



Interpreter Commission Meeting
Friday, June 7, 2019
AOC SeaTac Office Building
18000 International Blvd, Seattle, WA 98188
1-877-820-7831; 618272#

MEETING MINUTES

Members Present:

Justice Steven González
Judge Andrea Beall
Judge Laura Bradley
Luisa Gracia Camón
Frankie Peters
Sharon Harvey
Donna Walker
Emma Garkavi (phone)
Diana Noman
Kristi Cruz
Fona Sugg
Katrin Johnson
Francis Adewale (phone)
Elisa Young (phone)

AOC Staff:

Robert Lichtenberg
James Wells
Moriah Freed

Guests:

Florence Adeyemi
Constance Van Winkle
Pinar Mertan
Javiera Wood
Irene Anulacion
Chris Kunej
Nicole Walker
Czar Peralta

CALL TO ORDER AND INTRODUCTIONS

Justice Gonzalez called the meeting to order at 8:45 am.

Justice Gonzalez recognized a moment of silence to honor the passing of Judge Ron Mamiya, one of the earliest members of the Interpreter Commission.

APPROVAL OF MARCH 29, 2019 MEETING MINUTES

Corrections were noted for the March minutes:

- LAP Correction: On page 4, the second mention of "Luisa" should not be made, instead be "Kristi".
- Suggestion – Use full names, instead of just first names, for consistency. Judges have titles and some members feel like this creates an inconsistency.
- Correct that Fona Sugg was on the phone, not in person for the meeting.
- Disciplinary Committee – Grievance is that the interpreter allegedly lied to a court official about interpreting for a family member.

Chair's Report

Interpreter Funding Update - Mr. Lichtenberg and Mr. Wells

- An additional \$2.1 million dollars has been allocated for the current biennium to the court interpreter reimbursement program as a result of the efforts of the Court Interpreter Funding Task Force. The AOC will take steps to:
 - o Re-open eligibility for funding.
 - o Assist courts applying to the program to update their LAPs according to criteria established by the Commission and provide technical assistance with data reporting.
 - o Review requirements for reimbursement –should the AOC cap at 50% of any hourly cost or revise the \$50 per hour reimbursable cap set in 2011?

Member Discussion: The Commission members discussed the following cost considerations as the amount currently capped is becoming a tension point for courts.

- o Fona Sugg stated that Chelan County pays between \$50 - \$60/hour and noted that her reimbursement contract award does not sufficiently reimburse her court for the cost of having a staff interpreter as stated in the contract language.
- o Katrin Johnson noted that when the \$50 rate was introduced, it was intended to raise the hourly rate which was then \$40 in most local courts and attract more people to the profession.
- o Frankie Peters stated that Thurston County District Court no longer caps interpreter hourly rates because it is hard to secure a certified interpreter at \$50/hour as for some languages the cost can be up to \$100/hour, with the average being roughly \$75/hour.
- o Chris Kunej from King County Superior Court stated that they pay \$55/hour for certified and registered interpreters, \$50 for non-credentialed interpreters.
- o Emma Garkavi– It is crucial to increase the rate. Other courts will follow and use this as a guide. There is a need to create a new threshold.
 - The AOC should set the rate higher because it is hard to change later.
 - \$60.50/hr at Seattle Municipal Court and other district courts in Puget Sound area.
- o Judge Bradley – Board of Industrial Insurance Appeals (BIIA) pays \$80/hr with a 2 hr minimum for certified interpreters.
 - Pay competition between executive and judicial branches influences court compensation.
 - Contracted with OFM – pay is not negotiated by BIIA.
- o Donna Walker – ASL interpreter charges are averaging about \$65/hr.
 - Often no minimum hours – not good about 2 hour minimum.
 - What courts think interpreters are making is not reality.
 - If an interpreter works through an agency, they do not take the entire hourly rate.
 - Some courts ask for the cheapest interpreter, not the best interpreter.

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- Diana Noman – Usually just Spanish interpreters are hired for half days, which is why other languages have a 2 hour minimum; Interpreter usually receives much lower hourly rate paid by the court and sometimes only get half of the billed rate, depending on the referral agency.
- Kristi Cruz – Office of Deaf and Hard of Hearing (ODHH) has historically managed the ASL contracts. The contract expires July 1, 2019, after which a new contract for interpreters and providers is supposed to be offered through Department of Enterprise Services. ODHH will still maintain the list of ODHH-credentialed interpreters for courts to use.
- Language Access Plan Note
 - Bob is creating review criteria for 2020 Commission approval of reimbursement program court LAPs. It will be shared with the LAP criteria workgroup members.
 - The AOC will not be policing the procedures themselves. The procedures need to be made clear.
 - What kind of information would the Commission like to see reported by participating courts?
 - Emphasis for reimbursement will be on smaller and rural courts, so assistance for their LAPs will be offered so they can participate in the program.
 - Justice Gonzalez – Review will not go beyond statutory requirements.

ACTION: All commission members can give their input about changes to the reimbursement program by sending these suggestion to Bob Lichtenberg or James Wells. What changes or incentives to encourage courts to use the best interpreters available should be considered?

Commission Vacancy - New Member Considerations

- Pinar Mertan – Ms. Mertan briefly introduced herself to the Commission.
 - Prospective Ethnic Organizations Representative
 - Began interpreting 2 years ago - Turkish interpreter
 - Law degree from Turkey
- Naoko Inoue Shatz – could not be present.
 - Prospective Ethnic Organizations Representative
- Nominations for Frankie Peters, Francis Adewale, and Donna Walker to continue as members.
 - Nomination letters need to be sent
- Florence Adeyemi – Ms. Adeyemi briefly introduced herself to the Commission.
 - Prospective Ethnic Organizations or Public Representative
 - Interpreting since 1989 – AOC registered in Yoruba; speaks Pidgin English, Hausa
 - Works with community - active with African language groups in Washington
 - Worked with Martha Cohen at King County Superior Court

Proposed Bench Card Revision-Spoken Language

- Emma Garkavi addressed the revised Spoken Language Bench Card using suggestions from the March 29th Commission meeting.
 - o The bench cards will be available online with access to additional resources once finalized.
 - o Will synchronize two cards: spoken language and deaf/hard of hearing.
- June Meeting Bench Card Feedback
 - o Justice Gonzalez suggested consistently using “AOC Credentialed” to clarify court credential is preferred versus other credentials for spoken languages.
 - o Kristi Cruz suggested making clear headers for spoken language versus sign language.
 - o Katrin Johnson – Edit flowchart to clarify certifying on the record for good cause.
 - Put a box in-between to ask about good cause.
 - Seconded by Kristi Cruz.
 - o Judge Beall – The word “mandatory” should be replaced with a word that means “urge or strongly suggest” unless something truly is mandated.
 - o Katrin Johnson – Hoping to have ASL benchcard draft approved before the Fall Conference
 - Justice Gonzalez– The “quick overview” section should be made more clear.
 - Judge Beall – Page 3 is the most helpful part for judges, the overview is unnecessary.
 - Donna Walker – with DHH / ASL interpreters, judges should ask the party if they have effective communication with the interpreter.
 - Most judges do not ask – often it is the first meeting between the party, interpreter and counsel.
 - Justice Gonzalez – Ask counsel “can you effectively communicate with your client [with this interpreter]?”
 - Diana Noman – This is also important with spoken language, i.e. different dialects of the same language.
 - o Asking country or location of origin could raise immigration issues, so it is best to simply ask if the client understands, needs rephrasing, etc.
 - o Put flowchart on outside of folded bench cards for both spoken language and ASL.
 - o **Motion:** Spoken language bench card is approved with discussed modifications for distribution. The sign language bench card will be continued to be worked on.

ACTION: Kristi Cruz and Katrin Johnson will draft a revised flowchart for page 2 of the new bench card to include a section about good cause.

- **Gender Bias Study Liaison, Gender and Justice Commission**
 - o Need a liaison from the Interpreter Commission.
 - o Justice Gonzalez has been appointed to the Gender and Justice Commission by Chief Justice Fairhurst, and will also serve as the Gender Bias Study liaison.

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- **Chris Kunej** – Introduction, guest speaker
 - King County Superior Court – Successor to Martha Cohen.
 - About – from Croatia, lived in LA and Utah.
 - Certified Bosnian, Croatian, Serbian interpreter in different states, teacher at University.
 - Has knowledge of language access issues in different states.

Committee Reports

Education Committee Meetings Report – Katrin Johnson and Elisa Young

- 2019 DMCMA Conference presentation
 - Emma Garkavi, Katrin Johnson, Trish Kinlow, and Bob Lichtenberg presented.
- Two national experts being brought in to Fall Judicial Conference to present on ASL interpreting.
- Judge Riquelme from Skagit County will shadow next presentation at Judicial College and join the 2021 Judicial College as faculty.
- Education workgroups:
 - Bench card work group – working on ASL bench card.
 - Web tutorial development work group identified top priority projects.
 - Quick learning on key issues – 5 minute video tutorials.
 - Trials, bench card, interpreter code of conduct, working with interpreters.
 - Will include additional learning links on website.
 - Working with AOC on webinar best practices.
- Outreach workgroup - Elisa Young
 - Elisa reviewed Outreach action work plan, goals, and deliverables from workgroup charter shared at last meeting.
 - Aligned goals from the charter:
 - Develop key outreach materials.
 - Increase trust in community, identify community partners.
 - Establish spoken foreign preservation partnerships.
 - Have interpreter included in outreach work:
 - Luisa Gracia Camón can provide a contact for NOTIS.
 - Florence Adeyemi – Expressed interested in being a community contact and partner, has connections.
 - Will create goal metrics to measure success. Have community members and leaders on the workgroup. Work with people already doing this work.
 - How to get info out? Make it most accessible? – Website info must be translated.
 - Language access – how to focus outreach on specific language communities.
 - Bob Lichtenberg – working with youth, colleges to encourage careers as interpreters.
 - Partnerships with colleges, universities

Issues Committee Report- Judge Beall

- Clark County – Proposed court interpreter contracts
 - o Letter was sent expressing concerns of Commission, but a formal response has not been received from Clark County
 - Interpreter complaint regarding testing policies
 - o Judge Beall spoke to the interpreter regarding concerns written test is unfair –
 - Mentioned possibility of increasing training and mentoring opportunities in response.
 - Membership procedures –
 - o Membership terms proposal regarding subsection 2 “break-in-service” prior to reappointment to Commission:
 - *Discussion:* Should there be a provision of a waiting period?
 - Fona Sugg – not all agencies have a large applicant pool to draw from, not practical for all agencies.
 - Sharon Harvey – Staffs DMCJA, agrees that AOC has a similar issue – thinks 1 year is reasonable.
 - Francis Adewale – Encourage commission members to mentor new applicants, encourage interest in the Commission.
 - Frankie Peters – Pulling members away who have enthusiasm for the Commission because of membership procedures may not be best for the Commission.
 - Katrin Johnson – two types of member seats – can they be differentiated?
 - o Closed vs. open membership?
 - Diana Noman - (logistical clarification) eliminate confusion by clarifying numbers in parentheses.
 - Judge Beall – should break-in-service language be included? If included, should it be defined?
 - o **Motion:** Luisa Gracia Camón moved to have the break-in-service language to cover at least a year between appointments, Sharon Harvey seconded – Motion Passed 6-4.
 - o **Motion:** Judge Beall moved to approve membership with the additional in-service language – Approved:
 - Clarification point: If a member is appointed mid-term, they can serve up to two full additional terms after mid-term appointment.
- Ad Hoc Committee – Diana Noman
 - o Exploring how to deal with non-AOC credentialed interpreters and how to assist courts to provide best interpretation through non-credentialed persons.
 - o Working on a ‘Desk Card’ – to serve as a knowledge basis for contacting interpreters.
 - Not just for judges, but for staff responsible for hiring interpreters.

- Donna Walker – Issue regarding lack of ASL interpreters and no certification for ASL interpreters
 - Contacted by ODHH to work on ideas proposal for AOC collaboration.
 - No test for ASL interpreters in courts, creating a large shortage – something needs to be done:
 - No credentialing process.
 - Donna Walker would like the AOC to spearhead this.
 - NCSC is having discussions about this issue and looking at available tests.
 - Changes would need to be made to the existing tests and requires funding.
 - Concern over ODHH making decisions about which ASL interpreters are qualified to work in courts when there is no test or certification or criteria agreed upon by the Commission for ASL court interpreting:
 - Wants AOC or Commission involved in discussions with ODHH.
 - A mentoring program similar to the one at Seattle Municipal Court may be useful for ASL interpreters

ACTION: Donna Walker will start a conversation between herself, AOC, and ODHH to discuss ASL interpreter credentialing and other issues. She will copy Justice Gonzalez and Luisa Gracia Camón on the communications.

ACTION: Add Donna Walker to the Ad Hoc Committee in regards to the Desk Card.

Disciplinary Committee Report

- Grievance investigation is moving to a formal hearing and likely will take place mid-October
 - Can't say more – Members could be involved if it goes to appeal.
 - Justice Gonzalez reappointed Thea Jennings to continue on the Disciplinary Committee through to the formal hearing conclusion. Committee re-appointment approved by Commission without objection.

Commission Staff Report

- Bob Lichtenberg gave his report discussing LAP and reimbursement program earlier.
- Interpreter Program – James Wells
 - Upcoming activities:
 - Court interpreter orientation – June 15th Shoreline, June 29th Spokane.
 - Possible November 2nd Class in Spokane to cover new Code of Ethics for Interpreters:
 - Two parts – one morning session, second afternoon topic concerning interpreters in Eastern Washington (ex. Team interpreting)
 - Justice Gonzalez – why is there a lack of team interpreting in Eastern WA? The members identified issues with resources, payment, availability, culture, education.

- Katrin Johnson – suggests pursuing court rule for trials.
 - Is the norm in other states, court rule is present.
 - Justice Gonzalez – survey other states, Pennsylvania
- Oral exams in October – one on each side of state.
- Ethics and Protocol Class at Seattle Municipal Court:
 - Francis Adewale was a guest – encourage interpreters to advocate for themselves
 - Office of Administrative Hearings Judge Joshua Sundt attended.
- Oral Exam – April
 - Shoreline, Spokane, Olympia.
- Move to transition the physical written exam to a computer based exam (end 2019/early 2020).
 - Will help with access to location participation and more flexible testing times.
- Budget – more money available for program growth due to the legislative appropriation.
 - Looking at expanding education/learning opportunities for interpreters.

ACTION: The Issues Committee will look into creating a court rule about team interpreting.

Other Announcements

- NOTIS preparing International Translation Day workshops for September 29 and 30.
- ATJ Conference will be in Spokane – Theme is “Amplifying the Power of Community”.
- WASCLA October 25 and 26 – Justice Gonzalez will present on a court interpreter panel.
- Next Interpreter Commission meeting will be on September 27 at the AOC SeaTac Office.