

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



## Interpreter Commission

Friday, May 29, 2014, 9:30 a.m. – 4:30 p.m.

Yakima Area Arboretum

1401 Arboretum Dr.

Yakima, WA. 98901

### COMMISSION MEETING AND FORUM AGENDA

1. Call to Order	Justice Steven González	
2. Approval of February 20, 2014 Minutes*	Justice Steven González	Page
<b>3. Chair's Report</b> <ul style="list-style-type: none"> <li>• Update on AOC staff changes</li> <li>• Legislative Budget Update</li> <li>• AOC Letter to Courts</li> <li>• Forum Briefing</li> </ul>	Justice Steven González Danielle Pugh-Markie	Page
<b>4. Committee Reports</b> <ul style="list-style-type: none"> <li>• Issues Committee Report <ul style="list-style-type: none"> <li>➢ Proposed CEU requirements*</li> <li>➢ Certified Language to Register*</li> </ul> </li> <li>• Education Committee Report <ul style="list-style-type: none"> <li>➢ 'Inactive' and "Unavailable"*</li> </ul> </li> <li>• Discipline Committee Action</li> </ul>	<p style="text-align: center;">Judge Andrea Beall</p> <p style="text-align: right;">Sam Mattix AOC Staff</p>	<p style="text-align: right;">Page</p> <p style="text-align: right;">Page</p>
<b>5. Court Interpreter Program Issues</b> <ul style="list-style-type: none"> <li>• Implementation of DSHS Regulations for ASL Interpreters in Courts</li> <li>• Program Reports: <ul style="list-style-type: none"> <li>➢ Court Reimbursement Program</li> <li>➢ NCSC Conference</li> <li>➢ SCJA Presentation-Next Steps</li> </ul> </li> <li>• Written Reports <ul style="list-style-type: none"> <li>➢ 2015 Written Exam Test Results</li> <li>➢ ITG 217 Update</li> <li>➢ Online Interpreter Scheduling</li> <li>➢ Report on Action Items</li> </ul> </li> </ul>	<p style="text-align: center;">Berle Ross, ODHH</p> <p style="text-align: right;">AOC Staff</p> <p style="text-align: right;">Fona Sugg</p> <p style="text-align: right;">AOC Staff</p>	<p style="text-align: right;">Page</p> <p style="text-align: right;">Page</p> <p style="text-align: right;">Page</p> <p style="text-align: right;">Page</p>
6. Business for the Good of the Order	Justice Steven González	

**Break for Lunch**

<b>7. Commission Forum Panel and Community Dialog</b>		
<b>8. Reception with Community</b>		
<b>9. Adjourn</b>	<b>Justice Steven González</b>	
<b>Next Meeting: Friday, October 2, 2015, 9 a.m. – 12 noon. AOC SeaTac Office, Small Conference Room.</b>		

# Meeting Minutes



**Interpreter Commission**  
**Friday, February 20, 2015 (8:45 a.m. – 11:45 a.m.)**  
**AOC SeaTac Facility, Large Conference Room**  
18000 International Blvd., Suite 1106, SeaTac, WA 98188

## **MEETING MINUTES**

### **Members Present:**

Justice Steven González  
Judge Andrea Beall  
Judge Theresa Doyle  
Kristi Cruz  
Eileen Farley  
Sam Mattix  
Linda Noble  
Alma Zuniga  
Thea Jennings  
Fona Sugg

### **Members Absent:**

Dirk Marler

### **AOC Staff**

Danielle Pugh-Markie  
Robert Lichtenberg  
James Wells

### **CALL TO ORDER AND WELCOME**

The meeting was called to order by Justice Steven González. Members and staff introduced themselves. Judge Theresa Doyle was introduced as a new member.

### **December 5th, 2014 MEETING MINUTES**

The December 5, 2014 Commission meeting minutes were unanimously approved by the members present.

### **CHAIR'S REPORT**

#### **Judicial College Training**

Justice González described the recent court interpreter session at the 2015 Judicial College. Mr. Lichtenberg provided the evaluation results of the session, noting that the interpreter session received higher than average ratings.

#### **2015 BJA Legislative Budget Request-Outreach and Advocacy**

The Commission reviewed the initial draft of the talking points created by Mr. Lichtenberg. Justice González emphasized that the budget request includes funding for interpreters in the courtroom as well as for services outside the courtroom such as communicating to the court clerk. The Commission discussed several points specifically:

*"Credentialed interpreters have changed compensation terms"*

Judge Doyle suggested the following language for the above, "Compensation rates in many jurisdictions have not increased in 10 years." Ms. Noble suggested that this language might set the stage for discussion of an increase in interpreter pay rates. She pointed out the original reimbursement proposals did not envision cost of living increases. There was concern that increases in interpreter pay without an increase in reimbursement to the courts would be problematic. There is a disincentive to do the right thing when funds are not available and it can create competing interests.

*"Current Washington law itself creates barriers to LEP individuals...in contradiction to DOJ standards"*

The Commission discussed deleting this point regarding the court paying for interpreter regardless of the LEP party's ability to pay. This is a controversial topic and may be distracting. The theme of this point is also captured in the two points that follow it, so it could be redundant.

*"A principal obligation of the State is to ensure access to justice and reliance on counties to fund that principal obligation is not realistic nor cost-effective"*

The Commission discussed finessing the above bullet point as it could bring up additional questions about what entities should pay for what service. Judge Doyle suggested replacing the above point with something to the effect of "Washington State is 48<sup>th</sup> in the nation in state funding of the court system". This would avoid engaging in the discussion of who, the state or the county, should pay for what.

*"Over 100 different languages...over 180 different foreign languages in the District"*

Ms. Farley suggested that this talking point regarding the Tukwila School District might distract from the issue and lead people to think the funding is related to the school district or that language access is only an issue for larger counties. She suggested it would be better to make local statistics available to people using the talking points to enable them to tailor their presentations to lawmakers' specific jurisdiction.

*"Other Opportunities to Manage Future Cost Impacts"*

There was some concern that some of the points under this heading may be unrealistic and that they may not be appropriate for talking points. Justice González mentioned that

lobbyists may bring up the point that a lawmaker may be interested in the topic of preventing future costs and it may be good to have one or more of these points available for that situation.

*"Monitoring and mentoring of court interpreters"*

Ms. Nobel suggested this may be a useful concept to introduce in the talking points, but that it may not be appropriate in this section.

Justice González suggested an additional topic that could be addressed in the talking points is the increasing need in rural counties for interpreters which can be more costly due to travel time.

Mr. Lichtenberg brought up the issue of growth in the population of immigrants in various counties in the state. As it is difficult to predict future increases in areas of the state, state funding for interpreters helps alleviate these kinds of unpredictable burdens on counties.

The Commission reviewed how much information to provide. They agreed it would be better to not eliminate too many of the bullet points so that people will have an array of points to choose from when approaching their lawmakers. People using the points will emphasize certain talking points based on the circumstances and needs. Judge Doyle suggested that having specific details in the talking points can have value when using data that is commonly accepted as being correct and is not controversial.

The Commission agreed to help provide talking points, act as a resource when questions about interpreting issues arise, and write a letter for legislators describing the importance of interpreter issues. Justice González proposed that members of the Commission make themselves available to legislators and others with questions and the Commission members agreed to make their contact information available.

Commission members proposed sending the talking points and Commission letter to NOTIS and other groups such as Hispanic Affairs Commission and the Asian/Pacific Islanders Commission whose constituents would be affected by the proposed legislation and could who take on their own lobbying efforts.

Commission members will send their individual suggestions and edits to Mr. Lichtenberg as soon as possible after the meeting. Those edits will be used in creating the second draft to be sent out for further review by the Commission members.

On March 13<sup>th</sup> Judge González will present to the TCAB about the strategy for working with judges and lobbyists to ensure everyone is on the same page.

**North West Justice Project (NWJP) letter to Grant County**

The Commission took a minute to review the material in the meeting packet. Ms. Zuniga and Ms. Cruz, discussed the autonomy of local area attorneys at the NWJP and added they did not have any extra knowledge of the letter.

There was a concern that if any lawsuits resulted from the matters referenced in the letter, the case could go to the State Supreme Court. Justice González handed the role of chair to Justice Doyle and stepped out of the room for the remaining discussion on this topic.

The Commission noted that the guidance memo referenced by Grant County is from 2004 and out of date. Ms. Pugh-Markie and Mr. Lichtenberg describe a more recent 2012 letter from the AOC to the DOJ concerning the position of the BJA on language access in response to the issue of King County not paying for interpreters. The Commission agreed that this 2012 letter to DOJ exhibits more recent policy.

The Commission agreed that a response should come from the AOC rather than the Commission. Ms. Pugh-Markie suggested taking this as an educational opportunity and that Grant County should be provided suggestions based on what other courts have done to improve and manage costs of language access. Ms. Cruz suggested stressing that many courts have done away with determining a LEP party's indigency status under Rule 34. She also proposed collaborating with the Minority and Justice Commission regarding the issue of parenting seminars mentioned in the letter and providing bilingual resources.

The Commission agreed that the AOC's initial response should be to furnish Grant County with the 2012 letter to the DOJ from AOC, county survey regarding court interpreter practices, the 2010 DOJ letter, and the DOJ Memorandum of Understanding with King County. This would give the AOC time to draft a follow up letter with more specific guidance which could be sent a few weeks later. Ms. Zuniga suggested that the AOC should follow up by providing this information to all counties and municipalities. Ms. Pugh-Markie indicates she will ask members of the Commission in this process to help expedite the AOC's drafting of the letter.

#### **Selection of Disciplinary Committee Chair**

Justice González asked Judge Doyle to be the chair of the Disciplinary Committee. Judge Doyle agrees.

Mr. Lichtenberg stated that he will approach the Issues Committee about recent grievances filed by interpreters against other interpreters and how to deal with those allegations.

The Commission reviewed the member composition of the Disciplinary Committee, which includes Ms. Zuniga, Mr. Mattix, and Mr. Marler

#### **Selection of Sign Language Interpreter Representative**

Mr. Lichtenberg discussed the nomination of Jeff Wildenstein by former Commission ASL liaison Theresa Smith to serve as the ASL Member representative. Mr. Lichtenberg suggested looking to both professional organizations and the deaf community for additional nominations, explaining that the deaf community has a sense of ownership of American Sign Language and would want a say in who would be a qualified representative to the Commission. Justice González suggested that when soliciting other nominations, mentioning that Jeff Wildenstein has been nominated, and asking if they support that nomination or have other candidates they would like to nominate.

Ms. Cruz pointed out that if the deaf community is consulted then there might confusion that the member being chosen is meant to be a representative of the deaf community whereas the Commission is specifically looking for a representative of ASL interpreters. Mr. Lichtenberg agreed to limit the community organizations contacted.

Mr. Mattix asked for clarification regarding whether or not the ASL representative would need to hold an SC:L certificate. Ms. Cruz warned that the pool of interpreters in Washington State with that qualification is very small so that requirement would severely limit the pool of eligible candidates. Justice González advised that the Commission rules do not officially require that the spoken language interpreter representatives be court certified or registered. To avoid creating a different standard, the Commission should leave SC:L as a preference and not a requirement. Ms. Cruz asked for nominations to include a comment that the Commission is looking for someone who has experience working in the courts and is familiar with issues involving the courts.

Mr. Mattix asked for clarification about the status of membership the ASL representative will have. Mr. Lichtenberg explained that the proposed changes to GR-11 include making the ASL member a full member of the Commission with voting powers.

## **COMMITTEE REPORTS**

### **Education Committee**

Mr. Mattix reported that the Education Committee had met three times since the previous Commission meeting. He reported that the Education Committee voted unanimously to approve the following motion regarding the procedure for interpreters renewing their compliance:

It is moved that the AOC interpreter program send out a reminder of the deadline to meet compliance requirements to all interpreters on or about September 1 of the 2nd year in the reporting period. The notice will advise interpreters that they must fulfill and submit all of their continuing education requirements by Dec 31 of that year. If the requirements are not fulfilled by Dec 31, AOC will notify Washington

State courts that the interpreter is "out of compliance" with CE reporting requirements, but still certified/registered. Courts and interpreters will also be put on notice that the "permanent" (2-year) oath is no longer valid, so that interpreters who are out of compliance will have to be sworn every time they appear in court. If the interpreter does not come into compliance within sixty (60) days, the matter will be referred to the Disciplinary Committee.

The Commission discussed how the courts will know whether or not an interpreter is in compliance and still under oath. There was a consensus that the onus is on the interpreter to report this to the court. Mrs. Farley suggested an addendum to the motion:

If you are not in compliance, you will need to advise the court at the time that you will need to be sworn in.

Mr. Mattix seconded the motion and the board passed the motion unanimously. The Commission asked that Mr. Mattix draft that language to be inserted into the Interpreter Program Policy Manual.

Mr. Mattix gave the Commission a preview of upcoming topics the Education Committee will discuss, including adding the ability for interpreters to list themselves as "inactive" or "unavailable". Mr. Mattix commented that he would reference the related policies from California.

Another future Education Committee topic is the calendar of regular and special training for court managers.

### **Issues Committee**

Judge Beall moved that the following language to be added to the Continuing Education requirements Section of the Interpreter Policy Manual for Certified and Registered Interpreters (the proposed language in italics):

#### **REQUIREMENTS:**

##### **Interpreter Conduct**

Every two years, certified/registered interpreters shall report whether they have been charged with or convicted of a crime, or found to be in violation of a court order.

*If, at any time during the two year compliance period, a certified/registered interpreter is convicted of a misdemeanor, gross misdemeanor or felony, the interpreter must immediately notify the Commission of the conviction. The reported conviction will be referred to the Disciplinary Committee for review.*

Judge Beall and Mr. Lichtenberg clarified that the Issue Committee discussed whether notification about being charged with a crime and not just a conviction should be reported to the Commission, but that ultimately the Issues Committee decided that only convictions would need to be reported. The Commission unanimously approved the motion to add the new language to the reporting requirements policy.

The Commission discussed the importance of how to inform interpreters about the changes to the policy and whether the interpreters will understand the process of how to "notify the Commission." Mr. Lichtenberg clarified that the relevant webpage and documents will be updated and letters will be sent out to interpreters. The Commission also discussed how "notify the Commission of the conviction" may be problematic given there is no clear means for the interpreters to contact the Commission. Justice González suggested that the language "notify the Commission of the conviction" be replaced with "immediately report the conviction" in an appropriate part of the sentence to be similar to other language in the handbook where interpreters inform the AOC. The Commission passed the change to the language unanimously.

In regards to the criminal conviction reporting, Judge Beall discussed the Issues Committee's recommendation to change Rule 11.1(b) to ensure all interpreters are covered in the policy by adding language that includes "registered" interpreters in addition to "certified" interpreters. Judge Beall moved that the following language change be added the Commission's pending submission changes to GR 11:

Change to Rule 11.1(b)

All certified court interpreters who are certified in the state of Washington by AOC *and all registered court interpreters who are registered in the state of Washington by AOC* are subject to the rules and regulations specified in the Interpreter Program Manual.

The Commission passed the motion unanimously.

Judge Beall discussed a further change to the Interpreter Policy Handbook in the section describing the approval policy of Continuing Education Credits. Recommended changes to the policy manual/rules are as follows with proposed language in italics:

Change to approval policy:

A. Approval

1. An application for course approval must be submitted for each course by either the provider or an attendee. *A provider must submit an application for approval at least 30 days in advance of the date the course is to be*

*offered. An attendee of a course that has not been pre-approved by AOC must submit an application for approval no later than 30 days after attendance at the course. In all requests for approval, AOC will endeavor to respond as timely as possible. If the person submitting the application disagrees with the decision of the AOC on an application, the person may submit a written appeal to the AOC within 30 days of the date of the AOC's decision. The appeal shall be decided by the Issues Committee of the Interpreter Commission. The decision of the Issues Committee is final.*

The Commission voted unanimously to change the language as proposed.

Judge Beall went on to discuss the Issues Committee current work in defining courses that interpreters can take for continuing education credits. The Committee is comparing policies from Oregon, California, and Pennsylvania to see what might be appropriate to include in Washington's policy. Judge Beall welcomes Commission members not on the Issues Committee to also review the material and comment.

Mr. Mattix suggests that AOC update the interpreter community on the status of the discussion of this issue to help alleviate the sense in the community that they have no hand or influence in shaping policy. He suggested contacting the community through the interpreter listerv and NOTIS. This would be building on an email Mr. Lichtenberg sent out to interpreters prior to the Commission meeting in December of 2014 regarding this topic.

He suggested including three main ideas: 1) Explain how the program is tasked by the RCW and General rule to determine what course content is acceptable, appropriate, and fosters professionalism in language access to the courts; 2) Describe that Washington must have high standards in its course approval to maintain the reciprocity that interpreters from Washington enjoy in states that have more strict standards in their course approval; 3) State that it's the goal of the court interpreter program to foster better coordination between the language program, interpreter community, and course providers.

### **COURT INTERPRETER PROGRAM UPDATES**

The Commission reviewed the materials in the meeting packet without discussion.

### **OTHER BUSINESS**

#### **SCJA Education**

Mr. Lichtenberg explained that Professor Gillian Dutton has agreed to be on the faculty to present a model language access plan (LAP). The faculty would also include a judge

and court administrator. Mr. Lichtenberg invited Judge Doyle to become part of the faculty given her experience with interpreter issues in King County and Judge Doyle accepted. For the court administrator member of the faculty, Mr. Lichtenberg went on to mention that ideally the court administrator on the faculty would also be a part of the group developing the model LAP. Ms. Sugg explained that she is on the group developing the model LAP and agrees to serve on the faculty as well.

Later in the meeting Ms. Farley reminded the Commission that she had earlier offered to help work on the LAP and was still willing to assist. Ms. Sugg offered to provide a copy of Pierce County's recently written LAP for reference.

### **Yakima Forum**

Ms. Zuniga, Ms. Cruz, and Mr. Mattix agreed to work with AOC staff to act as a sounding board and in preparing for the forum. Ms. Pugh-Markie mentioned Judge Reukauf also expressed interest in helping with some logistical support for the forum.

Commission members suggested the local community college and a new school district building as possible venues. The Commission agreed that a varied timeline approach for advertising the forum is optimal, giving multiple notices beginning far in advance and leading right up to the event. Early notice will be important for those who will need interpreters for the event.

Commission members recommended contacting Dan Fessler from the Yakima County Department of Assigned Council, and contacting the local Bar Associations in nearby counties who can help advertise the event. AOC staff will discuss working with the other Supreme Court Commissions to identify other stakeholders who might want to participate.

The Commission discussed possible topics for the forum: what services do the courts provide; what languages are growing in demand; how the courts deals with lack of interpreters and funding; how individuals get an interpreter; are there waiting times for interpreters; are there training programs for interpreters; and other access and quality issues. It was warned that given the time constraints, it should be stressed that the forum will focus on court-related interpreting and not interpreting in educational, medical, or other settings. Ms. Cruz suggested there should be some discussion on ways attendees can continue to address the issues brought up and continue the work after the forum is over.

AOC staff handed out and introduced a document called, "*What Does the Intersection of Language, Culture, and Immigration Status Mean for Limited English Proficiency Assistance in State Courts.*" Mr. Lichtenberg and Justice González encouraged members to review the document and think about stakeholders involved in immigration issues who should be invited to the forum.

### **Online Scheduling IT request**

Mrs. Noble suggested she and Mr. Mattix could help facilitate discussions with the 1Lingua developer to explore how the program can be customized. Ms. Noble referenced the installing of CAPTCHA feature to King County's interpreters scheduling software and the issues that it didn't solve.

**OLD BUSINESS**

Judge Beall asked for clarification on a previous task that the Issues Committee was assigned that involved looking at the budget and future priorities. Justice González mentioned that the main idea was for the Issues Committee to come up with some creative ideas or pressing issues for the Commission to take on and then the Commission would look to the budget to see what was financially feasible. The Commission is looking to be proactive and see what areas could be improved in the state.

Justice González discussed that the Commission's work is in three areas: work that has to be done by rule or statute, work resolving unexpected issues that come up that need a response, and work looking at longer range planning and goals. The Issues Committee is being asked to brain storm and identify possible goals and objectives to improve interpreter related issues in the state.

A teleconference will be set up with AOC staff and some interested Commission members to discuss the model LAP.

**NEXT COMMISSION MEETING**

Friday, May 29<sup>th</sup>, 2015  
Yakima, WA. Location TBD

<b>Decision Summary</b>	<b>Status</b>
<b>Disciplinary Committee:</b> Judge Doyle is selected to chair of the Disciplinary Committee	<i>Completed</i>
<b>Issues Committee:</b> The Commission voted to approve the proposed changes to the Interpreter Policy Manual regarding reporting criminal convictions. The Commission voted to approve the additional clarifying language regarding registered interpreters. The Commission voted to approve language regarding the Continuing Education approval policy.	<i>Complete</i>

Decision Summary	Status
<b>Education Committee:</b> The Commission voted to approve the new language regarding interpreter compliance.	<i>Complete</i>

Action Item Summary	
<b>Mr. Mattix:</b> Add additional language to the Educational Committee's new language approved at this meeting regarding the responsibility of an interpreter to inform the court if they do not have an active oath on file.	<i>Complete</i>
<b>Justice González and AOC staff:</b> Draft a letter for legislators to inform them of the importance of funding interpreter costs.	<i>Complete</i>
<b>Commission Members:</b> Send any suggestions regarding the talking points to AOC staff as soon as possible	<i>Complete</i>
<b>Issues Committee:</b> With budget and other constraints in mind, explore ideas where the Interpreter Commission can be proactive in improving language access in the state.	<i>Complete</i>
<b>Education Committee:</b> Discuss what obligations an interpreter would have while they list themselves as unavailable and what they need to do to regain active status	<i>In-Progress</i>
<b>AOC Staff:</b> Update the pending amendment request to GR 11 with respect to the language approved at this meeting.	<i>Future Action</i>
<b>AOC Staff:</b> Draft letter to update the interpreting community on the current status of the proposed changes to policy regarding Continuing Education Credits. Share with the Issues Committee before sending out.	<i>Future Action</i>
<b>AOC Staff:</b> Update policy manual from Interpreter Commission about immediate notification of convictions. Update necessary online forms and send letter to interpreters to notify them of the change	<i>Future Action</i>
<b>AOC Staff:</b> Follow up with Ms. Noble and Mr. Mattix regarding their previous work with the developer of 1Lingua (court interpreter scheduling software) prior to contacting 1Lingua.	<i>Completed</i>

<p><b>AOC Staff.</b> Send the model LAP created for the SCJA conference to the Commission members and organize a teleconference for follow up discussion.</p>	<p><i>Future Action</i></p>
<p><b>AOC Staff.</b> Provide Judge Doyle with information regarding the Disciplinary Committee.</p>	<p><i>Future Action</i></p>
<p><b>AOC Staff.</b> Supply Commission members with information on the proposed legislation for tracking purposes.</p>	<p><i>Complete</i></p>
<p><b>AOC Staff:</b> Distribute legislative talking points to NOTIS and other groups such as Hispanic Affairs Commission and the Asian/Pacific Islanders Commission</p>	<p><i>Complete</i></p>
<p><b>AOC Staff.</b> Provide a copy of the 2012 letter from AOC to DOJ to the Interpreter Commission members</p>	<p><i>Future Action</i></p>
<p><b>AOC Staff.</b> Explore if there is a way to provide users of the talking points with local statistics to bolster their talking points.</p>	<p><i>Complete</i></p>
<p><b>AOC Staff.</b> Three part response to Grant County:          1) Provide Grant County with the 2012 AOC letter to the DOJ (noting that it is a little dated), county survey regarding interpreter practices, the 2010 DOJ letter, and the Memorandum of Understanding with King County along with the promise to follow up.          2) Draft a letter to Grant county with more specific guidance on their situation.          3) Send a letter, similar to the letter to Grant County, to all counties and municipalities regarding their responsibilities to language access.</p>	<p><i>Future Action</i></p>

# **Chair's Report**



# WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

Callie T. Dietz  
State Court Administrator

May 22, 2015

**TO:** Presiding Judges  
County Clerks  
Association of Washington Superior Court Administrators  
District and Municipal Court Management Association  
Washington Association of Juvenile Court Administrators  
Court Interpreter Coordinators

**FROM:** Callie T. Dietz, <sup>CTD</sup> State Court Administrator  
Administrative Office of the Courts

**RE:** Provision of Language Access Services Under Title IV of the Civil Rights Act and  
the Americans with Disabilities Act

The Administrative Office of the Courts (AOC) Court Interpreter Program recently received an inquiry from a state court jurisdiction requesting information regarding a court's responsibility for payment of interpreter services in civil cases. The purpose of this letter is to share the guidance provided as a result of the earlier inquiry.

Attached you will find a letter from the U.S. Department of Justice (DOJ) to all states' chief justices and state court administrators that addresses the expectations of the DOJ regarding provision of interpreter services in civil cases. The AOC distributed this letter to all presiding judges and court administrators on October 24, 2010, and again on October 18, 2012. Also attached is an October 5, 2012, letter from the AOC to the DOJ which describes the Board for Judicial Administration's (BJA) policy regarding courts' obligation to provide, as necessary, interpreting and translation services under Title IV and the Americans with Disabilities Act, notwithstanding the provisions under RCW 2.43.040. The BJA resolution was previously provided to presiding judges, court administrators, and county clerks on July 27, 2012.

The BJA resolution states that it is *"the responsibility of Washington courts to provide interpreter services, at public expense, in all legal proceedings, both criminal and civil."*

Memorandum Regarding Provision of Language Access Services Under Title IV of the  
Civil Rights Act and the Americans with Disabilities Act

May 22, 2015

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It is the position of the AOC that the BJA resolution is a clear directive that mirrors the DOJ expectation of the responsibility of courts to provide language access services regardless of one's financial ability to cover the cost of such services. The DOJ letter addresses the matter of a court's additional language access obligations for court programs provided by third parties under items 3 and 4 of the letter. This view by the DOJ creates an obligation on all Washington courts to ensure that a court, its court-ordered programs and approved providers, make language access resources available to limited English proficient (LEP) persons at no additional charge.

The Court Interpreter Program within the AOC has reviewed and identified a need to update the model Language Access Plan (LAP) template, last updated in 2011. The revised model LAP template will be available this fall for use by local courts for their LAP needs. It will contain guidance on state courts' obligations to fully fund interpreter costs in civil cases, regardless of ability to pay, as well as public access to court documents and forms in languages other than English. The updated template model will also have a section about a court's policy and process for handling and monitoring customer grievances related to Title IV language access issues.

As you may be aware, this current legislative session may result in a reduction or loss of funds for the court interpreter reimbursement program. We are aware that the loss of resources may impose an additional burden on local court jurisdictions. However, the opportunity for persons to effectively and meaningfully communicate in court proceedings and to participate in court services is a fundamental principle of justice that must be preserved despite the financial challenge it may create for local governments. Language access plans are key policy and service delivery documents that can serve as a guide to local courts in meeting the needs of individuals accessing the judicial system and may serve as a proactive measure to promote compliance with federal language access policy.

Please feel free to contact Robert Lichtenberg, Language Access Program Coordinator, if you need additional information on language access policies and best practices.

Mr. Lichtenberg can be reached via email at [Robert.Lichtenberg@courts.wa.gov](mailto:Robert.Lichtenberg@courts.wa.gov) or by video relay services at 360-350-5373.

Attachments

cc: Honorable Steven González, Washington Supreme Court Interpreter Commission  
Mr. Dirk Marler, Director, Judicial Services Division  
Ms. Cynthia Delostrinos, Interim Lead, Supreme Court Commissions  
Mr. Robert Lichtenberg, Court Interpreter Program Coordinator



U. S. Department of Justice

Civil Rights Division

Assistant Attorney General

Washington, D.C. 20530

August 16, 2010

Dear Chief Justice/State Court Administrator:

In the past decade, increasing numbers of state court systems have sought to improve their capacity to handle cases and other matters involving parties or witnesses who are limited English proficient (LEP). In some instances the progress has been laudable and reflects increased recognition that language access costs must be treated as essential to sound court management. However, the Department of Justice (DOJ) continues to encounter state court language access policies or practices that are inconsistent with federal civil rights requirements. Through this letter, DOJ intends to provide greater clarity regarding the requirement that courts receiving federal financial assistance provide meaningful access for LEP individuals.

Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary. Policies and practices that deny LEP persons meaningful access to the courts undermine that cornerstone. They may also place state courts in violation of long-standing civil rights requirements. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.* (Title VI), and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d(c) (Safe Streets Act), both prohibit national origin discrimination by recipients of federal financial assistance. Title VI and Safe Streets Act regulations further prohibit recipients from administering programs in a manner that has the effect of subjecting individuals to discrimination based on their national origin. See 28 C.F.R. §§ 42.104(b)(2), 42.203(e).

The Supreme Court has held that failing to take reasonable steps to ensure meaningful access for LEP persons is a form of national origin discrimination prohibited by Title VI regulations. See *Lau v. Nichols*, 414 U.S. 563 (1974). Executive Order 13166, which was issued in 2000, further emphasized the point by directing federal agencies to publish LEP guidance for their financial assistance recipients, consistent with initial general guidance from DOJ. See 65 Fed. Reg. 50,121 (Aug. 16, 2000). In 2002, DOJ issued final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 67 Fed. Reg. 41,455 (June 18, 2002) (DOJ Guidance). The DOJ Guidance and subsequent technical assistance letters from the Civil Rights Division explained that court systems receiving federal financial assistance, either directly or indirectly, must provide meaningful access to LEP persons in order to comply with Title VI, the Safe Streets Act, and their implementing regulations. The federal requirement to provide language assistance to LEP individuals applies notwithstanding conflicting state or local laws or court rules.

Despite efforts to bring courts into compliance, some state court system policies and practices significantly and unreasonably impede, hinder, or restrict participation in court proceedings and access to court operations based upon a person's English language ability. Examples of particular concern include the following:

1. Limiting the types of proceedings for which qualified interpreter services are provided by the court. Some courts only provide competent interpreter assistance in limited categories of cases, such as in criminal, termination of parental rights, or domestic violence proceedings. DOJ, however, views access to *all* court proceedings as critical. The DOJ Guidance refers to the importance of meaningful access to courts and courtrooms, without distinguishing among civil, criminal, or administrative matters. See DOJ Guidance, 67 Fed. Reg. at 41,462. It states that "every effort should be taken to ensure competent interpretation for LEP individuals during *all* hearings, trials, and motions," *Id.* at 41,471 (emphasis added), including administrative court proceedings. *Id.* at 41,459, n.5.

Courts should also provide language assistance to non-party LEP individuals whose presence or participation in a court matter is necessary or appropriate, including parents and guardians of minor victims of crime or of juveniles and family members involved in delinquency proceedings. Proceedings handled by officials such as magistrates, masters, commissioners, hearing officers, arbitrators, mediators, and other decision-makers should also include professional interpreter coverage. DOJ expects that meaningful access will be provided to LEP persons in all court and court-annexed proceedings, whether civil, criminal, or administrative including those presided over by non-judges.

2. Charging interpreter costs to one or more parties. Many courts that ostensibly provide qualified interpreters for covered court proceedings require or authorize one or more of the persons involved in the case to be charged with the cost of the interpreter. Although the rules or practices vary, and may exempt indigent parties, their common impact is either to subject some individuals to a surcharge based upon a party's or witness' English language proficiency, or to discourage parties from requesting or using a competent interpreter. Title VI and its regulations prohibit practices that have the effect of charging parties, impairing their participation in proceedings, or limiting presentation of witnesses based upon national origin. As such, the DOJ Guidance makes clear that court proceedings are among the most important activities conducted by recipients of federal funds, and emphasizes the need to provide interpretation free of cost. Courts that charge interpreter costs to the parties may be arranging for an interpreter's presence, but they are not "providing" the interpreter. DOJ expects that, when meaningful access requires interpretation, courts will provide interpreters at no cost to the persons involved.

3. Restricting language services to courtrooms. Some states provide language assistance only for courtroom proceedings, but the meaningful access requirement extends to court functions that are conducted outside the courtroom as well. Examples of such court-managed offices, operations, and programs can include information counters; intake or filing offices; cashiers; records rooms; sheriff's offices; probation and parole offices; alternative dispute resolution programs; *pro se* clinics; criminal diversion programs; anger management classes; detention facilities; and other similar offices, operations, and programs. Access to these points of public contact is essential to the fair administration of justice, especially for unrepresented LEP persons. DOJ expects courts to provide meaningful access for LEP persons to such court operated or managed points of public contact in the judicial process, whether the contact at issue occurs inside or outside the courtroom.

4. Failing to ensure effective communication with court-appointed or supervised personnel. Some recipient court systems have failed to ensure that LEP persons are able to communicate effectively with a variety of individuals involved in a case under a court appointment or order. Criminal defense counsel, child advocates or guardians *ad litem*, court psychologists, probation officers, doctors, trustees, and other such individuals who are employed, paid, or supervised by the courts, and who are required to communicate with LEP parties or other individuals as part of their case-related functions, must possess demonstrated bilingual skills or have support from professional interpreters. In order for a court to provide meaningful access to LEP persons, it must ensure language access in all such operations and encounters with professionals.

DOJ continues to interpret Title VI and the Title VI regulations to prohibit, in most circumstances, the practices described above. Nevertheless, DOJ has observed that some court systems continue to operate in apparent violation of federal law. Most court systems have long accepted their legal duty under the Americans with Disabilities Act (ADA) to provide auxiliary aids and services to persons with disabilities, and would not consciously engage in the practices highlighted in this letter in providing an accommodation to a person with a disability. While ADA and Title VI requirements are not the same, existing ADA plans and policy for sign language interpreting may provide an effective template for managing interpreting and translating needs for some state courts.

Language services expenses should be treated as a basic and essential operating expense, not as an ancillary cost. Court systems have many operating expenses – judges and staff, buildings, utilities, security, filing, data and records systems, insurance, research, and printing costs, to name a few. Court systems in every part of the country serve populations of LEP individuals and most jurisdictions, if not all, have encountered substantial increases in the number of LEP parties and witnesses and the diversity of languages they speak. Budgeting adequate funds to ensure language access is fundamental to the business of the courts.

We recognize that most state and local courts are struggling with unusual budgetary constraints that have slowed the pace of progress in this area. The DOJ Guidance acknowledges that recipients can consider the costs of the services and the resources available to the court as part of the determination of what language assistance is reasonably required in order to provide meaningful LEP access. *See id.* at 41,460. Fiscal pressures, however, do not provide an exemption from civil rights requirements. In considering a system's compliance with language access standards in light of limited resources, DOJ will consider all of the facts and circumstances of a particular court system. Factors to review may include, but are not limited to, the following:

- The extent to which current language access deficiencies reflect the impact of the fiscal crisis as demonstrated by previous success in providing meaningful access;
- The extent to which other essential court operations are being restricted or defunded;
- The extent to which the court system has secured additional revenues from fees, fines, grants, or other sources, and has increased efficiency through collaboration, technology, or other means;
- Whether the court system has adopted an implementation plan to move promptly towards full compliance; and
- The nature and significance of the adverse impact on LEP persons affected by the existing language access deficiencies.

DOJ acknowledges that it takes time to create systems that ensure competent interpretation in all court proceedings and to build a qualified interpreter corps. Yet nearly a decade has passed since the issuance of Executive Order 13166 and publication of initial general guidance clarifying language access requirements for recipients. Reasonable efforts by now should have resulted in significant and continuing improvements for all recipients. With this passage of time, the need to show progress in providing all LEP persons with meaningful access has increased. DOJ expects that courts that have done well will continue to make progress toward full compliance in policy and practice. At the same time, we expect that court recipients that are furthest behind will take significant steps in order to move promptly toward compliance.

The DOJ guidance encourages recipients to develop and maintain a periodically-updated written plan on language assistance for LEP persons as an appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Such written plans can provide additional benefits to recipients' managers in the areas of training, administering, planning, and budgeting. The DOJ Guidance goes on to note that these benefits should lead most recipients to document in a written LEP plan their language assistance services, and how staff and LEP persons can access those services. In court systems, we have found that meaningful access inside the courtroom is most effectively implemented in states that have adopted a court rule, statute, or administrative order providing for universal, free, and qualified court interpreting. In addition, state court systems that have strong leadership and a designated coordinator of language services in the office of the court administrator, and that have identified personnel in charge of ensuring language access in each courthouse, will more likely be able to provide effective and consistent language access for LEP

individuals. Enclosed, for illustrative purposes only, are copies of Administrative Order JB-06-3 of the Supreme Judicial Court of Maine, together with the September 2008 Memorandum of Understanding between that court and DOJ. Also enclosed for your information is a copy of "Chapter 5: Tips and Tools Specific to Courts" from DOJ, *Executive Order 13166 Limited English Proficiency Document: Tips and Tools from the Field* (2004).

The Office of Justice Programs provides Justice Assistance Grant funds to the states to be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and criminal justice information systems that will improve or enhance criminal justice programs including prosecution and court programs. Funding language services in the courts is a permissible use of these funds.

DOJ has an abiding interest in securing state and local court system compliance with the language access requirements of Title VI and the Safe Streets Act and will continue to review courts for compliance and to investigate complaints. The Civil Rights Division also welcomes requests for technical assistance from state courts and can provide training for court personnel. Should you have any questions, please contact Mark J. Kappelhoff, Acting Chief, Federal Coordination and Compliance Section (formally known as Coordination and Review Section) at (202) 307-2222.

Sincerely,



Thomas E. Perez  
Assistant Attorney General

Enclosures



# WASHINGTON COURTS

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October 5, 2012

Ms. Deena Jang, Chief  
Federal Coordination and Compliance Section  
Civil Rights Division  
U.S. Department of Justice  
930 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Ms. Jang:

Re: 171-82-22  
Interpretation in King County Superior Court, Seattle, Washington and Related  
Complaints and Inquiries Regarding Language Access in Washington State  
Courts

This letter responds to your August 27, 2012 letter regarding language access in Washington courts.

Washington is a decentralized judicial system, primarily funded by individual cities and counties and led by independent presiding judges in each jurisdiction. Although the Administrative Office of the Courts (AOC) informs, educates, and encourages best practices in the state's trial courts, the courts function with considerable autonomy and the AOC is not positioned as an enforcement agency.

As described in this letter, the Washington AOC has long been a national leader in promoting effective access to justice for limited English proficient (LEP) individuals. Nonetheless, the AOC welcomes this opportunity to inform the Department of the numerous actions we have taken and will take in the future that are consistent with the DOJ's position.

We will rely on representatives from King County Superior Court to respond as they deem appropriate to the DOJ's concerns about specific cases or practices in that court.

### **Clear Judicial Branch Policy Directive**

The AOC appreciates the DOJ's interest in the July 20, 2012 Board for Judicial Administration (BJA) resolution which, among other things, "endorses the provision of

Interpreter services, at public expense, in all legal proceedings, both criminal and civil." The BJA was created by Supreme Court rule and is empowered to "speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system." BJAR 4(e). The resolution pronounces a policy for the entire judicial branch in Washington that is consistent with the position of the DOJ. The AOC distributed the BJA's policy statement to the presiding judges, clerks, and administrators of all Washington trial courts.

### **Specific Communications Regarding Title VI Language Access Standards**

The AOC has taken steps to specifically inform trial courts of Title VI obligations as identified by the U.S. Department of Justice, including:

- A. In December 2008 a presentation was given to judges and court administrators at the annual Presiding Judges Conference which addressed Title VI and its requirements regarding language access. Former U.S. Department of Justice attorney Bruce Adelson spoke to both presiding judges and court administrators on these requirements. (Attachment #1)
- B. In October 2010 State Court Administrator Jeff Hall sent a memo to all presiding judges and court administrators which contained the August 2010 letter written by Assistant Attorney General Thomas E. Perez. (Attachment #2)

### **Promoting and Facilitating Language Access Plans**

The AOC has actively supported local trial courts in the development of their language access plans.

- A. In 2007 the judicial branch worked with the legislature to enact a statutory requirement for all trial courts, whether recipients of federal funding or not, to develop and adopt language access plans (LAPs). The resulting statute, RCW 2.43.090 imposes the obligation on all state trial courts to "develop a written language assistance plan to provide a framework for the provision of interpreter services for non-English-speaking persons accessing the court system in both civil and criminal legal matters." (Attachment #3)
- B. In August 2008 the AOC sent a memo to all presiding judges and court administrators on the U.S. Department of Justice recommendations for developing language access plans, what they are to contain, and contact information for staff available to support them in their plan development. (Attachment #4)
- C. The judicial branch obtained and coordinated resources to assist courts in fulfilling the state and federal requirements to develop and implement language access plans. The AOC obtained funding from the legislature to fund a temporary, full-time court analyst to serve as a subject matter expert assisting the courts in developing their LAPs. (Attachment #5)

- D. In addition to providing information and technical assistance, the court analyst oversaw the development and implementation of a state funding reimbursement program to offset investment costs for LAP development purposes. These funds paid for activities such as forms translation, training, and signage. (Attachment #6)
- E. The AOC and the Interpreter Commission collaborated with other stakeholders to develop a template for the development of court language access plans. This template was designed to ensure that trial courts would identify the key communication needs and be aware of available resources to help meet these needs. (Attachment #7)

### **Providing Judicial Training**

The increasing demand for interpreting services, along with the growing variety of languages used in Washington courts, resulted in many educational sessions for judges in working with interpreters and ensuring language access in the courtroom. Information about federal language access requirements in particular, and general information about effectively providing language access services, have been regularly featured in judicial educational programs, including:

- A. The Washington Judicial College, an annual training event required for all newly elected and appointed judicial officers, includes a sixty minute segment on language access. This presentation has included and will continue to include information about DOJ's requirements for courts that are direct and indirect recipients of federal funds. (Attachment #8)
- B. Educational sessions on interpreting and language access have occurred at the district and municipal court judges' conferences in 2008, 2010 and 2011, as well as the Washington Judicial Conference for all court levels in 2008. Further, to continually supply the bench with timely resources and information, the AOC Court Interpreter Program sends a display board and corresponding handouts to every judicial educational training event.

### **Reference Materials and Resources for Trial Courts**

The AOC has developed a variety of materials and tools designed to improve language access in the courts, and shares information from other jurisdictions to capitalize on the resources available from other jurisdictions.

- A. In 2008 the AOC developed its first bench card on courtroom interpreting, which was updated in 2010 to specifically include information on language access standards required of recipients of federal funding. (Attachment #9)
- B. The AOC developed a multilingual poster notifying the public about interpreter services (Attachment #10) as well as "I Speak" cards for assistance in identification of customers' language needs. (Enclosed) Professional-grade

copies of both of these resources were made and distributed to trial courts statewide.

- C. AOC staff continues to post helpful articles, video links, and other reference materials on the judicial branch Intranet, including links to DOJ resources in LEP Plan development. (Attachment #11)
- D. The AOC sponsors an e-mail listserv specifically for court interpreter coordinators. This listserv assists in the sharing of timely information and resources on a variety of language access matters.

### **Court Staff Training**

The Washington judiciary has also worked to ensure that court employees are educated on language access for limited English proficient court customers.

- A. New employees attend the annual Institute for New Court Employees, and AOC staff instruct for one-hour on interpreters and language access. This class includes information on topics such as state and DOJ federal standards, the importance of hiring certified interpreters, and options for ensuring language access in customer service outside the courtroom when interpreters are not readily available. (Attachments #12 and #13)
- B. In 2009, training was also given to courthouse facilitators, county or court employees who provide information to pro se litigants on family law matters. (Attachment #14)

### **Translation**

While many forms used in Washington courts are developed locally, the AOC has taken steps to translate commonly used statewide forms, particularly those used by pro se litigants. With the investment in translation, Washington has adopted specific standards in the selection of translations, and the process used for selection.

- A. In recognition of the importance of accurate translations, the Interpreter Commission established qualification standards and the process by which translation of state forms will occur. All state forms undergo a three-layer process: a translator first writes the translation, the editor works with the translator to refine the work, and the proofreader double-checks the product to guard against inadvertent mistakes, or regionalisms not understood by the general population speaking the language. (Attachment #15)
- B. The AOC has assigned priority to translation of forms for case types where parties are not commonly represented by counsel, and are in need of protection. These include vulnerable adult protection orders, domestic violence protection orders, and sexual assault protection orders. Additional resources have gone to the translation of Spanish (the most commonly used non-English language) family law and criminal law forms. (Attachment #16)

- C. To better prepare pro se litigants for court, the AOC has also translated several educational documents into Spanish. (Attachment #17)
- D. All of the translations are available on the Washington Courts Web site at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms), and the AOC tracks the rate that these forms are downloaded and accessed by the public. This data helps to inform future decision making about selection of form types, languages, and whether the public is accessing these valuable resources. (Attachment #18)
- E. With the large number of Spanish translations, the AOC works to ensure that consistent terminology is selected by translators. Vocabulary agreement across forms helps to ensure that the public using various forms encounter less confusion. This glossary continues to grow as the number of translation projects increases. (Attachment #19)

### **State Funding**

To promote best practices among trial courts as well as offset the costs associated with rising language demands, the AOC successfully sought funding from the legislature in 2007 to fund a cost-sharing program. When courts hire and pay interpreters pursuant to state standards, state funding offsets 50% of the expenses. (Attachment #20) Although the AOC sought approximately \$8 million to implement the program statewide, the legislature allocated \$1.56 million. (Attachment #21) Therefore, the reimbursement program is limited to a relatively small number of trial courts.

- A. Participating courts qualify for state funding reimbursement when they hire and pay interpreters pursuant to state standards. These standards are included in the funding conditions. (Attachment #22)
- B. This program has enabled AOC to gather data on interpreter usage among participating courts using a web-based data collection tool developed by AOC. This data helps ensure that the courts are providing language services with competent interpreters and is useful in gauging language demands and trends. (Attachments #23 and #24)

### **Increasing the Pool of Credentialed Interpreters**

To provide the courts with a pool of qualified interpreters that accurately interpret legal matters, in 1990 the AOC developed and began administering oral certification exams. These exams later became the core founding tests used by the Consortium for State Court Interpreter Certification (later renamed the Consortium for Language Access in the Courts). (Attachment #25) The AOC has administered its credentialing program for more than twenty years, working to provide the courts with a sufficient supply of qualified court interpreters. (Attachments #26 and #27)

- A. In 1989 the Washington Supreme Court enacted the Code of Professional Conduct which applies to all court interpreters, whether certified or not. (Attachment #28)

- B. Using Consortium exams, the AOC directory of certified court interpreters spans eleven languages, one of the greatest pools of state certified interpreters in the nation. Languages represented are Arabic, Bosnian/Serbo-Croatian, Cantonese, French, Khmer, Korean, Laotian, Mandarin, Russian, Spanish, and Vietnamese. The contact information for these interpreters is found at [www.courts.wa.gov/interpreters](http://www.courts.wa.gov/interpreters) or <http://www.courts.wa.gov/programs/orgs/pos/interpret/>
- C. In recognition of the fact that language needs far exceed the languages in which certification exists, in 2007 the AOC and Interpreter Commission established a new category of registered languages. Interpreters achieving this qualification standard met the same requirements as certified interpreters, with the exception being that the oral exam measures their language speaking abilities – not their interpreting abilities. Languages represented among those registered are Albanian, Amharic, Bulgarian, Burmese, Czech, Dutch, Farsi, French, German, Hebrew, Hindi, Hungarian, Indonesian, Italian, Japanese, Polish, Portuguese, Punjabi, Romanian, Samoan, Swahili, Swedish, Tagalog, Thai, Tigrinya, Ukrainian, and Urdu. The contact information for these interpreters is found at [www.courts.wa.gov/interpreters](http://www.courts.wa.gov/interpreters) or <http://www.courts.wa.gov/programs/orgs/pos/interpret/>
- D. In recent years the AOC and the Interpreter Commission have increased the training requirements for people seeking to become certified or registered interpreters. All candidates are required to attend a mandatory orientation program which provides introductory information to the courts, legal terminology, and the interpreting modes. This class is provided in both the eastern and western sides of the state. (Attachment #29)
- E. After registered and certification candidates pass the required exams, they attend a day-long class on court interpreter ethics and protocol. This ensures that the new graduates are freshly trained to exercise ethical and appropriate discretion when working with the limited English proficient population. (Attachment #30)
- F. The previously mentioned ethics and protocol class is also open to other non-credentialed interpreters working in the courts. This free training gives them an opportunity to learn about the professional and ethical standards expected in their role. (Attachment #31)
- G. To help grow the pool of credentialed interpreters, the AOC annually coordinates skills building training workshops. These workshops use local and nationally-known trainers. In addition to language-neutral options, language-specific courses were offered in 2009 (Cantonese, Mandarin, Lao, Russian, Korean, Vietnamese and Spanish); 2010 (Spanish, Korean, Mandarin, Russian, Vietnamese); 2011 (Vietnamese, Korean and Spanish) and 2012 (Spanish).
- H. In 2012 the AOC implemented an innovative training regimen for interpreters aspiring toward certification. (Attachment #32) The Targeted Court Interpreter Training Initiative (TCITI) is unique from other training approaches because (1) participation is limited to persons who have come close to passing the oral

certification exam, thereby demonstrating a high aptitude for court interpretation; (2) to ensure that participants focus their efforts on studying, the course includes three weekend workshops and nine evening webinars, spanning a period of only five months; (3) web-based technology is used to reduced the travel time involved with in-person classes, and the travel expenses at the weekend workshops are reimbursed for participants required to travel longer distances. TCIT1 participants will take the oral certification exam in January 2013.

- I. The AOC purchases informational and training resources for aspiring and current court interpreters, and makes them readily available at no cost via inter-library loans from the State Law Library. (Attachment #33)
- J. Washington continues to be a leader in the field of court interpreter certification programs. AOC staff has served on various committees of the Consortium for Language Access of the Courts, including as an elected member of the Executive Committee. (Attachment #34)

#### **Networking with Other Local and National Organizations**

The Washington AOC is seen as a leader in the field of language access services, and collaborates with local and national organizations on projects and educational events.

- A. The AOC has worked collaboratively during the past four years with the Department of Social and Health Services Office of the Deaf and Hard of Hearing for purposes of establishing qualification standards for sign language court interpreters. (Attachment #35)
- B. AOC staff regularly participate in meetings and events sponsored by the Washington State Coalition for Language Access. (Attachment #36)
- C. AOC staff has served as faculty for the Washington State Inter-Agency LEP Workgroup. This group includes language access coordinators from various state agencies who gather to share information, resources and ideas for improving language access services. (Attachment #37)
- D. AOC staff was invited by the Annie E. Casey Foundation to provide technical assistance at "Implementing Language Access Plans: What Works? What Counts?" (Attachment #38)
- E. AOC staff was invited to present at the Georgia Superior Court Judges' Annual Winter Seminar on the topic of working with court interpreters. (Attachment #39)
- F. The AOC collaborated with the Kentucky Administrative Office of the Courts to write a grant applying for funding for sign language interpreter training. (Attachment #40)
- G. AOC staff served as faculty at the Institute for Legal Interpretation, a national conference for court sign language interpreters. (Attachment #41)

Letter to Ms. Deena Jang  
#171-82-22  
October 5, 2012  
Page 8 of 8

In summary:

- All Washington courts have been informed of DOJ's guidance;
- The AOC and judicial branch leadership has strongly advocated that all courts, whether or not they receive federal funds, follow DOJ's guidance regarding language access;
- The AOC will continue to educate new members of the judiciary about these requirements, and will incorporate that information in relevant programs and training materials.

Thank you for this opportunity to describe the AOC's role in helping Washington trial courts provide language assistance services for persons of limited English proficiency.

Sincerely,



Calle Dietz  
Interim State Court Administrator

Enclosure

**Issues Committee Minutes,  
Education Committee Minutes and  
Calendar of Trainings**



WASHINGTON  
COURTS

**Interpreter Commission- Issues Committee**  
**Wednesday, March 3, 2015 (12:00 p.m. – 1:00 p.m)**  
 Teleconference

**MEETING MINUTES**

**Members Present:**

Judge Beall  
 Alma Zuniga  
 Thea Jennings  
 Linda Noble

**AOC Staff:**

Robert Lichtenberg  
 James Wells

**Member Absent:**

Kristi Cruz

**I Call to Order**

- Meeting is called to order at: 12:05
- Kristi Cruz attempted to call into the meeting but the teleconference system would not let her join.

**II Continuing Education Credits**

The Committee compared the policies from Pennsylvania, Oregon, and California in regards to the categorization of Continuing Education Credits. The Committee expressed the need to find a balance that would not put an undue burden on the interpreters in finding classes that meet the criteria and also allowing interpreters too much leeway in using credits that do not relate to their skills of interpreting in the courtroom.

The discussion lead to an initial proposal:

Category	Number of credits per Cycle	Subject matter
General Knowledge	6	Business and professional development, Subject specific classes, vocabulary
Performance / Skills	8	Interpreting specific classes
Ethics	2	Ethics
	<b>Total: 16</b>	

Any extra credits rolling over into the next cycle would go into the performance category. Other state's policy language will be reviewed in creating the policy for Washington.

### III Status of Somali Language

The Committee discussed moving the Somali from the certified category to registered category since no interpreters have yet been able to pass Oral Exam in that language. One advantage would be to allow at least some oversight since there are Somali interpreters already working in the courts without any quality assurance. Another advantage would be to prevent the need of courts to look out of state when they decide they need to use a credentialed Somali interpreter. There was a concern, however, that this could set a precedent for changing the status of languages downward in the future. A concern about any Somali interpreter that does become registered in Washington would not be able to get reciprocity in other states where Somali is a certified language.

Overall there was a consensus that there were compelling reasons to move Somali to the registered category. Before approaching the commission, the Committee will get more background on the issue by looking at pass rates across the county to see how many certified Somali interpreters there are and what the passing rates are like. If the change is made, the registered Somali exam pass/fail rates should be monitored.

### IV Next Meeting

- April 7th, 2015

<b>Action Item Summary</b>	
Judge Beall – Draft initial proposal regarding the new categorization of CEUs looking to other states' policies.	<i>Future Action</i>
Bob – Look at pass rates across the country for Somali exams	<i>Future Action</i>
Bob – Will send out an email to update interpreters updating them on the CEU discussion	<i>Future Action</i>
Bob – Will send out some information about the program role in investigating grievances to try to resolve the issue by email.	<i>Future Action</i>



**Interpreter Commission- Issues Committee**  
**Tuesday, April 7, 2015 (12:00 p.m. – 1:00 p.m)**  
Teleconference

## MEETING MINUTES

### **Members Present:**

Judge Beall  
Alma Zuniga  
Thea Jennings  
Linda Noble  
Kristi Cruz

### **AOC Staff:**

Robert Lichtenberg  
James Wells

## **I Call to Order**

- Meeting is called to order at: 12:05
- Previous meeting minutes approved.

## **II Old Business**

### **Continuing Education Credits**

The Committee reviewed the draft policy language regarding the new categories of Continuing Education Credits for certified interpreters.

**Decision: The committee unanimously approved the motions to bring the draft language regarding the new categories and the number of credits per category to the full Interpreter Commission at the next meeting.**

After presentation to the Commission, there will be a comment period for interpreters and others to weigh in on the proposal.

The discussion moved to how to make corresponding changes to the policy for registered interpreters. One concern was that given the lower number of total required credits, registered interpreters might not receive enough interpreting-specific skill building if they were allowed to count more general education credits towards their CEU requirements. A suggested solution was to increase the overall number of required credits for registered interpreters. However, given the fewer work opportunities that are available to registered interpreters, this could be a potentially significant burden to put on those interpreters. To provide the Committee with more information, AOC staff will look into the history of the decision making for the number of credits required for registered interpreters and look at other state programs and compare their CEU requirements.

## **Status of Somali Language**

The previous meeting's discussion regarding moving Somali from a certified language to a registered language was continued with the additional information that there are only 2 or 3 certified Somali interpreters across the country. To avoid having to switch the status of Somali, the Committee discussed lowering the minimum passing score on the certification test since at least one interpreter had come very close to passing. However, the National Consortium of State Courts, which creates the standardized interpreter testing, may not allow that change.

**Decision: The Committee unanimously moved to recommend to the Commission that Somali be moved from the certified category of languages to the registered category.**

## **III New Business**

### **Investigating Grievances**

AOC staff brought to the attention of the Committee the hurdles in investigating grievances regarding interpreters:

- Grievances are frequently vague without specific direction as to what was done incorrectly.
- Grievances are sometimes made by LEP parties who have trouble communicating their complaints
- Investigation often requires looking out-of-state for another interpreter to inspect the court record for possible wrongdoing by the interpreter in question.
- Discerning whether the interpreter made a mistake or actually violated the code of conduct.

The discussion included a comparison to complaints made against attorneys, which are often dismissed if not specific enough. Some states require complaints to be made by a court, but it was thought that an LEP party's complaint might get dismissed too easily, especially given their difficulty in communicating to the court and their need for an interpreter who is different than the one they are making a complaint against. It was also noted that courts simply do not rehire interpreters who they may suspect might not be acting in compliance with the code of conduct rather than making a complaint against those interpreters.

To provide more context for the discussion, AOC staff will provide more specific examples of grievance to the Committee.

### **Budget Priorities**

The Committee discussed some issues that could warrant further attention by the Committee:

- Pro Se training for LEP parties
- Feasibility analysis of implementing Video Remote Interpreting in courts.
- Problems of oversaturation of interpreters in certain regions.

#### **IV Next Meeting**

- 12:00 PM to 1:00 PM, May 5th, 2015

<b>Action Item Summary</b>	
<i>Bob</i> – Look into rationale and the history of the decision that set the number of credits required for registered interpreters. Look at other state programs and compare their CEU requirements.	<i>Future Action</i>
<i>Bob</i> – Provide the Committee with examples of the grievances being brought to the Interpreter Commission	<i>Future Action</i>
<i>Bob</i> – Look at other states for guidance in working with grievances brought against court interpreters	<i>Future Action</i>



**Interpreter Commission- Issues Committee**  
**Tuesday, May 5, 2015 (12:00 p.m. – 1:00 p.m)**  
Teleconference

## MEETING MINUTES

### **Members Present:**

Judge Beall  
Alma Zuniga  
Thea Jennings  
Kristi Cruz

### **AOC Staff:**

Robert Lichtenberg  
James Wells

### **Members Absent:**

Linda Nobel

## **I Call to Order**

- Meeting is called to order at: 12:07
- Previous meeting minutes approved with modification

## **II Old Business**

### **Continuing Education Credits**

The Committee reviewed the proposed changes to grouping the 16 continuing education units (CEUs) for certified interpreters into three categories. They then began discussing how the corresponding categories would be applied to the 10 CEUs required for registered interpreters. The following is the proposed categorization:

2 Ethics Credits  
6 Performance/Skills Credits  
2 General Credits

The Committee brought up the possibility of raising the number of required CEUs for registered interpreters from 10 to 16 to match the number certified interpreters. The Committee suggested two main reasons why registered interpreters have fewer required CEUs. The first reason is that courts request registered languages less frequently, so interpreters for those languages have fewer work opportunities. Interpreting is often more of a part-time job for these interpreters and having the higher number of required credits could be a burden. The second reason is that there is less availability for language-specific training for registered languages, particularly with classes that would likely fall in the performance/skills category.

AOC staff informed the Committee that some states have the same number of CEUs for both certified and registered interpreters. One possible way to help alleviate the problem of not having enough training opportunities in Washington would be to recruit trainers to offer classes that would be pre-approved by the Court Interpreter Program. Currently courses are approved on an individual basis.

Given the variety of opinions expressed by Committee members and the amount of time devoted to the topic, the Committee decided to hold off on recommending changing the number of required CEUs for registered interpreters to the Commission or suggesting a categorization of the existing CEUs. It was felt the Commission would be able to provide more input and experienced opinions into the discussion.

### **Somali Language**

The Committee had previously moved to recommend to the Commission that Somali be moved from a certified language to a registered language. Since the previous meeting, AOC staff had been in contact with a court interpreter program in another state that is having similar problems as Washington in recruiting and certifying Somali interpreters. AOC staff will be meeting with other court interpreter program coordinators at an upcoming conference to discuss the problems of certifying Somali interpreters and also pooling resources for a cross-state training effort.

The Committee discussed the risk of moving the Somali language to the registered category before we have a chance for training versus leaving Somali as certified and not having any credentialed Somali interpreters in the state.

There was a fear that any training efforts or other programs could take a year or more before being implemented or having success. In the meantime, unless the Somali was moved to the registered category, there would be no way for courts to assess the qualifications of Somali interpreters working in the courts.

**Decision: The Committee unanimously moved to bring their previous recommendation to the Commission that Somali be moved from the certified category of languages to the registered category.**

In the meantime, AOC staff will work with other states to investigate the difficulties in certifying Somali interpreters. AOC staff will update the Commission after the conference of court interpreter program coordinators.

### **Investigating Grievances**

To allow more time for AOC staff to gather information for Committee members, this agenda time was postponed until the next meeting

### III Next Meeting

- Teleconference on June 2, 12:00 p.m. to 1:00 p.m.

<b>Action Item Summary</b>	
<i>Bob</i> – Provide the Committee with examples of the grievances being brought to the Interpreter Commission	<i>Future Action</i>
<i>Bob</i> – Look at other states for guidance in working with grievances brought against court interpreters	<i>Future Action</i>



Interpreter Commission- Education Committee  
March 13, 2015 (12:00 p.m. – 1:00 p.m.)  
Teleconference

## MEETING MINUTES

### Members Present:

Sam Mattix (chair)  
Linda Noble

### AOC Staff:

Robert Lichtenberg  
James Wells

### Absent Members:

Eileen Farley  
Fona Sugg

## I. Meeting Called to Order

- Call to Order at 12:10
- Minutes for February 27<sup>th</sup> meeting approved.
- Fona Sugg and Eileen Farley contacted the committee during the meeting that they would be unable to attend.

## II. Old Business

### Calendar of trainings:

- Access to Justice (ATJ): Mr. Lichtenberg and Kristi Cruz will be at the conference presenting on court interpreter issues.
- Washington State Registry for Interpreters for the Deaf (WSRID) conference: Mr. Lichtenberg will present at this conference to explain some of the changes regarding ASL interpreting in the courts.
  - Mr. Lichtenberg updated the Committee about the Office of Deaf and Hard of Hearing (ODHH) establishing a program for screening, qualifying, and training for ASL interpreters in the courts. The program will be similar to the existing system for spoken language interpreters. The AOC is assisting the ODHH in creating the program, although the ODHH will be responsible for the testing and monitoring of ASL interpreters. The ODHH is working on having a list of qualified ASL interpreters by July 1<sup>st</sup>.
- WSBA: Mr. Lichtenberg will be working on a panel to educate attorneys about working with interpreters

## Inactive Status Proposal

The discussion addressed several points:

- The purpose of the proposal, the responsibilities of an interpreter while on inactive status, and the process of returning to active status.
- The potential for abuse and the difficulties of monitoring interpreters on inactive status. One suggestion was to require an interpreter to stay in active status for a period of time before being able to become inactive a second time.
- The costs of not having the inactive status, including the costs to interpreters who have no choice but to go out of compliance, and the costs to the AOC and Interpreter Commission in dealing with compliance issues.
- The comparison of interpreters being able to go on inactive status to people in other professions being able to take leave for extended periods of time.
- The discussion also brought up concerns of how interpreting community would perceive inactive status and interpreters who go active status.

Since multiple members of the Committee were unavailable, it was decided the topic be discussed again in the future to allow for more input.

<b>Action Item Summary</b>	
<b>AOC staff:</b> Add the Access to Justice and WSRID conference to calendar of trainings	<i>Completed</i>
<b>Committee:</b> Consider a subject matter proposal the 2016 Access to Justice conference. Content should relate to training judicial staff. Invitations for proposals should occur sometime in December 2015	<i>Future Action</i>



**Interpreter Commission- Education Committee**  
**April 10, 2015 (12:00 p.m. – 1:00 p.m.)**  
Teleconference

**MEETING MINUTES**

**Members Present:**

Sam Mattix (chair)  
Linda Noble  
Fona Sugg  
Kristi Cruz

**AOC Staff:**

Robert Lichtenberg  
James Wells

**Absent Members:**

Eileen Farley

**I. Meeting Called to Order**

- Call to Order at 12:10
- Minutes for March 13 meeting approved.
- Kristi Cruz joined the meeting at 12:27

**II. Old Business**

**Calendar of trainings:**

The Committee reviewed some of the areas of the calendar that remained unclear. Specifically, the following events were discussed:

- WSBA: Mr. Lichtenberg will be working on a panel to educate attorneys about working with interpreters on April 15. He brought a concern that there is very low enrollment possibly due to a high cost for the available number of credits. He asked the Committee to consider the possibility of letting the AOC subsidize the cost for some attorneys for similar events.
- Presiding Judge Conference: Ms. Sugg suggested that the Presiding Judges Conference would be a good conference to have a session devoted to Language Access Plans. However, these conferences are biannual and another will probably not occur until 2016.
- Subject Matter Proposals: Mr. Lichtenberg requests Education Committee members to suggest a number of appropriate, useful, needed topics for training of judicial officers and court managers; so that interest can be maintained by offering new course content

at their trainings and thereby avoid repeatedly offering the same topics to same audiences.

### Inactive Status Proposal

The Committee reviewed some feedback given by interpreters about the proposal, which included the following comments:

- There was concern the policy could be abused.
- A five year period was seen as appropriate where the two years that California offers seemed too short.
- The policy should only be used in rare situations, particularly when an interpreter is unable to work.

There was a general consensus that there should be a way for interpreters to have some kind of inactive status without the negative connotation of going into a non-compliant status. However, it was felt there was not a frequent enough need to warrant such a large change to policy, and that a comprehensive plan was not necessary. The situation was rare enough that it could be handled on a case-by-case basis by the AOC and by the Issues or Education Committee. This would help prevent potential abuse.

The Committee decided not to move forward with the proposed policy change. Further discussion of inactive status should include what kind of guidance the Committee could give the AOC on how to process these requests, how the interpreters would make the request, and how this should be communicated to interpreters. The Committee feels that more communication between the AOC and interpreters would help with the kinds of situations that this proposal was addressing.

Another area of concern was how the AOC would communicate an interpreter's temporary unavailability to the courts. One suggestion was the unavailable status proposal also being considered by the Education Committee.

### III. Next Meeting

- April 17, 12pm-1pm

<b>Action Item Summary</b>	
<b>AOC staff:</b> Bob will find out the due date for making proposals for the Judicial Fall Conference and other trainings to update calendar of trainings.	<i>Future Action</i>



**Interpreter Commission- Education Committee**  
**April 22, 2015 (12:00 p.m. – 1:00 p.m.)**  
Teleconference

**MEETING MINUTES**

**Members Present:**

Sam Mattix (chair)  
Fona Sugg  
Kristi Cruz  
Eileen Farley

**AOC Staff:**

Robert Lichtenberg  
James Wells

**Absent Members:**

Linda Noble

**I. Meeting Called to Order**

- Call to Order at 12:07
- Minutes for April 10 meeting approved with modification

**II. Old Business**

**Inactive Status Proposal**

The Committee continued their discussion of the inactive status proposal. The conversation included some of the following topics:

- The problems that the status was trying to solve. The Committee expressed the need have a clear intent in creating this new status.
- The process for requesting inactive status. The Committee agreed that an interpreter would need to submit a proposal to the Administrative Office of the Courts or the Interpreter Commission.
- What the inactive status would mean for the interpreter. For example, a reduction in the number of CEUs required for that reporting cycle (on a prorated model) or an extension of the deadline to complete the required CEUs.
- What circumstances would be acceptable for granting inactive status. For example, traveling out of the country, personal health reasons or disability, or caring for an ill family member.

- The minimum amount of time for inactive status. Some Committee members suggested a 6 month minimum. This would also serve as a disincentive for interpreters who might otherwise use the status simply as a way to avoid fulfilling their CEU requirements.
- Interpreting while on inactive status. The Committee agreed that interpreters should not be able to work in the courts while on inactive status. This would be difficult to police and would mostly rely on the interpreters themselves. Some suggested ways to mitigate the possibility of interpreters working in courts include:
  - The AOC could notify the court interpreter coordinators via the ListServ on a regular basis or as needed basis
  - The interpreters could sign an oath or some other document that they will not work in the courts.
- The differences in timing when interpreters ask for inactive status. For example:
  - Near the beginning of a reporting cycle, towards the end of reporting cycle, or crossing over the boundaries of a reporting cycle.
  - Submitting a plan in advance of the inactive status (e.g. before a long trip that has been planned) or submitting immediately before the inactive status (e.g. for unforeseen health problems)
- What the differences are between the proposed inactive status and the current policy of allowing interpreters an extension to complete their requirements if they submit a plan on how they would come into compliance.

### **III. Next Meeting**

- The Committee will decide the date of the next meeting by email or Doodle Poll.



**Interpreter Commission- Education Committee**  
**May 15, 2015 (12:00 p.m. – 1:00 p.m.)**  
Teleconference

**MEETING MINUTES**

**DRAFT**

**Members Present:**

Sam Mattix (chair)  
Kristi Cruz  
Linda Noble

**AOC Staff:**

Robert Lichtenberg  
James Wells

**Absent Members:**

Eileen Farley  
Fona Sugg

**I. Meeting Called to Order**

- Call to Order at 12:10
- Minutes for the 4/22/2015 meeting approved

**II. Old Business**

**Review of Amendment to Court Interpreter Policy Manual**

At the February 20 Interpreter Commission meeting, the Commission approved an Education Committee initiated policy change regarding the notification of interpreters of their biennial requirements and reporting their Continuing Education Units (CEUs). The Committee reviewed the language reflecting the policy change and discussed how it would be added to the policy manuals for certified and registered court interpreter policy manuals.

The Committee had concerns about when the Administrative Office of the Courts (AOC) would notify courts that an interpreter was out of compliance. One of the purposes of the policy change was to encourage interpreters to stay up-to-date with their reporting requirements and avoid disciplinary action. Interpreters must add their CEUs to their profile by December 31. However, the Committee felt administrative problems, technology issues, or other factors outside of an interpreter's control could delay the interpreter. Indicating a specific time in the amendment when the AOC would need to inform the courts about an interpreter falling out of compliance could force the AOC to act prematurely when a delay might not be the fault of the interpreter. This could damage an interpreter's reputation. Therefore, the Committee decided

to add the word "promptly" to the proposed amendment, giving the AOC more latitude in deciding when to contact courts and alleviating the problem of acting too quickly.

The proposed amended language is as follows:

- (A) For Certified Court Interpreters - Policy Manual "Continuing Education Requirements" - "Biennial Reporting Requirements" - under heading "Non-Compliance":

**Non-Compliance**

~~A certified court interpreter, who fails to complete and record their biannual requirements at the end of the two-year reporting period, shall be considered out of compliance. Upon a preliminary determination of an interpreter's non-compliance by the AOC, the AOC will submit a written complaint of non-compliance, together with supporting evidence, to the Discipline Committee of the Interpreter Commission. The AOC will send a notice of non-compliance and a copy of the complaint and supporting evidence to the interpreter. The interpreter may respond within 30 calendar days of the date of notice by submitting to the Discipline Committee a written response. The response shall be in writing, and may include affidavits or declarations of witnesses, copies of court records, or any other documentary evidence the interpreter wishes to have the Committee consider. promptly notify Washington State courts that the interpreter is "out of compliance" with CE reporting requirements, but still certified. Courts and interpreters will also be put on notice that the "permanent" (2-year) oath is no longer valid, so that interpreters who are out of compliance will have to be sworn every time they appear in court. If the interpreter does not come into compliance within sixty (60) days, the matter will be referred to the Disciplinary Committee<sup>1</sup>.~~

~~The Discipline Committee shall meet (in person, via email or telephone conference call) within 40 calendar days of the date of the complaint to review the complaint and supporting evidence to determine whether there is clear and convincing evidence that the interpreter is out of compliance and, if so, impose such disciplinary action as it determines appropriate.~~

Certified interpreters will not be issued a current ID badge until all continuing education requirements are satisfied. If the Discipline Committee suspends or revokes the certification of an interpreter, the interpreter's name will be removed from the directory of interpreters found on AOC's website at [www.courts.wa.gov/interpreters](http://www.courts.wa.gov/interpreters) and an electronic notice will be sent to presiding judges and court administrators/managers.

- (B) Similarly for Registered Court Interpreters - Policy Manual:

**Non-Compliance**

~~A registered court interpreter, who fails to complete and record their biannual requirements at the end of the two-year reporting period, shall be considered out of compliance. Upon a preliminary determination of an interpreter's non-compliance by the AOC, the AOC will submit a written complaint of non-compliance, together with supporting evidence, to the Discipline Committee of the Interpreter Commission. The AOC will send a notice of non-~~

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~~compliance and a copy of the complaint and supporting evidence to the interpreter. The interpreter may respond within 30 calendar days of the date of notice by submitting to the Discipline Committee a written response. The response shall be in writing, and may include, affidavits or declarations of witnesses, copies of court records, or any other documentary evidence the interpreter wishes to have the Committee consider. promptly notify Washington State courts that the interpreter is "out of compliance" with CE reporting requirements, but still registered. Courts and interpreters will also be put on notice that the "permanent" (2-year) oath is no longer valid, so that interpreters who are out of compliance will have to be sworn every time they appear in court. If the interpreter does not come into compliance within sixty (60) days, the matter will be referred to the Disciplinary Committee<sup>2</sup>.~~

~~The Discipline Committee shall meet (in person, via email or telephone conference call) within 40 calendar days of the date of the complaint to review the complaint and supporting evidence to determine whether there is clear and convincing evidence that the interpreter is out of compliance and, if so, impose such disciplinary action as it determines appropriate.~~

Registered interpreters will not be issued a current ID badge until all continuing education requirements are satisfied. If the Discipline Committee suspends or revokes the certification of an interpreter, the interpreter's name will be removed from the directory of interpreters found on AOC's website at [www.courts.wa.gov/interpreters](http://www.courts.wa.gov/interpreters) and an electronic notice will be sent to presiding judges and court administrators/managers.

The amended language will be presented to the Interpreter Commission at the May 29 meeting. If the Commission approves of the language, AOC staff will make the appropriate changes to the *Certified Court Interpreters - Policy Manual* and *Registered Court Interpreters - Policy Manual*.

**Calendar Updates**

The Committee discussed the calendar of regularly scheduled trainings and presentations to judicial officers and court administrators for 2015-2016. AOC staff updated the Committee about a recent request from the Office of Administrative Hearings (OAH) for a meeting with the Court Interpreter Program to discuss their policies on working with interpreters and how to improve their language access. The Committee suggested the AOC contact Professor Gillian Dutton who is familiar with language access issues involving the OAH to provide context for any meeting. The Committee felt that Administrative Law Judges with other WA State departments, such as BIIA, should also be included in future training opportunities.

Action Item Summary	
AOC staff: Include the calendar of training events in the May 29 Interpreter Commission agenda	In Progress

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2015 -2016 TRAINING EVENT CALENDAR

TRAINING EVENT	DATE	PLAN DUE <sup>1</sup> :	TOPIC	PRESENTERS	LOCATION	NOTES
Judicial College 2015	Jan 2015	September	Working with Court Interpreters	Justice Gonzalez and others	SeaTac	Well-received
Judicial College 2016	Jan 2016	Nov. 15, 2015	Working with Court Interpreters	TBD	Sea-Tac	Recommend faculty
DMCJA Spring Conference 2015	June 7-10, 2015	Oct. 24, 2014	Same as SCJA			Not accepted but TA materials to provide
DMCJA Spring Conference 2016	June 2016	6 months prior	TBD- Committee to recommend	TBD		
SCJA 2015	Apr 2015	Oct. 3, 2014	Language Access Plan Requirements and Updating	Fona Sugg; Theresa Doyle; Gillian Dutton	Skamania Lodge	
SCJA 2016	Apr 2016	Oct. 2015	TBD	TBD	Skamania Lodge	Recommend topics
AWSCA 2015	Spring 2015	Oct. 3, 2014			Skamania Lodge	joint presentation with SCJA Spring Conf
AWSCA 2016	Spring 2016				Skamania Lodge	joint with SCJA
DMCMA Spring Conference 2015	June 2015	Oct. 24, 2014	Not invited to furnish proposal			
DMCMA Spring Conference 2016	June 2016	October 2015				
Judicial Fall Conference 2015	Fall 2015	Spring 2015				
Judicial Fall Conference 2016	Fall 2016	Spring 2016				Focus would be on DCMCJA members

“Optional” groups/events

TRAINING EVENT	DATE <sup>2</sup>	PLAN DUE:	TOPIC	PRESENTERS	LOCATION	NOTES
GAL		Discuss with Shirley Bondon	Working with certified interpreters in GAL court settings	Shirley Bondon and Interpreter staff	TBD	Invite to other trainings if not included in judicial officer training
LAP training	Possibly Fall 2015	TBD	Technical Assistance in Plan Development? Train the Trainer?	AOC staff	Webinar?	
Minority & Justice Comm Annual Conf	April (?)		Cultural Aspects of Interpreting and the Truth of the Matter Asserted: The Mysterious Utterance	Outside Presenter		Evaluate if to do yearly
Institute for New Court Employees (INCE)	Nov 5	July	Interpreter Program requirements and court's obligations for language access	AOC Staff and Kristi Cruz	TBD	
Presiding Judges Conference	Dec – every other year	UNK	Pro-Se litigants Use of VRI Document Translation LEP Accessible websites and resources		Next time in 2016	
Pro Tem Training, sponsored by the Washington State Bar Association and DMCJA	April or October	4-5 months prior	See above		Seattle	Depends if we get invited.
WSBA	April 15, 2015	January 2015	Attorneys and Interpreters: Working Together	AOC staff and panelists	Seattle	Need names of persons with ethnic backgrounds
ATJ Access to Justice	June – 12 - 14, 2015	December	Annual Conference	Bob Lichtenberg and Kristi Cruz	Wenatchee	
WSRID conference	August 8-12, 2015		Washington State Registry of Interpreters for the Deaf	Bob Lichtenberg	Vancouver, WA	
Sessions for interpreter coordinators, managers, court administrators,			1. Pro-Se litigants 2. DV/SA Interpreter training 3. Online Scheduling best			

<sup>2</sup> DATE DUE: date is approximated/guessed based on mentions of similar event in AOC-IC minutes 2007-2013.

and any other court staff directly involved in procuring or scheduling interpreters.			practices 4. Document Translation			
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# BACKGROUND: PAST TRAINING EVENTS

Incomplete list of past training events mentioned in Education Committee reports or other reports in AOC-IC minutes 2007-2013

TRAINING EVENT	DATE	TOPIC	PRESENTERS	LOCATION	NOTES
Judicial College	January 2008	1½-hour session: interpreter best practices and LEP/State funding.		Tacoma	
Judicial College	January 2009 Session Plan DUE DATE: November 17, 2008	1¼-hour session: working with court interpreters	Judge James Docter, Mindy Baade and Katrin Johnson		See file: Judicial College Session Plan Interpreters 09.docx
Judicial College	January 24-29, 2010	45-minute presentation on working with interpreters	Katrin and Kenny Barger of WITS.		
Judicial College	January 23-28, 2011	1-hour plenary, highlight working with court interpreters.	Judge Riehl and Katrin	Cedarbrook Conference Center in SeaTac	
Judicial College	January 2012	Court Interpreting			See file: Interpreter Presentation Materials. Jud Coll 2012. krj.docx
Judicial College	January 2013	Court Interpreting	Judge Riehl & Katrin Johnson	Bellevue	
DMCJA Spring Conference	June 1-4, 2008	plenary session (1½ hour) on interpreter best practices (“communicating through interpreters”), resource table (staffed)	Collaboration of IC, WITS & AOC staff: Judge Mamiya, Emma Garkavi, Kenny Barger, Diana Meredith and Katrin Johnson.	Chelan	per September 14, 2007 minutes, Ed.C. members were: Emma, Frank, Virginia
DMCJA Spring Conference	2009	Nothing reported			
DMCJA/DMCMA joint Spring Conference	May 2010	One elective session: best practices and cost saving measures regarding court interpreters.	Katrin J. coordinating a session with court administrators and judges from Tulkwila Municipal Court and Snohomish District	Spokane	Examples include highlighting the Snohomish County’s web-based interpreter “scheduler” and the joint payment policy

			Court		of the municipal courts in King County.
DMCJA Spring Conference	June 5-8, 2011 Reported in February 4, 2011 minutes as "in the early stages of planning", no follow up report	Two-hour plenary session and topics will include 1) sign language and deaf court customers, 2) understanding requirements under the ADA, and 3) GR 33 requirements.	Theresa Smith, Judge Catherine Shaffer of King County Superior Court, and Bruce Moran of Pierce County Superior Court		The Education Committee has submitted a plenary session proposal for the DMCJA Spring Conference focusing on language access for persons who are deaf and hard of hearing. The committee would like to offer this session to court administrators in the future.
DMCJA Spring Conference	2012	Nothing reported			
DMCJA Spring Conference	2013	Nothing reported			
SCJA	April 2008	Resource table: court interpreter program information, materials and bench cards	AOC staff		
SCJA	April 2009	None			
SCJA Proposal denied, most likely due to the fact they were only having one conference that year	April 25-28, 2010	Proposed session: navigating linguistic and cultural dynamics for Russian, Vietnamese and deaf court customers.			Proposal in conjunction with the Gender and Justice Commission. These three groups were specifically targeted because they represent the highest demand beyond Spanish interpreters. The Gender and Justice Commission's interest is illuminating family dynamics in these culture groups.
SCJA	May 1-4, 2011	Nothing reported			
SCJA	April 2012	Nothing reported			
SCJA	April 2013	Nothing reported			
AWSCA	April 2008	Post-report: status of state funding of interpreter services; Pre-report: planned one-hour presentation: materials and discussion on the practical guide for court staff, LAP	Chris Ruhl and Katrin Johnson		Materials were also sent to the AWSCA conference (maybe same materials as used for Fall Judicial Conference – Resource Table.

			Plans and funding, etc. Nothing reported			
AWSCA	2009-2013		Nothing reported			
Judicial Fall Conference	Fall 2007		Interpreter Program Resource Table	Tina Williamson and Karina Pugachenok	Vancouver, WA	1 <sup>st</sup> time; October 19, 2007 minutes: Chris Ruhl reported on recent, current, and future interpreter-related presentations at judicial and court manager conferences and training sessions.
Judicial Fall Conference	October 2008		1½-hour elective. It was recommended that the presentation given here not repeat, but rather elaborate upon the presentation at the DMCJA Conference.	Judge Yule, Emma Garkavi, Katrin Johnson, Kenny Barger and Claudia A'Zar.	Spokane	
Judicial Fall Conference	2009-2010		Nothing reported	Bob Lichtenberg of ODHHL.		
Judicial Fall Conference – proposal denied	2011		A joint session proposal was submitted with the Minority & Justice Commission			
Judicial Fall Conference	2012-2013		Nothing reported			
GAL annual training	May 2008		Invited to present for 40 minutes at a plenary session	Katrin Johnson		Invite to other trainings if not included in judicial officer training
LAP Training Sponsored by the AOC	Spring 2008		training on Title VI and the requirements for courts in providing LEP (limited English proficiency) assistance	Bruce Adelson, former attorney with U.S. Dept. of Justice who investigated LEP complaints against		There was interest in the participants to offer this training via AOC's website – either as pre-filmed



<p>Educational sessions designed for interpreter coordinators, managers, court administrators, and any other court staff directly involved in procuring or scheduling court interpreters.</p> <p>Both trainings were cancelled due to budget constraints for potential attendees, and a reported plan to offer this training again in March-June 2010 apparently never materialized.</p>	<p>Sep. 18, 2009</p>	<p>Information to assist courts with their language access plans and other language access efforts.</p>	<p>AOC staff</p>	<p>AOC SeaTac facility</p>	<p>Provide information that will help court staff understand the proper role of interpreters, the required skills and abilities necessary for appropriate interpretation, the ethical limitations faced by interpreters, and the optimal use of ASL interpreters. The sessions will end with panel discussions regarding best practices, effective telephonic interpreting, local policy development and other "hands-on" suggestions for managing services for peoples of limited English proficiency.</p>	<p>Spokane</p>	<p>The class also included a protection order hearing conducted exclusively in</p>
<p>Pro Tem Training, sponsored by the Washington State Bar Association and DMCJA</p>	<p>Shortly before April 30, 2010</p>	<p>basic information on working with interpreters</p>	<p>Emma Garkavi and Katrin Johnson</p>	<p>Seattle</p>	<p>The class also included a protection order hearing conducted exclusively in</p>	<p>Spokane</p>	<p>The class also included a protection order hearing conducted exclusively in</p>

<p>WSBA</p>	<p>Before August 24, 2012</p>	<p>Interpreting from the perspective of the litigant.</p>	<p>Headed by Judge Alicea-Galvan</p>	<p>Spokane</p>	<p>Spanish. The litigant was English speaking, and a certified interpreter simultaneously interpreted into English for the litigant (and the audience). The audience in both venues providing an overwhelming response to the mock hearing, expressing how difficult and frustrating it was to be the person who couldn't communicate in the language spoken by the judge and attorneys. It was an impactful way to demonstrate the LEP litigant's perspective.</p>
					<p>Recent effective presentations have been made at WSBA training events, headed by Judge Alicea-Galvan, with a Spanish court hearing. This places the audience in the perspective of the LEP court participant.</p>

<p>WSBA attorney training event</p>	<p>After August 24, 2012</p>	<p>working with interpreters</p>	<p>AOC staff will co-present with Russian Certified Interpreter Emma Garkavi</p>	<p>Recent effective presentations have been made at WSBA training events, headed by Judge Alicea-Galvan, with a Spanish court hearing. This places the audience in the perspective of the LEP court participant.</p>
<p>Judicial conferences</p>	<p>August 24, 2012 minutes: proposals for 2013</p>	<p>Judicial Education Session Proposals</p> <p>The Commission discussed possibilities for educational proposals for judicial conferences in 2013. After discussion, members agreed that the proposal should include a session which addresses the following topics:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Interpreting from the perspective of the litigant. Recent effective presentations have been made at WSBA training events, headed by Judge Alicea-Galvan, with a Spanish court hearing. This places the audience in the perspective of the LEP court participant.</li> <li><input type="checkbox"/> Comparison of the state legal requirements versus the federal legal requirements in the provision of interpreters and other language access services.</li> <li><input type="checkbox"/> Video Remote Interpreting</li> </ul>		

# **Court Interpreter Program Issues**



## Court Sign Language Interpreting Standards Workgroup



1. **Shirley Bondon**, Manager, Office of Public Guardianship, Administrative Office of the Courts, Shirley.Bondon@courts.wa.gov
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STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
OFFICE OF THE DEAF AND HARD OF HEARING  
PO BOX 45301, OLYMPIA, WASHINGTON 98504-5301

May 21, 2015

Memorandum

To: Robert Lichtenberg

From: Berle Ross, Office of the Deaf and Hard of Hearing

Subject: Sign Language Interpreters and ODHH list per WAC 388-818

*ODHH is pleased to announce that the Washington Administrative Code (WAC) Chapter 388-818, establishing standards for Sign Language and intermediary interpreters working in Washington Courts, became effective on January 12, 2015. The revisions for the proposed changes were recommended by a work group. The group met several times within a two year time period. (See attachment).*

ODHH will be creating and maintaining a list of Court Certified American Sign Language Interpreters, which will be posted on the ODHH website.

ODHH invites all Sign Language Interpreters with the Specialist Certification: Legal (SC:L) and Certified Deaf Interpreters from the Registry of Interpreters for the Deaf to complete and submit registration forms in order to be included on this list.

WAC Requirements:

- Specialty Certification: Legal (SC:L) or Certified Deaf Interpreter (intermediary interpreter) Credentials.
- RID Certification AND passed the written part of the SC:L
- Completed the DSHS background screening (required annually)
- Complete an Introduction to WA Courts training which includes a review of GR 11.2
- Affirm the WA Courts Oath

Interpreters who qualify to be on this list

- Washington has a pool of 14 SC:L Interpreters.
- Idaho has 5

# Court Interpreter Reimbursement Program Snapshot

## Program Overview

The Washington State Administrative Office of the Courts (AOC) currently has contracts with 33 courts covering 41 jurisdictions across Washington State to reimburse for some of their costs associated with hiring interpreters. Contracts are based on the fiscal year: July 1 to June 30. At the beginning of this fiscal year, the AOC had \$610,501 available to reimburse courts for their interpreting expenses. The amount of the contracts range from \$298 to \$93,687 with an average of \$17,956 per contract.

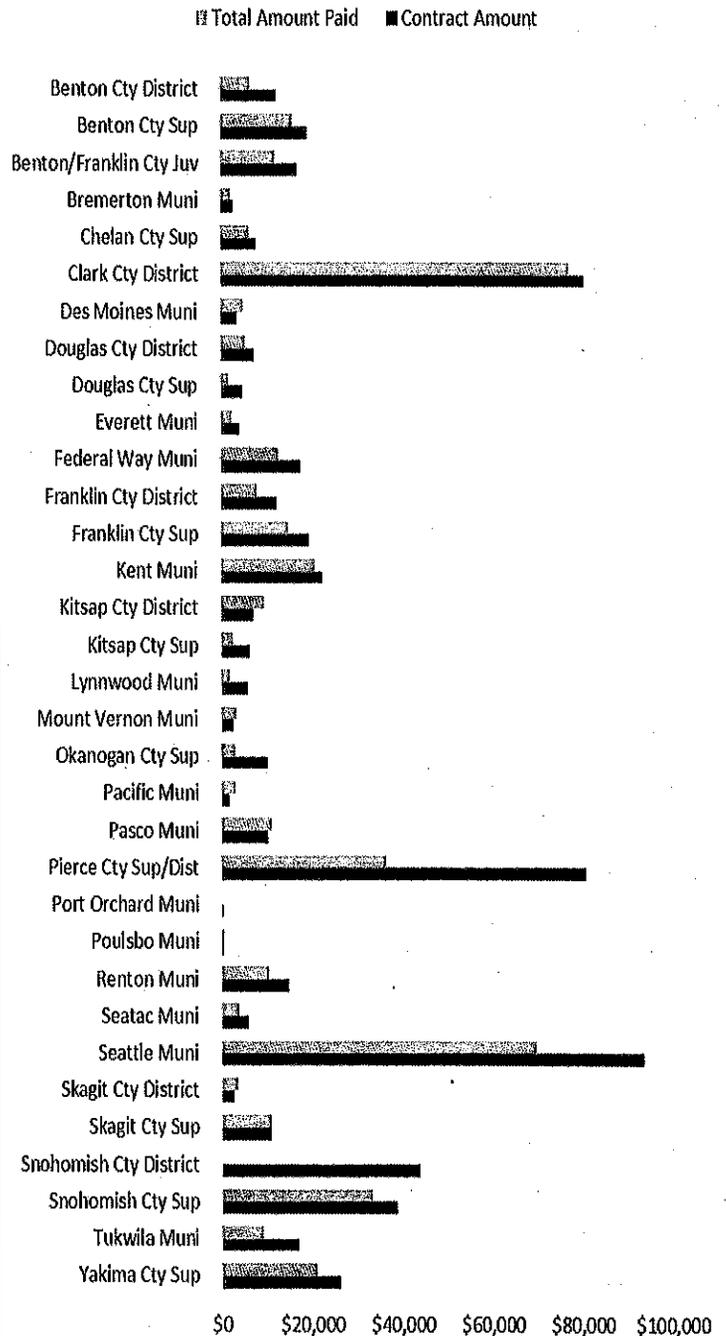
The graph to the right shows a summary of the amounts available to the courts and how much they have spent so far this year. As of April 1, 2015, seven courts had exhausted their reimbursement funding and nine courts had less than 25 percent remaining.

Two courts we contract with handle the reimbursement funds for other jurisdictions in that region. Clark County Superior Court covers six jurisdictions while Yakima County Superior Court covers three jurisdictions. Jurisdictions receiving funds from the reimbursement program, are found at several levels:

- 11 Superior
- 9 District
- 18 Municipal
- 3 Juvenile

The map below shows the locations of the courts the AOC has reimbursement contracts with.

## Reimbursement Status as of April 1, 2015

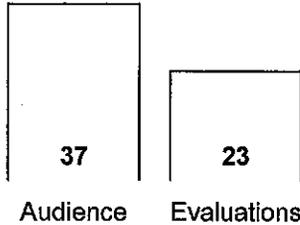


## Court Locations



# Superior Court Judges' Spring Program

## April 26 - 29 2015



### SESSION EVALUATION

<b>Session:</b>	<b>Access to Justice and the Courts' Language Access Plans: Time to Reform?</b>
<b>Faculty:</b>	<b>Judge Theresa B. Doyle, Professor Gillian Dutton, and Ms. Fona Sugg</b>

Please include narrative comments, as well as numeric rating on a **5-point scale**.  
 (5 = Excellent; 4 = Good; 3 = Average; 2 = Below Average; 1 = Poor; N/A = Not Applicable)

EFFECTIVENESS	5	4	3	2	1	
1. The objectives of the course were clear.	10	13	0	0	0	4.4
2. The objectives of the course were achieved.	8	13	1	1	0	4.2
3. The faculty engaged me in meaningful activities.	7	11	2	2	0	3.9
4. I gained important information or skills.	9	11	0	2	0	4.0
5. The faculty made a clear connection between the course and the work place.	12	9	0	0	0	4.2
<b>Average:</b>						<b>4.1</b>

COMMENTS:

- This subject engenders such deep, broad issues, it was a real shame not to have a Q&A period to tap all the resources in the room.

COMMUNICATION SKILLS	5	4	3	2	1	
1. The faculty was well prepared.	17	5	1	0	0	4.7
2. The presentation was organized.	11	10	1	0	1	4.3
3. Written materials enhanced the presentation.	9	11	1	1	0	4.1
4. Audiovisual aids were used effectively.	8	9	2	2	2	3.8
5. The presentation kept my interest throughout.	11	10	0	1	1	4.3
<b>Average:</b>						<b>4.2</b>

## 2015 Written Exam Test Results

The Court Interpreter Written Exam was given on February 28. The test includes 135 multiple choice questions that measure knowledge in three areas: English language skills, court-related terms and usage, and ethics and professional conduct. A minimum score of 80% is needed to pass the exam and the average score for 2015 in Washington was 73%. The following table shows some additional details of the 2015 written exam:

Written Exam Details		
	Number of People	Notes
Registrations	137	Bellevue: 114 Moses Lake: 23
Test Takers	128	
No Shows	9	
Pass	49	38.3%*
Fail	79	61.7%*

\*Percentage based on number of test takers and does not include No Shows

Interpreters for 27 different languages took the exam this year. The tables below show the languages spoken by the interpreters and how many took and passed the exam. Please note that some interpreters speak more than one language.

Certified Languages		
Language	Total	Passed
Arabic	6	0
Cantonese	3	2
French	5	3
Korean	10	4
Mandarin	9	1
Russian	13	2
Somali	4	2
Spanish	61	30
Tagalog	2	0
Vietnamese	1	0

Registered Languages		
Language	Total	Passed
Amharic	4	0
Cantonese	3	0
Greek	1	0
Haitian Creole	1	0
Hindi	1	0
Ilocano	1	1
Indonesian	1	0
Malay	1	1
Nepali	2	0
Oromo	1	0
Persian Farsi	2	1
Portuguese	1	0
Punjabi	5	1
Swahili	2	1
Tigrinya	2	0
Ukrainian	1	0
Urdu	1	0