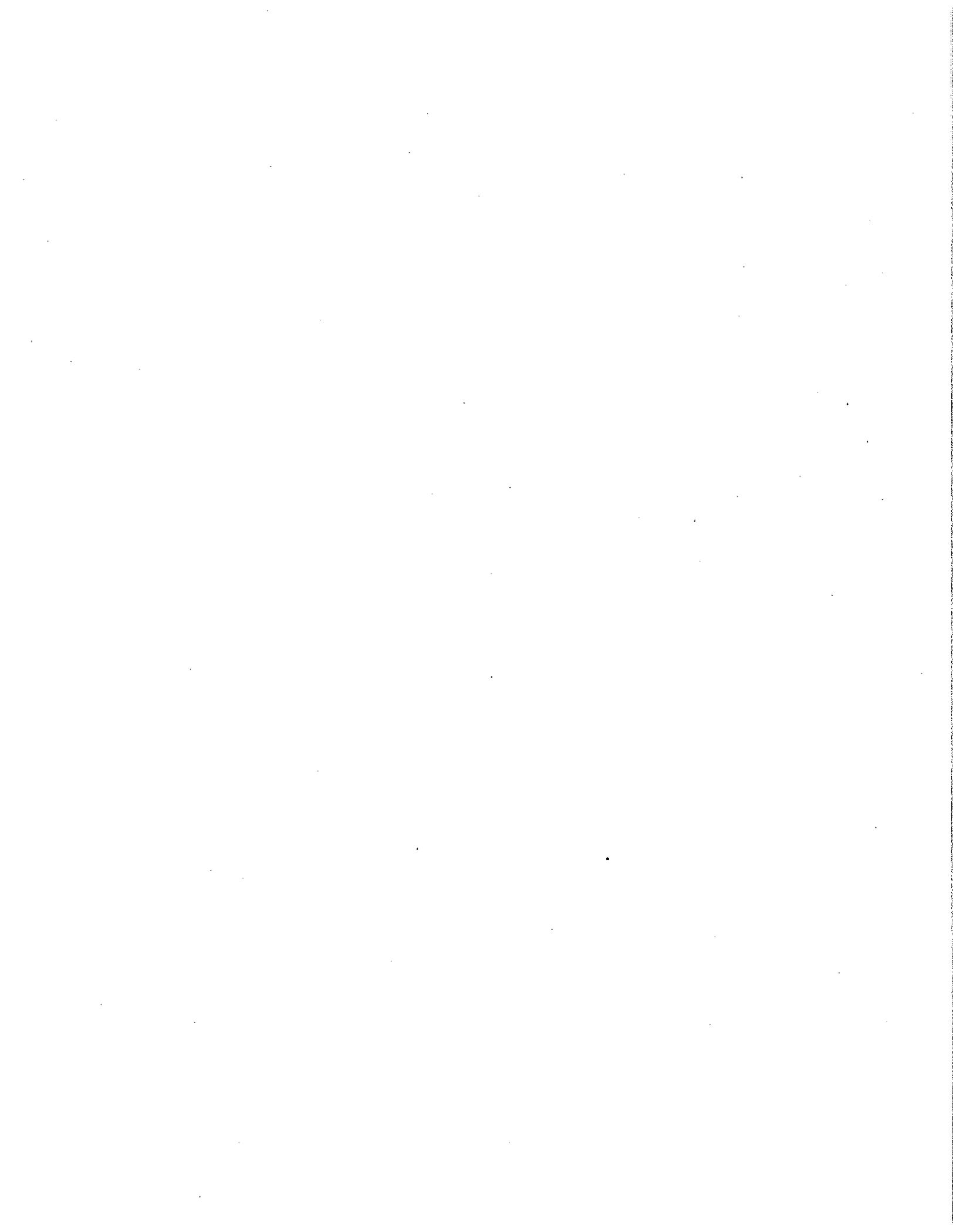


**Washington State Supreme Court
Interpreter Commission**

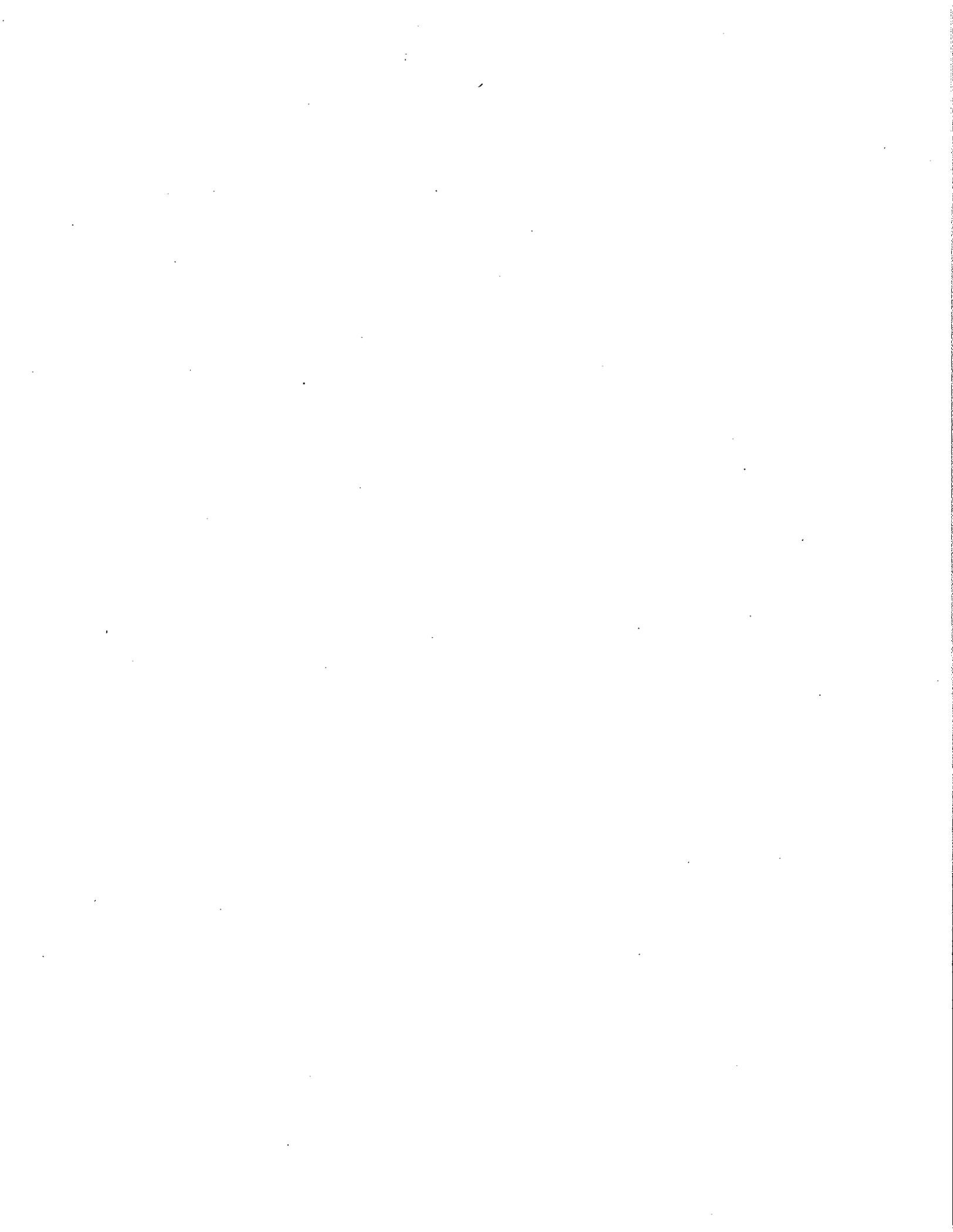
May 20, 2016

Meeting Packet

Washington State
Administrative Office of the Courts
1112 Quince Street SE
PO Box 41170
Olympia, WA 98504-1170
Phone: 360-753-3365

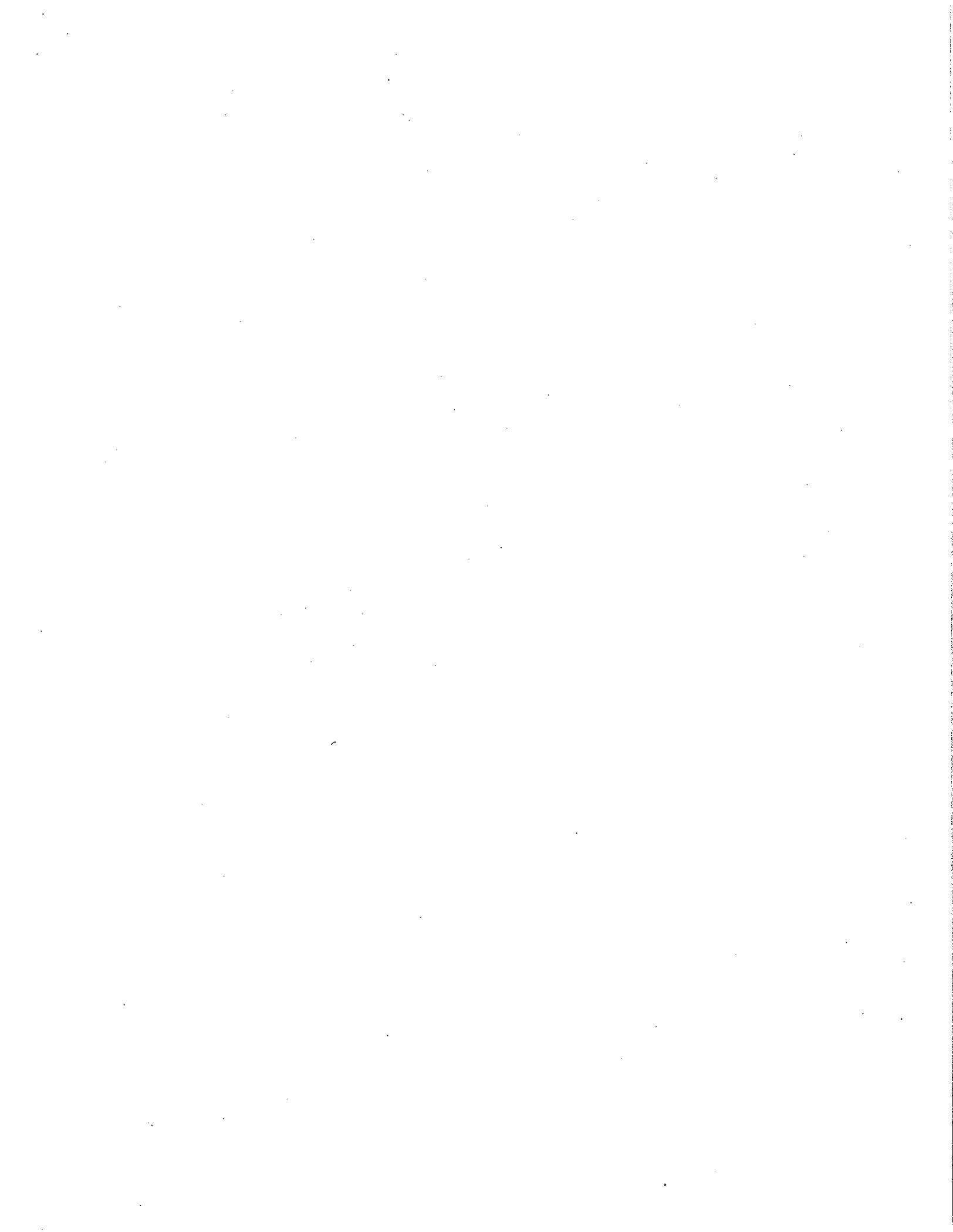


**Interpreter Commission
Meeting Agenda**



6. Business for the Good of the Order		
7. Adjourn	Justice Steven González	
Next Meeting: Friday, September 30, 2015, 9 a.m. – 12 noon. AOC SeaTac Office, Room TBD (Discuss whether we need a larger conference room???, different meeting location?).		

Meeting Minutes





Interpreter Commission
Friday, March 4, 2016 (8:45 a.m. – 11:45 a.m.)
AOC SeaTac Facility
18000 International Blvd., Suite 1106, SeaTac, WA 98188

MEETING MINUTES

Members Present:

Justice Steven González
Dirk Marler
Sam Mattix
Thea Jennings
Judge Andrea Beall
Lynne Lumsden
Kristi Cruz
Linda Noble
Alma Zuniga
Eileen Farley
Fona Sugg
Judge Laura Bradley

Members Absent:

Judge Theresa Doyle

AOC Staff

Robert Lichtenberg
James Wells
Stacy Smith

Guests:

Diana Noman
Christy McDade
Kim Tofstad

CALL TO ORDER AND WELCOME

The meeting was called to order by Justice Steven González.

APPROVAL OF DECEMBER 4, 2016 MEETING MINUTES

Minutes were approved.

CHAIR'S REPORT

Introductions

Judge Laura Bradley introduced herself to the Commission. She has been a member of the Access to Justice (ATJ) Board since October 2015. Some of her experience with language access issues comes from working at the Board of Industrial Insurance Appeals (BIIA) and helping implement their Language Access Plan (LAP) and spoke about some of the language access issues there. She will be attending future Commission meetings as a liaison between the ATJ Board and the Commission.

Stacy Smith introduced herself and explained that she recently came on to the AOC to staff the Minority and Justice Commission, having graduated from Seattle University Law School in 2014 where she became knowledgeable about the importance of diversity in the legal profession, having studied implicit bias, racial fairness, and access to justice issues.

The remaining meeting attendees introduced themselves.

Minutes Recording

The Commission discussed audio recording of Commission and Committee meetings. Recently rules involving public disclosure of Judicial Branch business and court administrative matters underwent implementation. Several other Commissions have stopped recording their meetings due to the difficulty in reviewing audio materials pursuant to public disclosure requests the review involves redacting personal and other information. In general the AOC does not record the audio portion of meetings. Given the limited number of AOC staff resources for complying with public disclosure requests, the Commission agreed to stop recording the audio of meetings and encourage AOC staff to take measures to ensure accurate notes are taken of Commission and committee meetings.

Decision: *The Commission will not record the audio of Interpreter Commission meetings or the meetings of its committees.*

Judicial College Report

Justice González reviewed the Court Interpreter training given at the 2016 Judicial College, which newly-appointed judges over the previous 12 months at all levels are required to attend. As a demonstration of interpreting for the other judges, the Court Interpreter session began with an introduction by Judge Alicea-Galvan whose speech was simultaneously interpreted into Spanish. The session received one of the top ratings at the Judicial College. The evaluations indicated that the topic warrants more time. The plans for next year include a panel and the participation of Judge Tam Bui.

Supreme Court Language Access Plan

A draft of a language access plan (LAP) was presented to the Supreme Court last year. The Chief Justice directed the Courts of Appeal to designate someone from each division to join a group to review the plan as a plan for all of the Appellate Courts. So far, only Division 1 has done so. There was some resistance from the divisions and questions about the need, legality, and funding of LAP were brought up.

There was also discussion of the LAP template for the trial courts which is currently being updated. Justice González stated he recently spoke with Associate Justice Cuéllar from the California Supreme Court to discuss some of the factors that helped influence their ability in designing and implementing a LAP for the California appellate

courts. Some of the considerations involved in the implementation included changing the Evidence Code, acquiring support from groups such as the court interpreter's union, domestic violence advocates, and other stakeholders; responding to pressure from the Department of Justice for increased access services; creating a staged approach to implementation; acquiring more internal support from the legislative and executive branch agencies, which are held by the same political party; having a unified judiciary; and a more stable revenue stream from their statewide income tax. Also, with the Los Angeles court system, the state's largest, having a long history with interpreting with a great deal of cultural competency and diversity among its staff, it was easier to move forward. Judge Cuéllar offered to come up to Washington to speak on the topic, although it was suggested that having a completed LAP template in place would be needed.

AOC staff mentioned that appellate branch courts in Ohio have implemented their LAP. Judge Bradley mentioned that there had been a study in her area and getting the study information may be helpful.

Skagit County

The Commission discussed their next meeting which will take place in Skagit County with an open-to-the-public forum on language access issues in courts to follow. The Commission discussed inviting law enforcement and the local jail to discuss their language access issues. The incorrect use of interpreters at early stages with law enforcement often can cause problems later in court. Other possible topics included addressing the needs of resident LEP parties who speak indigenous languages from Central America and the ability of the local courts in finding and using AOC-certified interpreters.

Commission Strategic Planning

The Commission discussed strategies to move forward with their work. One suggestion was to create more sub-committees that could allow members to address additional issues. Also mentioned was the idea that the Commission could create ad hoc workgroups that may include non-Commission members to advance the work of the Commission. It was noted that the use of temporary workgroups wouldn't require any change to Commission policy.

The need for distributing language access program work to Commission members was also suggested. In 2008 the AOC helped counties to implement their LAPs using a temporary project employee to provide guidance and training. With the new LAP revision being distributed this year and with no such person onboard, the Commission members could be assigned to help the Interpreter Program with providing local court staff education so that programmatic institutional knowledge is shared between the AOC, the Commission and the county courts.

The Commission talked about the difficulties in prioritizing its work with some activities. They discussed whether to focus energies on easier to accomplish tasks with less impact or on more difficult tasks that have a larger effect. They also discussed the need to have long-term policy and program development strategy in place but cautioned that the final strategies must be realistic. It was suggested that AOC staff help identify and prioritize the strategic goals. Some of these goals include looking for grants, implementing Video Remote Interpreting, and providing select training opportunities. The question of priorities could be addressed at the public forum in Skagit County.

The Commission discussed devoting one of their quarterly meetings to a retreat where the Commission could focus on its work. Having a facilitator at the retreat would be beneficial. Given the possible cost, there was a suggestion that grad students Evans School at the University of Washington look for these kinds of opportunities to practice their skills. A facilitator may only be necessary for half of the time rather than the whole retreat. Another suggestion would be to contact Wendy Frazier. Members of the Commission would help AOC staff in setting up a planning meeting for a retreat.

Annual Report

AOC staff discussed the development a Commisison 2015 Annual Report. They asked that some Commission Members volunteer to serve as an editorial board. Ms. Jennings and Mr. Mattix volunteered.

COMMITTEE REPORTS

Issues Committee

Complaint Forms

Judge Beall discussed the Issues Committee work on creating a set of complaint forms. The impetus to create the forms came out of the discussion at the public forum in Yakima in 2015. The Committee initially began work on two complaint forms, one to report issues regarding interpreters' conduct and one to report issues regarding interpreter services at a court. The Committee decided that the complaint form regarding interpreter services at a court was more within the purview of the AOC and decided to focus on creating a complaint form regarding interpreters' conduct.

The Commission reviewed the draft complaint form and accompanying instructions. One suggestion was to make it clear in that the complaint form was just one avenue to make a complaint to the AOC and that other kinds of contact, such as email and phone calls, are also possible. Another suggestion was to make the form usable on mobile devices since people are more likely to have a smart phone than a computer.

The Commission discussed having complaint forms for reporting problems with ASL interpreters. The Office of the Deaf and Hard of Hearing (ODHH) asked the Commission to handle disciplinary hearings involving ASL interpreters as it has no such authority to do so and the Commission does. It was mentioned that while the national Registry for Interpreters of the Deaf (RID) handles the actual certification of ASL interpreters and does have its own disciplinary process for ethical violations, their ethical practices rules differ from those of GR 11.2 and that GR 11.2 would as a matter of law supersede the RID's Code of Conduct when the two differ.

There was a concern that the Commission and the AOC may not have enough representation or experience with ASL issues. One suggestion from ODHH was to have the ODHH conduct complaint review for merit regardless of whether the complaint is first filed with the AOC or ODHH and then send their recommendation to the AOC on whether to dismiss the complaint for lack of merit or forward it to the Commission's Disciplinary Committee for further proceedings.

The Commission discussed the signature area of the form where there is language regarding the sharing of identity of the person making the complaint. AOC staff brought up the concern that there may be some circumstance where an element in a complaint may need to be reported to other authorities. For example, if a criminal activity by the interpreter was involved. The Commission felt this language might be a barrier to an LEP party making the complaint, especially if they have immigration issues and that information about criminal violation reporting could be shared with the LEP party later on in the process, if necessary. So the Commission referred back the draft language for further resolution by the Issues Committee

The Commission made suggestions on areas of the form where the language could be simplified into "plain language". The capability at the Interpreter Program to make the forms into plain language versions may be limited and may require that outside resources be used.

The Commission also discussed how LEP parties and courts would be informed about the complaint forms. A suggestion was made to have it as part of the roll out of the LAP template, having it visibly available on the AOC website as well as local court websites, or included in multilingual notices posted at court houses and in their webpages.

Education Committee

Mr. Mattix updated the Commission on the recent activity of the Education Committee. He shared the Committee's review of the AOC Calendar of Trainings. They also provided a document that was created to help guide AOC on how classify interpreter education classes with the new CEU categories. The Commission reviewed the document and made some suggestions. Some classes clearly belonged in certain categories. However, some were less obvious, such as those that deal with legal topics but that aren't directly interpreting related. It was noted that most of the classified topics

fit into the Performance/Skills category and that the General category was more of a catch-all for interpreter-related topics relatively more removed from what happens in the courtroom or legal settings.

The Commission discussed how the document could also be used to give guidance for interpreters and class providers. Once finalized it could be distributed with additional information regarding how earned credits would roll over into other categories.

Disciplinary Report

AOC staff updated the Commission on the status of interpreters meeting the compliance requirements for the 2014-2015 cycle. The Disciplinary Committee had not yet met and some interpreters were still in the process of coming into compliance. At this similar point in time compared to the previous cycle, slightly fewer interpreters are out of compliance.

COURT INTERPRETER PROGRAM ISSUES

Program Reports

Revisions to GR 11.3

The Commission discussed possible updates to GR 11.3 which would add language regarding Video Remote Interpreting (VRI) to the existing guidance on telephonic interpreting. The updated language is being proposed by the Rules Committee of the District and Municipal Court Judges Associations (DMCJA). One concern was how VRI would be used when the litigant is not present in the court room and was appearing by video from the jail or elsewhere. That and other related matters affecting the record or rights of the parties are not specified in the current GR 11.3 rules. Another issue would be how both an interpreter and another party could both appear by video in court if both are remotely situated in different places, one in the jail and the interpreter on another video connection not in the jail. This would affect the ability of attorneys to communicate with their clients and ensuring access to counsel using this technology should be considered. Overall, the language in the proposed rule seems to confuse the interpreter appearing by video with the litigant appearing by video and should be made clearer.

There were also concerns about the capturing of the un-interpreted language for the court record. Currently if there is an in-person court reporter, only the interpreted speech is captured on the record. However, new digital transcription makes it possible to record both the interpreted and un-interpreted speech.

Additional concerns from the Commission included how ASL interpreters would be included in the rule and the need for the litigant to give informed consent for the court to use VRI. The Commission felt that it is important for the rules should be thorough and thoughtful since the use of VRI would only increase in the future.

Justice González appointed Judge Beall and Eileen Farley to submit draft comments on the matter of revising GR 11.3 to him for review and forwarding to the DCMCJA Rules Committee.

Legislative Action Plan for 2017

The Commission discussed proposing legislation for the 2017 legislative session to expand the number of courts participating in the Court Interpreter Reimbursement Program. A decision package is due to AOC Leadership on April 6, 2016. The elements in the proposal are then vetted and prioritized by a Board of Judicial Administration (BJA) budget committee and then, if highly prioritized, then go to the full BJA for further consideration. The BJA will then decide what will go to the Supreme Court budget committee to consider for the 2017 budget request. There will be competition for prioritization involving several judicial branch issues and the Legislature will be facing a budget deficit so avoiding a cut to the current program allocation may be considered a victory. Despite the difficulties it is still important to push forward with the request since the support for interpreter issues is growing and it is important to keep the momentum.

The Commission discussed what would be included in the request. Trial courts are often in favor of pass-through funding. It will be important to propose a funding request that has a number of allies and support from courts.

LAP Update

The Commission discussed the status of the updated LAP. There are two sub-committees for the LAP workgroup, one working on the instructions and the court user LAP template and one working on the legal basis and policy rationales section. Some of the biggest changes include adding information about the complaint process, expanding the document to cover translation needs, and integration of ASL interpreters into the realm of language access services under the ADA. The next draft will go to the LAP workgroup for comment. The Commission would like to see a draft for the May 20 meeting.

ATJ Board Liaison Report

Ms. Jennings and Mr. Lichtenberg went to a recent Access to Justice (ATJ) board meeting. They reported on their communications with ATJ Board staff about the best way to provide input regarding the ATJ Board's strategic goals as the Board would like feedback on their draft goals by March 14. They are looking for a manageable number of goals and after the next draft they will be discussing how to implement them. Additional feedback would be welcome later on in the process.

ODHH Letter

The Issues Committee will discuss the letter during an upcoming committee meeting.

VRI Pilot Proposal

The Commission discussed a pilot VRI proposal from Stratus Video. Stratus is working with Illinois in implementing VRI in its courts and has worked with Pierce County to provide VRI in jail and probation settings. The Commission had a number of questions involving the pilot including how the interpreters for the pilot would be chosen and what kind of contracts they would have with Stratus. AOC will arrange a teleconference with Stratus involving several members of the Commission to address the questions generated from the Commission meeting and any other questions sent by email to AOC staff.

NEXT MEETING

The next meeting will be held in Skagit County on May 20 and will be followed by a public forum and short reception.

Decisions:
The Commission decided to no longer record the audio of Interpreter Commission meetings or the meetings of its committees.

Action Items	
AOC Staff – Look into planning a strategic retreat. Judge Bradley and Ms. Jennings can help find a facilitator.	<i>Future Action</i>
Issues Committee – Look at ODHH request regarding discipline	<i>Completed</i>
AOC Staff – Look into the Evidence Code changes made in California in regards to their LAP	<i>Future Action</i>
AOC Staff – Contact California and Ohio regarding how often their appellate courts use interpreters.	<i>Future Action</i>
AOC Staff – Work with Ms. Farley regarding outreach for the Skagit County public forum.	<i>Completed</i>
Mr. Mattix and Ms. Jennings – Assist AOC staff in editing the annual report.	<i>Future Action</i>
Issues Committee/AOC staff – Edit the interpreter complaint form with the suggestions from the meeting.	<i>Completed</i>
AOC Staff – Include language regarding a court not following their LAP on the court services complaint form.	<i>Future Action</i>
AOC Staff – After the complaints forms have been approved, send out the courts via the list serves	<i>Future Action</i>
Mr. Mattix – Finalize CEU category examples based on meeting discussion.	<i>Completed</i>
Judge Beall – Provide input from the Commission with the DMCJA regarding rules changes to GR 11.3	<i>Completed</i>

<i>Ms. Cruz</i> – Share the resources that were developed for ASL VRI with the Commission	<i>Completed</i>
<i>AOC Staff</i> – Set up call with Stratus Video and some Commission members to discuss the VRI pilot project. Interested Commission members submit questions and topics to AOC staff prior to teleconference.	<i>Completed</i>

Chairs Report

PURPOSE AND SCOPE OF INTERPRETER COMMISSION

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

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

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

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

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

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

(c) Establishment. The Supreme Court shall appoint no more than 15 members to the Interpreter Commission and shall designate the chair of the Commission. The Commission shall include representatives from the following areas of expertise: judicial officers from the appellate and each trial court level (3), spoken language interpreter (2), sign language interpreter (1), court administrator (1), attorney (1), public member (2), representative from ethnic organization (1), AOC representative (1), and other representatives as needed. The term for a member of the Commission shall be three years. Members are eligible to serve a subsequent 3 year term. Members shall serve on at least one committee and committees may be supplemented by ad hoc professionals as

designated by the chair. Ad hoc members may not serve as the chair of a committee.

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

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

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

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

[Adopted effective September 1, 2005; amended effective April 26, 2016.]

GR 11.2
CODE OF CONDUCT FOR COURT INTERPRETERS

PREAMBLE. All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following Code of Conduct:

A language interpreter who violates any of the provisions of this code is subject to a citation for contempt, disciplinary action or any other sanction that may be imposed by law. The purpose of this Code of Conduct is to establish and maintain high standards of conduct to preserve the integrity and independence of the adjudicative system.

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

(b) A language interpreter shall interpret or translate the material thoroughly and precisely, adding or omitting nothing, and stating as nearly as possible what has been stated in the language of the speaker, giving consideration to variations in grammar and syntax for both languages involved. A language interpreter shall use the level of communication that best conveys the meaning of the source, and shall not interject the interpreters personal moods or attitudes.

(c) When a language interpreter has any reservation about ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the parties and to the court. If the communication mode or language of the non-English speaking person cannot be readily interpreted, the interpreter shall notify the appointing authority or the court.

(d) No language interpreter shall render services in any matter in which the interpreter is a potential witness, associate, friend, or relative of a contending party, unless a specific exception is allowed by the appointing authority for good cause noted on the record. Neither shall the interpreter serve in any matter in which the interpreter has an interest, financial or otherwise, in the outcome. Nor shall any language interpreter serve in a matter where the interpreter has participated in the choice of counsel.

(e) Except in the interpreters official capacity, no language interpreter shall discuss, report, or comment upon a matter in which the person serves as interpreter. Interpreters shall not disclose any communication that is privileged by law without the written consent of the parties to the communication, or pursuant to court order.

(f) A language interpreter shall report immediately to the appointing authority in the proceeding any solicitation or effort by another to induce or encourage the interpreter to violate any law, any provision of the rules which may be approved by the courts for the practice of language interpreting, or any provisions of this Code of Conduct.

(g) Language interpreters shall not give legal advice and shall refrain from the unauthorized practice of law.

[Adopted effective November 17, 1989. Original Rule 11.1 was renumbered as Rule 11.2 effective September 1, 2005; April 26, 2016.]

Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Trial Court Funding for Language Access - Criminal

Budget Period 2017-2019 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Utilizing state funds allocated by the 2007 Legislature, the Administrative Office of the Courts developed an effective program to improve the quality and availability of interpreting services and to reduce costs at the local level. This allocation has improved state and federal statutory compliance for superior, district and municipal courts and has to that extent preserved the integrity of the judicial process.

The request will extend the success of the grant program to all trial courts over a period of time. The total increase reflects state resources to fund interpreter services in all criminal and civil cases at all levels of trial courts. This funding increase would achieve 100% funding spread out over 3 biennia.

Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
001-1 General Fund State	\$ 244,096	\$ 3,947,458	\$ 4,191,554
Staffing	FY 2018	FY 2019	Total
FTEs (number of staff requested)	0.5	0.5	0.5

Package Description

Introduction

The administration of justice requires clear communication in the courtroom. Using properly credentialed interpreters is imperative in cases involving people who have

hearing loss and need sign language interpreters or those who have limited English proficiency as a result of national origin.

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for persons who have functional hearing loss or have limited English proficiency. Failure to provide clear, concise interpretation services denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies, additional costs caused by court hearing delays and continuances, and potentially incorrect judicial orders and verdicts.

According to the U.S. Census American Community Survey 1-Year Estimates, the number of foreign-born, limited English proficient (LEP) persons age 5 and older in Washington who speak a language other than English in their home increased by 50,561 between 2010 and 2014, growing from 717,942 to 768,503 persons. In addition to that population set, the number of persons with hearing loss needing court interpreting services has grown, as evidenced by the increased per case expense local jurisdictions have incurred for sign language interpreting services. This growth of demand within Washington has directly impacted local courts resources, and their ability to fund state and federal requirements to provide interpretation services. The inability of many local courts to fully fund interpreter services creates a non-compliance atmosphere across the state that can result in the withdrawal of federal funds by the U.S. Department of Justice.

Legal Obligations

RCW Chapters 2.42 and 2.43 prescribe the requirements for providing court interpreter services in Washington. RCW 2.42.120 requires the appointing authority (i.e., the court) to pay sign language interpreter costs for all court proceedings for parties, witnesses and parents of juveniles, court-ordered programs or activities, and communication with court-appointed counsel.

RCW 2.43.030 compels courts to "... use the services of only those language interpreters who have been certified by the administrative office of the courts..." when appointing interpreters to assist LEP litigants and witnesses during legal proceedings. RCW 2.43.040 instructs the governmental body initiating the legal proceedings to pay all interpreting costs in criminal cases, mental health commitment proceedings, and all other legal proceedings initiated by government agencies. It further requires the governmental body to pay all interpreting costs in civil matters for LEP persons who are indigent.

Courts that are direct or indirect recipients of federal funding are obligated to meet higher standards of ensuring language access to the LEP public. These courts are required to take reasonable steps to meet standards established by Title VI of the 1964 Civil Rights Act and the Omnibus Crime Control and Safe Streets Act, which taken together, have more expansive access requirements for ensuring language access. Under the DOJ standards for compliance with those statutes, state courts

receiving federal financial assistance cannot allocate or otherwise charge the costs of interpreter services to the parties involved in the court proceeding, including civil cases, or make any type of indigent determinations that assess the ability of a party to contribute to the costs. Furthermore, to be consistent with DOJ language access requirements, courts must provide meaningful access to all court programs and activities, including court functions provided outside of the courtroom.

History of State Funding

The 2007 Legislature recognized the increased financial demand faced by local courts to ensure language access for Deaf and LEP communities, and allocated \$1.9 million to the Administrative Office of the Courts (AOC) for purposes of passing that funding to local courts to support language access costs. This money was designed to be used in assisting courts develop and implement Language Access Plans, as well as offset 50% of interpreter expenses for qualifying courts. The AOC developed an effective program to improve the quality of interpreting, reduce costs at the local level, and improve compliance with state and federal requirements.

After nearly 10 years of implementation, this reimbursement program has improved court interpreter services for those counties. Because reimbursement eligibility requires hiring credentialed court interpreters and paying them fair market rates, the Washington courts and communities have received higher quality interpreting services. Participating courts submit data on their interpreter usage to the AOC, which helps identify language needs, actual costs, and geographic trends. The 50% cost-sharing requirement has encouraged participating courts to implement cost-saving and quality-ensuring practices such as web-based scheduling, multi-court payment policies, grouping of interpreter cases, and sharing of staff interpreters.

Funding Levels

In 2007 the Washington Judiciary asked the Legislature to provide 50% reimbursement for the cost of court interpreters statewide. In response the Legislature appropriated \$1.9 million biannually in pass-through money to the courts. This money was designed to be used in assisting courts with creating Language Access Plans (LAPs) as a condition of receiving funding, as well as to serve to offset 50% (or up to \$25 per hour) of interpreter expenses for those courts with approved LAPs. However, due to the extraordinary fiscal environment over the succeeding years since 2009, the reimbursement funds have dropped to \$1,221,004 biannually and is used solely to cover in-person and telephonic interpreting services provided in court. This represents a decrease of 36% in language access funding for those fifty-two superior, district and municipal courts representing ten counties that are in the program. While the program has continued in light of those cuts, the funding for the participating courts only covers approximately seven months of their fiscal year qualifying interpreter costs. In addition to not being able to fully fund even 50% of a participating court's annual interpreter expenses, funding is clearly insufficient to expand into additional trial courts necessary

to maintain compliance with federal statutes and regulations.

Narrative Justification and Impact Statement

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Judicial officers cannot effectively preside over proceedings involving Deaf or limited English proficient (LEP) parties, witnesses or participants without being able to accurately communicate with them. Public trust and confidence in the courts begins, at a minimum, with the public being able to effectively access and participate in the judicial process. Such participation is not possible for individuals with hearing loss that need sign language interpretation and for LEP individuals without quality interpretation services.

Accessibility.

Court proceedings and court services are not accessible to Deaf persons or LEP persons who are not provided with meaningful access using interpreting services. In addition, those individuals who interact with court staff for civil and criminal matters, such as child support matters, domestic violence protection forms and services, making payment plans for victim restitution or court fines, and/or housing evictions, are often unable to fully understand what is required due to inability of many courts to afford using quality interpreting services at those court services access points.

Access to Necessary Representation.

N/A

Commitment to Effective Court Management.

Efficient and effective court interpreter management requires implementation of practices and policies which save money, yet ensure high quality language access. Courts involved with the state reimbursement program have taken substantial steps to modify their interpreter scheduling and payment practices to achieve better economies of scale, sharing of resources, and collaborating with neighboring courts.

Appropriate Staffing and Support.

N/A

Measure Detail

Impact on clients and service

With the availability of expanded State funding, nearly all local and county courts will be able to provide court interpreting services and will more easily be able to afford the higher costs associated with credentialed court interpreters, especially in those cases where the market cost for those services are extraordinary due to language resource

scarcity or the hearing location. Access to higher quality interpreters will improve the accuracy of communication in the courtroom. It would also create a more seamless integration of access to court functions and court services outside the courtroom for those with language barriers.

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

It would require language changes to RCW 2.43.040 (2), (3) and (5).

Alternatives explored

There are no local funding alternatives that would not require state support in order to be in compliance with state judicial policy objectives and federal statutory requirements as regards language access obligations. With limited budgets, local courts must prioritize the hearing types for which they will provide certified interpreters at court expense. Therefore, many municipal courts (which usually have a larger LEP caseload) retain non-certified language interpreters to save money. It is believed that some rural courts charge litigants for interpreter expenses in non-indigent civil matters, as this is allowed by RCW 2.43 language. Charging LEP parties for civil case interpreting jeopardizes the state's federal funding for the courts as this is not permitted under Title VI of the Civil Rights Act of 1964.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Court interpreter funding will be an ongoing cost, fluctuating based on immigration trends in the Washington population.

Effects of non-funding

Prior to program implementation, courts paid lower hourly rates for interpreting services. As a result of this program participant courts are paying higher hourly interpreter rates for credentialed interpreters in order to receive higher quality services. While those courts are spending less local money because of the State's contribution, the rates paid by those courts have greatly impacted courts not participating in the program because interpreters now expect all trial courts to pay the same higher rates. Courts not in receipt of state funding are forced to either pay the higher hourly rates in order to ensure interpreting services, or risk losing interpreters to the program participant courts who pay higher amounts. Most Washington trial courts have increased their interpreter fees without increased revenues, thereby reducing funds for other court services. As previously noted, the current funding level only lasts for a

portion of the fiscal period for the majority of participating courts. When the funding is used up, those courts often resort to using non-credentialed interpreters that charge less, which defeats the judicial policy purpose of ensuring meaningful access through the use of quality services based on a quality threshold.

Additionally, US DOJ and King County Superior Court have mutually agreed on ways to satisfy federal expectations to provide interpreters for non-indigent civil litigants and is likely that the agreement will serve as a baseline for compliance for other Washington courts in any future DOJ action. Full state funding will address the US DOJ mandate.

Expenditure calculations and assumptions and FTE assumptions

Current Reimbursement Program Interpreter Cost Data:

While the AOC has court interpreter usage and language data from a variety of courts, it does not have complete data on actual court interpreter expenditures for all Superior, District and Municipal trial courts. However, by figuring the average interpreter cost per case incurred by courts in the reimbursement program and extrapolating that figure to all JIS-reported cases for which a language type was noted, one can arrive at an estimate of the total annual expense for interpreter services in legal proceedings. The data takes into account all those cases that were filed with a language noted, which is not to mean that all those cases actually went to a hearing. However, by using the "cases filed" statistic, it denotes the upper limit of the funding need as the "cases filed" statistic is an undercount due to the fact that not all courts are consistent with entering language need data.

For all courts in fiscal year 2015, JIS logged 54,118 cases filed in which a language type was denoted. Of those, 15,082 were filed in the courts participating in the Reimbursement Program. Those courts reported interpreter expenses of \$2,343,058 in FY 15. This gives an average interpreting cost of \$155 per case filed to be used as a calculation factor to arrive at projected program costs.

Total interpreter expenses for those participating courts have not increased to any significant degree since the FY 2010-11 period as shown below:

Statewide Actual Expenditures for courts in the Reimbursement Program:

2010-11	\$2,369,771
2011-12	\$2,296,420
2012-13	\$2,233,589
2013-14	\$2,044,882
2014-15	\$2,339,761

The increase in expenditures borne by the courts is due primarily to slightly higher per hour costs being charged by interpreters in many languages as well as the use of 2-person interpreter teams for hearings of two hours or longer.

Implementation Process Assumptions

Courts currently in the Court Reimbursement Program will continue to receive contracts for FY 18-19 using the current biennial allocation of \$1.2 Million. Those courts and other courts not in the program will be required to complete an application for reimbursement funding that will take into consideration submitted historical interpreter cost and associated caseload interpreter need data as well as interpreter availability in the region for the most needed languages. Contract award amount criteria will be developed by the AOC using the data provided by applying courts.

AOC will need to hire one half-time FTE to support program expansion as well as invest staff IT resources in developing additional reporting and data collection applications as may be needed from July 2017 onwards. The implementation-prior-to-award period is expected to last up to 8 months, as local court staff training on using the online database reporting application and contract development will be needed in advance of the disbursement of Program funds. This leaves 4 "billable" months out of FY18 in which the courts with contract awards will be compensated for 50% of their in-person civil and criminal case interpreting costs.

The first year expansion phase will result contract award amounts to rural courts currently not in the Program, primarily because rural courts do not have enough interpreters available locally and have to pay travel expenses in order to secure their in-person interpreting services from AOC-credentialed interpreters. Due to their lower tax revenues and higher per case costs compared to larger cities and counties, they will benefit from state support in order to comply with state statutes as well as comply with federal language access policies.

In the second fiscal year of the biennium, the Reimbursement Program could either expand to include both Urban/Rural and Urban counties identified in Appendix A or be limited to only Rural and Urban/Rural counties, with Urban counties being added to the program in the FY 19-21 biennium. The cost projections for FY 19 inclusive of both disbursement scenarios are outlined below.

Cost Projections for FY 18 and FY 19

Using caseload data for Superior Courts (SC) and Courts of Limited Jurisdiction (CLJ) from fiscal years 2014 and 2015 the estimated FY cost total for rural counties is \$274,130*.

*(Referring to Appendix A: Rural Courts FY14-15 costs: *\$3,289,565 / 2 years= \$1,644,782 divided by 12 months =\$137065/month x 4 months =\$548,260, divided by 50% =\$274,130 for 4 months of projected FY18 interpreter expense reimbursement).

Subtracting contract awards of \$30,034 for FY16 program participation by those courts

now in the Program leaves an estimated need of \$244,096 for FY18 for those Rural County Courts not in the program at present.

For FY18, the least amount requested is \$244,096 in new funding plus 0.5 FTE and IT staff time costs. If the Legislature were to award 50% reimbursement funding for all courts in FY18, the statewide amount would be \$3,947,930 (after deducting the \$610,000 current annual allocation from the Legislature).

For FY19, the annual all-Rural Court 50% reimbursement amount is \$792,357 (assuming the current annual \$610,000 allocation continues, this figure is after the \$30,034 Rural courts allocation is subtracted). Half of the of the annual cost for Urban/Rural Counties would come to \$1,107,858 (after subtracting \$133,110 for Urban/Rural counties and allowing for the 50% reimbursement factor). Adding Urban counties' 50% reimbursement costs after subtracting the current allocation to Urban counties of \$447,327 of would place the statewide FY19 reimbursement need for Urban Counties at \$2,047,243.

Taking it all into consideration for FY19:

Rural Courts: \$792,357

Urban/Rural: \$1,107,858

Urban: \$2,047,243

Total \$3,947,458

Managing the court interpreter reimbursement program at current levels requires a significant amount of staff time. Funding for an additional .5 FTE is requested as a Range 62 to serve as a project manager to coordinate funding distribution and oversee deliverables. The project manager will develop and monitor contracts, evaluate and verify data that is reported, audit participating courts to ensure accuracy in reported numbers, and provide technical support to participating courts. Expansion of the state grants to all local court jurisdictions requires additional staff.

Object Detail	FY 2018	FY 2019	Total
Staff Costs	\$ \$	\$ TBD	\$
Non-Staff Costs	\$	\$	\$
Total Objects	\$ 0	\$ 0	\$ 0

Washington State Judicial Branch 2017-2019 PRELIMINARY BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Telephonic Interpreting for Court Customer Service +

Budget Period 2017-2019 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Access to full use of our courts requires clear lines of communication both inside and outside the courtroom. When persons with limited English proficiency are scheduled for proceedings, prearrangements are made for interpreting services. However, in-person interpreting is not typically available for the many instances when individuals call or visit the courts to file paperwork, pay fines, or request information. This proposal is to obtain state funding to offset 50% of the costs associated by on-demand telephonic interpretation to ensure that language is not a barrier from full participation in court services.

Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
Funding Source	\$ 730,592	\$ 2,435,310	\$ 3,165,902
Staffing	FY 2018	FY 2019	Total
FTEs (number of staff requested)	0.5	0.5	0.5

Package Description

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for persons who have limited English proficiency.

Failure to provide clear, concise interpretation denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies and potentially incorrect judicial orders and verdicts.

According to the U.S. Census American Community Survey 1-Year Estimates, the number of foreign-born, limited English proficient (LEP) persons age 5 and older in Washington who speak a language other than English in their home increased by 50,561 between 2010 and 2014, growing from 717,942 to 768,503 persons. This shift in Washington's population has directly impacted local courts resources, and their ability to fund state and federal requirements to provide interpretation services.

In addition, for persons who are deaf and rely on sign language, telephone interpreting services using remote video interpreters are now available and a few local courts are employing the technology to provide prompt, on-demand communications access for court customers. It is expected that remote video interpreting will grow in demand due to the increased accuracy in interpretation it provides for foreign language speakers as well.

Narrative Justification and Impact Statement

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Public trust and confidence in the courts begins, at a minimum, with the public being able to access and communicate effectively with staff providing court services and programs. Such participation is not possible for LEP individuals without on-demand interpretation services. Full access to court services and effective management of court cases require communication between litigants and court staff outside of the courtroom.

Accessibility.

With the far majority of court staff, services, websites and documents being provided in English only, LEP individuals have limited opportunity to access court services. Without on-demand telephonic interpreting services, LEP individuals are forced to bring their own family or friends to assist in communicating with court staff. They risk losing a full and complete understanding of what is needed to be known by themselves or the court and in many cases, they may be hindered from full and frank communication due to the sensitive nature of the matters leading them to court.

Access to Necessary Representation.

N/A

Commitment to Effective Court Management.

On-demand telephonic interpreting services will assist court staff in more effectively serving the LEP public, and processing their cases. Interpretation from objective language experts will avoid confusion or misunderstandings, and ensure that parties are informed of their rights and responsibilities.

Appropriate Staffing and Support.

The request also includes .5 FTE for AOC for administrative work in contracts and fiscal as the proposal seeks to offer reimbursement program participation to all Washington cities and counties rather than the currently fiscally-limited pool of cities and county courts in the existing program.

Measure Detail**Impact on clients and service**

With the current limited State funding, many courts often rely on LEP persons bringing their own family and friends to interpret. In urgent customer service matters, such as when needing clerical assistance to complete protection order forms, to payment plans, or in other court services encounters that could result in court sanctions against a person for non-compliance, telephone interpreting services provide more prompt and meaningful participation. This reduces the need for future encounters with court staff due to the successful communication with the Limited-English person that is provided by the telephone interpreting service interpreter.

Impact on other state services

None.

Relationship to Capital Budget

None.

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

In addition to the need for possible RCW language to authorize the AOC to reimburse courts for customer service communications with court staff if this is to be the program set up, it may require AOC to create a program for tracking telephone interpreting expenses between different types of telephone service encounters for the courts participating in a telephonic interpreting reimbursement program.

Alternatives explored

With limited budgets, courts must currently prioritize the use of limited interpreting funds in-person courtroom interpretation, often leaving court customers who need to access court services and programs (but who do not have court-related hearings) without access to effective communication when needed. As a result, they are forced

to rely on their children or friends' capability or availability to assist in English-foreign language interpreting.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Telephonic interpreter funding will be an ongoing cost, fluctuating based on immigration trends in the Washington population.

Effects of non-funding

Courts will continue to provide interpreting services when possible, but prioritization of interpreting resources will remain focused on assigning in-person interpreters for courtroom proceedings. However, the absence of resources for ensuring interpretation services are available for non-courtroom services will cause our state courts and counties to run afoul of both state and federal requirements which can place their award of federal funds in jeopardy of being retracted.

Expenditure calculations and assumptions and FTE assumptions

Implementation Process Assumptions

This funding request, if approved, will make funds available to all state courts for telephonic interpreting at courthouse public service counters. All courts seeking funds under this funding will be required to complete an application for reimbursement funding that will take into consideration submitted telephonic interpreter cost history and associated interpreter need data as well as interpreter availability in the region for the most needed languages. Contract award amount criteria will be developed by the AOC and awards will be given using the data provided by applying courts to the extent funds are available.

AOC will need to hire one half-time FTE from July 2017 onwards to support program expansion as well as invest staff IT resources in developing additional reporting and data collection applications as may be needed. The implementation-prior-to-award period is expected to last up to 8 months, as local court staff training on using the online database reporting application and contract development will be needed in advance of the disbursement of Program funds. This leaves 4 "billable" months out of FY18 in which the courts with contract awards will be compensated for 50% of their in-person civil and criminal case interpreting costs.

Calculation Assumptions and Methodology

It is currently impossible to estimate the level at which the Limited English Speaking public encounters court staff for non-case related services, one must rely on the number of cases in which a LEP speaker is involved to set the base floor for projecting cost estimates. In 2015, there were 54,118 cases in Washington courts which had a foreign language need associated with a case. King County has previously shared the view that it is estimated that each litigant for each case will have an average of nine

encounters for non-courtroom related services or support, such as calling the court with questions, setting up payment plans, completing forms or other paperwork, meeting with court facilitators, etc. These conversations typically last 5 minutes, but when interpreted, they take at least twice the amount of time.

The average per minute cost for telephonic interpreting is \$.90, and may vary based on the language used. In the majority of requested languages, the companies will connect the requester with an interpreter upon demand, as is currently done in the courts that use telephonic interpreters for court hearings. So for each case, 90 minutes of telephonic interpreting services is estimated to be needed (e.g. 10 minutes x 9 encounters = 90 minutes). Multiplying that by .90 cents gives a figure of \$81 per case.

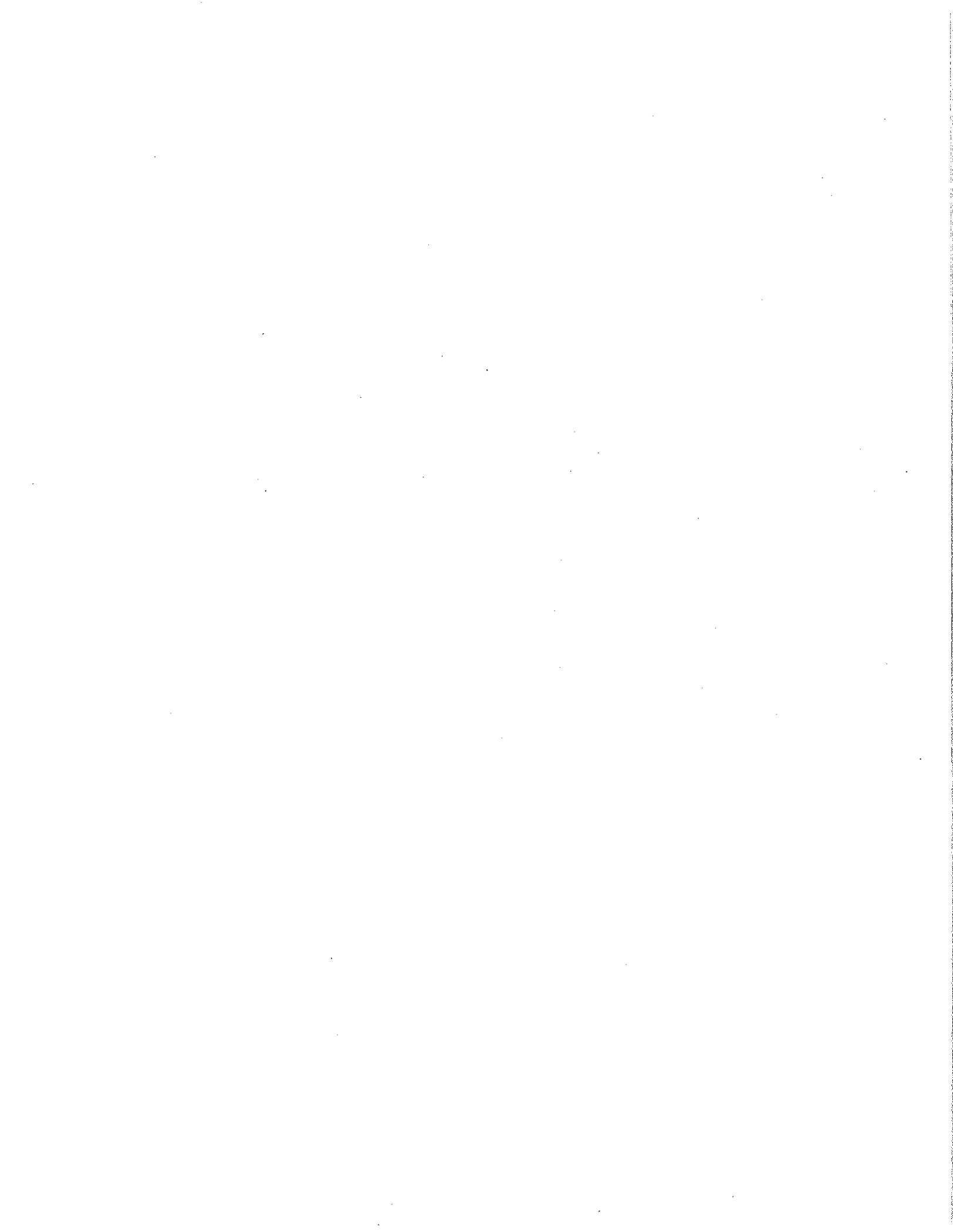
Taking into consideration an implementation phase of 7 or 8 months, only 4 months of the first fiscal year would be covered by any contract awards. The telephonic cost figure for FY18 is thus calculated by dividing 54,118 by 12 to get the monthly average of cases, then multiplying that average by \$81 to get the monthly expense average.

FY 18: 54,118 cases divided by 12 x 4 months = 18,039 cases x \$81 per case = \$1,461,185. Applying the 50% reimbursement for \$1,461,185 gives \$730,592 for the first fiscal year cost.

FY 19: 54,118 cases x 9 x 10 minutes x \$0.90 = \$4,870,620

Given the 50% State reimbursement approach, the full amount needed for the second fiscal year is \$2,435,310. The request also seeks 0.5 FTE at Range 62 for the AOC for a project manager to conduct administrative work in contracts and fiscal.

Object Detail	FY 2018	FY 2019	Total
Staff Costs	\$ TBD	\$ TBD	\$
Non-Staff Costs	\$	\$	\$
Total Objects	\$ 0	\$ 0	\$ 0



Committee Reports



WASHINGTON
COURTS

Interpreter Commission- Issues Committee
Friday, March 25 (12:00 p.m. – 1:00 p.m)
Teleconference

MEETING MINUTES

Members Present:

Judge Beall
Thea Jennings
Kristi Cruz
Alma Zuniga
Linda Nobel

AOC Staff:

Robert Lichtenberg
James Wells

I Call to Order

- Meeting is called to order at: 12:06
- Previous meeting minutes approved

II Request for Reciprocity for California Court-Registered Hindi Interpreter

AOC staff asked the Committee to review a request for reciprocity from a registered Hindi interpreter from California. The Committee discussed the policy on reciprocity for court certified interpreters. For interpreters in certified languages, there is a standard policy depending on where the interpreter's original certification is from. For registered interpreters, there is no set policy and each reciprocity request must come to the Issues Committee on a case by case basis. The Committee discussed the background of the registered interpreter wanting reciprocity with Washington. The interpreter took the same tests that registered interpreters have to take in Washington and achieved the required scores to pass. The Committee approved the reciprocity pending the interpreter's passing a background check and obtaining an interpreter badge.

Motion: Allow the registered interpreter from California reciprocity with Washington pending the attendance of an Ethics and Protocol class held by the AOC, passing a background check, obtaining an interpreter badge, and taking the Washington Oath of Interpreter.

III Plain Language Revisions of Report Forms

The Committee discussed revising for plain language the Spoken Language Interpreter Report Form and the Instructions for Using Spoken Language Interpreter Report Form. New versions of the forms had not been circulated before the meeting. AOC staff discussed the recent efforts of the AOC's pattern form committee to make a large number of forms plain language. The AOC worked with an outside vendor in multi-stage project that took place of 6. The Pattern Forms Committee at the AOC would be sending some guidance documents to AOC staff for review. AOC staff will look at the forms themselves and also explore the possibility of using the same company that the Pattern Forms Committee used to work on the report forms. They also discussed a previous work on forms that was done by someone at the Northwest Justice Project.

The Committee discussed the final two paragraphs in the complaint form:

I certify that I have read the information contained in the Complaint Report Form and that all of the information I have given is true, correct, and complete to the best of my knowledge, information, and belief.

I am permitting the Administrative Office of the Courts to provide a copy of my Complaint Report Form and any supporting information to any public agency that has legal authority to be involved in any matter related to this Report.

Based on the discussion from full Interpreter Commission meeting on March 4, the Committee felt that the first paragraph could be simplified and replaced by the sentence, "I have read the complaint and believe it to be true."

The second paragraph raised concerns due to its complexity and a potential chilling effect it could have on someone who is filling out the form but concerned that their identity might be shared with other agencies if the investigation involved criminal charges. One solution discussed was to rewrite this section, making it clear that the interpreter who is the subject of the complaint form would be the most relevant information that would need to be shared with another agency. The section would then be moved to the accompanying instructional document. However, the Committee ultimately decided drop the language from the form. Any complaint with merit would go to the Discipline Committee and they could work with the individual during the investigation if necessary. AOC

IV Written exam requirement for reciprocity candidates

The Committee returned to the discussion of reciprocity policy. AOC staff described the policy for granting reciprocity to court certified interpreters who were certified in other states in section (b2). The language discussed is below:

Reciprocity: (a) Interpreters certified by the Oregon Court Interpreter Certification Program or the Federal Court Interpreter Certification Examination

Program may become certified by the Washington Administrative Office of the Courts upon: (1) providing formal written documentation of certification status; (2) providing a letter from the certification program stating that the interpreter is in good standing; (3) submitting to a fingerprint background check; (4) executing the Oath of Interpreter, and (5) obtaining an interpreter ID badge from the Washington Administrative Office of the Courts.

(b) Interpreters who have taken and passed the oral certification exam developed by the Consortium for State Court Interpreter Certification, but administered by another state court interpreter program under the same testing standards used by the Washington Administrative Office of the Courts, or interpreters who have taken and passed the oral certification exam developed by the California Administrative Office of the Courts, may become Washington certified upon (1) providing written documentation of passing the oral certification exam from the administering state; (2) passing the Washington Court Interpreter Program written exam; (3) attending a mandatory class on the Introduction to Court Interpreting, provided by the Washington Administrative Office of the Courts, and (4) meeting requirements three through five in paragraph (a) above. The Washington Court Interpreter Program reserves the right to reject oral certification exam test scores for individuals who passed the exam more than four years prior to application for certification in Washington and have subsequently performed little or no court interpreting.

(c) Interpreters certified under provisions (a) or (b) above are subject to all Washington Certified Court Interpreter requirements for continuing certification, including continuing education.

Unless an interpreter is certified Oregon or federally certified, they are required to take the written exam in Washington. At the time the policy was written, the written exam in Washington had an additional translation section for some languages. This section was unique to Washington but it had been discontinued in 2011. Since that time, the Washington written exam has been identical to the written exams given in other states who use the National Center for State Courts court interpreting exams. Therefore, a specific requirement to pass the written exam here would be redundant and AOC staff proposed that the language be updated.

The Committee decided to change the requirement from passing the Washington Written Exam to passing the Written Exam with the same standards as Washington, similar to the requirements regarding the oral exam. Language to that effect will be added to the beginning of section (b) where the oral exam requirements are addressed. AOC staff will draft the proposed change for review at the next meeting.

The Committee also suggested adding policy language for registered interpreters to establish a more standardized process. Currently policy states that each request for reciprocity for interpreters of a registered language is referred to the Issues Committee for a decision on a case-by-case basis. This policy should include language requiring

that the interpreter pass tests that are similar to the tests used in the Washington registration process. AOC will draft this language for review at the next meeting.

V Treating CLEs as CEUs

The Committee discussed Continuing Legal Education credits (CLEs) for attorneys and Continuing Education Units (CEUs) for interpreters. Based on current policy language, an interpreter can take courses designed for attorneys if those courses have been approved by the Court Interpreter Program as CEUs. Some interpreters are also attorneys and there was a concern that these interpreters may only take CLEs and might not be taking interpreting related education credits.

One suggestion was that a CLE class should count as Performance/Skills credits if it is interpreting related. Otherwise that class would fall into the General category. It was also suggested that CLE class should not be treated differently from other education credits and that the class should be categorized in the same way any other class would be based on the content of the course.

III Next Meeting

- Date of the next meeting will be one of the final three Fridays in April. A Doodle Poll will be sent out to decide.

Motion

Motion Summary
Allow the registered interpreter from California reciprocity with Washington pending the attendance of an Ethics and Protocol class held by the AOC, passing a background check, obtaining an interpreter badge, and taking the Washington Oath of Interpreter.

Action Item Summary	
AOC staff - draft new language to update the reciprocity language in section (b) to reflect the new written exam requirements.	<i>Completed</i>
AOC staff - draft new language regarding reciprocity for registered interpreters that are parallel to the requirements for certified interpreters	<i>Completed</i>
AOC staff - revise the complaint forms using the new materials from the Pattern Forms Committee and look into the possibility of using an outside agency in making the complaint forms into plain language.	<i>Completed</i>
AOC staff - revise the complaint forms based on the changes requested this meeting.	<i>Completed</i>



Interpreter Commission- Issues Committee
Friday, March 25 (12:00 p.m. – 1:00 p.m)
Teleconference

MEETING MINUTES

Members Present:

Judge Beall
Thea Jennings
Alma Zuniga
Linda Nobel

AOC Staff:

Robert Lichtenberg
James Wells

Absent

Kristi Cruz

I Call to Order

- Previous meeting minutes approved

II Plain Language Revisions of Report Forms

The Committee reviewed the complaint forms as modified by AOC staff. The Committee addressed some wording changes and typos in the forms. The instructions for the form contained a link to the disciplinary policy, but the Committee felt that the document was too long and dense and suggested that be a better landing page for the link. AOC staff suggested creating a condensed, one or two page document which they would prepare. With the changes suggested during the meeting, the Committee made a motion to present the documents to the full Commission

Motion: Present the current draft of the complaint form and instructions to the Interpreter Commission pending any further changes made by email by members of the Committee not present for the discussion.

III Changes to Reciprocity Changes

The Committee reviewed the language created by AOC staff to update the reciprocity policy regarding the written exam requirements and having a more automatic process for registered interpreters. The Committee had no further changes and made motion to recommend the policy changes to the Interpreter Commission.

Motion: Recommend the update reciprocity policy to the Interpreter Commission at the next meeting.

IV Inactive Status Request

The Committee reviewed a letter from an interpreter certified in Washington and currently living in Florida. The interpreter had not met their requirements for the 2014-2015 compliance cycle wrote a letter to explain their situation and find a way keep their certification as they planned to return to Washington in the future. The Committee discussed the possibility of granting inactive status. However, the interpreter did not meet the criteria laid out in the policy for inactive status and Committee decided to stay within the rules. The Committee felt the interpreter should be referred to the Disciplinary Committee who could take into account the interpreter's letter and situation to make a final decision. AOC staff will relate the Committee's decision to the interpreter citing the appropriate policy.

V Next Meeting

- Friday, May 6 from 12:00 PM to 1:00 PM

Motion

Motion Summary
Present the current draft of the complaint form and instructions to the Interpreter Commission pending any further changes made by email by members of the Committee not present for the discussion.
Recommend the update reciprocity policy to the Interpreter Commission at the next meeting.

Action Item Summary	
AOC staff – Share the complaint forms with ODHH and develop appropriate forms for sign language	
AOC staff – Create a condensed version of the disciplinary policy document	
AOC staff – Inform Marta Reyes of the Committee's decision	

Reciprocity: (a) Interpreters certified by the Oregon Court Interpreter Certification Program or the Federal Court Interpreter Certification Examination Program may become certified by the Washington Administrative Office of the Courts upon: (1) providing formal written documentation of certification status; (2) providing a letter from the certification program stating that the interpreter is in good standing; (3) submitting to a fingerprint background check; (4) executing the Oath of Interpreter, and (5) obtaining an interpreter ID badge from the Washington Administrative Office of the Courts.

(b) Interpreters who have taken and passed the written and oral certification exams developed by the Consortium for State Court Interpreter Certification, but administered by another state court interpreter program under the same testing standards used by the Washington Administrative Office of the Courts, or interpreters who have taken and passed the written and oral certification exams developed by the California Administrative Office of the Courts, may become Washington certified upon (1) providing written documentation of passing the oral certification exam from the administering state; ~~(2) passing the Washington Court Interpreter Program written exam;~~ (2) attending a mandatory class on the Introduction to Court Interpreting, provided by the Washington Administrative Office of the Courts, and (3) meeting requirements three through five in paragraph (a) above. The Washington Court Interpreter Program reserves the right to reject oral certification exam test scores for individuals who passed the exam more than four years prior to application for certification in Washington and have subsequently performed little or no court interpreting.

(c) Interpreters who have credentials in registered languages from other states and who have passed the written exam developed by the Consortium for State Court Certification and passed the oral language comprehension exams to the same standards as Washington requires may become certified upon: (1) providing written documentation of passing the oral language comprehension exams from the administering state; (2) attending a mandatory class on the Introduction to Court Interpreting, provided by the Washington Administrative Office of the Courts, and (3) meeting requirements three through five in paragraph (a) above. If the interpreter has credentials from the Oregon Court Interpreter Certification Program, they are exempt from requirement (2) above. Reciprocity for interpreters with credentials in registered languages who have passed language comprehension exams that are not used in Washington will be decided on by the Issues Committee on a case-by-case basis.

(d) Interpreters certified under provisions (a) ~~or (b)~~, or (c) above are subject to all Washington Certified Court Interpreter requirements for continuing certification, including continuing education.

Complaint about a Spoken Language Court Interpreter

General Information and Instructions

Who Can Make a Complaint?

- Any person who knows that a court interpreter did something wrong. Please see the section "What can you report about" for a list of problems you can report.
- You must report the problem within 3 years from the date the problem occurred.

What Can the Complaint Be About?

You can report a court interpreter if the interpreter:

- Was found guilty of breaking a law.
- Lied on purpose.
- Interpreted incorrectly or did not interpret everything that was said.
- Talked about confidential information they learned about while they were working.
- Did not come to a scheduled appointment without a good reason.
- Gave legal advice.
- Acted unprofessionally.
- Did not mention a conflict of interest or did not say that they knew someone who was involved in the court case.
- Did not follow the court interpreter's Code of Conduct or any other judicial department policies or procedures.

You can report an interpreter for things they did while they were interpreting, before they interpreted or after they interpreted.

Interpreters must follow the rules in the Code of Conduct for Court Interpreters. You can find about that in the section, "Where Is There Information About the Code of Conduct?" below.

If you do not see the problem that you want to report on the list, you can still fill out the complaint form. Please give us as much information as you can when you fill out the form.

What Can You Do Before Sending in a Complaint Form?

- Think about talking to the interpreter yourself if you are comfortable talking to them about the problem. You may be able to fix the problem with them. If you talk to the interpreter by email or by letter, please save those documents.

- Think about telling court interpreter coordinator or court administrator about the problem. They may be able to solve the problem. If you need an interpreter to interpret for you with the court staff, you may need to ask for a different interpreter.

Who Should You Give the Complaint Form to?

Please send the Complaint Report Form and any other supporting documents or information to:

Court Interpreter Program
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

What If You Need the Complaint Form Translated or Want to Report on the Phone?

- If you need your complaint form translated to English or if you wish to make a report over the telephone, please contact the Court Interpreter Program at interpreters@courts.wa.gov or call 206-705-5279 to schedule an appointment. The Court Interpreter Program will get an interpreter to help us talk with you. Please let us know what language you speak. ***You do not have to pay for the interpreter.***

What Happens Next?

- The Court Interpreter Program will look at your complaint. They may ask you for more information before deciding if they will send your complaint to the Interpreter Disciplinary Committee.
- If the Court Interpreter Program sends your complaint to the Disciplinary Committee, the Committee will look at your complaint. They may ask other people who are involved for more information. The interpreter will be informed of the complaint and about the disciplinary process. The Committee will not give your name to the interpreter unless you tell the Committee that they can.
- If the Committee decides the interpreter did nothing wrong, they will tell you. If you don't agree with their decision, they will tell you what you can do.
- If the Committee decides the interpreter did something wrong, the Committee will have a hearing with the interpreter. The Committee may ask you to come and explain your complaint and answer questions.

After the hearing, if the Committee decides the interpreter did something wrong, the Committee may ask the full Interpreter Commission to do something about the interpreter. The Committee may order the interpreter to take more training, take away the interpreter's certification for short time, or take the interpreter's certification away permanently. The Interpreter Commission cannot fine or collect money from the interpreter to pay you for your problem with the interpreter.

Where Is There Information About the Code of Conduct?

You can find the interpreter Code of Conduct on these websites:

- [http://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=generalRule11#gr11.2.](http://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=generalRule11#gr11.2)
- https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=policyManual/commentsOnTheCodeOfConduct

You can also contact the Court Interpreter Program at Interpreters@courts.wa.gov or 206-705-5279

Where Is There More Information About the Complaint Process

- You can find information about the Court Interpreter Disciplinary Process by calling Court Interpreter Program or downloading the process from this web address:
https://www.courts.wa.gov/programs_orgs/pos_interpret/content/pdf/InterpDiscRules%20Final%20Apprvd%20May%202012.pdf

Signature

I have read the complaint and believe it to be true.

Your Signature _____ Date _____

Please send the Complaint Report Form and any other supporting documents or information to:

Court Interpreter Program
Office of Court Innovation
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Complaint about a Sign Language Court Interpreter

General Information and Instructions

Who Can Make a Complaint?

- Any person who knows that a sign language court interpreter did something wrong. Please see the section "What can you report about" for a list of problems you can report.
- You must report the problem within 3 years from the date the problem occurred.

What Can the Complaint Be About?

You can report a court interpreter if the interpreter:

- Was found guilty of breaking a law.
- Lied on purpose.
- Interpreted incorrectly or did not interpret everything that was said.
- Talked about confidential information they learned about while they were working.
- Did not come to a scheduled appointment without a good reason.
- Gave legal advice.
- Acted unprofessionally.
- Did not mention a conflict of interest or did not say that they knew someone who was involved in the court case.
- Did not follow the court interpreter's Code of Conduct or any other judicial department policies or procedures.

You can report an interpreter for things they did while they were interpreting, before they interpreted or after they interpreted.

Interpreters must follow the rules in the Code of Conduct for Court Interpreters. You can find about that in the section, "Where Is There Information About the Code of Conduct?" below.

If you do not see the problem that you want to report on the list, you can still fill out the complaint form. Please give us as much information as you can when you fill out the form.

What Can You Do Before Sending in a Complaint Form?

- Think about talking to the interpreter yourself if you are comfortable talking to them about the problem. You may be able to fix the problem with them. If you talk to the interpreter by email or by letter, please save those documents.

- After the hearing, if the Committee decides the interpreter did something wrong, the Committee may ask the full Interpreter Commission to do something about the interpreter. The Committee may order the interpreter to take more training, take away the interpreter's certification for short time, or take the interpreter's certification away permanently. The Interpreter Commission cannot fine or collect money from the interpreter to pay you for your problem with the interpreter.

Where Is There Information About the Code of Conduct?

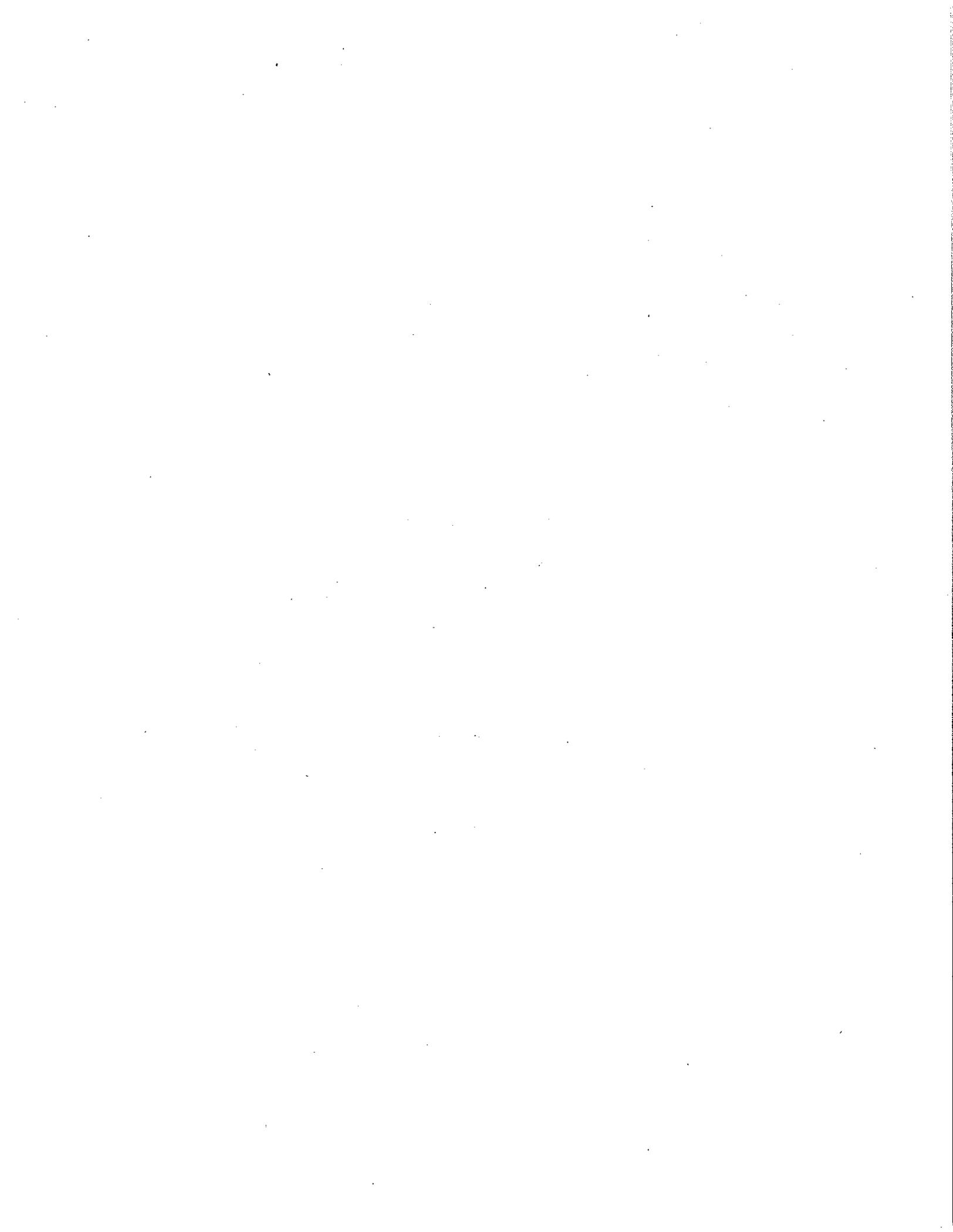
You can find the interpreter Code of Conduct on these websites:

- http://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=generalRule11#gr11.2.
- https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=policyManual/commentsOnTheCodeOfConduct

You can also contact the Court Interpreter Program at Interpreters@courts.wa.gov or 206-705-5279

Where Is There More Information About the Complaint Process

- You can find information about the Court Interpreter Disciplinary Process by calling Court Interpreter Program or downloading the process from this web address: https://www.courts.wa.gov/programs_orgs/pos_interpret/content/pdf/InterpDiscRules%20Final%20Apprvd%20May%202012.pdf





**Washington State Administrative Office of the Courts
Court Interpreter Program
Sign Language Interpreter
Complaint Report Form**

Please read the Complaint Form Instructions before you fill out this form. There is NO CHARGE for making a report.

The report must be about how the interpreter performed or acted when they were interpreting or if they have done something described in the Instructions section called "What can you report about". If possible, please talk to court staff or the interpreter about the problem before sending in this form. If that does not resolve the problem, please fill out the rest of this form.

If you wish to give a report over the telephone with the assistance of video relay, please contact the Court Interpreter Program at 206-705-5279 using a video relay provider of your choice. If you wish to give your complaint using video communication, please contact the Office of Deaf and Hard of Hearing (ODHH) at xxx-xxx-xxxx and they will let the Interpreter Program know of your complaint. Staff for both programs will assist in taking information to complete your report.

Information for Person with the Complaint

(if you are filling out this form for someone else, please see the next section)

Name _____
First Middle Last

Address _____
Street City State Zip Code

Main Phone _____ Other Phone _____ Email _____

Sign Language Involved (ASL, PSE, SEE, or other): _____

Information for Person Filling Out Form

(if the person is different from the person with the complaint)

Name _____
First Middle Last

Address _____
Street City State Zip Code

Main Phone _____ Other Phone _____ Email _____

Signature

I have read the complaint and believe it to be true.

Your Signature _____ Date _____

Please send the Complaint Report Form and any other supporting documents or information to:

Court Interpreter Program
Office of Court Innovation
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170



Interpreter Commission- Education Committee
March 23, 2016 (12:00 p.m. – 1:00 p.m.)
Teleconference

MEETING MINUTES

Members Present:

Sam Mattix
Lynne Lumsden
Eileen Farley (acting chair)
Linda Noble

AOC Staff:

Robert Lichtenberg
James Wells

Absent

Fona Sugg

I. Meeting Called to Order

- Call to Order at 12:12
- Minutes from the February 17 meeting were approved.

II. Old Business

Calendar of Training

The Committee discussed updates to the Calendar of events provided by AOC staff. A Presiding Judges conference will take place in the fall of 2016. Although an application for a presentation from the Interpreter Commission was not accepted, it was suggested that there could be a smaller presentation at one of the breakout sessions that occur at the conference. The topic would be the updated statewide languages access plan (LAP) template for trial courts. The Committee also discussed the possibility of having informal meetings around the state for local judicial officers to discuss the plan later in the year. The LAP workgroup hopes to have a draft of the plan ready for the Interpreter Commission to review at the May 20 meeting.

Continuing Education Credit Categories

The Committee discussed new Continuing Education Unit categories (CEU) and how future classes would be assigned. The Committee had previously created categorization outline with example topics to help AOC staff assign classes going forward. The outline had been discussed at the previous Commission meeting and the Committee reviewed the outline that had been revised based on the comments from the meeting. The Committee suggested changing the

term "canned material" to "court mandated". The Committee had no further revisions for the outline.

Motion: To approve the outline of continuing education categories and example topics with modification.

The Committee discussed the concern that interpreters taking classes with the same topics repeatedly may not be useful for interpreters such as ethics classes on the Code of Conduct. It was felt that there could be value for experienced interpreters from these classes and that new insights could be gained from any potential updates and the discussion. New situations are encountered even by very experienced interpreters and having reminders about the Code can be useful. Also, interpreters can often work in silos without the opportunity to communicate often with the interpreting community. These classes can provide an ability to discuss new situations and how to approach them.

One suggestion from the discussion was to have specific classes or types of classes that are required for interpreters to take within a certain timeframe after getting their certification. These classes could be skill building classes for modes of interpretation and classes on ethics. A mentoring program could also be established in the future.

The Committee discussed how credits in the CEU categories would roll over within a compliance cycle. The older CEU category system had two categories, Ethics and General. Any Ethics credits that interpreters earned beyond the 2 required credits counted as General credits. This system encouraged interpreters to take additional ethics courses rather than penalize them. The Committee proposed a similar process for the new categories. Any extra credits in the Ethics category would be counted in the Performance/Skill category. Also, any extra credits in the Performance/Skill category would be counted in the General category.

Motion: Excess credits in the Ethics category will be counted in the Performance/Skills category. Excess credits from the Performance/Skill category will be counted in the General Category.

The Committee discussed how credits would carry over from one compliance cycle into the next cycle. The older policy stated that up to 6 credits in the general category could carry over into the next cycle. The Committee agreed that 6 remain the maximum number of credits that can carry over. There was a concern about how excess credits in the Performance/Skills category would carry over. They could either carry over and remain in the Performance/Skills category or carry over into the General Category. There was a concern that carry over credits

remaining in the Performance/Skill Category might work as a disincentive for people to take more credits in that category and encourage them to take more General credits.

The Committee compared similar kind of education credit systems. For the Bar, education credits remain in their given category. For the Registry for Interpreters of the Deaf, there are no carry over credits.

The following motion was made and seconded regarding how excess credits earned in a two-year cycle will carry over in to the next cycle:

Motion: Up to six excess credits from a two-year reporting cycle may be carried over to the next reporting cycle. Excess credits in the Ethics and Performance/Skills will carry over into the Performance/Skills category and excess credits in the General category will be counted in the General Category.

A vote on the motion was continued until the next meeting to allow subcommittee chair Sam Mattix, who needed to leave the meeting early, an opportunity to participate. Discussion will continue at the next meeting about how credits would carry over from one compliance cycle into the next cycle. AOC staff will report to the subcommittee how many interpreters carried over credits and whether requiring staff to categorize credits as described above would be difficult and time consuming.

III. Next Meeting

- March 30 from 12:00 PM to 1:00 PM

Motion Summary	
Approve the outline of continuing education categories and example topics with modification.	<i>Approved</i>
Excess credits in the Ethics category will be counted in the Performance/Skills category. Excess credits from the Performance/Skill category will be counted in the General Category.	<i>Approved</i>
Motion: Up to six excess credits from a two-year reporting cycle may be carried over to the next reporting cycle. Excess credits in the Ethics and Performance/Skills will carry over into the Performance/Skills category and Excess credits in the General category will be counted in the General Category.	<i>Tabled until next meeting</i>

For Education Committee Discussion

Continuing Education Unit Categories:

Category	Credits per cycle	Description
Ethics	2	An educational activity related to appropriate court interpreter ethics or court interpreter protocol based on the Code of Conduct for Court Interpreters in the Washington Court Rules.
Performance/Skills Based Education	8	An educational activity which is specific to the development of interpreting skills (simultaneous, consecutive, and sight); language skills; or technical skills related to interpreting and/or translation ¹
General Continuing Education	6	An educational activity on topics that will enhance the participant's ability to perform interpreting work for the courts competently, fairly, and efficiently.

Example Topics in Performance/Skills and General Categories:

Performance/Skills Category

- Courses specifically meant to improve skills in consecutive, simultaneous, or sight translation
- Miscellaneous elements, skills, drills, specific applications:
 - memory training, note taking, decolage, maintaining and changing register, paraphrasing and summarizing, anticipating, visualizing, accent reduction
 - team interpreting
 - telephonic and video remote interpreting
 - terminology (knowledge & understanding of English legal terms, non-English language-specific legal & forensic vocabulary, lexicon, terminology development and consensus/uniformity)
 - preparing for assignments-including request for case info and doing own legal or subject-specific research
 - courtroom protocol
 - nail down canned material (e.g. parts of plea form, intro explain role of interpreter, putting credentials OTR)
- Legal system:
 - laws, criminal, business, civil, legal systems, with comparison to legal systems in other states and countries
- Subject- and domain-specific terminology and information:
 - Domestic violence, family law, dependency proceedings, sexual assault and abuse, human trafficking, elder abuse, drugs, controlled substances, DUI, vehicle accident and insurance claims, examination under oath, depositions, mental health, competency, involuntary commitment proceedings, expert testimony, polygraphs, forensic science, fingerprints, DNA, ballistics, medical examiner, coroner, accident reconstruction

General electives

- vicarious trauma, self-care, voice care, accent reduction
- running business, doing taxes, marketing
- transcription-translation
- interpreter program or policy information, interpreter testing information



WASHINGTON
COURTS

Interpreter Commission- Education Committee
March 30, 2016 (12:00 p.m. – 1:00 p.m.)
Teleconference

MEETING MINUTES

Members Present:

Sam Mattix
Lynne Lumsden
Eileen Farley
Linda Noble
Fona Sugg

AOC Staff:

Robert Lichtenberg
James Wells

I. Meeting Called to Order

- Call to Order at 12:03
- Minutes from the March 23 meeting were approved with modifications.

II. Old Business

Continuing Education Credit Categories – Carry Over Credits

The Committee continued their discussion from the previous meeting about how credits will carry over to the following compliance cycle with the new Continuing Education Unit (CEU) categories. The main issue was which category credits in the Professional/Skills category would carry over into, Professional/Skills or General. The Committee considered some of the technical issues that would be involved with the AOC database which keeps track of CEU classes and interpreters that have taken them.

The Committee also looked at how common it is for interpreters to have carry over credits. AOC staff looked at a sample of credentialed interpreters and found that about 75% of the interpreters had carry over credits from the previous cycle. The number varied from 1 credit up to the limit of 6 credits with an average of about 3.8 credits. One observation from the Committee was that the high percentage of interpreters having carry over credits indicated many interpreters are taking extra classes and going beyond just taking the minimum number of credits.

There was a concern that interpreters who had a number of carry over credits in the Professional/Skills category may avoid taking classes in that category in the next cycle. They also discussed how the recent clarifications of the categories showed that Professional/Skills is a broad category and encompassed a large number of topic and classes. It would not be as difficult for interpreters to find classes in that category as it was originally feared. The Committee also considered that having all carry over credits fall into the general category would be simpler technically and would mean less complicated rules.

The previous meeting ended with a motion to have Professional/Skill credits remain in the Professional/Skill category when carried over to the next cycle. That motion was withdrawn, and the following motion was made in its place:

Motion: Up to six excess credits from a two-year reporting cycle may be carried over to the next reporting cycle. Carry-over credits in the Ethics and Performance/Skills and General categories will all be counted in the General Category without regard to their original CEU category.

The motion passed unanimously. This motion and the motions made during the previous meeting will require a policy change and so would be put before the full Commission at the May 20 meeting.

Review of Calendar Update Process

The Committee reviewed the utility of the Calendar of Trainings. The calendar was created by Mr. Mattix when he became chair of the Committee based on the previous trainings the Commission had been involved in or sponsored. The calendar is used as a planning tool to look at the topics the Commission has been involved in the past and look for additional opportunities in the future. The Committee felt the calendar is a useful tool and should continue to be used and maintained. The Committee made a motion and it passed unanimously:

MOTION: AOC staff will continue to maintain and update the Calendar of Trainings for court staff, judicial officers and staff will send it out for to the Education Committee for each meeting.

AOC staff asked that members of the Committee continue to provide guidance on proposals for upcoming trainings and additional training opportunities to add to the calendar. The Committee discussed if AOC staff should submit proposals on topics for future trainings based on a master list or if they should refer to the Committee on each occasion. Some associations plan out

topics or themes several years in advance which could help the Committee plan appropriate topics as part of long term planning.

The Committee discussed an upcoming event on the calendar, the Association of Washington Superior Court Administrators Spring Conference. There will be a presentation on Video Remote Interpreting (VRI) which will discuss best practices, what VRI is, how it is used in WA, how it's used in other states and information about potential future pilot projects in WA.

The Education Committee began a discussion about whether the Committee's role should expand into trainings for interpreters and not be limited to court staff and judicial officers. For example, should the Committee address a mentoring program for interpreters or would this fall under the responsibility of the Issues Committee. Due to time limitations, this discussion will continued at a later meeting

Motion Summary	
Up to six excess credits from a two-year reporting cycle may be carried over to the next reporting cycle. Carry-over credits in the Ethics and Performance/Skills and General categories will all be counted in the General Category without regard to their original CEU category.	<i>Passed</i>
AOC staff will continue to maintain and update the Calendar of Trainings for court staff, judicial officers and staff will send it out to the Education Committee for each meeting.	<i>Passed</i>

Action Items	
AOC Staff – Place the motion from this meeting and the two approved motions from the previous meeting on the agenda for the next Commission meeting.	

Disciplinary Committee Conference Call

May 11, 2016

Discussion Summary

Members Present: Judge Theresa Doyle, Sam Mattix, Alma Zuniga

AOC Staff Present: Robert Lichtenberg, James Wells

The Disciplinary Committee had a teleconference to discuss the remaining 23 interpreters who had not completed their compliance requirements for the 2014-2015 compliance cycle. AOC staff submitted recommendations for Committee action against each interpreter. For each interpreter the recommendation was either to give the interpreter an extension of time to complete their requirements while maintaining their certification, or to suspend the interpreter's credentials until they completed their requirements.

The Committee discussed the recommendations and the staff reasoning behind them. Factors that were considered for each interpreter included: the interpreter's history of compliance with biannual reporting requirements in recent years; how many requirements the interpreter had completed for the 2014-2015 cycle; how recently the interpreter had received their credentials; whether or not the interpreter had contacted the AOC with a plan to come into compliance.

The Committee reviewed and modified the recommendations against a few interpreters based on the discussion. In addition, the Committee decided:

- Presiding judges and court administrators would be contacted by AOC staff via listserv about the interpreters who were suspended and those that were given extensions. The presiding judges and court administrators are to be informed that the interpreter given extensions would have to be sworn in every time they appear in court per Interpreter Commission Policy and that those that are suspended should not be appointed for court assignments even though their AOC-credentials are not yet revoked.
- The interpreters would be informed that they would be given until July 1 to finish completing their compliance requirements before facing further sanctions.
- Three interpreters who were one of the few or only credentialed interpreters in their language group or had indicated special circumstances in their previous contact with the AOC would receive phone calls by AOC staff letting them know that they need to complete their compliance activities.

March 21, 2016

District and Municipal Court Judges Association Rules Committee
c/o Judge Janet Garrow
Via E-mail: Janet.Garrow@kingcounty.gov

Re: Proposed Revisions to GR 11.3

Dear Rules Committee Members:

The Interpreter Commission discussed the District and Municipal Court Judges' Association (DCMJA) Rules Committee's proposed amendments to General Rule (GR) 11.3 at its meeting on March 4, 2016. Commission members recognize that Video Remote Interpreting (VRI) may allow for easier access to interpreter services in some circumstances and standards should be set for use of VRI. This letter is to share with your committee the comments made by some members of the Interpreter Commission.

Commission members were not clear whether the proposed amendments were intended to apply only to spoken language interpreters or if the Rules Committee intended to expand GR 11.3 to apply to sign language interpreters. Inclusion of sign language interpreters would need to consider the requirements of Revised Code of Washington (RCW) 2.42 as well as the need for all parties to see each other.

Commission members expressed concern that the proposed amendment would authorize courts to use VRI "...when the defendant is incarcerated" apparently without regard to whether an interpreter was readily available to the court. GR 11.3 in its present form limits the use of interpreters by phone to brief, nonevidentiary proceedings when "...interpreters are not readily available to the court." The proposed amendment suggests that incarcerated defendants might routinely be denied access to in-person interpreter services.

Commission members were not certain whether the Rules Committee intended to permit VRI when a defendant was in custody and the court was conducting an arraignment or other nonevidentiary proceeding by video. This would create a situation in which a defendant held in custody, appears by video to a court in a distant courthouse and both the defendant's and the court's words are interpreted by an interpreter in the courtroom or even in a third location. Such a scenario raises questions about the defendant having full access to counsel and the ability for private consultation with his or her attorney. Commission members agreed that if an incarcerated defendant requires an interpreter and the interpreter is appearing remotely, the defendant would need to be physically present in the courtroom.

The expansion of the rule to allow VRI "with the consent of the parties or when necessary to ensure a fair trial or hearing" also was the subject of much discussion by Commission members. Some raised concerns about persons with limited English proficiency

being fully informed before consent is sought or given and whether the process of seeking consent might unduly delay a hearing. Concerns were also raised about the proposed amendment allowing VRI "...when necessary to ensure a fair trial or hearing..." in contrast to the current version of GR 11.3, which limits the proceedings that might be interpreted by a remote interpreter to 1-circumstances under which an in-person interpreter was not available to the court and 2-to non-evidentiary proceedings. The DCMJA Rules Committee's proposed changes were presented to the Commission at the same meeting in which the Commission was asked to comment on a proposed VRI pilot project in Washington. The vendor's proposal specifically notes that VRI works best "...for simple proceedings that typically last less than 30 minutes." *National Center for State Courts VRI Program Overview* February 25, 2016, page 3, page 6. The proposed changes to GR 11.3 do not appear consistent with the limited use described by the vendor.

Several members raised concerns about the qualifications of interpreters appearing remotely and whether they would be certified or registered under Washington state standards.

Finally, Commission members were concerned that the proposed amendment to 11.3 (c) that any equipment used in interpretation "...must ensure that the non-English speaking party or witness hears all statements made by the participants" suggested that *either* the party or the witness must be able to hear. Commission members believed that the Rules Committee intended that equipment must ensure that the non-English speaking party and the non-English speaking witness must be able to hear everything said. Several members suggested it may be more appropriate to have a separate provision to specify how an interpreter may appear telephonically or by video to interpret for a non-English speaking witness in a proceeding.

Thank you for asking for our input and for your consideration of our members' concerns. If you wish for any further review or input of the Interpreter Commission, please contact Bob Lichtenberg, AOC's Language Access Program Coordinator, who can be reached by email at Robert.Lichtenberg@courts.wa.gov or phone (video relay) at 360-350-5373.

Very truly yours,

Judith Anderson Beall (by phone)

Judge Andrea Beall

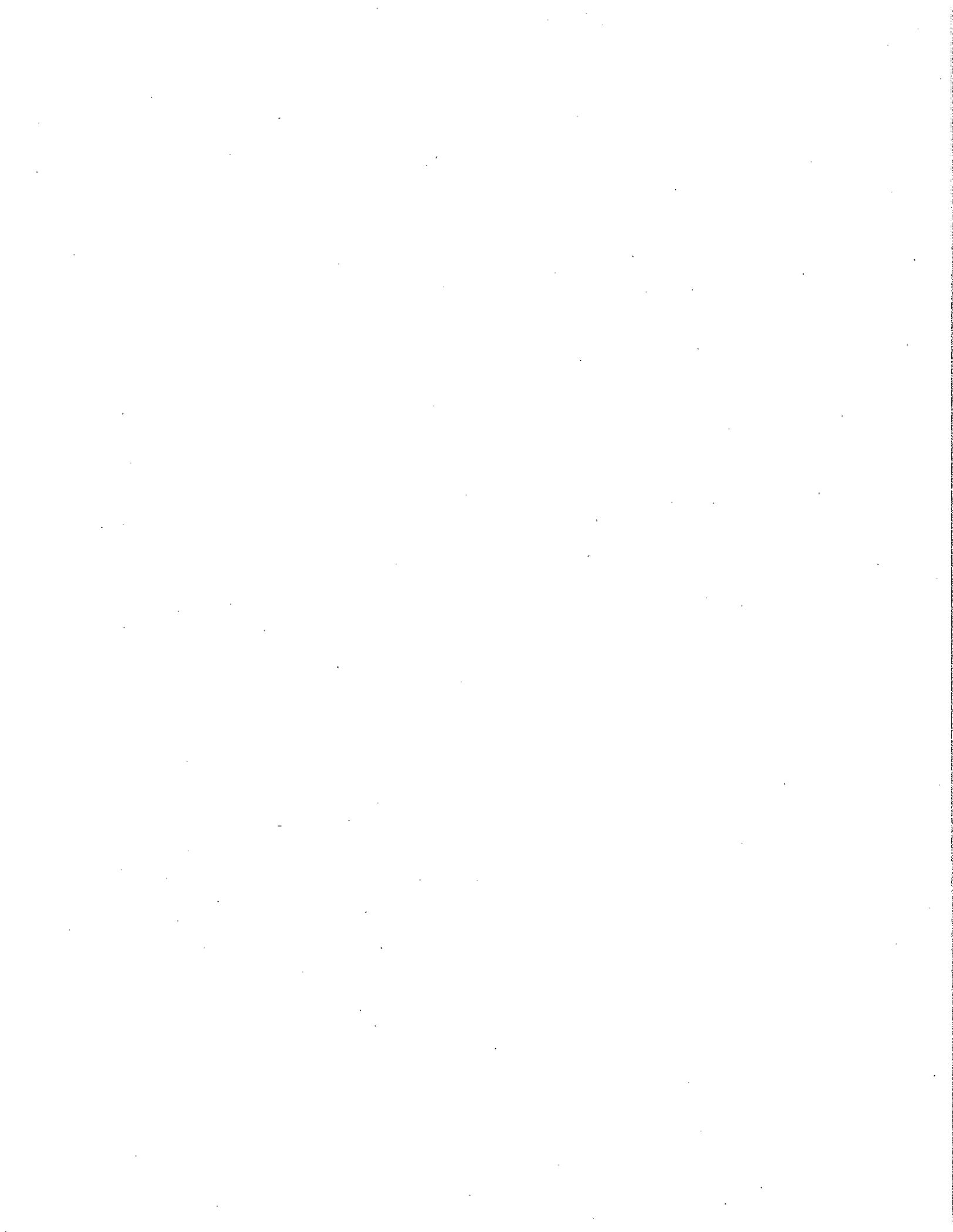
Ruyallup Municipal Court

DMCJA Representative to the Interpreter Commission

Eileen Farley

Attorney Representative to the Interpreter Commission

Court Interpreter Program Reports



Superior Court Administrators' Spring Program

April 17 - 19, 2016

16

Audience

14

Evaluations

SESSION EVALUATION

Session:	Video Remote Interpretation
Faculty:	Mr. Robert Lichtenberg, Mr. Jovi Lee

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	N/A	
1. The objectives of the course were clear.	9	2	2	0	0	0	3.90
2. The objectives of the course were achieved.	9	1	3	0	0	0	3.90
3. The faculty engaged me in meaningful activities.	8	3	2	0	0	0	3.90
4. I gained important information or skills.	8	3	2	0	0	0	3.90
5. The faculty made a clear connection between the course and the work place.	9	2	2	0	0	0	3.90
	Total Average						3.90

COMMUNICATION SKILLS

	5	4	3	2	1	N/A	
1. The faculty was well prepared.	11	2	0	0	0	0	4.20
2. The presentation was organized.	9	4	0	0	0	0	4.10
3. Written materials enhanced the presentation.	8	4	1	0	0	0	3.90
4. Audiovisual aids were used effectively.	9	2	2	0	0	0	3.90
5. The presentation kept my interest throughout.	9	2	2	0	0	0	3.90
	Total Average						4.00

EFFECTIVENESS COMMENTS

The following is a compilation of all comments received in the Effectiveness section:

Learned a lot about the options available to the courts.

I found the information exciting, but repetitive

COMMUNICATION SKILLS COMMENTS

The following is a compilation of all comments received in the Communication Skills section:

Name (optional): _____

We are in this Together: Interpreting in Sexual Violence Cases
A workshop for Attorneys & Court Certified/Registered Interpreters. Evaluation

Tuesday, April 26, 2016
Red Lion Inn at the River
Spokane, Washington

1. You are: (Check all that apply.) **Average based on 46 surveys.**

Interpreter: **8** Spoken Language **5** ASL
Attorney: **0** Private Practice **0** Public Defender / Defense
 2 Prosecuting Attorney
Other:

2. For interpreters: Approximately how many hours of interpreting assignments do you do on a 6-month basis?

1 (1-10 hours) **0** (11-25 hours) **2** (26-50 hours) **9** (51+ hours)

3. For attorneys: Approximately how many times in the past year have you worked with interpreters on DV/SV cases? **1 reply for 20 total** All other cases? **1 replies for 10 total**

4. Overall how would you rate the quality of the course? **Average = 3.0**
5. How would you rate the trainers? **Average = 3.1**
6. How would you rate the usefulness of the training to your work as an interpreter? **Average = 3.0**
7. How would you rate the usefulness of the training to your work as an attorney? **Average = 1.7**

8. Did the course live up to your expectations? **14 Yes, 0 No**
9. Were there important topics not covered which should have been? **11 Yes, 4 No**
10. Were the training materials sufficient? **13 Yes, 0 No**

11. What topic or aspect of this training did you find the most valuable and why
Information on vicarious trauma, didn't know it existed.

The vicarious trauma was food for thought. Thank you for presenting it.

Vicarious trauma

Trauma

All-because it comes up very often and helps us be more familiar.

Name (optional): _____

Vicarious trauma and self-care

It was all very informative and helpful. I have not interpreted for such cases, but I feel now more prepared.

The one that focused specifically on attorneys and interpreters separately.

12. What topic or aspect of this workshop did you find least valuable and why?

Liked all of it.

Vicarious trauma-only because I've had a lot of training on it.

It was great, it's a subset that is so deep and complex it is hard to do more than just scratch the surface in one day.

All the topics were very valuable and professionally presented by intelligent and knowledgeable presenters.

13. How closely did the training meet your needs?

It addressed what I can experience as an interpreter

Very good workshop

I will use the terminology for sure.

Very closely

I don't interpret often for the sexual abuse cases but after often for domestic violence "something" is related to a degree

The training had plenty of good information

It was great and helpful.

14. How useful will the material be to you in your practice/work?

It helped a lot.

It will be helpful – as I now have a better idea of how to communication through an interpreter but not involve the interpreter in ways the interpreter can't be (questions not related in interpreting)

Interesting new material presented on sexual violence

More info/examples about how to interpret some of the legal terminology "violate bodily interlorcity?"

Very useful

Same as above

Very useful

I hope I never need to interpret for such cases, but the valuable information presented today make me more confident in vases I am put in such a situation.

Name (optional): _____

15. What, if any changes (including addition or omission of topics) would you recommend be made to this course?

None

I think it would be appropriate to open the course up to legal advocates used by attorneys to communicate with victims. They are a vital part of the system.

I would like to hear about techniques to deal with vicarious trauma.

More real life scenarios and terminology

Maybe have an attorney (immigration attorney) that works closely with interpreters.

It would be beneficial to understand the overarching and minute differences between spoken languages and ASL interpreters (ie. laws that govern, mode of comm languages formal vs informal address of people.)

Additional Comments

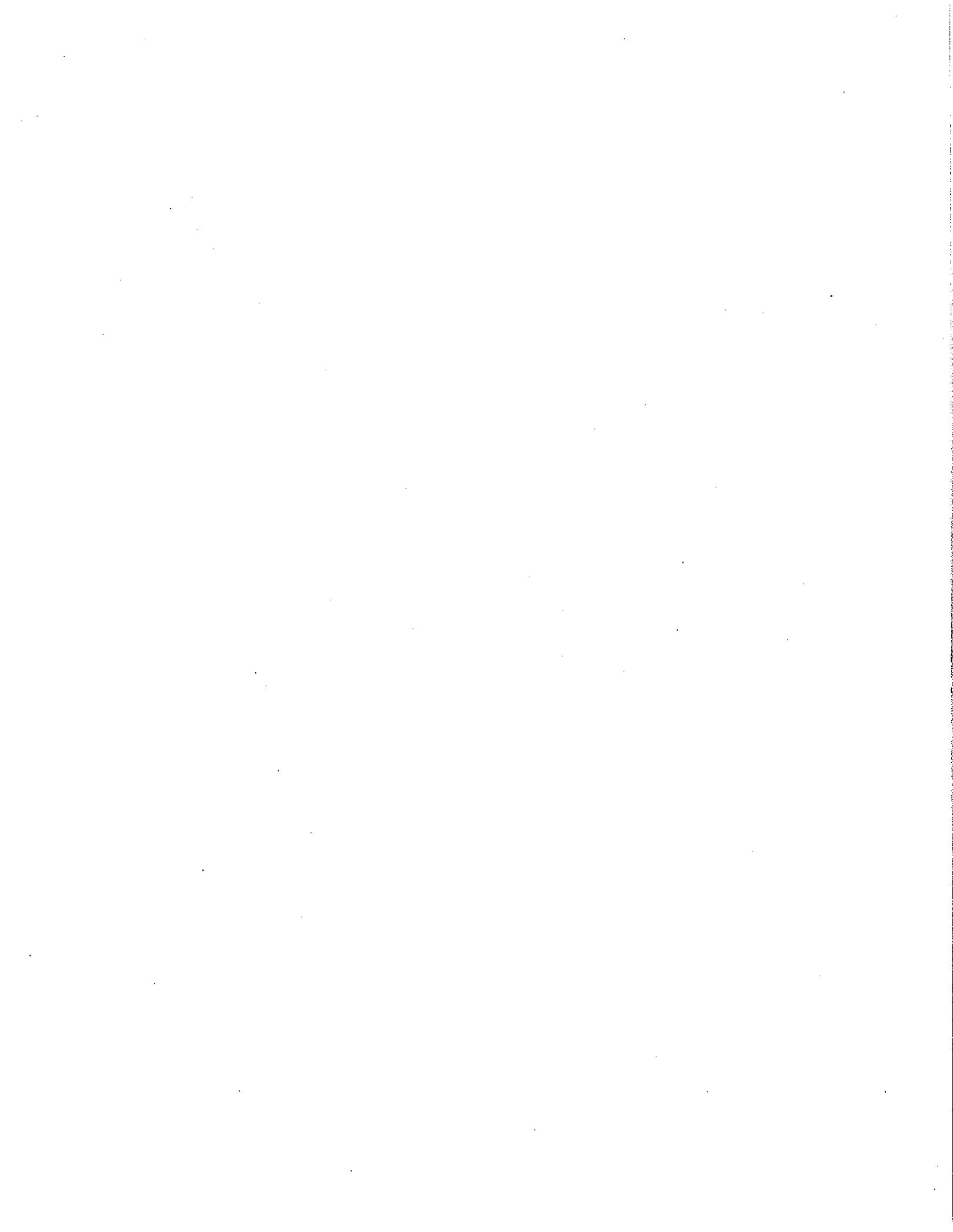
Great presentation

So pleased to see this workshop organized on this side of the state not only because of the convenience but getting the interpreters here together.

Thank you!

It was a pleasure to meet you ladies. It was a honor for me to attend and listen to all my colleagues experiences.

Thank you. I enjoyed the energy and passion each presenter emitted.



**Additional
Reading Material**

