



Interpreter Commission
Friday, September 12, 2014 (8:45 a.m. – 11:45 a.m.)
AOC SeaTac Facility
18000 International Blvd., Suite 1106, SeaTac, WA 98188

MEETING MINUTES

Members Present:

Justice Steven González
Judge Andrea L. Beall
Kristi Cruz
Eileen Farley
Thea Jennings
Sam Mattix
Linda Noble
Fona Sugg
Dirk Marler
Alma Zuniga

Members Absent:

Judge James Riehl
Judge Greg Sypolt
Theresa Smith

AOC Staff:

Robert Lichtenberg
Danielle Pugh-Markie

CALL TO ORDER AND WELCOME

The meeting was called to order by Justice Steven González. Justice González introduced and welcomed a new member, Judge Andrea L. Beall. Members introduced themselves. It was clarified that Commission meetings will begin at 8:45 a.m. for the rest of the year.

The new public member representative to the Commission, Ms. Thea Jennings, also introduced herself and spoke about her work at the Bar Association. Ms. Jennings reported that there is a new program to license legal practitioners (called Limited License Legal Technician or “LLLTs”) to enable them to offer limited legal services. At this point, there is no plan to provide training for the LLLTs about using court certified interpreters. In the event such a training is requested, the Commission would support it and provide resources.

Judge Beall noted that Puyallup Municipal Court has an interpreter calendar for many types of hearings, except for evidentiary, trials, and arraignment hearings. It is the responsibility of the police officer to inform the court if an interpreter is necessary for an arraignment. Sometimes there is difficulty securing interpreters for particular languages, particularly Vietnamese. Occasionally the court has someone who appears where interpreter arrangements have not been made. The hearing then is rescheduled in order to get an interpreter

In response to a question about collaborating with educational institutions, Ms. Jennings said that several educational institutions offer limited licensed technician training. They have four area community colleges offering the education right now: Highline, Tacoma, Spokane, and Edmonds. Other community colleges are interested and the hope is to expand across the state. Currently, the University of Washington law school is the only law school offering the practice area education.

MAY 30, 2014 MEETING MINUTES

The minutes of the May 30, 2014, meeting were unanimously approved after member corrections were made.

CHAIR'S REPORT

The Commission meeting dates are included in the materials. Note: the first 2015 Commission meeting is February 20, 2015, **not** February 2.

AOC Interpreter Program Budget

Mr. Lichtenberg passed out a projected Commission and Interpreter Program budget for the 2015 fiscal year. He explained some of the assumptions built into the figures. There are mandatory Program activities that can be covered by the budget allocation, such as interpreter testing, orientation to the oral exam, test rater services, and precertification training. A portion of the exam fees help to fund judicial officer and court staff training. One new approach the Program is considering for 2015 is to provide test candidates with an oral examination skill building track. He noted that the state of Oregon offered seven oral exam preparation training opportunities as they did not have anyone passing the National Center for State Court's (NCSC) certified oral exam last year and are trying to better prepare test takers to have the skills to pass the oral exam. It has not been determined what the cost would be for the Washington State Interpreter Program to do this, but Oregon charged \$110 per training date. The members discussed the lack of interpreters in certain languages and the fact that in more common languages there still are gaps in the geographic distribution of interpreters. One solution would be to offer the training in specific areas of the state where there is a need.

Mr. Lichtenberg reported that more courts than expected are using video remote interpreting (VRI) between the jail and the courthouse, with up to 15 courts involved. It is a matter of time before we will see it in the courtroom for some court hearings. We need to continue talking about what we might think would be a worthwhile subject of training for judges and court staff in using VRI properly. Judge Beall noted that some judges feel that it is not as important to have interpreters for non-criminal cases, such as mitigation hearings, so it is a training issue and may be related to the current RCW 2.43 language regarding non-indigent party costs for interpreters in civil cases.

Mr. Lichtenberg reported that Snohomish County requested the Administrative Office of the Courts (AOC) guidance in updating their Language Assistance Plan (LAP). Snohomish County is using an AOC-authored template from 2007 that mirrors what is required to be in LAPs by state law. He reviewed the technical assistance advisory from the Department of Justice and noted there is a federal emphasis involving notice signage and translation of documents that is not in the Washington State court model language access plan template. If the AOC provides updates to the LAP template and shares it statewide, it would need to provide some technical assistance and requested Commission guidance. Mr. Marler noted that the AOC has an opportunity to devise a new model template and provide instructional materials through the conferences in the spring, such as the District and Municipal Court Judges' Association (DMCJA) Spring Program. Justice González noted that the idea would be to have a good model for each

level of court. There is a preference for training on the plans and updating the old template and possibly creating a series of model plans for district and municipal courts, a superior court, or an appellate court. Mr. Marler suggested that we might want to propose an extended plenary session at one of the spring judicial conferences, possibly including a fundamental refresher about interpreting, about the revised template, and the importance of having a language assistance plan. The Commission members had an extended discussion, with many suggestions for what could be covered in a LAP and how the training would be provided. Mr. Lichtenberg inquired whether members of the Commission would be willing to assist in putting together a proposal for training judicial officers. Justice González requested that the Education Committee assist in creating a proposal for the judicial conferences and to collaborate with the Issues Committee on assist in updating our model language access plan, including considering model access plans for different levels of courts or with at least some variety to address the differences in court levels. Ms. Cruz suggested that we might want to reach out to Professor Jillian Dutton at Seattle University School of Law who is presenting at the Washington State Coalition for Language Access Summit in SeaTac on language access plans on October 25. AOC staff have budgeted for someone from the national level to come and provide LAP training. Justice González noted that we have a national expert locally in Ms. Dutton.

Mr. Lichtenberg said that in his draft budget there is a provision for having a Commission meeting in another part of the state. The members discussed this in detail, covering possibilities such as visiting a local courthouse, meeting with local court interpreters in a forum setting, or a CLE program such as for the Yakima County Bar Association. Members agreed to hold the May 29, 2015, Commission meeting in Yakima, with the Commission meeting from 9:00 a.m. to 12 noon and a session during the afternoon or maybe even during lunch. Justice González said that he would like to meet with everyone who has an interest in court settings in which interpreters would be needed and this would involve interpreters, administrators, judges, and counsel. It could be fashioned as a listening session where we can learn about their best practices. Justice González agreed with Ms. Pugh-Markie that community advocates should be included and the members agreed that Kittitas County and the City of Ellensburg should also be invited to attend. Bench cards for the judges along with model language access plans could be provided. Ms. Cruz suggested printing out model signage. Members suggested inviting the Northwest Justice Project, Columbia Legal Services, Team Child, and the Northwest Civil Rights Project, all of which are located in the region.

Justice González said that at the next meeting the Issues Committee can make some suggestions to us about formal budget and action priorities to adopt for the year. Ms. Farley asked about the \$11,000 budgeted for program incidentals and how it is related to "Santa Fe." Ms. Pugh-Markie clarified that the \$11,000 covers all of the bulleted points, and the annual NCSC Language Consortium meeting in Santa Fe would probably be about \$2,000 of that. There were questions about the actual cost of some of the incidentals in that figure. Justice González thanked AOC staff for putting together the budget and showing the Commission their working costs so that budget considerations can be an aspect of our priorities as we implement them.

Justice González asked for suggestions for a new Chair for the Issues Committee. Ms. Pugh-Markie noted it needs to be a judge. Judge Beall volunteered to Chair the Issues Committee. Mr. Marler noted that the Discipline Committee should be open as well. It was suggested Judge Beall be given the choice of either the Discipline Committee or the Issues Committee. Judge Beall chose the Issues Committee. Mr. Lichtenberg noted that GR 11.1 sets out the scope of the Issues Committee and suggested that there is a need for Issues Committee involvement that is more proactive on emerging issues than the scope of the rule allows.

The Commission then discussed the judicial membership vacancy as a result of the expiration of Judge Sypolt's term. Ms. Pugh-Markie reported that there was no nomination offered from the Superior Court Judge's Association and that Judge Sypolt had made a recommendation for a new member judge. She will discuss this with Justice González. Justice González suggested reviewing our bylaws to determine if a judicial commissioner might be allowed as a Commission member instead of a judge.

COMMITTEE REPORTS

Online Interpreter Scheduling (Ad Hoc):

Ms. Noble, the ad hoc Committee chair, reported that the Committee completed the guiding principles that Mr. Mattix had very diligently crafted, with minor changes. It is still open for further critique by new members. She asked about further steps for that document and how to best utilize it and present it. She stated that many disturbing issues arose from a King County budget committee proviso hearing on interpreting services and costs as misinformation about the profession of interpreting was presented which was shocking especially given that this is the biggest county in the state with the most use of interpreters. Other counties look to King County to set guidelines, including interpreter pay. She asked whether the Interpreter Commission play any role in addressing the misinformation without getting involved in their budget discussions. It was noted that a full King County Council meeting is scheduled for September 22, in which public comment will be accepted on the budget issue as the recent proviso presentation did not provide for it. Ms. Noble noted that interpreters working throughout King County find that any comments need to be very, very carefully crafted as they can suffer directly if they are critical. Mr. Mattix asked if it would be reasonable for the Interpreter Commission to take a review and somehow endorse it in sending it to the King County Council. Mr. Lichtenberg asked if there is any information provided in the hearing about cost savings involving sign language interpreters and mentioned the fallout the Health Care Authority had with sign language interpreters as a result of cost cuts. Ms. Farley said that she had mixed feelings because they wanted cuts and there is not money to be saved in interpreters. The video interpretation recommendation and cutting the public defense two-hour minimum indicates where cost savings can happen. The report's recommendations are on the Council's do-pass calendar which means unless somebody stands up and says no, it will be voted on. Ms. Farley expressed concern with what is going to happen with the recommendations as it might not really save money. Ms. Noble noted that we really don't want them to allocate less money to interpreters, rather we would like the money distributed differently because the information actually needs correcting. Ms. Farley suggested finding a councilmember

for whom this issue would be important. Justice González recommended educating the Council's Law and Justice Committee as well as reaching out for a meeting with several persons such as Dave Upgrove, Kathy Lambert, and Larry Gossett. It is important to review who is educated and cultivated to speak on those issues.

Ms. Noble reported that Mr. Lichtenberg finally found the right people at Snohomish County to respond to the complaints about interpreters using automated programs to snatch up all jobs involving a given language. Mr. Lichtenberg said that he was fortunate to have met Sonja Kraski, the County Clerk who pulled in Marilyn Finsen and Chris Shambro to address the issue. King County has been contacted to explain how it created its own CAPTCHA feature.

Mr. Mattix reported that Marla Simmons, Arkansas Language Access Coordinator, recommended that this should go to other language access coordinators in other states. The guiding principles envisioned that there be cooperation between the states, not just at a municipal court level. Mr. Mattix mentioned that all the states need a better tool to find out who is closest, who is most appropriate, and who is available, especially for the languages of lesser diffusion. Often they go with whomever they can find using personal contact lists they have compiled which can be inappropriate. He agreed that a scheduling model should go to a national level. Justice González said the next step is to decide what can the Commission do and asked if there are others who can use the tool and how do we present it to them nationally. Members discussed similar actions taking place at the National Center for State Courts (NCSC). Justice González noted that as an action item for the next meeting the Commission should decide what to do with the Online Scheduling Committee report.

Discipline Committee Report

Mr. Lichtenberg provided the Commission with a listing of interpreters who had their certifications revoked for non-compliance with certification maintenance requirements.

Education Committee Report

Mr. Mattix said that a three-page report is included in the meeting materials. The Education Committee had two meetings by teleconferences. The next meeting is set for September 19. The Committee worked on narrowing down what it is going to work on given the budget and past trainings that AOC has provided historically to judicial officers and court administrators. At the last Commission meeting, a job was assigned to the Committee regarding the current procedure for reporting continuing education credits and how issues of noncompliance are handled. The Committee will follow-up and report back.

Registered Exam Test Results

Mr. Lichtenberg reported that four people applied for the registered language oral exam. Of the four people who took the test, two have passed it.

Korean Community Outreach Update

An e-mail from Dan Shin regarding an upcoming community forum on legal matters was included in the meeting materials. As there are many in the Korean community who do not fully understand English, the Interpreter Program and Mr. Shin were able borrow up to 100 receivers and headsets so that Korean language services could be provided to the attendees. Mr. Lichtenberg mentioned that this is a good opportunity for a legal services outreach model and the Minority and Justice Commission staff would like to look at such a model for some of their own activities involving other language communities.

Administrative Hearing Notices for Pro-Se Individuals

Mr. Lichtenberg reported not being able to get samples from the courts as he only had samples of administrative hearing notices. Justice González asked members to look at what gets sent out from any court and to provide those to Mr. Lichtenberg for the next meeting. It would be good to get input from courts that are not represented around this table. Ms. Farley reported that the state Office of Public Defense may be able to provide that list of who they contacted in those courts when they did a statewide survey on public defense costs. The Commission reviewed how and when do litigants become aware of interpreting services and discussed the different forms that litigants encounter, many of which do not address language needs.

DVSA Training Evaluations

Ms. Pugh-Markie reported that the compiled evaluations from the May 15-27, domestic violence and sexual assault training event for court interpreters is located in the materials. The training was well received. There has been discussion with the Asian & Pacific Islander Institute on Domestic Violence about what type of follow-up work can be done and about providing this event next year. The AOC should follow up and see what assistance the national technical assistance providers can offer. The STOP Grant money is coming through the Gender and Justice Commission and has other initiatives for 2015 and possibly not for a continuing event similar to this one. Another idea for the Interpreter Commission is to work with guardians and do training with guardians. So, if there is any STOP Grant money from the federal Office of Violence Against Women left over, it would probably be used for that. The AOC would like to do follow-up training on vicarious trauma as this was requested by the attendees.

IT Governance Submittal

Justice González updated members on past efforts to address and implement online court interpreter scheduling solution(s) through the IT governance process. AOC staff reported on a meeting with the IT group after submitting the IT Governance proposal. Mr. Lichtenberg said one implementation and use route under review involves making online scheduling a module within the Odyssey case management system since Odyssey can serve as a centralized scheduling platform that is accessible to the vast majority of court systems in the state.

ODHH Regulations for Court ASL Interpreters

Mr. Lichtenberg reported that the Department of Social and Health Services Office of the Deaf and Hard of Hearing (ODHH) has issued proposed regulations for American

Sign Language (ASL) interpreters in the courts and will host a public comment hearing on September 23. They are going to eventually get a list of qualified interpreters prepared for use by the courts in collaboration with the AOC. They are also going to do a quality screening process and possibly create a profile system for ASL interpreters. They will also work with the interpreter community to provide court-related training so that ASL interpreters are on the same plane as spoken language interpreters.

NEW BUSINESS

Ms. Pugh-Markie informed the Commission that we are short one staff person on the Interpreter Program. Tina Williamson has taken another job with AOC in the Customer Services Department. The position was posted last Friday and is open until September 24. If you know of anyone who is interested, let Danielle know. Danielle will send out the announcement on the Commission member ListServ.

Justice González informed the group that there is going to be a reception at the UW Law School on November 19, in the evening celebrating Justice Smith. Mr. Lichtenberg will be speaking briefly at that ceremony. Ms. Pugh-Markie noted that the reception is from 5:30 p.m. to 7:30 p.m.

ADJOURN

Meeting adjourned at 11:30 a.m.

NEXT COMMISSION MEETING

Friday, December 5, 2014

8:45 a.m. – 11:45 a.m.

SeaTac Facility, Lower Level Conference Room

| Decision Summary | Status |
|---|----------------------|
| Commission: Approval of May 30, Meeting Minutes | <i>Complete</i> |
| Member Vacancy: No decision was made to nominate a superior court judge to fill the superior court representative vacancy; AOC staff to review if judicial commissioners can serve in lieu of a judge. | <i>In-progress</i> |
| Issues Committee: Justice González appointed Judge Beall to Chair the Issues Committee. | <i>Complete</i> |
| Education Committee: Collaborate with AOC staff and Issues Committee in updating the model LAP, including considering model access plans for different levels of courts. | <i>Future Action</i> |

| Decision Summary | Status |
|---|---|
| Commission and AOC Staff: Develop agenda and materials (signage, bench cards, etc.) for the public forum following the May 29, 2015, Commission meeting in Yakima and inviting stakeholders with an interest in court settings involving interpreters. | <i>Future Action</i> |
| Action Item Summary | Status |
| Education Committee: Submit proposals for educational presentation on LAPs for the DCMCJA and SCJA Spring conferences. | <i>Completed (as of 11/1/2014)</i> |
| Resource for LAP Training: AOC staff to ask Professor Dutton to present on LAPs to judicial officers. | <i>Completed (as of 11/1/2014)</i> |
| AOC Budget: Issues Committee to recommend budget and action priorities to adopt for the year and present at the next meeting. | <i>In-progress</i> |
| Commission: Commission should decide what to do with the Online Scheduling Committee report. | <i>On agenda for 12/5/14 Commission Meeting</i> |
| Education Committee: Review the current procedure for reporting continuing education credits and how issues of noncompliance are handled. | <i>Future Action</i> |
| Commission Members: Justice González asked members to identify notices regarding availability of language services in documents sent by courts to pro-se parties and to provide those to Mr. Lichtenberg for the next meeting. | <i>In-progress</i> |
| AOC Staff: Provide Commission members with Language Access Program support staff recruitment announcement. | <i>Completed</i> |