



**Interpreter Commission Meeting**  
**Friday, December 2, 2016**  
Washington State Bar Association  
1325 4<sup>th</sup> Ave, Ste 600, Seattle, WA 98101

## **MEETING MINUTES**

### **Members Present:**

Justice Steven González  
Judge Andrea Beall  
Thea Jennings  
Lynne Lumsden  
Linda Noble  
Eileen Farley  
Fona Sugg  
Francis Adewale  
Katrin Johnson  
Alma Zuniga  
LaTricia Kinlow

### **AOC Staff**

Robert Lichtenberg  
James Wells

### **Members Absent**

Judge Theresa Doyle  
Dirk Marler

### **Guests:**

Czar Peralta  
Jonas Nicotra  
Irene Anulacion  
Kristi Cruz

## **CALL TO ORDER AND INTRODUCTIONS**

The meeting was called to order by Justice Steven González. Members and attendees introduced themselves.

## **APPROVAL OF SEPTEMBER 30, 2016 MEETING MINUTES**

Minutes were approved with modification

## **CHAIR'S REPORT**

### **ATJ Board-Commissions Meeting Review**

The Commission discussed the takeaways from the opening joint meeting and subsequent breakout session that involved a members of the Minority and Justice Commission (MJCOM), Gender and Justice Commission (GJCOM) and the Access to

Justice (ATJ) Board. For the Interpreter Commission break out session, Ms. Cruz and Ms. Johnson facilitated a conversation with a small group on language access.

One of the main topics of the interpreter breakout session was the power that language gives an individual to assert their needs and how the inability to communicate in that language is a loss of power. Attendees suggested those who serve the public to consider language access needs at the beginning of a public service-delivery planning project rather than as an afterthought so as to protect individual legal rights and needs.

Some takeaways from the breakout session about future collaboration were:

- MJCOM has a research committee which the Interpreter Commission may be able to use.
- Gender is a big part of culture and language and the gender of an interpreter has implications.
- The ATJ Board has a technology committee and it may be possible to collaborate with them in their discussion of plain language forms and translations.
- The Commissions are moving forward with bringing their education committees together for collaborative work on training of court officers.

### **Budget and Legislative for Proposals 2017-2019**

The Commission reviewed the two court interpreter-related budget request and legislative action proposals that have been selected by the Board of Judicial Administration (BJA) for submission for the 2017 Legislative Session. One proposal is for additional funding for interpreting services to expand the reimbursement program to cover all state courts and contains language changes to state law involving who pays for interpreters in civil cases. They discussed the second BJA-sponsored bill that would remove the requirement for interpreters to take their oath every two years. A separate bill for additional funding for telephonic interpreting services outside the court room was not selected by the BJA for legislative action at this time.

### **Strategic Planning Retreat**

The Commission discussed the logistics of the upcoming strategic planning retreat. The retreat will include the examination of the mission of the Commission and whether its mission should address other language access issues. It would be important to review the 2007 Interpreter Commission Strategic Plan for retreat planning purposes. One of the goals of the strategic planning event would be to review and refine the Commission's vision of what its goals are. Members suggested that having a facilitator for the retreat, along with doing as much preplanning as possible, and reviewing any materials in advance would be productive.

Some topics for retreat discussion could include:

- how to proceed with what the Commission has already identified as problems
- getting funding for courts to implement requirements and best practices
- building effective collaboration with other groups
- supporting legislative efforts
- getting community support for language access
- increasing the public understanding of the impacts of language access

## **COMMITTEE REPORTS**

### **Issues Committee**

#### *Revisions to General Rule 11.2*

The Issues Committee was previously tasked with reviewing and updating General Rule (GR) 11.2 Code of Conduct for Court Interpreters. Some members of the Northwest Translators and Interpreters Society (NOTIS) had already begun reviewing the code of conduct and the Issues Committee was deferring to them for the review. The Issues Committee has been giving feedback to the NOTIS group and has been reviewing the draft changes. A draft was not yet ready for full Commission review.

#### *Standardized Interpreter Pay Scale*

The Issues Committee has begun looking into how a standardized court interpreters pay scale could be created and the role the Commission or the AOC would have. There is language in state law that references the AOC establishing pay standards but an explicit pay scale doesn't exist. However, contracts with courts in the reimbursement program references to a \$50 per hour cap as a standard of pay for reimbursement purposes

Some concerns about creating a detailed pay scale included:

- The effects on access to justice and the quality of interpreters.
- The level of research needed to create it.
- Regional differences in standard of living.
- The impacts on the ability for a court interpreter to make a living.

Municipal courts in King County have come up with a common payment policy. The policy helps to alleviate problems such as interpreters cancelling on appointments when they get a better paying offer nearby and negotiating with interpreters who speak rarer languages and thus ask for a higher pay. The Issues Committee was tasked to review whether a standard should be proposed for all state courts.

### **Education Committee**

Ms. Johnson reported that there had been no Education Committee meetings since the previous Commission meeting. Ms. Johnson recently became the chair of the Committee and had spoken with the previous committee chair to review the minutes of the previous meetings and recent work of the Committee. She has also discussed the role of the Committee in the roll-out of the Language Access Plan.

### **Discipline Committee**

Mr. Lichtenberg informed the Commission that the Interpreter Program has received a complaint from another state about an interpreter who is certified by Washington State. The interpreter is also certified in Oregon. He reported that Oregon Judicial Department had already entered into a correction plan with that interpreter as a result of that complaint. The interpreter has admitted to the violation of our Code of Conduct and is cooperating in creating a similar remedial action plan that was approved by Oregon. The remedial plan involves observation by a more experienced interpreter, which may then lead to corrective training as needed. Currently no other sanctions had been brought against the interpreter. Ms. Johnson suggested this problem could inform future interpreter trainings. Mr. Lichtenberg also informed the Commission that he will have a meeting with the National Center for State Courts (NCSC) about the disciplinary process and policy in Washington State.

## **COURT INTERPRETER PROGRAM ISSUES**

### **Language Access Plan**

The Commission reviewed the latest draft of the Model Language Access Plan (LAP) Deskbook. The draft was also being reviewed by the Department of Justice and their suggestions and comments are expected soon. Members of the Commission were invited to submit suggested revisions electronically to AOC staff.

The Commission learned about the work of the LAP Template workgroup. The group has had three in-person meetings. It was noted that the template as a model is longer than it would when completed by a court since it provides a number of options that courts will select from based on their needs. Options not relevant for that court would be deleted, thus shortening the size of a court's final written LAP.

The Commission discussed the Deskbook policy section and possible edits that may be required due to the predicted change in federal policy towards LEP individuals. The policy section placed a lot of attention on a 2010 DOJ letter on language access in state

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courts and how it affects courts and the consequences of non-compliance with Title VI if those courts are a recipient/beneficiary of federal funding. The directives in the 2010 letter could be de-emphasized under the new federal administration, so some members of the Commission suggested deemphasizing future DOJ enforcement as a reason for our state courts to provide interpreters at no cost to LEP individuals in all types of legal proceedings. They suggested putting more focus on the constitutional and jurisprudential principles protecting language access rights since some courts may not receive federal funding and may need a rationale for their court to cover interpreting services all types of cases.

The Commission discussed the difficulty of including sign language information in the same document as spoken language information given that the legal statutes behind these two areas are different. There was a concern expressed that connecting the two areas might lead some courts to decrease support for sign language services based on the weaker state statute for civil cases affecting LEP individuals. The policy section authors have addressed that concern in the document by emphasizing that disability access rights are separately addressed in state law.

The Commission suggested that an "Executive Summary" be provided given the length of the policy section. Frontline staff at a court may not be able to read the entire document. In addition, language of support from the Chief Justice and the State Court Administrator should introduce the document. The roll-out of the Model LAP would include regional meetings across the state to help courts implement the plan. The Deskbook should also include resources and other information for the frontline staff who work most directly with interpreters and scheduling interpreters.

<b>Action Item Summary</b>
Judge Bailey– Look into getting interpreting-related matters on the agenda for the ATJ Technology Committee.
Ms. Lumsden - Send out Doodle poll to the Commission to find options for retreat

AOC Staff - Check to see if language access is discussed during MJCOM community forums and see how the Interpreter Commission could help

AOC Staff - Look to see if a stipend would be possible for Commission members who may need to lose work to attend the retreat if it will take place over weekdays.

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