of the protocols. IP corresponds to the Network layer (Layer 3) in the OSI model, whereas TCP corresponds to the Transport layer (Layer 4) in OSI. In other words, the term TCP/IP refers to network communications where the TCP transport is used to deliver data across IP networks. The average person on the Internet works in a predominately TCP/IP environment. Web browsers, for example, use TCP/IP to communicate with Web servers.

**Videoconferencing:** the process of two or more locations interacting via two-way video and audio transmissions simultaneously by a set of telecommunication technologies to allow a "meeting."

**Video Remote Interpreting (VRI):** the process of providing interpreting services via video or web cameras and telephone lines with an off-site interpreter.

**Voice-Over Internet Protocol (VoIP):** a form of communication that allows the consumer to make phone calls over a broadband internet connection instead of typical analog telephone lines. Basic VoIP access usually allows a person to call others who are also receiving calls over the internet. Interconnected VoIP services also allow a consumer to make and receive calls to/from traditional landline numbers, usually for a service fee. Some VoIP services require a computer or a dedicated VoIP phone, while others allow the consumer to use a landline phone to place VoIP calls through a special adapter.

**Wireless Fidelity (Wi-Fi):** a wireless networking technology used across the globe. It refers to any system that uses the 802.11 standard, which was developed by the Institute of Electrical and Electronics Engineers (IEEE) and released in 1997. In a Wi-Fi® network, computers with Wi-Fi® network cards connect wirelessly to a wireless router. The router is connected to the internet by means of a cable or DSL modem typically.

**World Wide Web (Web):** a way of accessing information over the medium of the Internet. It is an information-sharing model built on top of the internet. The Web uses the HTTP protocol, only one of the languages spoken over the Internet, to transmit data. Web services, which use HTTP to allow applications to communicate in order to exchange business logic, use the Web to share information.

**Webcam:** a video camera which feeds its images in real time to a computer or computer network, often via USB, Ethernet or Wi-Fi. Webcams are known for their low manufacturing cost and flexibility making them the lowest cost form of videotelephony.

**APPENDIX A: EXAMPLES OF COMMERCIAL PROVIDERS**

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COMPANY	WEBSITE	TELEPHONE
<b>TELEPHONE INTERPRETING SERVICES</b>		
Language Line	<a href="http://www.languageline.com/">http://www.languageline.com/</a>	800.752.6096
Voiance Language Services (formerly Language Learning Enterprise, LLC)	<a href="http://www.voiance.com/">http://www.voiance.com/</a>	866.742.9080
CTS Language Link	<a href="http://www.ctsll.com/">http://www.ctsll.com/</a>	800.208.2620
Certified Languages International	<a href="http://www.certifiedlanguages.com/">http://www.certifiedlanguages.com/</a>	800.225.5254
de la Mora Interpreting	<a href="http://www.remoteinterpreting.com">www.remoteinterpreting.com</a>	321-252-8513; 407-677-4155
Optimal Phone Interpreters	<a href="http://www.optimalphoneinterpreters.com/">http://www.optimalphoneinterpreters.com/</a>	877.746.4674
Cross-Cultural Interpreting Services	<a href="http://www.heartlandalliance.org/ccis/">http://www.heartlandalliance.org/ccis/</a>	312.660.1300
<b>SPECIALIZED TELEPHONE EQUIPMENT</b>		
BIAMP Systems	<a href="http://biamp.com/">http://biamp.com/</a>	800.826.1457
de la Mora Interpreting	<a href="http://www.remoteinterpreting.com">www.remoteinterpreting.com</a>	321.252.8513; 407.677.4155
Tieline Technologies	<a href="http://tieline.com/">http://tieline.com/</a>	800.211.6989
<b>VOICE OVER INTERNET PROTOCOL</b>		
Trident Global Services	<a href="http://www.tridentglobalservices.com/">http://www.tridentglobalservices.com/</a>	713.960.2143

COMPANY	WEBSITE	TELEPHONE
<b>VIDEO CONFERENCING EQUIPMENT</b>		
LG Premium Video Conference System	<a href="http://www.lifesize.com/">http://www.lifesize.com/</a>	877.543.3749
Polycom	<a href="http://www.polycom.com/">http://www.polycom.com/</a>	800.polycom
<b>VIDEO REMOTE INTERPRETING EQUIPMENT</b>		
CISCO	<a href="http://www.cisco.com/">http://www.cisco.com/</a>	800.326.7114; 866.870.5822
de la Mora Interpreting	<a href="http://www.remoteinterpreting.com">www.remoteinterpreting.com</a>	321.252-8513; 407.677.4155
LifeSize Communications	<a href="http://www.lifesize.com/">http://www.lifesize.com/</a>	877.743.3749
LG Premium Video Conference System	<a href="http://www.lgsolutions.com/">http://www.lgsolutions.com/</a>	
<b>VIDEO REMOTE INTERPRETING SERVICES</b>		
Monterey Language Services	<a href="http://www.montereylanguages.com/video-remote-interpretation-services.html">http://www.montereylanguages.com/video-remote-interpretation-services.html</a>	831.655.3460
Stratus Video Interpreting	<a href="http://www.stratusvideo.com/courts-overview/">http://www.stratusvideo.com/courts-overview/</a>	855.865.8778
<b>DOWNLOADABLE WEB BASED APPLICATIONS</b>		
Skype	<a href="http://www.skype.com/intl/en/home">http://www.skype.com/intl/en/home</a>	

**APPENDIX B: GENERAL OVERVIEW SHEET**

<i>TERM</i>	<i>DESCRIPTION/DEFINITION</i>
<i>Remote Interpreting (RI)</i>	The provision of interpreting services using technology in situation where the interpreter is at a location physically separate from the consumers of the interpreting services.
<i>RI Appropriateness</i>	<ul style="list-style-type: none"> <li>• Urgent, emergent or unexpected situations where no interpreter is available</li> <li>• Routine matters for which the quality of the interpretation will not be unduly compromised and the duration is expected to be short</li> <li>• Interpreter for a language of limited diffusion is needed and no on-site interpreters are reasonably available</li> </ul>
<i>RI Inappropriateness</i>	<ul style="list-style-type: none"> <li>• Trials, long hearings or complicated evidentiary hearings</li> <li>• Proceedings involving many individuals</li> <li>• Proceedings involving parties who are elderly, very young, have mental illness or those who have profound speech or language problems</li> <li>• Anticipated emotionally charged or contentious testimony</li> </ul>
<i>Audio Technologies</i>	<p><b>Telephone</b> – Services provided with the use of telephones and a standard telephone line; telephone interpreting is delivered in the consecutive mode.</p> <p><b>Specialized telephone equipment</b> – Services provided with technology that allows for simultaneous interpreting services using a standard telephone and standard phone line.</p> <p><b>Voice Over Internet Protocol (VoIP)</b> – Services provided through phone calls initiated over a broadband internet connection.</p>
<i>Video Technologies</i>	<p><b>Video Conference System</b> – Services provided using technology where the interpreter is either in the courtroom or in a location with the LEP individual</p> <p><b>Specialized Video Remote Interpreting (VRI) System</b> – Services provided with video web cameras and telephone lines to provide sign and spoken language interpreting services through an off-site interpreter.</p> <p><b>Web-Based Applications</b> – Services provided using downloadable applications that allows users to make free video calls over the internet.</p>
<i>Recommendations for the court</i>	<b>Before the hearing</b> – provide specific guidelines or protocols/instructions regarding remote interpreting use &

<i>TERM</i>	<i>DESCRIPTION/DEFINITION</i>
	equipment testing. <i>During the hearing</i> – address the interpreter, pay attention to fatigue, establish a short signal (between the interpreter and the LEP witness) to request a pause and address the LEP witness regarding a testimony.
<i>Recommendations for interpreters</i>	<i>Before the hearing</i> – be familiar with and comfortable using the RI equipment and actively participate in the RI process via open communication. <i>During the hearing</i> – be able to transition from mode to mode when multiple speakers are involved in an exchange.
<i>Recommendations for attorneys</i>	<i>Before the hearing</i> – provide assistance to the interpreter by giving him/her as much information about the case as possible (i.e. statutory language for criminal offenses, facts and subject matter of the case, names, dates, any exhibits that will be introduced, etc.). <i>During the hearing</i> – note specific suggestions described on the page 29; pay special attention to the issue of privileged attorney-client conversations.

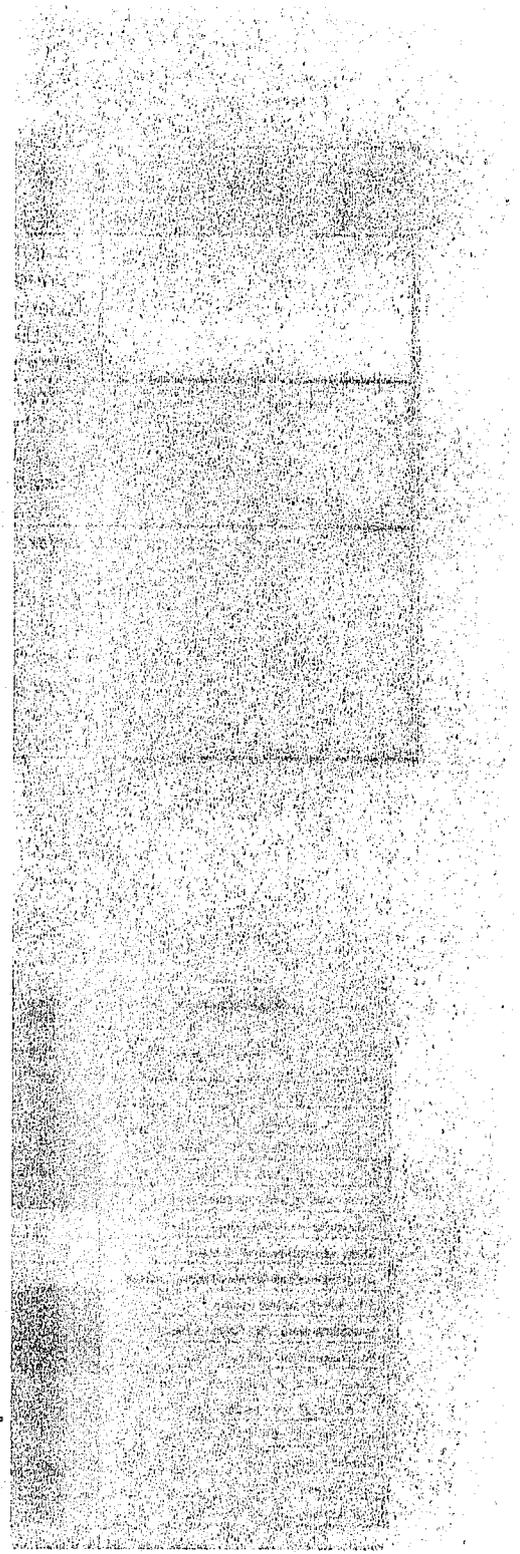
#### How to Estimate Business Broadband Needs

Typical applications and their performance for various download/upload speeds – single user

Application	1.5 Mbps / 384 Kbps	7 Mbps / 768 Kbps	10 Mbps / 1 Mbps	20 Mbps / 2 Mbps	50 Mbps / 2 Mbps	100 Mbps / 10 Mbps
Simple email, no attachments						
Web browsing						
Email, attachments and graphics						
Download small files (1 MB, 50 pages)						
Download large files (2 MB, 100 pages)						
Online trading, e-business						
Online meeting, with document sharing						
Videconference (384 Kbps) - 1 user						
Skype videconference - 5 users						
Cloud applications (business apps, backup)						
VPN, remote service access						
Videconference (768 Kbps) - 5 users						
Voice over IP (ten external lines)						
Upload videos, presentations (1 GB)						
Download HD video (2 GB) in real-time						
Server backup, up to 20 GB (off-hours)						
Telecommuting						
Distance learning						
Telemedicine (180 MB, radiologic images)						

Table adapted from "The Impact of Broadband Speed and Price on Small Business" at <http://archive.sba.gov/advocatesearch/m3731ot.pdf>

## APPENDIX C: DETERMING BROADBAND NEEDS



## Community Outreach Follow-up Report

### AOC Interpreter Commission Special Community Outreach

#### **Participant Response:**

#### **Korean-American Bar Association:**

Dan Shin reported to the AOC stating that they put together a Korean Bar task force that includes some eager young law students from Seattle University. The students (Elaine Lee, Paige Hardy, and Tina Ho) researched three matters: "The legal difference between Court Certified and Court Qualified Translators", "Passage Rates and Number of Certified Interpreters in Washington State", and "Mistrials and Other Problems Arising from Incompetent Translations".

Mr. Shin reported in a recent email communication that the next step will be for the Korean-American Bar Association of Washington (KABA) to take the next step. He stated, "Our new Korean American Bar Association ("KABA") board is starting its term, and we will appoint one of our senior litigators or prosecutors to use your materials from our previous meeting plus this student memo to prepare an article and bulletin for your committee's review and later for distribution to the various bar associations. We have a close relationship with the local Korean media and will broadcast this information on KOAM TV, the Korea Times, and a few other media outlets."

As a research project, the student's work contained some outdated data from 2010 which needs to be updated for purposes of information sharing with the KABA committee. AOC staff have offered to be of further assistance in assisting the appointed person to prepare the media information.

#### **Vietnamese-American Bar Association of Washington (VABAW):**

AOC staff sent two emails to Maily Hoang requesting updates and offered to assist in providing any necessary additional information needed for media distribution about the need for more Vietnamese-speaking court qualified interpreters. AOC staff have not received a response.



## AOC Interpreter Certification Program Report

2013

### Written Exam Registrants:

Statistic	Figure
% PASS both parts †	48.7%
# of PASS both parts	75
% FAIL both parts †	51.3%
# of FAIL both parts	79
# of NO SHOWs	10
# of registrations	164

† Excluding NO SHOWs

### Oral Exam: Certified Candidates (# Taking/# Passed)

Arabic:	3/0
BCS	1/0
Cantonese	2/1
Korean	1/DNC*
Mandarin	4/0
Punjabi	1/0
Russian	6/0
Somali	1/0
Spanish	22/0
Tagalog	3/0
Vietnamese	2/0
<b>Total</b>	<b>46/1</b>

### Oral Exam: Registered Language Candidates (# Taking/# Passed)

Albanian	1/0
Amharic	1/1
Burmese	1/1
Czech	1/1
Japanese	1/1
Kurmanji	1/1
Persian-Farsi	2/2
Romanian	2/2
Turkish	1/1
<b>Total</b>	<b>11/10</b>



**2014 Written Exam Language Pool  
Certified and Registered Candidates, by Language Group**

Administration Date: March 8, 2014

Bellevue College, Bellevue, WA  
Big Bend Community College, Moses Lake, WA

**Certified – Moses Lake: 20 (all Spanish)**

**Certified – Bellevue: 131**

Arabic:	6
BCS:	1
Chinese:	8
French:	1
Korean:	18
Punjabi:	6
Russian:	11
Somali:	5
Spanish:	63
Tagalog:	3
Vietnamese:	9

**Registered – Bellevue: 23**

Amharic:	10 (often combined with Tigrinya)
Burmese:	1
Haitian Creole:	1
Japanese:	3
Nepali:	1
Persian:	1
Swahili:	5
Thai:	1

Total of **174** registrations.

