



**Interpreter Commission Meeting**  
**Friday, October 19, 2018**  
Temple of Justice  
415 12th Ave SW, Olympia, WA 98504

## **MEETING MINUTES**

### **Members Present:**

Justice Steven González  
Judge Andrea Beall  
Francis Adewale  
Judge Laura Bradley  
Eileen Farley  
Maria Luisa Gracia Camón  
Sharon Harvey  
Thea Jennings  
Katrin Johnson  
LaTricia Kinlow  
Dirk Marler  
Linda Noble  
Fona Sugg  
Alma Zuniga

### **AOC Staff:**

Cynthia Delostrinos  
Robert Lichtenberg  
James Wells

### **Guests:**

Florence Adeyemi  
Adrian Bradley  
Maria Farmer  
Emma Garkavi  
Diana Noman  
Dirk Marler  
Alma Zuniga

### **Members Absent:**

Judge Teresa Doyle  
Donna Walker  
Elisa Young

## **CALL TO ORDER AND INTRODUCTIONS**

The meeting was called to order by Justice Steven González.

## **APPROVAL OF July 25, 2018 MEETING MINUTES**

Minutes were approved with modification.

## **CHAIR'S REPORT**

### **BJA Court Interpreting Funding Taskforce Update**

- Justice González recently met with a representative from the Washington Association of Prosecuting Attorneys (WAPA). The representative was enthusiastic. They invited members from the Interpreter Commission to attend the next WAPA meeting on December 6, 2018. WAPA was interested in sending out a survey to determine the challenges in providing interpreters and would like help crafting the survey. A corresponding survey could also go out to the Washington Defender's Association (WDA). The support from prosecutors and defenders could be more effective when it comes to working with the Legislature instead of each group persisting on their own.
- The budget has been finalized by the Supreme Court and will proceed to the Legislature. Funding for court interpreter services was the highest priority.
- The business community may be able to lend support to the budget request. Companies, such as Microsoft, often look for certified interpreters for their own internal meetings. Growers in Eastern Washington may also use certified interpreters.

### **Petition Regarding New Member Appointment**

The Commission discussed the rules and process for membership on the Commission and compared them with other entities:

- The bylaws of the Commission state that a member cannot serve more than two terms in succession. It does not reference how long of a break an individual would need before serving in another seat on the Commission.
- In some entities, voting for membership can be done by email while in others they cannot. Some members at the meeting felt that voting by email does not promote discussion.
- Kristi Cruz was asked to serve again on the Commission in a different seat after a two year break.

In September 2018, a motion was made and seconded to annul all email voting for nominating new members.

### **Motion: Annul all email voting that took place in September 2018 regarding the nomination of new Commission members.**

The Commission discussed the motion:

- During the nomination and approval process in September 2018, some members of the Commission misunderstood certain aspects of the email voting. Specifically, Commission members expressed that they did not understand that the voting was both for nomination and approval of the candidates.

- The date of the September 2018 meeting was changed to October 2018, which was after some Commission members' terms expired.
- Creating new bylaws for the Commission during a full Commission meeting would be ineffective and the issue would be assigned to a committee. Some issues that would be reviewed could include: the process of voting by email, the rules regarding former members returning to the Commission and ensuring GR 11.1 aligns with the Commission bylaws.
- The Commission rules require that nominations be approved by Commission members before the Chair passes the nominations on to the Chief Justice for a final decision.
- There were concerns that there was not a proper recruitment process for the attorney position and that there was a lack of transparency in the process.
- The different types of seats on the Commission may require processes for nomination. Potential candidates for some seats, such as those for judicial officers and court administrators, are all nominations that come from those particular organizations. Other seats, such as those for interpreters and public representatives, come from a broader pool.
- No motions were raised at the previous meeting regarding the nominees.

**The motion failed with three votes in favor and six against.**

The Commission discussed the process for future nominations.

- There was a consensus that there should not be a ban on returning members.
- The required interval may vary on the type of seat. Some seats are sponsored by organizations and there can be difficulty in finding volunteers.
- Recommendations from current members are important in finding good candidates.
- The rules should be clear and avoid any unfair possibilities.
- How the bylaws are written could shape the perspective that members have about their role. Members could obtain a broader view of the Commission work or be more protective of the interest group that they represent.

**Introduction of New Members**

- Sharon Harvey is the new AOC representative. She has been with the AOC for four and a half years and previously worked at the AOC in Maryland. As an attorney, she frequently worked with Spanish-speaking clients.
- Kristy Cruz would be returning to the Commission as an attorney representative.
- Fona Sugg is beginning a new term based on the recommendation from her association.
- Thea Jennings is continuing her position for another year. There had been an earlier miscalculation that indicated her seat was to expire this year.

## **Interpreter Representative Position**

The two nominees introduced themselves:

- Diana Noman: Certified Interpreter in Russian and Arabic. She has worked in various capacities as an interpreter for 20 years. She grew up in a number of counties, living in multilingual settings. She is a member of the Northwest Interpreters and Translators Association (NOTIS) and has served on the board in the past and was also the previous Vice President of Interpreters United.
- Florence Adeyemi: A court registered interpreter in Yoruba and has also interpreted in Hausa and Krio. She has been working in court settings since 1989. She has served on the board for the Seattle Women's Commission and is a member of National Association of Judiciary Interpreters and Translators (NAJIT) and NOTIS.

The two nominees excused themselves from the room while the Commission discussed the nominations. The Commission discussed confusion during the online voting process. Ms. Noman submitted her application and her nomination was approved by online voting via email. The application process for the interpreter position had been re-opened after the initial deadline and Ms. Adeyemi's application was received at that time.

After the candidates returned, Justice González explained that the discussion by the Commission had been about process and not the qualifications of the candidates. There was some technical confusion during the voting process where Ms. Noman was initially chosen. The Commission was moving forward with that initial vote and Ms. Noman would be appointed as the new interpreter representative. Ms. Adeyemi was encouraged to apply when a new position opened or serve as an ad hoc member if a vacant position becomes available.

## **Awards**

Justice González awarded departing members Linda Noble, Dirk Marler and Alma Zuniga for their work on the Commission.

## **Petition Regarding Interpreter Education**

Several court interpreters submitted a petition to the Interpreter Commission about interpreter education. The Commission discussed the five requests:

1. *Add a third spoken language interpreter representative to the Interpreter Commission.*

Discussion on this point included:

- The petitioners feel that the current number of spoken language representatives is not sufficient.
  - The Supreme Court may be hesitant in adding an additional seat to the Commission at this time. The Commission was recently expanded so additional seats would have an impact on the Commission's budget.
  - A different seat could be modified into an interpreter seat when the term of that person's seat expires.
  - An interpreter's input is critical for the work of the Commission. However, it is not solely an interpreter advocacy group and there is concern about advocacy causing the Commission to stray from its mission and its role within the judicial branch.
  - Creating a third interpreter seat could ensure sufficient interpreter representation at the meetings in case other interpreter members are unable to attend the meetings due to work.
  - A member of the Commission expressed that people impacted by the policy that the Commission is involved with should be represented by holding public member positions.
2. *Ensure that each committee — Education, Issues and Disciplinary — has a member who is a spoken language interpreter.*  
Discussion on this point included:
- The Interpreter on the Education Committee should be part of a professional organization.
3. *Require the Education Committee to be in charge of approving continuing education credits for interpreters.*  
Discussion on this point included:
- The Education Committee could consult interpreters or professional organizations in reviewing credits.
  - The Education Committee should devote time to creating education opportunities that satisfy the number of credits interpreters need.
4. *Give priority to spoken language interpreter applicants who have a letter of recommendation from our court interpreters' professional association, Northwest Translators and Interpreters Society (NOTIS), a chapter of the American Translators Association (ATA).*
5. *Allocate funds for a Professional Standards and Ethics Manual for Washington State's court interpreters such as the one for California Courts. Currently, there is no such ethics manual for Washington State's court interpreters, which makes it especially difficult for novice and non-credentialed interpreters to understand and fulfill their professional responsibilities.*

Discussion on this point included:

- Since the code of conduct is being updated, this could be a good time to create a manual that is appropriate for Washington State. California may provide help in creating this manual.

There was insufficient time to fully discuss all of the petition items, so the tasks were distributed between the following committees:

- Issues Committee will review items 2 and 4
- Education Committee will review items 3 and 5
- The entire Commission will review item 1

Ms. Camón wanted to acknowledge that Maria Farmer and Adrian Bradly, members of NOTIS, were attending the meeting.

## **Forum Panel**

The Commission discussed the logistics of the Interpreter Forum. They reviewed the comments submitted by interpreters who had submitted an RSVP.

## **Bench Card**

- The bench card should be finalized by the end of the year.
- The committee noticed that the oath for spoken languages and sign language interpreter is different, but the wording could be changed to be less specific about the medium of communication.

## **COMMITTEE REPORTS**

### **Education Committee**

Recent work of the Education Committee included:

- Sponsoring a session at the Fall Judicial Conference on language access in juvenile court settings. There were two local speakers and two speakers from out of state. The session and slides was recorded and will be uploaded online.
- Creating a tip-sheet for court staff working with interpreters in dependency cases.
- Submitting proposals for 2019 conferences. The session for District and Municipal Court Judges Association (DMCJA) conference would be similar to the session given at the 2017 Fall Judicial Conference but expanded for a wider audience. There would be a session that covers sign language and other

communication accommodations at the Court Administrators Conference. This session would be very practical and include hands-on demonstrations.

## **Issues Committee**

The Commission reviewed the recent topics brought to the Issues Committee:

- An interpreter who was 1% away from passing the written exam asked to take the oral exam. Right now the Issues Committee recommends not accepting the request since they need more information on how other states handle this situation.
- An interpreter who had been suspended for not meeting their biannual compliance requirements wrote a letter explaining that they have decided not to keep their registered credential because they felt that the continuing education requirements were too expensive and burdensome to maintain based on the amount of work they do in court.
- A court had asked if they were allowed to use a suspended interpreter if they feel that the interpreter is qualified. When courts are notified that an interpreter has been suspended, the notification includes information about whether the interpreter is suspended due to not meeting compliance requirements or for a more serious issue such as a criminal violation or violating the code of ethics.
- The updates to GR11.1 and GR11.2 have been submitted to the Supreme Court Rules Committee for review. The review time varies depending on the type of review and whether or not the changes are put out for public comment.

## **Disciplinary Committee**

- AOC staff gave an update on the status of interpreters who had not met their compliance requirements for the 2016-2017 reporting period. The Disciplinary Committee reviewed the statuses of non-compliant interpreters in August, 2018. Some interpreters were given extensions while some were suspended. These interpreters were given deadlines on when to come back into compliance or face suspension or revocation of their credentials.
- The Committee received a grievance alleging an ethics code violation. The Committee found that there was enough evidence to investigate. A packet of materials was sent to the interpreter under investigation using certified mail and an email to request more information. The interpreter has until October 30, 2018 to respond.

## **COURT INTERPRETER PROGRAM REPORTS**

### **Commission Manager's Report**

- The Gender and Justice Commission is working on an updated gender bias study, which was last done in 1989. This is a partnership between the National Center for State Courts (NCSC) and Washington State. The results will influence other states. Race and poverty are central topics that will be investigated.
- The Minority and Justice Commission is working on a jury diversity study and applied for a community engagement grant through the National Center for State Courts. The Commission is partnering with Pierce County Superior Court to look at why minorities and people who live in predominantly low income communities do not show up for jury duty.
- Ms. Delostrinos is working with Jeanne Englert to develop a Language Access Plan for the AOC. She is also looking at creating a diversity, equity and inclusion plan for the AOC.

### **AOC Interpreter Program Reports**

#### **Reimbursement Program Formula**

The AOC will look at how the funding is allotted to the courts through the reimbursement program. Each year, the courts in the program receive a contract with a new allotment based on the past two years of interpreter usage. One issue with this approach is that it does not give an incentive to courts who implement cost saving measures to become more efficient.

#### **2018 Exams and Trainings Update**

##### *Oral Exams*

- Three locations: Shoreline, Spokane and Olympia
- About 47 interpreters were expected to take the certified oral exam this year:

<b>Language</b>	<b>Number of Candidates</b>
Arabic (Levantine)	1
BSC	1
Filipino (Tagalog)	4
Korean	1
Mandarin	5
Russian	5
Spanish	29

*Ethics and Protocol Class*

- The next class will take place on November 2, 2018 at the Seattle Municipal Court.
- The languages of the people receiving their credential include: Armenian, Farsi, Japanese, Spanish, and Urdu

<b>Action Items</b>
<i>Issues Committee</i> – Review Commission bylaws regarding membership and nominations.
<i>Issues Committee</i> – Review items 2 and 4 on the petition.
<i>Education Committee</i> – Review items 3 and 5 on the petition.
<i>Commission</i> – Review item 1 on the Commission
<i>Katrin</i> – Connect Ms. Garkavi to Ms. Englert about contacting businesses to support the Task Force work.
<i>Katrin</i> – Share link of the video of the interpreter session at the Fall Judicial Conference.