

**Washington State Supreme Court  
Interpreter Commission**

**March 29, 2019**

**Meeting Packet**

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

# COURT INTERPRETER COMMISSION

<p><b>Justice Steven C. González, Chair</b> Washington Supreme Court</p> <p><i>Appointed by Chief Justice</i></p>	<p><b>Sharon Harvey</b> Administrative Office of the Courts</p> <p><i>Administrative Office of the Courts Term expires 9-30-21</i></p>
<p><b>Eileen Farley</b> Northwest Defenders Association</p> <p><i>Ethnic Organization Representative Term expires 9-30-19</i></p>	<p><b>Thea Jennings</b> Washington State Bar Association</p> <p><i>Public Member Term expires 9-30-19</i></p>
<p><b>Luisa Gracia Camon</b></p> <p><i>Interpreter Representative Term expires 9-30-19</i></p>	<p><b>Diana Noman</b></p> <p><i>Interpreter Representative Term expires 9-30-21</i></p>
<p><b>Donna Walker</b></p> <p><i>American Sign Language Interpreter Representative Term Expires 9-30-19</i></p>	<p><b>Kristy Cruz</b> Northwest Justice Project</p> <p><i>Attorney Representative Term expires 9-30-21</i></p>
<p><b>Judge Andrea Beall</b> Puyallup Municipal Court</p> <p><i>District and Municipal Court Representative Term expires 9-30-20</i></p>	<p><b>Judge Theresa Doyle</b> King County Superior Court</p> <p><i>Superior Court Representative Term expires 9-30-20</i></p>
<p><b>Fona Sugg</b> Chelan County Superior Court</p> <p><i>Court Administrator Representative Term expires 9-30-21</i></p>	<p><b>Frankie Peters</b> Thurston County District Court</p> <p><i>District/Municipal Court Administrator Representative Term Expires 9-30-19</i></p>
<p><b>Katrin Johnson</b> WA State Office of Public Defense</p> <p><i>Public Member Representative Term Expires 9-30-19</i></p>	<p><b>Francis Adewale</b> Spokane City Ofc of the Public Defender</p> <p><i>Public Defender Representative Term Expires 9-30-19</i></p>
<p><b>Elisa O. Young</b> Office of Minority and Women's Business Enterprises</p> <p><i>Community Organization Representative Term Expires 9-30-2020</i></p>	<p><b>Staff</b></p> <p><b>Robert Lichtenberg</b>, Program Coordinator/Commission Liaison <a href="mailto:robert.lichtenberg@courts.wa.gov">robert.lichtenberg@courts.wa.gov</a></p> <p><b>James Wells</b>, Interpreter Program Support <a href="mailto:james.wells@courts.wa.gov">james.wells@courts.wa.gov</a></p>

**Interpreter Commission  
Meeting Agenda**





## Interpreter Commission Quarterly Meeting

Friday, March 29, 2019

SeaTac AOC Office, Large Conference Room

18000 International Blvd. SW, Suite 1106

SeaTac, WA

8:45 am-11:45 am

Call-In Number: 1-360-704-4131 (toll-free for 6 callers)

### AGENDA

<ul style="list-style-type: none"> <li>• <b>Call to Order</b></li> </ul>	<p><b>Justice Steven González</b></p>	
<ul style="list-style-type: none"> <li>• <b>Approval of December 7, 2018 Minutes</b></li> </ul>	<p><b>Justice González</b></p>	<p>P. 3</p>
<ul style="list-style-type: none"> <li>• <b>Chair's Report</b> <ul style="list-style-type: none"> <li>• Interpreter Funding Update</li> <li>• New Member Recruitment and Nominations Process</li> <li>• Proposed Bench Card Revision</li> <li>• LAP Memorandum</li> <li>• Commission Budget Update</li> </ul> </li> </ul>	<p><b>Justice González</b></p> <p><b>Justice González</b></p> <p><b>Luisa Gracia Camón</b> <b>Judge Damon Shadid</b></p> <p><b>AOC Staff</b></p> <p><b>AOC Staff</b></p>	<p>P. 15</p> <p>P. 20</p> <p>Separate Document</p> <p>P.24</p>
<ul style="list-style-type: none"> <li>• <b>Committee and Partner Reports</b> <ul style="list-style-type: none"> <li>• <u>Education Committee Meetings Report</u> <ul style="list-style-type: none"> <li>• Judicial College 2019</li> <li>• 2020 Judicial College Faculty</li> <li>• 2019 Education Activities Report</li> </ul> </li> <li>• <u>Issues Committee Meetings Report</u> <ul style="list-style-type: none"> <li>• Grievances Report Update</li> <li>• By-Laws Ad Hoc Committee</li> <li>• Non-Credentialed Interpreter Ad Hoc Committee</li> </ul> </li> <li>• <u>Disciplinary Committee Report</u> <ul style="list-style-type: none"> <li>• Grievance Investigation</li> </ul> </li> </ul> </li> </ul>	<p><b>Katrin Johnson</b></p> <p><b>Judge Andrea Beall</b></p> <p><b>Judge Theresa Doyle</b></p>	<p>P. 29</p> <p>P. 41</p> <p>P. 53</p>
<ul style="list-style-type: none"> <li>• <b>Commission Staff Report</b> <ul style="list-style-type: none"> <li>• Commission Staff Updates <ul style="list-style-type: none"> <li>• GR 11.1 and GR 11.2 Order</li> </ul> </li> <li>• Interpreter Program Report</li> </ul> </li> </ul>	<p><b>AOC Staff</b></p>	<p>P. 61</p>
<ul style="list-style-type: none"> <li>• <b>Adjourn</b></li> </ul>	<p><b>Justice González</b></p>	



# Meeting Minutes





**Interpreter Commission Meeting**  
**Friday, December 7, 2018**  
AOC SeaTac Office

**MEETING MINUTES**

**Members Present:**

Justice Steven González  
Judge Andrea Beall  
Judge Laura Bradley  
Francis Adewale  
Kristi Cruz  
Eileen Farley  
Maria Luisa Gracia Camón  
Sharon Harvey  
Katrin Johnson  
Thea Jennings  
LaTricia Kinlow  
Dirk Marler  
Diana Noman  
Frankie Peters  
Fona Sugg  
Elisa Young

**AOC Staff:**

Mary Lou Boles  
Jeanne Englert  
Robert Lichtenberg  
James Wells

**Guests:**

Milena Calderari-Waldron  
Linda Noble  
Czar Peralta  
Nicole Walker

**Members Absent:**

Judge Teresa Doyle  
Donna Walker

**CALL TO ORDER AND INTRODUCTIONS**

The meeting was called to order by Justice Steven González at 8:45 AM

**APPROVAL OF OCTOBER 19, 2018 MEETING MINUTES**

The October 19 meeting minutes were approved with no revisions.

## **CHAIR'S REPORT**

### **Recognition of Departing Commission Member and Introduction of New Member**

Justice González introduced the newest Interpreter Commission member, Frankie Peters, who will serve the remainder of the term of LaTricia Kinlow as she will depart from the Commission after December 31 due to pressing work obligations at her court.

### **GR 11 Amendments**

- Both GR11.1 and GR11.2 changes were adopted and training will be provided on the new GR 11.2 on 3/30/19 by NOTIS.
  - Courts to notify interpreters that aren't currently in our database that there is a new Code of Professional Conduct and to ensure they are familiar with it.
  - AOC can notify the courts and interpreter listservs about future trainings. Linda requested to also include ASL interpreters in these notifications.
  - Milena will notify the Medical Interpreters Union.
  - Judge Bradley can notify her colleagues of the need for awareness of the new GR 11.2 when appointing interpreters to administrative hearings..

### **BJA Court Interpreter Funding Task Force**

The purpose of this BJA Task Force is to find stable and adequate funding for interpreter services for court proceedings and services. They want to know what the demand for interpreter services is so the identified need can be transformed into a funding request for court interpreter cost reimbursement to the courts and what type of funding request strategies would be most successful.

- A budget decision package was developed to provide information about funding needs.
- BJA will coordinate with recommended organizations and judicial and legislative representatives to help spread awareness of interpreter service needs. They have solicited feedback from court officials and will relay their input to legislators.
- Interpreter Lobby Day is 1/25/19.

Justice González stated that about \$600,000 per year is allocated to the reimbursement program, with only 20% of the courts participating, and it is usually spent by the participating courts before their fiscal year ends. Passing this initiative would mean almost \$2.1 million in additional funds which would make a positive change towards supporting interpreter services and costs.

Justice González and Judge Sean O'Donnell met with the Washington Association of Prosecuting Attorneys (WAPA) and presented information about the budget request. The statute might have to be revised in order to move forward. They have a few more

meetings set up with various senators and court officials to present the budget request proposal.

### **Court Interpreter Forum Review**

On October 18, 2018, the Commission held an evening forum with court interpreters to discuss their work and to highlight the important aspects that need to be addressed by the Commission. Bob Lichtenberg shared with the Commission members a number of key comments from Forum attendees for consideration by the Commission.

- Luisa requested to do a national study on the court interpretation education models that the various state courts utilize as interpreters at the forum spoke about continuing education requirements and requested mandatory training for court interpreters and judges.
- Forum attendees expressed concerns about other agencies using non-credentialed interpreters and sending them to court assignments. Judge Bradley mentioned the Office of the Administrative Hearings typically do their hearings by phone using non-credentialed interpreters to save costs.

### **Committee Appointments**

Justice González explained that there was a need to ensure that committees had sufficient members to ensure committee meetings were able to have a quorum of members present and requested that Commission members serve on more than one of the three Commission committees. He finalized committee appointments as follows:

<b>Issues</b>	<b>Education</b>	<b>Disciplinary</b>
Judge Beall	Katrin Johnson	Judge Doyle
Thea Jennings	Sharon Harvey	Sharon Harvey
Diana Noman	Eileen Farley	Eileen Farley
Kristy Cruz	Thea Jennings	Luisa Gracia Camon
Fona Sugg	Luisa Gracia Camon	Diana Noman
Frankie Peters	Donna Walker	Donna Walker
Francis Adewale	Kristy Cruz (LAP)	Katrin Johnson
Elisa Young	Fona Sugg	
	Frankie Peters	
	Francis Adewale	
	Elisa Young (Outreach)	

- Luisa, Thea, and Fona volunteered to be on LAP Review committee. This committee will report back to the Issues Committee. Elisa will lead the Outreach subcommittee.

## **Ad Hoc Committee Charter and Members**

### Outreach

The Outreach Committee will work under the Education Committee to accomplish four goals:

- 1.) Spread awareness of the Interpreter Commission and current projects and accomplishments.
- 2.) Develop ways to generate public trust.
- 3.) Engage with youth communities to encourage interest in the interpreting profession and to educate their families about the value of their native language preservation.
- 4.) Create an effective communication framework between the court interpreter programs to share successful processes that can be implemented in the courts. It was proposed that these goals be accomplished by:
  - Conducting focus groups with community engagement groups, educational institutions, faith-based organizations or already established interpreter support organizations.
  - Enhance the Interpreter Commission website content to provide better education and awareness on what the Commission does.

Elisa is hoping to work with Jeanne to see how the funding will be able to support the outreach efforts. She asked if we could involve external community members to assist with outreach efforts since having community support helps with the success of outreach efforts. She also stated that we need to identify the appropriate community organizations to partner with.

- Justice González recommended reaching out to the Asian Bar Association and its members and mentioned Michelle Pham. He will provide other references as needed.
- Luisa recommended some interpreter organizations to partner with. She is working on an existing outreach project and she'd like to partner with the Outreach subcommittee on it.

### **Draft FY 19 Commission Strategic Plan**

- Cynthia has drafted a strategic plan that will be proposed to Dawn Marie Rubio after receiving the Commission's approval.

- Justice González requested changing the verbiage from “evaluate” to “implement” on page 31, #5 of the Strategic Plan since the modification to GR 11.1 has been approved by the Supreme Court.

## **2019 Interpreter Commission Meeting Dates**

Commission members voted on the following 2019 Commission meeting dates:

- March 29
- June 7
- September 27
- December 6

## **Committee Reports**

- **Education Committee Meetings Report by Katrin Johnson**
  - **Report on Petition Request**
    - Commission received a petition from the Northwest Translators and Interpreters Society (NOTIS) requesting two things:
      - Education Committee to be involved in reviewing and approving continuing education courses for interpreters.
      - Approval of funds for a developing a professional interpreter resource guide for court interpreters since the Commission does not have any publications explaining the ethical requirements for interpreters.

Katrin stated that her committee supports those ideas but they may not have authority to apply Commission time and funding for those requests due to the limitation on the scope of work of the Court Education Committee pursuant to GR 11.1 (b)(4).

She also mentioned the interpreter training session at the Judicial College in January 2019. Bob is in contact with the faculty for that specific segment. Commission Interpreter Representative Luisa Gracia Camón will be joining with Judge Estudillo and Judge Shadid to deliver the viewpoint of court interpreters working with judges and Limited English speakers appearing in court.

- **2019 Education Activities and Proposals**
  - The AWSCA approved a Commission proposal for a training session about how to provide accommodations related to the American’s with Disabilities Act (ADA), which will include training to court staff on providing assistive technology.
  - The DCMJA requested a webinar on working with court interpreters in 2019. She will work with AOC Staff to plan the webinar content and session delivery.

- She is working with DMCMA members on a workshop on providing spoken language and sign language interpreters at the Spring DMCMA conference.
  - Luisa and Linda recommended providing a webinar on this topic since it can be archived for training to new employees.
- **Issues Committee Meetings Report by Judge Beall**
  - **By-Laws**
    - Justice González does not see an issue against amending current bylaws.
    - Linda requested to remove the ambiguity in GR 11.1 and clarify what the Commission wants to do regarding how long someone can serve on the Commission. Judge Beall mentioned that a good number of members will be leaving in 2019 so we need clarification on membership terms and recruitment of new members for those position members ending either their first or second term.
    - The committee members prefer to focus on revising the bylaws and clarifying some of the language.
    - Kristi mentioned that we should focus on recruitment throughout the next year.
    - Linda Noble, who is serving as ad hoc member on the bylaws matter, said the committee should review the member term language. She suggested a policy that makes it more open to appointing new members to positions in which a term is expiring. She agrees that we need to establish guidelines for recruitment of new members. It makes sense to accept members that have already served two terms if we are limited in finding new members.
    - LaTricia expressed concern about applying shorter term limitations on recruited member positions since it may cause a barrier on accepting new members who are passionate about language access issues and who want to be able to contribute to the work of the Commission for a longer period.
  - **Skagit County Memorandum**
    - Skagit County Court Administration made a change in how they provide access to judicial proceedings in with a new practice of using telephonic interpreters for a number of hearing settings.
      - An attorney in Skagit County sent a letter to the Court going against this change. Robert Lichtenberg also worked to convince the court to re-evaluate their telephone interpreter use policy in light of the statutory language of RCW 2.43

requiring that a court-certified interpreter first be sought out and provided if available, which it did.

- **Complaints Against Courts**
  - A judge in King County District Court did not properly follow procedures for qualifying a non-certified interpreter for a hearing so Issues Committee will request copies of the hearing recording for review.
  - An advisement of rights in Spanish used in Snohomish County courts contained grammatical errors. The committee will review and notify the County court if revisions are needed.
- **Disciplinary Committee Report (delivered by AOC Staff)**
  - **Grievance Investigation**
    - Robert Lichtenberg updated the Commission on a grievance filed by Seattle Municipal Court against a certified interpreter.
    - The committee requested that the Interpreter Commission review the Disciplinary Process Manual to determine if counsel from the Attorney General's Office is needed.
  - **Credentialed Interpreter Compliance Status**
    - The Disciplinary Committee had a meeting to review the continuing education compliance status of a number of interpreters. Some interpreters were given an extension to complete their requirements and some had their credentials suspended. In November they held another meeting to review the progress of the interpreters in achieving compliance. They voted to revoke the credentials of 10 interpreters and to suspend 2 interpreters' credentials until they came into compliance..
- **Court Interpreter Mentoring Program by Luisa Gracia Camón**
  - Luisa requested funding and coordination with AOC to provide a interpreter training program to ensure that all registered language interpreters have the performance skills to interpret in court.
  - Luisa proposed newly registered interpreters should go through a mentoring program and be awarded credits to cover a full reporting cycle. Already registered interpreters can be grandfathered in and can be given sufficient educational credits for a full reporting cycle if they complete the program.

- The non-credentialed interpreters appear to not have the proper skills to work in court and need a mentoring opportunity. After the completion of the mentoring program, she suggest that AOC award a certificate of completion for non-credential interpreters. AOC should also notify interpreter schedulers so they are aware of the interpreters have completed training.
- She stated that a policy change related to interpreter skills is going to have to happen sooner or later since we can't have interpreters with different skill sets while also expecting them to comply with the new GR 11.2 which requires a higher level of skill to do so. Registered interpreters can have the option of going through the training program and obtain credits. The training would emphasize ethics and best interpreter court practices.
- **Course Description:** Twelve weeks of training, six in person sessions (two hours each session) which will take place in a court room so participants can observe, take notes and debrief; six additional webinar sessions (two hours each) led by instructors so interpreters can absorb information at their own pace.
  - This would be a language neutral program that any interpreter can attend. They would review legal terminology, ethics, self-assessment, court processes and rules, and interpreter skills.
  - The other component would be focused on training the trainers to ensure that we teach the same content to everyone to avoid gross differences in skills.
- **Course Completion Requirements:**
  - Must have registered credential or be in a non-credentialed language
  - Bachelor's Degree if possible.
  - Attend Mentoring Program for 12 weeks.
  - Demonstrate their skills during class.
  - Complete all homework.
  - Required attendance to sessions, with some provision for making up for missed sessions.
- **Cost of Training Program:** Roughly \$6,500
- **Advantages:**
  - Everyone would be aware of interpreter levels and expectations.
  - Will improve the interpreter quality within the courts.
  - Develop sense of community within interpreters.
  - Identify experienced interpreters to have a pool of qualified interpreters.

- Luisa requested that the commission review policy to implement this training program.
- Fona asked if a cost would be associated with the training. Luisa said there should be a little cost for the program to ensure people actually commit and complete the program.
- Linda pointed out that the mentoring program would allow interpreters to receive their CEU credits which justifies the cost.
- Francis mentioned the Commission may need to do think more about the process within the program since there may be unfair treatment for other courts that do not receive the opportunity to provide such training.

### **Commission Staff Report**

- **Commission Staff Updates**

- Cynthia and AOC Associate Director of Human Resources Jane VanCamp are working on a proposal for an AOC language access plan. Robert reported that the Department of Labor and Industries' legal counsel asserted that the Department was compelled to create its agency-wide language access plan because it received federal funds and that the implication is that it could be required of the AOC also since the AOC receives and distributes federal funding through some of its programs.
- Robert reported that contact is needed with Department of Youth and Family Services (DCYF) to discuss their use of non-credentialed interpreters at dependency hearings in King County after a concern made at the Forum by King County Superior Court Judge Rajul.

- **Interpreter Program Report**

- **Tagalog Exam Training**

James discussed a Filipino/Tagalog language-specific training project that Washington partnered with California to create. We wanted to provide training to help interpreters move from the registered to certified status and increase our pool of certified Filipino interpreters. California had different resources and some expertise with interpreter input taken into consideration.

- We ended up with a class with 23 people total, 10 of which were from Washington.
- The feedback was very positive since there has been no training focused on that specific language group. The training was to help pass the certified exam.
- James will present the findings of how many of these students passed their exam. It was an online class and thankfully no one expressed difficulties accessing and navigating the class. The only

constructive feedback was to reign in side conversations that took place within the class.

**Other Items**

- Robert received an email from an Arabic interpreter that feels discriminated against within the interpreter certification exams. Justice González requested that AOC Staff reach out to this interpreter and invite her to participate in a future meeting.
- Luisa re-capped that NOTIS will provide training to interpreters on the 30<sup>th</sup> of March. Justice González requested that she follow up with Bob and Sharon to coordinate provision of a webinar.

<b>ACTION ITEMS</b>	
Find a way to notify certified and un-certified interpreters about the revised GRs. Luisa Gracia also suggested that we coordinate with the Judicial College as well.	AOC Staff
Justice González requested Jeanne to make sure the court interpreters had a list of bullet points to share on Lobby Day.	Jeanne Englert
Justice González suggested having a meeting with the appropriate DCYF representatives to learn about their court interpreter selection process.	Robert Lichtenberg
Contact Judge Lee to get insight on developing a better interpreter selection process and discuss the over-use of telephonic interpretations. Luisa requested that Judge Bradley relay the suggestion for interpreter training when she speaks to Judge Lee.	Judge Bradley and Robert Lichtenberg
Email DCYF staff contact info to Bob regarding dependency cases.	Milena Calderari-Waldron
Recommend criteria for the approval of reimbursement program court LAPs.	Robert Lichtenberg and Kristi Cruz
Review bylaws and compare it to GR11 to recommend any changes that the committee feels would be beneficial options for the Commission.	Issues Committee
Review Luisa's Court Interpreter Mentoring Program proposal.	Justice González, Cynthia Delostrinos and Robert Lichtenberg

Interpreter Commission Meeting  
December 7, 2018

Urge the Arabic-language test candidate to send her concerns to the Issues Committee or attend a future Interpreter Commission meeting.	AOC Staff
Coordinate the recording of the NOTIS webinar.	AOC Staff and Luisa

Meeting was adjourned at 11:50 AM.

DRAFT



# Chair's Report



## Commission Member Terms

Last Updated 3.25.19

*\*Members who are highlighted below have terms that will end in 2019, thus requiring action by the Commission.*

MEMBER NAME	POSITION	TERM NUMBER	EXPIRATION OF CURRENT TERM	HOW APPOINTED
Justice Gonzalez	Appellate Court Member	Chair since 2012	N/A	Appointed by Chief Justice
Eileen Farley	<b>Ethnic Organization</b>	2 <sup>nd</sup>	9/30/2019	<i>Solicitation Letter-Commission Approval</i>
Thea Jennings	<b>Public Member 1</b>	2 <sup>nd</sup>	9/30/2019	<i>Solicitation Letter-Commission Approval</i>
Luisa Gracia Camon	<b>Spoken Lang Interpreter 1</b>	1 <sup>st</sup>	9/30/2019	<i>Solicitation Letter-Commission Approval</i>
Donna Walker	<b>ASL Interpreter</b>	Fill-In for Ms. Lumsden- Not yet in 1 <sup>st</sup> term.	9/30/2019	<i>WSRID Nomination</i>
Katrin Johnson	<b>Public Member 2</b>	1 <sup>st</sup>	9/30/2019	<i>Solicitation Letter-Commission Approval</i>
Frankie Peters	<b>DMCMA</b>	Fill-in for Ms. Kinlow – Not yet in 1 <sup>st</sup> term.	9/30/2019	<i>DMCMA Nomination</i>
Francis Adewale	<b>Public Defender Org</b>	1 <sup>st</sup>	9/30/2019	<i>OPD Nomination</i>
Diana Noman	Spoken Lang Interpreter 2	1 <sup>st</sup>	9/30/2021	Solicitation Letter-Commission Approval
Kristi Cruz	Attorney Member	1 <sup>st</sup>	9/30/2021	Solicitation Letter-Commission Approval
Elisa Young	Community Org	1 <sup>st</sup>	9/30/2020	Solicitation Letter-Commission Approval
Judge Andrea Beall	DMCJA Member	2 <sup>nd</sup>	9/30/2020	DMCJA Nomination
Judge Theresa Doyle	SCJA Member	2 <sup>nd</sup>	9/30/2020	SCJA Nomination
Sharon Harvey	AOC	1 <sup>st</sup>	9/30/2021	Nominated by State Court Administrator
Fona Sugg	AWSCA Member	2 <sup>nd</sup>	9/30/2021	AWSCA Nomination

From WSBA webpage listing of Minority Bar Associations in Washington,  
selected to list only ethnic/immigrant Minority Bar Associations in Washington

Asian Bar Association of Washington

Middle Eastern Legal Association of Washington

Filipino Lawyers of Washington

Pierce County Minority Bar Association  
Slavic Bar Association of Washington

Korean American Bar Association

South Asian Bar Association of Washington

Latina/Latino Bar Association of Washington Vietnamese American Bar Association of Washington

**Asian Bar Association of Washington (ABAW)**

The Asian Bar Association of Washington (ABAW) is a professional association of attorneys, judges, law professors, and law students who are interested and involved in matters of concern to the bar and Asian Pacific American community in Washington. For more information, or to join ABAW, please contact:

Jeff Liang, President

Ling & Liang, PLLC  
671 S Jackson St Ste 201  
Seattle, WA 98104-2927  
206-682-9932

Diana Young, President-elect

F5 Networks, Inc.  
401 Elliot Ave. West  
Seattle, WA 98119  
206-272-6705

**Filipino Lawyers of Washington (FLOW)**

The Filipino Lawyers of Washington (FLOW) is a professional association of lawyers in the Filipino community dedicated to fostering the exchange of ideas and information among and between its members and other members of the legal profession, the judiciary and the community; promoting the professional growth of its members; assisting in efforts to diversify the legal profession; cooperating with other organizations of minority attorneys; celebrating Filipino culture; and providing a vehicle and forum for the expression of opinions and positions about current social, political, economic, legal or other matters or events that concern the members of the association. For more information, or to join FLOW, please contact: [filipinolawyers@gmail.com](mailto:filipinolawyers@gmail.com)

Rommel de las Alas, President (1/2013 - 12/2013)

787 Maynard Ave. S.  
Seattle, WA 98104  
206-651-6332

Jerilynn Gonzales, President-elect

Law Offices of Jeffrey C. Gonzales  
888 SW 5th Ave., Suite 650  
Portland, OR 97204  
503-274-1680  
503-274-1214 (Fax)

Emilia "Mimi" R. Castillo, Past-president

3418 N.E. 65th St., Ste. B  
Seattle, WA 98115  
206-517-8080  
206-517-8123 (fax)

**Korean American Bar Association (KABA)**

The mission of the Korean American Bar Association of Washington (KABA) is to provide professional development, networking and mentorship opportunities to its members and serve the community as a resource by hosting professional, educational, and community events. KABA is committed to leadership, community, and service. For more information, or to join KABA, please contact:

Steven Kim, President

Senior Deputy Prosecuting Attorney  
King County Prosecuting Attorney's Office

516 3rd Avenue  
Seattle, WA 98104  
206-296-9000

**Latina/o Bar Association of Washington (LBAW)**

Formerly the Hispanic Bar of Washington, the purpose of the Latina/o Bar Association of Washington (LBAW) is to represent the concerns and goals of Latina/o people of the State of Washington. Membership is available to attorneys, judicial officers, law faculty, legal staff, and students. For more information, or to join LBAW, please contact:

Emily Gonzalez, President (1/2013 - 12/2013)

Smith Alling, P.S  
1102 Broadway #403  
Tacoma, WA 98402  
509-840-4826

David Mendoza, President-Elect  
206-992-7705

Jennifer Sheffield, Immediate Past President

Lane Powell  
1420 5th Ave Ste 4100  
Seattle, WA 98101-2375  
206-223-6114

**Middle Eastern Legal Association of Washington (MELAW)**

The Middle Eastern Legal Association of Washington (MELAW) is a non-profit legal organization for attorneys and law students of Middle Eastern descent, along with friends and supporters. MELAW seeks to advance the goals of its members, provide a legal voice for the Middle Eastern community in Washington, address and educate the public on legal and political issues facing Middle Easterners, and offer resources as well as networking and mentorship opportunities for its members and the public. For more information, or to join MELAW, please contact [info@melegal.com](mailto:info@melegal.com), visit the [website](#), or [facebook page](#).

Tebah Alsaleh, President

Miriam Ayoub, Vice President

**Pierce County Minority Bar Association (PCMBA)**

The purpose of the Pierce County Minority Bar Association is to facilitate professional development and relationships among the various minority attorneys and legal professionals who reside or practice in Pierce County. It also seeks to foster diversity in the legal community and serve as a conscience of Pierce County minority communities on legal issues affecting them. For more information, or to join PCMBA, please contact:

Gina Duncan, President

705 S. 9th Street  
Tacoma, WA 98402

**Slavic Bar Association of Washington (SBAW)**

The Slavic Bar Association of Washington (SBAW) is a professional association of legal practitioners and law students with ties to or interests in Slavic cultures and languages. SBAW is organized exclusively for charitable and educational purposes: to support members of the Bar and law students with Slavic ties; to educate others about Slavic ethnicity, culture, history, and people; to aid the Slavic community and those within it aspiring to enter the legal field. For more information, or to join SBAW, please contact:

Aryna Anderson, President (9/2011-9/2012)

Office of the Attorney General - Tacoma Division  
1250 Pacific Ave Ste 105  
PO Box 2317  
Tacoma, WA 98401-2317  
253-597-4464

**South Asian Bar Association of Washington (SABAW)**

The South Asian Bar Association of Washington (SABAW) is an organization of South Asian legal professionals in the Northwest dedicated to providing access to legal resources and support for issues relevant to the South Asian community. SABAW is also committed to identifying and advancing the areas where economic, social and political interests intersect with South Asian legal issues. Finally, SABAW serves as a liaison between South Asian legal professionals and the legal community at large. For more information, or to join SABAW, please contact:

Kanika Chander, President (1/2013 - 12/2013)

Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
206-359-8185

**Vietnamese American Bar Association of Washington (VABAW)**

The Vietnamese American Bar Association of Washington is a legal society which was formed in 2005 for Vietnamese American attorneys, law students and friends who share its common vision. VABAW strives for legal excellence by facilitating and cultivating both professional and personal relationships among its members, the community and the judiciary. VABAW's goal is to provide mutual support for attorneys in the advancement of their careers, be a trusted guide and resource for students who aspire towards the legal profession, serve as a voice for the local Vietnamese American community, and represent Vietnamese American attorneys within the State Bar. For more information, or to join VABAW, please contact:

Binh Nguyen, President (1/2013 - 12/2013)

Boeing Employees' Credit Union (BECU)

PO BOX 97050 MS 1049-1

Seattle, WA 98124

206-214-1537

Michelle Q. Pham, President-Elect

Snohomish County Superior Court 502

3000 Rockefeller Ave

Everett, WA 98201

The following ethnic/immigrant organizations were selected from lists on [http://www.sos.wa.gov/library/wa\\_orgsubjects.aspx](http://www.sos.wa.gov/library/wa_orgsubjects.aspx) and <http://www.capaa.wa.gov/resources/index.shtml> (Asian Pacific American Directory) under headings:

- advocacy
- cultural
- political
- social services

Arab Center of Washington  
Arab Center of Washington  
12525 28th Ave NE, 2nd Floor  
Seattle, WA 98125  
<http://arabcenterwa.org/>

Asian Pacific Islander Americans for Civic Engagement (APACE)  
1402 3rd Avenue, Ste 201,  
Seattle, WA 98101  
[www.apace-wa.org](http://www.apace-wa.org)

Organization of Chinese Americans Seattle Chapter  
606 Maynard Avenue South, Suite 104  
Seattle, WA 98104  
(206) 682-0665  
[www.ocaseattle.org](http://www.ocaseattle.org)

Alma Plancich, Executive Director  
Ethnic Heritage Council  
305 Harrison Street, Suite 304  
Seattle, WA 98109  
<http://www.ethnicheritagecouncil.org/default.htm>

Filipino American Political Action Group of Washington (FAPAGOW)  
621 22nd Avenue  
Seattle, WA 98112  
(206) 860-9776

India American Political Advocacy Council  
P.O. Box 4305  
Seattle, WA 98104

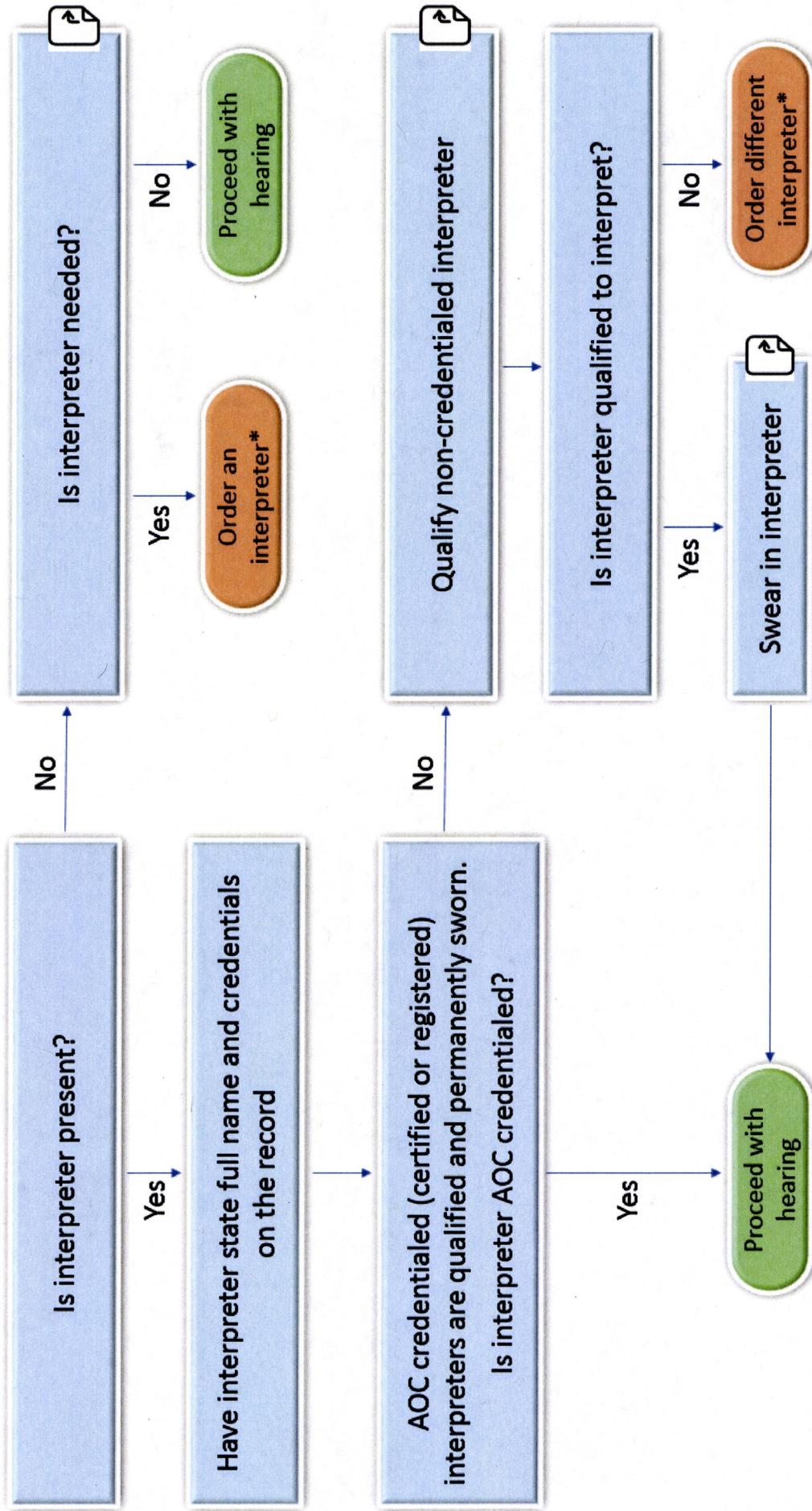
People for Progress in India  
P.O. Box 51231  
Seattle, WA 98115

Japanese American Citizens League – Seattle Chapter  
316 Maynard South  
Seattle, WA 98104  
[www.jaclseattle.org](http://www.jaclseattle.org)

The Rainier Chamber of Commerce  
5290 Rainier Ave. South  
Seattle, WA 98118  
phone 206-725-2010  
Fax 206-725-0412  
[mail@rainierchamber.com](mailto:mail@rainierchamber.com)

(not an “ethnic organization” – but  
probably many good contacts in  
immigrant and refugee communities)

# QUICK GUIDE – INTERPRETER HEARINGS



\* Courts can arrange in person, video remote or telephonic interpreter.

See page 2 for sample colloquies and oath.

### Is interpreter needed?

Colloquy with Limited English Proficient (LEP) individual on the record:

*You have the right to a court-appointed interpreter free of charge. Do you need an interpreter?*

YES: Order an interpreter

NO: Proceed, unless you are still concerned:

*The court is still concerned that you may need an interpreter, so I will inquire.*

*First, it is important that you do NOT talk on the record about this case or any legal case, including immigration. I am ONLY asking you about your need for an interpreter. Do you understand?*

- How did you learn English?*
- How do you use English in your everyday life?*
- Are you certain you can fully understand and express yourself in court?*

If the LEP individual has difficulty answering these questions, order an interpreter.

If the court cannot understand the LEP individual's spoken English, order an interpreter.

If in doubt, the court should order a standby interpreter. A standby interpreter can help to avoid costly delay if interpreter need suddenly arises mid-proceeding.

If the court is confident moving forward without an interpreter, advise the LEP individual:

*If at any point you feel that an interpreter would be helpful, even on a standby basis, remember you may always request one. Do you understand?*

### Qualify non-credentialed interpreter

Non-credentialed interpreters (not certified or registered) must be qualified by the court. Sample qualification questions for interpreters who are not AOC certified or registered:

- What language will you be interpreting?*
- Please summarize your qualifications as an interpreter.*
- What is your experience interpreting in court?*
- Do you believe you can communicate effectively for the court and the LEP individual?*
- Have you read the Code of Professional Responsibility for Judiciary Interpreters?*
- Do you promise to abide by this Code, interpreting accurately, honestly, impartially and maintaining confidentiality?*
- Will you be interpreting simultaneously or consecutively?*

*I find you qualified/I do not find you qualified to interpret for this proceeding.*

### Swear in non-credentialed interpreter

*Do you swear (affirm) that you will make a true interpretation to the best of your skill and judgment?*

### Limited English Proficient (LEP)

LEP individuals are those who cannot adequately understand or effectively communicate in English because it is not their native language.

### Qualifying and swearing in interpreters

ER 604 and RCW 2.43.050 require an interpreter to be qualified as an expert and placed under oath.

Interpreters credentialed by AOC (certified or registered) are already qualified and permanently sworn. They need only state their names and credentials on the record.

Interpreters not credentialed by AOC must first be qualified by the court and then sworn in on the record (page 2).

### Sign language

Washington State law directs courts to obtain certified ASL interpreters through the [Office of the Deaf and Hard of Hearing](#). RCW 2.42.130

### Spoken language

(1) RCW 2.43.030 requires courts to appoint an [AOC court certified or registered](#) interpreter unless "good cause" is found and noted on the record:

(a) given the totality of the circumstances, including the nature of the proceedings and potential penalty, a certified or registered interpreter is not reasonably available; or

(b) the AOC list does not include an interpreter in the needed language.

(2) If good cause is found, the court must then appoint and qualify on the record an interpreter who

- (a) can interpret accurately;
- (b) can communicate effectively with the court and the LEP individual; and
- (c) has read, understands, and will abide by the Code of Professional Conduct for Judiciary Interpreters established by court rules.

For brief non-evidentiary hearings courts may schedule interpreters to work by video or telephone. (GR 11.3)

### Interpreter on standby

For LEP individuals with a marginal need for interpretation, the court should have a standby interpreter who is available to step in and interpret when and if needed. This avoids costly delay if the need for an interpreter suddenly arises mid-proceeding.

### Three interpreting modes

- **Simultaneous**  
Used for courtroom proceedings to allow LEP individuals to follow in their own language everything that is stated in English.
- **Consecutive**  
Used for question and answer sessions with LEP individuals.
- **Sight translation**  
Used to verbally render written documents from one language to another.

### Using direct speech

If an LEP witness states "I saw my aunt" the interpreter will state "I saw my aunt," not "He says he saw his aunt." Witnesses should be questioned using direct speech. For example, "State your name," not "Ask her to state her name."

Referring to themselves, interpreters use the third person. For example, "The interpreter cannot hear counsel."

### Slow and steady

Everyone should speak one at a time, deliberately and clearly. Judges can set the pace by doing so themselves and monitoring the speakers throughout the proceeding.

### Pauses

Interpreters need speakers to pause between questions and answers. Witnesses should wait for each question to be fully interpreted before starting their answers.

### Logistics

The interpreter must be provided with a chair and writing surface.

Interpretation equipment is mandatory for trials and other lengthy proceedings. It allows interpreters to work in simultaneous mode, move freely around the courtroom to better hear and see, as well as interpret for multiple LEP individuals at the same time.

### Team interpreting

For trials and proceedings over 2 hours a team of two interpreters is required. This will ensure a higher level of accuracy and eliminate the need for frequent breaks. On rare occasions, when only one interpreter is working, the

court will need to recess for 10 minutes after every 20 minutes.

### Documents

Court personnel and attorneys must provide interpreters with relevant materials, such as complaints, affidavits of probable cause, witness lists, trial briefs, etc. These are necessary for interpreters to familiarize themselves with the factual and legal issues of the case, specialized terminology and proper names. In addition, all documents read aloud in court should be provided to interpreters.

### Jury instructions

Reading aloud is much faster than normal speech. The judge should read slowly and deliberately, pausing after each jury instruction until interpreters finish their rendition. This will ensure accuracy and comprehension. Alternatively, the court can allow the interpreter to sight translate jury instructions in advance of the court's reading, for example, during a jury break. The judge can then state on the record that the full set of instructions have already been interpreted to the defendant.

### Exhibits in languages other than English

Interpreters should not be asked to extemporaneously render audio, video or written exhibits into English on the record. Attorneys are obligated to arrange for certified transcription and translation of such exhibits ahead of time.

**FY 2019 Washington State Interpreter Commission Budget Plan and YTD Expenses  
(as of 2/28/19)**

<b>Focus Areas &amp; Mission</b>	<b>Projects</b>	<b>Activity Timeframe</b>	<b>Personnel/Resources Covered</b>	<b>Projected Budget</b>	<b>YTD Expense &amp; Remainder (R)</b>
<b>Judicial &amp; Court Staff Education</b>	2018 Fall Judicial Conference	Feb 2018 for Sept 2018 event	AOC Staff, trial court judges and/or outside faculty for all conference training events.	Fall Conf.: \$2,500	\$1785.12 R: \$715
	Judicial College	June 2018 for January 2019 event.		Judicial College \$1,000	\$83.63 R: \$916.37* *Lodging not yet billed to IC budget
	Spring 2019 Conferences (AWSCA and DMCMA)	September 2018 for April/May 2019 event.		\$4,500	R: \$4500
<b>Interpreter Commission Meetings</b>	Four Commission meetings per fiscal year	Quarterly basis: September, December, March and June	Member travel, lodging and per diem; printed materials and meeting refreshments	\$1200 per meeting, depending on location; Total: \$4800	\$4341.65 R: \$458.35
	Court Interpreter Forum	October 2018	Refreshments	\$1500	\$1672.00 R: -\$172
<b>Interpreter Commission Outreach</b>					

**FY 2019 Washington State Interpreter Commission Budget Plan and YTD Expenses  
(as of 2/28/19)**

<p><b>EVALUATION AND IMPLEMENTATION</b></p> <p><i>To review Commission-related issues and obligations, justice-related rules and processes, and to develop action plans that will enhance the ability of court communities to preserve the access to justice for Title IV and ADA-covered individuals and programs</i></p>	<ul style="list-style-type: none"> <li>Updating language access plans with courts in reimbursement program</li> <li>LAP Training for Court Staff</li> </ul>	<p>Ongoing</p>	<p>AOC and Commission/trainer travel, lodging and per diem costs</p> <p>Training materials and incidentals</p>	<p>\$2,000 for training to courts</p>	
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**FY 2019 Washington State Interpreter Commission Budget Plan and YTD Expenses  
(as of 2/28/19)**

<p><b>Stakeholder Training and Community Outreach</b></p> <p><i>To facilitate communication between the three Supreme Court Commissions and the public, with the involvement of the legal and court communities of Washington State, regarding interaction with and participation in the justice system by foreign language speaking minorities or persons with disabilities.</i></p>	<ul style="list-style-type: none"> <li>Stakeholder Conference and Interpreter Training Sponsorships: NOTIS, WASCLA, ASL Court Interpreter Training (with Office of the Deaf and Hard of Hearing)</li> <li>Outreach</li> </ul>	<p>As Needed or Requested</p>	<p>Location arrangements, faculty contracts &amp; travel; presentation materials and distribution</p>	<p>\$500 R: \$1500</p>
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**FY 2019 Washington State Interpreter Commission Budget Plan and YTD Expenses**  
 (as of 2/28/19)

<p><b>Program Incidentals</b></p>	<ul style="list-style-type: none"> <li>• Training materials costs</li> <li>• Document translation</li> <li>• Mail</li> <li>• Copies</li> <li>• Telephone</li> <li>• Misc. Travel</li> </ul>			<p>\$3000</p>	<p>\$1592.91 R: \$1407.09</p>
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**Interpreter Commission Budget Allocation:**  
 Projected Budget Estimate: \$20,500.00  
 Available Funds: \$15,300.00  
 Budget Allocation: \$5,200.00  
 Expenses to Date (7/1/18 - 2/28/19) \$20,500.00  
 YTD Remainder of Allocation \$9,975.30  
 \$10,524.70

## Projected Budget for Court Interpreter Program

**Budget Allocation for FY 19: \$20,500**

### Primary Annual Operation Costs:

	<b>Cost</b>	<b>Revenue</b>	<b>Total</b>	<b>Notes</b>
Written Exam	\$4,000	(11,250.00)	(7,250.00)	East and West Sides
Oral Exam	\$18,164	(15000.00)	3,164.00	East and West Sides
Orientation	\$4,500	0	4,500.00	East and West Sides
Ethics and Protocol	\$3,600	0	3,600.00	West Side (2 sessions)
NCSC dues	\$9,000	0	9,000.00	Per year
Credentialing Services	\$500	0	500.00	Badges, etc.
Other Operating costs	\$1,000	0	1,000.00	Printing, phone, etc.
<b>Total</b>	\$40,764	-\$26,250	\$14,514	

### Sample Projects and Other Costs:

	<b>Cost</b>	<b>Notes</b>
Creating an online multi-week language-specific oral exam prep course	\$10,000	Ex: Filipino/Tagalog course; Additional costs to hold course if AOC subsidizes participant fees (\$600/person to fully subsidize)
Two-day in-person language neutral oral exam course	\$5,000	Ex: Weekend course taught by De La Mora
Multi-week in-person language-specific oral exam prep courses	\$4,500	Ex: Cost is per language for 4 wk courses using local instructors, existing materials
Moving Written exam online	\$10,000	This is a loss of revenue based on 150 ppl taking exam.
Class Sponsorship	\$1,000	Ex: NOTIS Ethics class
Conference Attendance	\$2,000	Ex: CLAC
Ethics and Protocol - Eastside	\$3,000	

# **Committee Reports**





**Interpreter Commission – Education Committee**  
**Friday, February 22, 2019**  
Teleconference Meeting  
12:00 PM – 1:00 PM  
Call-in number: **877-820-7831**  
**Passcode: 618272#**

## MEETING MINUTES

### Members Present:

Katrin Johnson  
Kristie Cruz  
Eileen Farley  
Maria Luisa Gracia Camon  
Frankie Peters  
Fona Sugg

### AOC Staff:

Robert Lichtenberg  
James Wells

## UPDATES ON EDUCATIONAL PROJECTS

### Recent Judicial College Interpreter Presentation

- Evaluations came back with very good scores. Some evaluations indicated there was too much information for the time allotted. More time will be requested next year.
- About 72 judges were at presentation.
- Judges typically do a three year stint at a particular session. On a given judge's last year, the new judges shadow the presentation before taking over the responsibility.
- **ACTION:** Committee members think of suggestions of judges to take over the Judicial College presentation. Katrin will make a recommendation to the Commission at the March or June meetings.

### Superior Court Administrators Conference

- Bob is the coordinator. Topic will be about working with the Deaf and Hard of Hearing to find the best accommodations for their needs. It will be part lecture and part hands-on demonstration.

- Presenters: Michal Richardson from the Northwest ADA Center. He will talk about ADA requirements and what an interactive dialog looks like between someone requesting accommodations and court staff. Provail will be providing equipment or demonstration.
- Materials will be due April 15.
- Suggestions from the Committee: Include ad hoc interactions such as, walk-ins, and people appearing pro se.

### **District/Municipal Administrators Conference**

- Will be on May 20. Trish Kinlow requested that DMCMA have a session that is similar to the court interpreter coordinator conference with the content tailored for decision makers at a court.
- An outline has been sketched out. Bob and Katrin will work with Trish Kinlow and Emma Garkavi to have a more complete draft.
- A handout will be created for court staff to give them resources when they need to find an interpreter for a rare language based in part on the discussion from the court interpreter coordinator conference.

### **Fall judicial conference**

- The conference will be about ADA and accommodations.
- Presenters: Carla Mathers, a well-known interpreter and attorney. Judge Ida Chen from PA, who will talk about her experiences of working with Deaf and Hard of Hearing individuals.
- **ACTION:** Bob will send out a copy of proposal to Committee members.

### **OUT REACH COMMITTEE**

- This is large project and it was felt the Education Committee could be split into two groups with one concentrating on the current work and the other group focusing on community outreach. Members could volunteer which side of the committee they would like to be on.
- If a committee member has comments about the materials submitted for this meeting, they can be sent to the whole group or directly to Elisa.
- Frankie offered to be on the outreach committee.

### **OTHER PROJECTS**

- ATJ conference: No proposal has been submitted so far. Kristie will look in to seeing it's still possible to submit a proposal and look at possible presentations
- Northwest Translators and Interpreters Society (NOTIS) will have a class on the new ethics code. A presentation or webinar could be created.

- This doesn't fall under the Education Committee scope since the focus would be on interpreters. The AOC will work the presenters of the NOTIS presentation to create a webinar.
- Webinar based on materials from recent Judicial College.
- Katrin: Recorded webinar – info on working with interpreters
  - **ACTION:** Committee members review materials from the recent Judicial college to see how it could be shaped into a webinar.
- Inviting Interpreter Commission to attend the Ethics and Protocol class on April 12.

### **Next Meeting**

- Doodle Poll will be sent out for March meeting.

# Annual Conference Committee Session Proposal Form

*61st Washington Annual Judicial Conference*

*September 22-25, 2019*

*The Heathman Lodge*

*Vancouver, Washington*

**PROPOSAL DEADLINE: January 11, 2019 to Judith.Anderson@courts.wa.gov**

### TOPIC AREA:

*Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities*

**PROPOSED SESSION TITLE:** Signed Language Interpreters in Washington: Preventing Illusory Justice for Deaf Parties

**STATUS:**

Received Date: \_\_\_\_\_  
 Accepted  
 Not Accepted  
 Why: \_\_\_\_\_

**PROPOSED BY:** Supreme Court Interpreter Commission

**CONTACT NAME:** Robert Lichtenberg

**CONTACT PHONE:** 360-350-5373

**CONTACT EMAIL:** Robert.Lichtenberg@courts.wa.gov

**TARGET AUDIENCE:**

Experienced Judges XX  
 New Judges  
 Court Level: Trial Courts

**PROPOSED DURATION:**

90 Minutes  
 3 Hours  
 Other: \_\_\_\_\_

**SESSION TYPE:**

Plenary  
 Choice  
 Colloquium  
 Other: \_\_\_\_\_

**IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?**

Yes  
 No  
 If yes, maximum number: ---

### REQUIRED COMPONENTS

*The session must address the following essential areas of information:*

Substantive Knowledge	How it Relates to Their Work	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> <li>Legal and practical information for managing hearings involving parties and participants who are deaf.</li> <li>Common impediments to access to justice for a frequently misunderstood linguistic and cultural minority.</li> <li>Managing and preventing signed language interpreting challenges.</li> </ul>	<ul style="list-style-type: none"> <li>Judicial officers will be better equipped to improve access to justice for deaf parties and participants by: providing appropriate linguistic accommodations, better understanding the perspective of people who are deaf, and applying best practices for smooth courtroom communication.</li> </ul>	<ul style="list-style-type: none"> <li>Common false assumptions about deaf persons.</li> <li>The unique relationship between signed language interpreters and the deaf community, and how that impacts court proceedings.</li> <li>Differences between signed and spoken language interpreting.</li> </ul>

**Proposals due by January 11, 2019 to Judith.Anderson@courts.wa.gov**

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The Heathman Lodge

Vancouver, Washington

**PROPOSAL DEADLINE: January 11, 2019 to [Judith.Anderson@courts.wa.gov](mailto:Judith.Anderson@courts.wa.gov)**

## RECOMMENDED FACULTY (Include contact information):

Judge Ida Chen (Judge, Court of Common Pleas, Philadelphia, PA) (*Pending*)  
215-686-2545

Carla Mathers, Esq., Registry of Interpreters for the Deaf Specialist Certification: Legal (SC:L)  
[Carla.mathers@gmail.com](mailto:Carla.mathers@gmail.com)

Robert Lichtenberg (Interpreter Commission and AOC Interpreter Program Staff)  
[Robert.Lichtenberg@courts.wa.gov](mailto:Robert.Lichtenberg@courts.wa.gov)

Judge Chen and Ms. Mathers have co-presented at other judicial conferences on issues affecting deaf parties in legal proceedings, especially with regard to the use of interpreters, their linguistic roles, judicial misconceptions about language comprehension and self-determination of deaf persons, and unique challenges experienced by court staff and persons who are deaf or deaf-blind in legal proceedings.

Robert Lichtenberg has presented at the 2017 Fall Judicial Conference and his presentation was very well received by attendees (evaluation of conference presentation attached).

## SESSION DESCRIPTION:

The Deaf community is a linguistic and cultural minority group that experiences the legal system very differently. They often face barriers and challenges that frequently go unrecognized and unaddressed. Through lecture and small-group discussions, this presentation will equip judicial officers with background on cultural and linguistic attributes of our Deaf communities, legal principals regarding communication accommodations, practical strategies to ensure equal access to justice for Deaf parties and participants, and reference materials for common courtroom challenges.

## LEARNING OBJECTIVES:

At the conclusion of the session, participants will be able to:

- Identify and reduce common barriers faced by persons who are deaf when interacting with the judicial system.
- Explain the legal standards for providing signed language interpretation for persons who are Deaf or hard of hearing, and how they differ from legal requirements for foreign language speakers.
- Manage practical challenges with signed language hearings such as interpreter placement, communication with counsel, evidentiary objections, and multiple Deaf parties/participants.
- Describe why certified sign language interpreters need to undergo voir dire prior to being formally appointed.
- Apply different strategies to ensure that signed language interpreters are qualified and free from conflicts of interest.

**Proposals due by January 11, 2019 to [Judith.Anderson@courts.wa.gov](mailto:Judith.Anderson@courts.wa.gov)**

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**PROPOSAL DEADLINE: January 11, 2019 to [Judith.Anderson@courts.wa.gov](mailto:Judith.Anderson@courts.wa.gov)**

- Compare differences from signed language interpreting and spoken language interpreting, and how those differences impact court proceedings.

## FUNDAMENTALS COVERED:

- The Americans with Disabilities Act and the Washington State Law Against Discrimination
- RCW 2.42 and related case law
- RCW 2.43 and related case law
- GR 11.2 (amended December, 2018)
- Brief history and current attributes of local Deaf communities
- Examples of different communication needs for people who are Deaf – not all are fluent in ASL
- Interpreter certification levels, and resources for identifying appropriate interpreters
- Practical and ethical conflicts between interpreters and recipients of interpretation
- Courtroom management tips for placement and communication challenges

## PARTICIPANT RESOURCES:

Fact Sheets on Courtroom Interpreting, Developed by the National Consortium of Interpreter Education Centers:

- [Tips for Sign Language Interpreted Proceedings](#)
- [Working with Sign Language Interpreters in Court](#)
- [Linguistic Considerations of Deaf Litigants](#)
- [Deaf Interpreters as Reasonable Accommodation](#)
- [ASL Interpreter Teams](#)

National Association of the Deaf: [Communication Access in State and Local Courts](#)

National Center for State Courts: [Providing Auxiliary Aids to Spectators](#)

New Jersey Administrative Office of the Courts: [Guidelines for Proceedings that Involve Deaf Persons who do not Communicate Competently in ASL](#)

DSHS [Office of the Deaf and Hard of Hearing](#)

## PROPOSED TEACHING METHODS AND ACTIVITIES:

The session will consist of large and small group discussion with reference to relevant legal materials such as court rules, policies and statutes. The participants will engage in small group analysis of scenarios and hypotheticals presenting problematic issues for signed language interpreters. For example, through an exploration of the close knit nature of the deaf community, participants will appreciate why conflicts of interest are more prevalent with signed language interpreters. Participants will be provided with model voir dire questions and answers used by other state court systems. Finally, participants will see a demonstration of a commonly used method of relay interpreting which utilizes a team of deaf and hearing interpreters to convey the content of the interaction.

**Proposals due by January 11, 2019 to [Judith.Anderson@courts.wa.gov](mailto:Judith.Anderson@courts.wa.gov)**

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## DIVERSITY AND INCLUSION:

Although not well understood by the majority in society who can hear, deaf people consider themselves to be a linguistic and cultural minority with more in common with other language minorities than with disabled individuals. Understanding, respecting and being sensitive to this cultural perspective demonstrates the court's appreciation of the deaf participant and their life experience. Deaf people have been marginalized as a community and are often under-employed and under-educated. Their language oppressed by the educational movement advocating oralism resulting in great difficulty with learning English. Their language, American Sign Language, is generally not formally taught in educational institutions creating tension in their experience vis a vis other Americans who can hear. As a result of language variation in education, certain deaf participants in court demonstrate a need for a more robust method of interpreting which requires a team of a deaf interpreter and an interpreter who can hear.

Many deaf individuals interacting with court are foreign born and may have emerging signed language skills and need this specialized type of interpreting. Many are of a racial or ethnic background different from the majority of American interpreters. American interpreters often have strongly accented signed language skills because most do not learn it until adulthood, far past the optimum age for language learning. Foreign language interpreters often have native language or near native language skills as a result of living in another country. This option is not available to signed language interpreters.

This presentation will present information on the overlap of cultural, linguistic, socio-economic status, race, and nationality on deaf litigants in court.

### ANTICIPATED COST:

\$3000

### FUNDING RESOURCES:

Supreme Court Interpreter Commission

**Proposals due by January 11, 2019 to [Judith.Anderson@courts.wa.gov](mailto:Judith.Anderson@courts.wa.gov)**



**2019 Judicial College  
Session Evaluation  
Working with Court Interpreters  
Friday, February 1, 2019**

**Please rate the faculty on a scale of 5 to 1 (5 = excellent; 1 = poor)**

Number Received 64/70 Possible Number of Evaluations	Overall Teaching Effectiveness	Effectiveness of Teaching Methods	Knowledge of Subject	Made Clear Connection to the Workplace	Materials covered were appropriate	Well prepared and organized	Average Score
David G. Estudillo	4.81	4.84	4.88	4.85	4.88	4.81	4.85
Damon G. Shadid	4.86	4.86	4.91	4.90	4.91	4.83	4.88
Lucia Gracia Camón	4.71	4.76	4.88	4.81	4.86	4.90	4.82

**Please check the appropriate box to indicate your evaluation of this session.**

	YES	NO	N/A
1. The session met my needs as a new judicial officer.	63	0	1
2. Substantive written materials (if provided) assisted my learning.	61	0	3
3. The session was well organized / coordinated.	63	0	1
4. The faculty engaged / involved me in meaningful activities.	63	0	1

**What aspect of the session did you find most valuable and why?**

- Good presentation style and having multiple “bits” with frequent speaker changes was very engaging.
- List of cases in the materials as well as GR and statutory lists. Love the flow chart.
- I liked the interpreting in English exercise.
- Excellent presentation on an important topic. I was afforded practical advice. I feel I can effectively implement in my court. Thanks.
- Wish there was more time.
- I really appreciated having a staff interpreter on the panel.
- The updates from prior procedures.
- Defining between types of interpreter.
- Interpreter’s viewpoint was invaluable.
- Cheat sheet. I will use it.
- The interpreter exercise was helpful perspective.
- Translation exercise. Reveal difficulties.
- Chart with questions to ask for qualified interpreters.
- Presenters were very good, only limitation was not having materials ahead of time to facilitate note taking electronically.
- The explanation of the differences between certified and registered was clear and very helpful.
- The proposed benchcard is extremely helpful. I really wish I had it when I joined the bench

several month ago. I appreciated how well organized this presentation was.

- Materials are excellent.
- The opening exercise of repeating what was being said was effective to show how hard it is to interpret. I understand why Judge Shadid asked the judge with a questions to follow up later off line, but the way he did it was rude and unnecessary.
- I liked leaving an interpreter perspective too.
- Interesting and useful session.
- Very helpful. Thank you.
- Luisa was just a little too quiet. But very smart and organized. Judge Shadid did a great job redirecting us back on track when questions got us astray. Great job all.
- Great information. Would have been good to have information for rural counties and remote options.
- Flow chart is great. Thanks.
- Model benchcard is great.

**Where appropriate, were diversity issues (e.g. gender, race, culture, sexual orientation, religion, disability) incorporated within the presentation?**

Yes	No
16	2

**If you feel diversity issues were not included, let us know where issues come up in your court in this particular area so that it might be addressed in future programming:**



## 2019 Judicial College Faculty, Deans, and Staff Observations

### Session Title Court Intepreters

**This is a compilation of the feedback from observers.**

#### Comments:

- The session has been tricky in trying to figure out exactly what new judicial officers need.
- Very information intensive and unsure if the learning objectives are being met
- Diving too deep into the weeds!
- The session was still rushed, but less so than last year.
- Content needs to be pared down.
- Understand that it's 75-minute session, but believe there is better way to get the information across. Lecture, one short example, and one rushed exercise is not the best use of the time.
- Maybe find the top 3-5 priorities, possibly revise presentation to address the common mistakes and pitfalls?
- Maybe do more role playing or add in responder questions
- The interpreter was nice to hear from, but could the information be given by the judge faculty? Too many presenters for such a short amount of time.
- Possibly get to some of the content through the use of videos and responder questions that give the "what was good, what was bad" or questions like that. Or use videos and provide for discussion.

#### Course Content:

- Too much information. Need to better define the learning objectives and how to get to them.
- Provide more resources of where people can find information – both locally and nationally.
- The flow chart was extremely helpful and useful.
- The benchcards were appreciated and glad faculty referenced them and used the information.
- Practical advice (interpreters need breaks, ways to interact/intervene, etc.) were really good.



**Interpreter Commission – Education Committee**  
**Tuesday, March 19, 2019**  
Teleconference Meeting  
12:00 PM – 1:00 PM  
Call-in number: **877-820-7831**  
Passcode: **618272#**

## MEETING MINUTES

### Members Present:

Katrin Johnson  
Francis Adewale  
Kristy Cruz  
Maria Luisa Gracia Camon  
Frankie Peters  
Fona Sugg  
Donna Walker  
Elisa Young

### AOC Staff:

Robert Lichtenberg  
James Wells

- Previous meeting minutes were approved with modification.

### OUTREACH SUB-COMMITTEE

- This will be a subcommittee of the Education Committee for headed by Elisa
- Membership may fluctuate depending on the needs at the time.
- Current volunteers: Fona, Frankie, Luisa.
- The sub-committee could benefit from having members outside of the Commission. Fona can talk to the AWSCA to find volunteers and Luisa can speak with NOTIS.
- One of the first steps is to create materials that would be useful for outreach.

### UPDATES ON EDUCATIONAL PROJECTS

#### Judicial College

- A new judge will need to be recruited to shadow the 2020 college and join the panel the following year.

- The current judges on the panel are Judge Estudillo, Judge Shadid.
- Some suggestions included: Judge Lynch, Judge Antush and, Judge Aimee Lauer, Judge Mary Logan, Judge Laura Riquelme, Judge Shelley Szambelan.

### **Online training for Interpreter Coordinators**

- A workgroup was created to develop online training for court interpreter coordinators.
- The training could consist of a number modules.
- Existing resources could be a starting place.
- Tip sheets could accompany the videos for reference and review.
- Volunteers for working group: Katrin, Kristi, Fona, Francis, Luisa.
- The AOC has access to Adobe connect, which can be used as a platform for webinars.

### **Superior Court Administrators Conference**

- The interpreter session will take place on April 30.
- The session will give attendees a chance to learn about and use equipment designed to help parties with communication difficulties have access to the court.

### **District/Municipal Administrators Conference**

- The interpreter session will take place on May 20.
- The content of the session will be based on what was presented at a court interpreter coordinators conference, focusing on the information that is most important for court administrators.
- Katrin created a handout to help courts find interpreters in rare languages.
- The handout focused on spoken language interpreters, but information on sign languages could be added. A separate handout could also be created, if the additional content was extensive.
- Some suggested additions were the NAJIT and ATA interpreter directories. Some other resources could be found on Inside Courts.
- Another Interpreter Commission committee is looking specifically at non-credentialed interpreters



**Interpreter Commission - Issues Committee**  
**Tuesday, January 8<sup>th</sup> 2019 (12:00 p.m. – 1:00 p.m)**  
Teleconference

**MEETING MINUTES**

**Members Present:**

Judge Beall  
Thea Jennings  
Elisa Young  
Kristi Cruz  
Frankie Peters  
Francis Adewale  
Fona Sugg  
Diana Noman

**AOC Staff:**

Robert Lichtenberg  
James Wells  
Mary Lou Boles

**Guests:**

Linda Noble  
Judge Mafe Rajul  
Martha Cohen

**Call to Order**

- Meeting minutes from the December 2018 meeting were approved.

**Motion to Inform Lynnwood Municipal Court of result of investigation of grievance: “I move to close this issue concerning interpreter practices in Lynnwood Municipal Court, and that we notify Lynnwood of our findings.”**

- LaTricia Kinlow (prior IC Member) relayed that the date and times of the recording did not have any interpreter cases so she was not able to determine if any interpreter practices were violated.
- Lynnwood Municipal Court questioned the reasoning behind the request, and discovered a grievance was submitted to the AOC.
- The grievance stated that the Judge and Interpreters were not following proper procedures throughout these hearings involving interpreters.
- Linda filed the grievance in July 5, 2017 so she requested that we reach out again to obtain the correct tapes to properly review the hearings.
  - Judge Beall requested Bob and James to make a formal request to Lynnwood Municipal Court to request the July 5, 2017 tape again to ensure it was the correct tape. Linda can then have a chance to review the tape to verify.

- Kristi mentioned that in the past when an individual was denied an interpreter, we have requested the recording and made a transcript that was used in a letter to submit to the court detailing the exact RCW that has been violated. Another option is to offer Lynnwood Municipal Court a training on using interpreters. This way we wouldn't need a recording or transcript.

### **Non-Certified Interpreter Policies Development and Implementation by Judge Beall and AOC staff**

- Judge Rajul, Francis Adewale, Frankie Peters and Martha Cohen will serve on the ad hoc committee. Diana Noman will serve as the Chairperson.
- Martha Cohen stated that she uses an Interpreter Information Record form which discusses the Code of Conduct, ethical obligations, appropriate court protocol, experience, language strength, references, and other translation or credential experience. This is also followed up with a phone conversation (20 minutes – 1 Hour) to get a sense of the person while envisioning them in the court room.
  - Some interpreters have a credential from DSHS.
  - Interpreters are prepped and sometimes paired with a more experienced interpreter.

### **Mentoring Program**

- Bob brought up that Luisa suggested non-certified interpreters should go through a mentoring program which may be for the Issues Committee to discuss.
- Judge Beall stated that the ad hoc committee could recommend the policy provisions regarding non-certified interpreters and report back to the Issues Committee.
- Judge Beall mentioned that making this a required program could be difficult since we don't currently have a state-wide program and there are some interpreters that speak uncommon languages that interpret on an irregular basis.
- Francis said it will be better to start it off making it an optional program, and make improvements as the program is carried out before making it a mandatory program.
- Diana said the ad hoc committee will have to review the various avenues of implementation and best practice recommendations. Most new interpreters would be eager to participate in educational trainings and seminars since interpreting is a very individualized experience based on their prior language experience.
  - James said testing the program within a few courts across the state, especially for languages that aren't certified or registered, would be best. The fee originally brought up was to help the interpreters take the program seriously since sometimes people do not follow through with free trainings.

<b>Action Items</b>
Bob will contact Lynwood Municipal Court to obtain 7/5/2017 tape to investigate Linda's grievance.
(Agenda Item that was not addressed) Discuss any necessary rules regarding the Simultaneous-Consecutive Interpretation use of recording device.
(Agenda Item that was not addressed) Update on Written Test Examination Cutoff Score Review.



**Interpreter Commission – Issues Committee Meeting**  
**Tuesday, February 5<sup>th</sup>, 2019**  
Teleconference Meeting  
12:00 PM – 1:00 PM  
Call-in number: **877-820-7831**  
**Passcode: 618272#**

**MEETING MINUTES**

**Members Present:** Francis Adewale, Judge Beall, Mary Lou Boles, Bob Lichtenberg, Linda Noble, Diana Noman, Frankie Peters, Fona Sugg, James Wells, Elisa Young

The meeting began at 12:03 PM.

- **Approval of 1/8/19 Meeting Minutes**

Meeting minutes were approved.

- **Bylaws Workgroup Process and Scope**

- Bylaws Issues: Term lengths and limitations; membership recruitment requirements, voting procedures; reorganize the 15 member rotation based on term expiration dates so that 1/3 of the members rotate out at a time, and any other necessary changes.
  - The committee agreed on not using the term “by-laws” since there are specific connotations associated with that term.
  - The terms “participants” and “term-holders” were suggested instead of “membership.”
  - Linda mentioned some members are appointed and some are nominated.
  - GR 11.1 does consistently reference “commission members” so the committee needs to consider if we will have to change that word throughout the document.
  - If we decide to remove the term “member” from the by-laws then we’ll have to remove it from GR 11.1 as well. Instead, Francis suggested we clarify ambiguous terms in GR 11.1 to forgo making any revisions.
  - Suggested adding an Appendix A to change “by-laws” to “group membership.”
  - Judge Beall mentioned that after reviewing the past meeting minutes, the current membership terms do not match up with the current membership by-laws. Here is the breakdown of term end dates for commission members: 7 members in 2019, 3 members in 2020, and 4 members in 2021.
  - Changing or extending commission membership terms will not be easy since the membership terms are already staggered.
  - The consensus is that people that are currently assigned should be honored.
  - Linda suggested adding new membership roles to the commission.

- Frankie brought up that he was originally appointed as a fill-in for prior commission member Trish Kinlow. If someone steps in, someone should be able to serve in for two full terms after they complete their fill in term for a prior commission member.
- The group agreed that we shouldn't try to limit their terms by allowing substitute members to start their first term halfway through the year since their terms could be shortened.
- If someone is appointed to a term, then they should have a set number of meetings that they need to attend.

**ACTION:** It was suggested to table this topic after everyone has had a chance to think about the policy that we want to develop before we decide on what to re-name it as.

- **Request for Extension of Registered Credential by Tagalog Interpreters**
  - This applies to currently registered Tagalog interpreters.
  - The National Center for State Courts (NCSC) made the exam unavailable since they updated the name to the "Filipino Tagalog Exam."

**VOTING:** The committee voted on allowing registered Tagalog interpreters to maintain their registered status until the end of 2019. All members voted to pass, no objections. This motion will be brought up to the full Interpreter Commission at the next meeting on March 29, 2019.

The meeting was adjourned at 1:04 PM.

**The next meeting will be on Tuesday, March 5<sup>th</sup>, 2019 at 12:00 PM to 1:00 PM**

January 24, 2019

To: The Court Interpreter Commission

Thru: Mr. James Wells  
Court Interpreter Program,  
Olympia, WA

Re: Request for Reconsideration to Extend the Registered Status for the Undersigned Tagalog Interpreters

Dear Members of the Court Interpreter Commission:

We acknowledge receipt of our respective letters informing us that we did not pass the October 2018 interpreter certification exam in Filipino and advising us that we will lose our court credentials in a few days.

We truly appreciate the extensions we were granted in the past for our registered status and the support the Commission has given to us while we were waiting for the Filipino review class to materialize and the Filipino exam to be re-done. We followed the directives of your office and we both (the undersigned) completed our CEUs for the current cycle 2018-2019, enrolled in the Filipino review class in May 2018 and took the October 2018 Filipino exam. Unfortunately, despite our best efforts and experience, we each missed one of three parts of the exam by a few points. We are both making a last appeal for our registered status to be extended to be co-terminus with the testing and the CEUs cycle that is to end in December 2019.

We are both committed to taking the interpreter exam this summer and do another review class (if offered, even as a non-subsidized class) in preparation for it. In addition, we will record our performance at practice tests to better diagnose our weaknesses. Moreover, we will be doing more practice tests aloud and in the presence of our team to address our test anxiety and jitters [due to taking a test in our 60's] that we suspect may have significantly contributed to our less than satisfactory performance. Finally, we will seek the counsel of more experienced interpreters as to what additional exercises we can do to improve our testing performance.

In the meantime, while we take the exam in the next few months and await the results, allowing us to keep our registered status will keep the available number of court credentialed Tagalog interpreters at the same number of four (2 certified and 2 registered). While we believe that the loss of our credentials will not affect the quality of our service as Tagalog interpreters, we fear that dropping our registered status (despite your letters' assurance that the courts will be advised that it is not due to ethical violations) may erode the confidence of the courts, the lawyers and other parties whom we serve. Additionally, by keeping us as registered interpreters in the State roster until year-end, the State maintains the number of recognized qualified interpreters needed to meet the demand for Tagalog interpreters, rather than fall a step behind with a shorter list of qualified interpreters (down to 2 certified interpreters.) We assure you that we are both working double time to be part of the solution to giving greater language access to the Filipino community.

We are hoping for your favorable consideration.

Thank you very much.

Sincerely yours,

ROGELIO RIGOR

LINA DE GUZMAN-FERRER



## Interpreter Commission – Issues Committee Meeting

Tuesday, March 5<sup>th</sup>, 2019

Teleconference Meeting

12:00 PM – 1:00 PM

Call-in number: **877-820-7831**

Passcode: **618272#**

### MEETING MINUTES

**Members Present:** Francis Adewale, Judge Andrea Beall, Kristi Cruz, Thea Jennings, Bob Lichtenberg, Linda Noble, Diana Noman, James Wells, Elisa Young

The meeting began at 12:05 PM.

- **Approval of 2/5/19 Meeting Minutes**

Meeting minutes were approved.

- The Committee addressed the complaint brought by Linda Noble regarding a King County District Court (KCDC) hearing on November 5, 2018. An audio file of the hearing events referenced in the complaint was obtained and distributed to Issues Committee members on 3/4/19. Kristi, Linda, Judge Beall, and Diana listened to the audio recording. Judge Beall commented that she noted deficiencies in qualifying the interpreter on the record. While Mandarin is a certified language, there is a process for properly appointing a non-certified Mandarin language interpreter for a hearing. It was suggested that a letter be sent to the KCDC judge involved in the hearing reminding him of the need to establish good cause for not having a certified interpreter present and to properly qualify any interpreter who is not certified or registered by the Court Interpreter Program.

**Action:** Judge Beall will draft and send a letter to Judge Hirakawa with a copy to the presiding judge of KCDC.

- **Bylaws Discussion:**

- Judge Beall provided a draft of current Commission member terms on 3/4/19 in an email to the Committee; Francis had earlier provided the ATJ Board bylaws which served as a basis for discussion going forward. There was discussion of member rotations in and out of the Commission. The term expiration date for Thea Jennings was discussed and Thea indicated she would be willing to serve until the end of her term, which was thought to be 2020. Bob stated that Thea filled the vacancy of a departing member of the Commission, perhaps as a fill-in for the remainder of that member's term. He will confirm the term ending date for Thea's second term through a review of appointment correspondence from the Chief Justice.

- There was agreement to abandon the title “Bylaws” in favor of “Operational Procedures” or “Membership Guidelines”. It was recommended that the word “member” be in the title as it mirrors the language of GR 11.1.
- There was discussion about incorporating term limits and a break in service between terms. The consensus was that persons should be allowed to serve subsequent terms but after some kind of break in service. The break in service period was not agreed upon, but it was suggested it range from 0 to 3 years and there was a discussion of rationales for various break in service durations. Judge Beall requested that members consider options and provide her with proposals related to break-in-service periods.
- Nominations procedures was discussed next. The recruitment efforts should be robust without necessarily giving priority to new people, but to make sure there is a robust pool from which to select people to fill vacancies. Francis suggested one way of doing so would be by bringing in people to serve as ad hoc members on committees and to open subcommittees to ad hoc persons as well. Suggestions were made to rename the “nomination procedure” to “application procedure,” as there are some positions for which people apply directly, rather than be nominated by a group.
- **Review of Complaint regarding Lynnwood Municipal Court Hearing**
  - As there was no recording provided, it was suggested that the matter be tabled; however, Bob indicated that Paulette Revior, Lynnwood Municipal Court Administrator, had informed him she could not locate the recording.
- **Update from Non-Credentialed Interpreter Ad Hoc Workgroup:**
  - Diana provided an update on the group work. They have had two meetings so far and accomplished some necessary tasks such as identifying specific language to be included to cover qualified/non credentialed languages and envisioned a multi-lateral approach addressing ways to deal with non-credentialed interpreters, divided into four subgroups: judges, judicial interpreter, interpreter coordinator, and administrators. Their next focus is to develop best practices language for each subgroup to be employed when dealing with non-credentialed/qualified interpreters.
- The last agenda item pertaining the use of recording devices for Simultaneous-Consecutive Interpretation was tabled to the next meeting due to lack of time.

The meeting was adjourned at 1:02 PM.



## CITY OF PUYALLUP

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Municipal Court  
929 E. Main Ave. Suite 120  
Puyallup, WA 98372  
253/841-5450

March 18, 2019

Judge Gregg Hirakawa  
King County District Court – West Division  
516 Third Avenue, Room W-1034  
Seattle, WA 98104

Re: Complaint to Interpreter Commission

Dear Hon. Judge Hirakawa,

I am currently the DMCJA representative to the Washington State Supreme Court Interpreter Commission. In that capacity, I serve as Chair of the Issues Committee. Per GR 11, the Issues Committee is assigned to address issues, complaints and/or requests regarding access to interpreter services in the courts. Recently, we received and reviewed a complaint regarding the appearance of a non-certified interpreter at a hearing in your court. Thus, I am contacting you on behalf of the Issues Committee.

The complaint was specific to a pretrial conference held November 5, 2018 where an interpreter in the Mandarin language appeared in your court. Upon receipt of the complaint, the Issues Committee obtained and reviewed the audio recording. At the hearing, the interpreter acknowledged she was not certified and the defense attorney did not note any objection; however, the record does not demonstrate that the court found good cause for proceeding with a non-credentialed interpreter and there was no inquiry into her qualifications.

Courts are statutorily required to use certified or registered interpreters. Non-credentialed interpreters may only be used where good cause is *found and noted on the record*. RCW 2.43.030(1). Where good cause is found, the court *shall make a preliminary determination* that the proposed interpreter is able to accurately interpret the proceedings. RCW 2.43.030(2). Sample questions to ask of a non-credentialed interpreter to help make that the determination are listed on the Interpreter Bench Card authored by the Interpreter Commission. For your reference, the most recent version is included with this letter. Additionally, a case last year out of Division II, Matter of Dependency of J.E.D.A. Jr., 2 Wash.App.2d 764 (2018), addressed the issue and is helpful to review.

Please feel free to contact me at (253) 841-5526 or [abeall@ci.puyallup.wa.us](mailto:abeall@ci.puyallup.wa.us) or Robert Lichtenberg, the AOC Language Access Program Coordinator, at (360) 350-5373 or [Robert.lichtenberg@courts.wa.gov](mailto:Robert.lichtenberg@courts.wa.gov) with any questions or concerns.

Respectfully,



Judge Andrea L. Beall  
DMCJA Representative  
WA Supreme Court Interpreter Commission

cc: Presiding Judge, King County District Court  
Robert Lichtenberg, AOC Language Access Program Coordinator  
Justice Steven González, Court Interpreter Commission Chair

Enclosure: Bench Card for Courtroom Interpreting (Jan. 2019 version)



# Bench Card

## Courtroom Interpreting

### How do I determine whether a person needs an interpreter?

Presume a need for an interpreter when an attorney or litigant indicates a party or a witness requests one. If an interpreter is not requested, but it appears a party/witness has limited English proficiency, a judge should ask questions **on the record** to assess the need for an interpreter.

### Sample questions for determining the English proficiency of a person and the need for an interpreter:

(Avoid questions easily answered with yes or no replies.)

1. How did you come to court today?
2. How did you learn English, and what is most difficult about communicating in English?
3. Describe what you see in this courtroom.
4. What is the purpose of your court hearing today?
5. **You have the right to a court-appointed interpreter.** Tell the court the best way to communicate with you and to let you know what is being said.

*If the person has difficulty answering these simple questions, an interpreter is recommended. Presumably, a person unable to answer these questions is unable to communicate well in high-stress matters involving legal terminology.*

Also, **if the court cannot understand the person's spoken English**, consider using an interpreter. Request that the person speak in their native language, so that the interpreter can interpret into English.

**For trials and other long proceedings**, court administration should hire a team of two interpreters, who will alternate interpreting approximately every 20 minutes.

### When is the court required by law to provide and pay for an interpreter?

**Limited English Proficient (LEP) Persons:** If the court is a direct or indirect recipient of federal funding, interpreters must be provided to LEP parties and witnesses at court-expense in all case types, including parents/guardians of minor crime victims and juvenile defendants. 42 U.S.C.A. §2000d; 28 C.F.R. §§42.104, 42.203(e); 67 Fed. Reg. §41455; Lau v. Nichols, 414 U.S. 563 (1974)

If the court is not a direct or indirect recipient of federal funding, interpreters must be provided to LEP persons at court-expense in all proceedings other than civil proceedings with non-indigent parties. RCW §2.43.040

**Persons who are Deaf:** Courts shall furnish interpreter services, assistive listening devices, or other communication methods where necessary, to afford an individual with a disability an equal opportunity to participate in court services, programs or activities, 28 C.F.R. §35.160, unless the court can demonstrate that provision of such services "would result in a fundamental alteration in the nature of the service, program or activity, or in undue financial and administrative burdens." 28 C.F.R. §35.164

### Preference for Certified and Registered Language Interpreters

#### Foreign Language

(1) Courts must appoint an AOC court certified interpreter unless "good cause" is found and noted **on the record**: "good cause" = (a) certified interpreter is not reasonably available or (b) the list of certified interpreters does not include an interpreter in the needed language.

(2) Otherwise, the court must appoint an interpreter who is qualified on the record by the court to (a) interpret accurately; (b) is capable of communicating effectively for the court and the person; and (c) has read, understands and will abide by the code of ethics for language interpreters established by court rules (RCW §2.43.030(2)).

## Sign Language

Courts must request a qualified interpreter through DSHS-ODHH or through a community center for hearing impaired persons. (2) Courts must make a preliminary determination that the interpreter can interpret accurately. (RCW §2.42.130)

## Oath

The **Rules of Evidence** require an interpreter to be **qualified as an expert** and administered an **oath**. WA R. Evid. 604; see also RCW §2.42.050; §2.43.050. Court interpreters who are certified or registered by the AOC or DSHS-ODHH are required to submit a permanent signed, sworn oath to the AOC or DSHS-ODHH. Judges do not need to swear-in these interpreters if their names and credentials are stated on the record. RCW §2.43.050(3). However, non-credentialed "Qualified" interpreters must be administered an oath.

### **Sample qualification questions for interpreters NOT AOC certified or registered:**

1. What credentials do you have as an interpreter?
2. What is your native language? How did you learn \_\_\_\_\_?
3. Is your dialect compatible with Mr./Ms. \_\_\_\_\_?
4. Are there any cultural or community concerns between you and Mr./Ms. \_\_\_\_\_ that the court should be aware of?
5. What is your experience interpreting in court?
6. Have you ever interpreted for any of the people involved in this case?
7. Are you able to remain fair and impartial?
8. Are you familiar with the Code of Professional Responsibility for Judiciary Interpreters? Please identify three of the primary tenets under GR 11.2.
9. To the parties: Does either party have any questions for the interpreter?

### **Interpreter oath for interpreters NOT AOC or DSHS-ODHH certified or registered:**

**Spoken Language:** Do you swear (affirm) that you will make a true interpretation to the person being examined of all the proceedings in the \_\_\_\_\_ language, and that you will repeat the statements of the person being examined to this court in the English language, to the best of your skill and judgment?

**Sign Language:** Do you swear (affirm) that you will make a true interpretation to the person being examined of all the proceedings in a manner which the person understands, and that you will repeat the statements of the person being examined to this court, to the best of your skill and judgment?

## **Clarifying the Interpreter's Role**

So that all participants understand the interpreter's role, consider reading the following language at the start of a court proceeding:

**To the speakers:** The interpreter can only interpret for one person at a time, so please do not speak or interrupt while someone is testifying or speaking. The interpreter can only interpret testimony that is spoken, so all responses must be verbal. You are reminded to speak at a slower but steady pace, and make eye contact occasionally with the interpreter to gauge whether your pace is appropriate. A slower pace is especially important when stating dates, numbers, figures or highly technical vocabulary.

**To the interpreter(s):** You are bound by the Code of Professional Responsibility for Judiciary Interpreters, and you are expected to follow its provisions. You must interpret everything that is said in this courtroom, including this information. You are not allowed to engage in any conversation with the person(s) you are interpreting for. You are not allowed to give any legal advice, or express personal opinions about this matter. You are expected to maintain confidentiality, and not publicly discuss this case. If for some reason, you need to pause the proceedings so that you can refer to a dictionary or clarify a word, please raise your hand and speak up. Are there any questions?

### **Tips for communicating through interpreters:**

1. Instruct all participants to speak (or sign) one at a time, loudly and/or clearly.
2. Allow the interpreter to converse briefly with the non-English speaker for the limited purpose of ensuring the understanding of accents, dialect or pronunciation, or sign language differences.
3. Speak directly to the non-English speaking person. Do not ask the interpreter to independently explain/restate anything said by the party.
4. The interpreter must convey all questions, answers, and courtroom dialogue, and therefore, is constantly working. Advise the interpreter to notify the court when breaks are needed.
5. Allow the interpreter to review the court file prior to the hearing, to become familiar with names, dates, and technical vocabulary.
6. Monitor the interpreter so that side conversations are not held with the non-English speaking person.
7. Pause (give time for the interpreter to catch up).

**For additional assistance, please contact:  
AOC Court Interpreter Program at:  
360-705-5279 or review information at  
[www.courts.wa.gov/interpreters](http://www.courts.wa.gov/interpreters)**



**Interpreter Commission – Ad Hoc Policy Workgroup Committee Meeting**

**Monday, February 4<sup>th</sup>, 2019**

Teleconference Meeting

12:00 PM – 1:00 PM

Call-in number: **877-820-7831**

**Passcode: 618272#**

**MEETING MINUTES**

**Members Present:** Mary Lou Boles, Robert Lichtenberg, Diana Noman, Frankie Peters, Judge Mafe Rajul, and James Wells

**TOPIC: Non-Credentialed Interpreters serving the courts of Washington State**

• **Definition:**

- Note legal definition of “qualified” as in [RCW 2.43.020](#)
  - (5) “Qualified interpreter” means a person who is able readily to interpret or translate spoken and written English for non-English-speaking persons and to interpret or translate oral or written statements of non-English-speaking persons into spoken English.
  - Diana and Bob questioned the “able readily” verbiage. It was understood as “is able to interpret based on adequacy.” Screening and training is needed in order to confirm if a court interpreter is readily able to interpret.
  - Diana mentioned that people have a varied opinion on one’s ability to interpret in court. We should find out how the courts are screening non-credentialed interpreters. Should interpreters be held to the same standards as certified and registered interpreters? Or should we assume the quality and level of their interpretations will be lower?
  - Bob mentioned that they should be held to the same standards that credentialed interpreters have to adhere to ([GR 11.2](#)).
  - Diana questioned how we can ensure that non-credentialed interpreters are held to the same standard if we do not have additional requirements for them? It should be stated somewhere that non-credentialed interpreters are held to the same standard as certified and registered interpreters. There should also be an explanation as to why they are not certified/registered. For example, if they interpret a less commonly requested language that doesn’t have certification testing, then that should be specified.
  - **ACTION:** The group needs to come up with language regarding the standards for non-credentialed interpreters. We

can provide questions for the judges to ask the interpreters. This will help the courts and judges determine if the interpreter is qualified.

- Diana mentioned that she's seen court interpreters claim that they are certified even though they are not. There are various interpreting agencies that will "certify" interpreters so the court interpreter will state that they are, even though they are not certified through AOC.
- The group stated that many different courts and interpreters have different perceptions of what a qualified interpreter is. The non-credentialed interpreters need to be familiarized with the code of conduct and standards for court interpreting. Otherwise, how will they be able to gain that level of proficiency and awareness?

- **Admittance and Screening:**

- Background Checks:

- The criminal background check for certified interpreters is processed through the Washington State Patrol. The fee is \$48 per background check. The court interpreters have to pay this fee.
    - Frankie mentioned the potential risk of making qualified interpreters adhere to additional requirements since this may deter them from wanting to interpret in the courts.
    - Bob brought up that courts may have to use qualified interpreters due to the requested language being rare (no certification testing available) or having a lack of available interpreters. Also, the amount of funds remaining in their court reimbursement program may not allow them to consistently afford credentialed interpreters.
    - Interpreters that agree to work in the courts, regardless of credentials, need to be vetted to see if they can adequately interpret.
    - Bob suggested providing training materials to Court Interpreter Coordinators to help determine the quality of non-credentialed interpreters.

Meeting was adjourned at 1:02 PM.



**Interpreter Commission  
Ad Hoc Policy Workgroup Committee Meeting  
February 20, 2019  
Teleconference Meeting  
12:00 p.m. – 1:00 p.m.  
Call-in number: 877-820-7831  
Passcode: 618272#**

**Meeting Minutes**

**Members Present:** Mary Lou Boles, Martha Cohen, Bob Lichtenberg, Diana Noman, Frankie Peters, Judge Rajul, James Wells

The meeting began at 12:03 p.m.

**Non-Credentialed Court Interpreter Standards**

- Judge Rajul and Diana agreed that judges need to know that certain languages do not have certification testing. Despite that, non-credentialed interpreters for uncertified languages should adopt the same standards that credentialed interpreters adhere to.
- New and non-credentialed interpreters should feel comfortable speaking up if they need clarification or assistance with their interpreting.
- Some Judges do not comply when interrupted and requested to speak slower.
- Bob asked if all courts have simultaneous interpreting tech devices. Diana and Frankie stated that a majority of courts do not have these devices.
- Interpreters should only accept assignments based on their comfort with the language. Bob suggested creating a training video to help them learn the expectations of court interpreting. Diana suggested requiring non-credentialed interpreters to also view a court proceeding before they can officially interpret in the courts.
- Frankie said that the Judge usually reviews the interpreter's skills. Diana stated that some Judges gauge interpreter skills better than others. Reviewing interpreting skills requires effort from multiple parties: Judges, Court Interpreter Coordinators, and Court Interpreters.

**ACTION:** The following members will draft recommendations for staff that review Court Interpreter qualifications:

- Judge Rajul – Judges
- Frankie - Court Interpreter Coordinators
- Martha and Diana - Court Interpreters
- James and Bob – AOC Training Video

Diana asked how we can include these recommendations in future trainings. James brought up the upcoming legal conferences.

## **Telephonic Interpreting Concerns**

- James mentioned that many rural courts rely on telephonic interpreting. These courts cannot ensure the quality of telephonic interpreters when using outside interpreting agencies like Language Line since the agency chooses the interpreter. This makes it difficult to ensure their interpreters understand our Code of Ethics.
- Diana recommended that courts only use agencies like Language Line for non-essential hearings. They should try to find a qualified court interpreter that can physically attend important hearings. Judge Rajul cautioned this recommendation since it's difficult to determine how a hearing will play out.
- Bob asked Martha to elaborate on King County Superior Court's contract with Language Line. She stated that they do not use Language Line for in-house court services. It's only used to assist people with simple walk-in requests.

The meeting adjourned at 1:04 p.m.



**Interpreter Commission  
Ad Hoc Policy Workgroup Committee Meeting  
March 11, 2019**

Teleconference Meeting  
12:00 p.m. – 1:00 p.m.  
Call-in number: **877-820-7831**  
**Passcode: 618272#**

**Meeting Minutes**

**Present:** Diana Noman, Frankie Peters, Judge Rajul, Luisa Gracia Camon, Bob Lichtenberg, James Wells

**Non-Credentialed/Qualified/Court-Qualified Interpreters:**

**Judges:**

- Suggested strategy for judges:
  - The first step is for the judge to determine whether or not the language in question has a credential with the AOC.
  - If the language is certified or registered, refer to RCW 2.43.030.
  - If the language is not certified or registered language, the judge must qualify the interpreter – follow the guidelines on the Benchcard.
  - The judge shall have readily accessible the code of professional responsibility for judiciary interpreters.
    - If this is the first time the interpreter is working in a court setting or the interpreter cannot identify three of the primary tenants, the court shall provide a copy to the interpreter, recess the matter to give the interpreter ample opportunity to read the code, and ensure the interpreter has read and understands his/her obligations
  - The judge shall place the interpreter under oath (same language from Benchcard).
  - The judge shall at all times ensure the interpreter is actively interpreting.
- The Benchcard is currently being updated and will include a flow chart. Similar ideas to the ones suggested are included in the update.
- How to use the resources and having communication about them is as important as having the resources.
- One confusing area for non-credentialed is understanding being qualified. Some interpreters may not understand that being qualified at one proceeding does not mean they are still considered qualified in the future.

**Court Interpreter Coordinators:**

- For many courts, the person who is responsible for coordinating interpreters has many other duties.
- Suggested strategy for coordinators:

- Court staff should ensure that copies of the bench card are available for judges at all times.
- Courts should have a periodic review of policies and practices related to interpreters.
- The code of ethics could be sent to interpreters when they are being scheduled.
- At Seattle Municipal Court, interpreters are sent the code of ethics and are required to sign a confirmation that they have ready it.

### **Non-Credentialed Interpreter Training:**

#### Video:

- The AOC currently doesn't have a budget for making a video, however, one could be made in the long term.
- Federal Court has videos that cover some of the topics that would be useful for non-credentialed interpreters.

#### Webpage for non-Credentialed Interpreters:

- The AOC could create a webpage for non-credentialed interpreters. Content could include:
  - Links to videos
  - Code of ethics
  - Terminology
  - The information that Diana and Martha created.
- The webpage should make it clear that the standards for non-credentialed interpreters are the same as for credentialed.
- Mentoring Program at Seattle Municipal Court
  - Began because of the concerns of using non-credentialed interpreters, especially with less common languages.
  - Recently started fourth cohort.
  - The program has 12 sessions, half in-person and half webinar.
  - The program is language neutral.
  - Some topics include: modes of interpreting, creating glossaries, ethics, and protocol.
  - There is second stage of another 12 weeks that is more in depth.

### **Result of Training:**

- The AOC could host a list on their website. This would be separate from the current list of credentialed interpreters.
- Criteria would be needed for who should be on the list and what would be required of the interpreter to remain on the list.

### **Disciplinary policy:**

- The Commission has oversight over non-credentialed interpreters.

**Actions:**

- **Committee:** Think about what the procedure and criteria would be followed for the non-credentialed interpreters who would be included on the list on the AOC website.
- **AOC Staff:** Research putting up a webpage for non-credentialed interpreters.
- **AOC Staff:** Send out copy of minutes of February meeting to be modified and approved by email.
- Doodle poll for next meeting in about two weeks.



# **Court Interpreter Program Reports**



## GR 11.2

### CODE OF PROFESSIONAL RESPONSIBILITY FOR JUDICIARY INTERPRETERS

**(a) Preamble.** As officers of the court, interpreters must maintain high standards of professional conduct that promote public trust and confidence in the administration of justice. The purpose of this code is to establish standards of conduct that interpreters must abide by in order to preserve the integrity and independence of the judicial system. It establishes core ethical principles of interpreter conduct in all aspects of their profession.

**(b) Scope.** The text of each rule is authoritative, while the comments provide important guidance in understanding the rules.

**(c) Applicability.** All interpreters serving in the judicial system must abide by this Code of Professional Responsibility.

**(d) Compliance.** Interpreters who violate the provisions of this code are subject to disciplinary action and/or any other sanction that may be imposed by law.

**(e) Definitions.**

(1) Source language – the original language of the writer or speaker.

(2) Target language – the language of the receiving reader or listener.

(3) Register – the degree of formality of language.

(4) Sight translation – the rendering of a written document directly into a spoken or signed language, not for purposes of producing a written document.

**(f) Canons.**

(1) *Accuracy.* Interpreters must reproduce in the target language the closest natural equivalent of the source language message without altering it by means of addition, omission, or explanation.

#### Comment

(1)[1] Interpreters are obligated to conserve every element of information contained in the source and target languages. In doing so, they fulfill a twofold duty: (1) to ensure that legal proceedings reflect in English precisely what is said or signed by limited English proficient individuals and (2) to place limited English proficient individuals on an equal linguistic footing with those who are fully proficient in English.

(1)[2] Interpreters are required to apply their best skills and judgment to render, as faithfully as reasonably possible, the meaning of what is said or signed, preserving the style and register of speech, and the ambiguities and nuances of the source statement.

Everything must be interpreted, even if it appears nonresponsive, obscene, rambling, or incoherent. This includes false starts and apparent misstatements. However, verbatim, "word for word," or literal interpretation is inappropriate if it distorts the meaning of what is said or signed.

Spoken language interpreters should convey the speaker's tone without reenacting or mimicking the speaker's emotions or dramatic gestures. Sign language interpreters, on the other hand, should employ visual cues, including facial expressions, body language, and hand gestures, which are structural elements of sign languages.

(1)[3] Interpreters have the duty to immediately address any situation or condition that impedes their ability to accurately interpret. Examples include, but are not limited to, linguistic ambiguities, unfamiliar terms, inaudible speech, inability to see a speaker, background noise or distraction, and pace of speech.

(1)[4] The obligation to preserve accuracy includes the interpreter's duty to correct any substantive errors of interpretation as soon as possible. Interpreters should be prepared to accept feedback, including challenges to their interpretation, in a professional and impersonal manner.

(1)[5] Due to the difficulty of extemporaneously interpreting recordings (such as 911 calls), the practice of doing so in court should be discouraged at all times. Rather, proper transcripts and corresponding written translations should be prepared in advance. If ordered by the presiding officer to interpret a recording in court, interpreters should comply but state, on the record, that they cannot guarantee the accuracy of the interpretation.

(1)[6] Interpreters should refrain from sight translating documents for the record. Rather, written translations of documents offered in an evidentiary hearing should be prepared in advance. If ordered by the presiding officer to sight translate such documents, interpreters should comply but state, on the record, that they cannot guarantee the accuracy of the sight translation.

(1)[7] The ethical responsibility to interpret accurately includes being prepared for assignments. Interpreters are encouraged to obtain documents and other information necessary to familiarize themselves with the nature and purpose of an assignment. Prior preparation is described below; it is especially important when testimony or documents include highly specialized terminology and subject matter.

Preparation may include but is not limited to:

- (i) reviewing relevant documents, such as criminal complaints, police reports, briefs, witness lists, jury instructions, prior depositions, etc.;
- (ii) asking interpreters previously involved in the case for information on language use or style; or
- (iii) asking attorneys involved in the case for additional relevant information.

(2) *Competence*. Interpreters must not knowingly accept any assignment beyond their skill level. If at any point, before or during an assignment, they have reservations about their ability to satisfy an assignment competently, they must immediately disclose this to all parties and, if applicable, to the court.

In their professional capacity, interpreters must not give legal or other advice or engage in any activity that may be construed as a service other than interpreting or translating.

#### Comment

(2)[1] Interpreters are duty bound to inquire about the assignment in advance and assess their competence to render services.

(2)[2] Interpreters are not qualified to give written or oral counsel about a legal matter that could affect the rights and responsibilities of the person receiving the advice. GR 24 sets forth what constitutes the practice of law.

(2)[3] Interpreters should maintain and expand competence in their field through professional development. Professional development includes steady practice, professional training, ongoing education, terminology research, regular and frequent interaction with colleagues and specialists in related fields, and staying abreast of new technologies, current issues, laws, policies, rules, and regulations that affect their profession.

(2)[4] Interpreters should know and follow established protocols for delivering interpreting services. When speaking in English, interpreters should speak at a volume that enables them to be heard throughout the courtroom. They should interpret in the first person and refer to themselves in the third person.

(3) *Honesty and Integrity*. Interpreters have an inviolable duty to provide honest services in which their behavior upholds the values outlined in this code. They must accurately represent their credentials, training, and relevant experience. Interpreters must not engage in conduct that impedes their compliance with this code or allow another to induce or encourage them to violate the law or this code.

#### Comment

(3)[1] It is essential that interpreters present a complete and truthful account of their credentials, training, and relevant experience prior to an assignment so that their ability to satisfy it competently can be fairly evaluated.

(4) *Impartiality and Neutrality*. Interpreters must faithfully render the source message without allowing their own views to interfere. They must refrain from conduct that may give an appearance of bias and must disclose any real or potential conflict of interest to all parties and the court, if applicable, as soon as they become aware of it.

#### Comment

(4)[1] Interpreters should strive for professional detachment. They should uphold impartiality by avoiding verbal and nonverbal displays of personal attitudes, prejudices, emotions, or opinions. Interpreters must faithfully render all statements, even those they find personally objectionable, without allowing their own views or opinions to interfere.

(4)[2] As officers of the court, interpreters serve the court and the public, regardless of whether publicly or privately retained. Interpreters must uphold neutrality by avoiding any behavior that creates the appearance of favoritism toward anyone. Interpreters should maintain professional relationships with persons using their services, discourage personal dependence on the interpreter, and avoid participation in the proceedings in any capacity other than providing interpreter services. During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or friends or relatives of any party, except in the discharge of their official functions.

(4)[3] Interpreters must not serve in any matter in which they have an interest, financial or otherwise, in the outcome, unless a specific exception is allowed by the judicial officer for good cause and noted on the record. Interpreters must not solicit or accept gifts or gratuities from any of the parties, even as a social courtesy, in order to maintain the appearance of neutrality. Interpreters must disclose to the parties and/or the court any circumstance that creates a potential conflict of interest, including but not limited to the following:

- (i) the interpreter is a friend, associate, or relative of a party, witness, victim, or counsel;
- (ii) the interpreter or the interpreter's friend, associate, or relative has a financial interest in the case at issue, a shared financial interest with a party to the proceeding, or any other interest that might be affected by the outcome of the case;
- (iii) the interpreter has served in an investigative capacity for any party involved in the case;
- (iv) the interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;
- (v) the interpreter is an attorney in the case at issue; or
- (vi) the interpreter has previously been retained for employment by one of the parties.

The existence of any one of the abovementioned circumstances should be evaluated by the parties and the court but should not automatically disqualify an interpreter from providing services. If an actual or perceived conflict of interest exists, the appropriate authorities should determine whether it is appropriate for the interpreter to withdraw based on the totality of the circumstances.

(5) *Confidentiality*. Interpreters must not divulge privileged or other confidential information obtained in their professional capacity. They must refrain from making any public statement on matters in which they serve.

## Comment

(5)[1] Privileged communications take place within the context of a protected relationship, such as that between an attorney and client, a husband and wife, a priest and penitent, and a doctor and patient. The law often protects against forced disclosure of such conversations. Interpreters are bound to maintain the confidentiality of all privileged communications.

(5)[2] Interpreters are also routinely privy to communications that, while not necessarily privileged by law, are conveyed in confidence. In order to preserve the integrity of the judicial process, interpreters have an ongoing duty to refrain from disclosing information obtained in their professional capacity. This duty is consistent with CJC 2.10.

[Adopted effective November 17, 1989. Original Rule 11.1 was renumbered as Rule 11.2 effective September 1, 2005; Amended effective April 26, 2016; December 18, 2018; March 12, 2019.]





