



Interpreter Commission Meeting
Friday, June 5th
8:45 AM – 11:45 AM
Zoom Videoconference

MEETING MINUTES

Members Present:

Justice Steven González
Francis Adewale
Florence Adeyemi
Judge Andrea Beall
Kristi Cruz
Maria Luisa Gracia Camón
Sharon Harvey
Katrin Johnson
Diana Noman
Judge Mafe Rajul
Naoko Inoue Shatz
Fona Sugg
Frankie Peters
Donna Walker

AOC Staff:

Cynthia Delostrinos
Robert Lichtenberg
James Wells
Moriah Freed
Michelle Bellmer

Guests:

Judge Matthew Antush
Emma Garkavi
Judge Theresa Doyle
Nancy Leveson
Judge Joshua Sundt
Maria Lucas
Linda Noble
Chief Judge Lorraine Lee
Chela Fisk

CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by Justice Steven González at 8:45 am. Members, guests, and staff present gave introductions.

Justice González called for a moment of silence to reflect on recent events of racism and injustice.

APPROVAL OF FEBRUARY 14, 2020 MEETING MINUTES

Minutes were approved as presented.

CHAIR'S REPORT

Service Recognition Awards

- Justice González presented plaques to recognize outgoing members for their service to the Commission.
 - Judge Theresa Doyle

New Supreme Court Justice Appointment

- Justice Whitener has been appointed to fill the seat of Justice Wiggins following his retirement. Justice Whitener is an active member and co-chair of the Minority and Justice Commission. She will be invited to the upcoming Interpreter Commission meeting.

DMCJA Representative Nomination

- Judge Matthew Antush has been appointed as the DMCJA representative to assume Judge Beall's seat on October 1st, 2020.

ESSB 5984

- ESSB 5984, concerning language understanding of documents used in dissolution proceedings, did not pass the Legislature during the 2020 session. An unexpected fiscal request came up during the hearing, prompting a fiscal note. The funding was provided and then later struck from the budget. The bill passed to the senate, but was not passed in light of COVID-19.
- Naoko Inoue Shatz is concerned about the budget request for the upcoming legislative session, especially due to budget projections. She is asking for support of the Commission, and guidance on whether or not to include a fiscal request.

Commission Member Roundtable Reports on COVID-19 Related Issues

- Written reports from Commission members are available starting on page 53 of the packet
- **Concerns specific to ASL interpreting**
 - There have been issues with accessing the correct platforms for using ASL and certified deaf interpreters. Social distancing has also created

some complications related to line of sight issues. Not all courts are using face shields, and even face shields still have glare and inhibit communication.

- **Concerns related to general interpreting**
 - Remote hearings can range in quality and efficacy, due to a number of factors including mic placement, platform used, and ability to conduct private conversations.
 - Explaining new remote hearing procedures to LEP clients presents a large obstacle.
 - Because jails do not allow cell or internet access, remote interpreters cannot be used by attorneys to communicate with LEP clients in jail.
 - Platform use is inconsistent and highly dependent on the user's preference – there is no preferred platform for using interpreters in remote hearings. The platforms need to be reviewed so that the Interpreter Commission can make a recommendation.
- **GR 11.3**
 - Language in GR 11.3 about recording interpreting is unclear. Does the English just need to be recorded, or does everything the interpreter says need to be recorded? Does a video of ASL interpreting need to be taken for the record?
 - The Issues Committee should look at this section of GR 11.3 during the revision and make changes accordingly.

ACTION: The Commission will review videoconferencing platforms in order to provide a recommendation to courts using interpreters for remote hearings.

Reimbursement Program Expansion Update

- Michelle Bellmer gave background on the funding request and legislative guidelines. Courts have given the following feedback to AOC on the current reimbursement program:
 - The interpreter and reimbursement rates are outdated. AOC does not match enough of the costs. Should travel be covered or just interpreter services?
 - Courts want to collaborate with other courts providing similar services in their areas.
 - The web application needs to be updated, and will be updated under the new reimbursement program
- The new Interpreter Reimbursement Program Rollout Plan is included on page 31 of the meeting packet. The plan is to start with small counties and rural courts. Other metropolitan areas not currently participating will be incorporated later. The new program will allow courts to be reimbursed for some goods and services to increase access, such as translating of forms and interpreting equipment. A research team from UW is working to determine the most equitable and fair way to disperse money to courts.

- Hourly rate concerns – Michelle Bellmer would like the Commission’s feedback on the hourly rate. The decision needs to consider that the hourly rate decided now might be the same for years to come.

ACTION: Commission members should contact Michelle Bellmer to give feedback and discuss hourly rate considerations for the reimbursement program.

PRESENTATION BY OFFICE OF ADMINISTRATIVE HEARINGS – Chief Judge Lorraine Lee and Judge Joshua Sundt

Overview of the Office of Administrative Hearings (OAH)

- OAH receives nearly 50,000 requests for appeal each year. Most hearings are conducted via phone with pro-se petitioners. Currently, Webex is used and the audio recording becomes the official record. OAH follows state and federal due process, just like other courts. They also have internal OAH rules to abide by.
- OAH utilizes interpreters in three different settings: in-person hearings, on demand interpreters (usually not WA state certified), pre-scheduled telephonic interpreters (usually WA state certified.) OAH works with a broker to secure interpreters. Oral interpretation is provided if LEP calls with questions, and materials are provided in the target language prior to the hearing. They are working to give scheduled interpreters access to their online hearing portal in order to improve interpretation accuracy.

Concerns of the Commission

- OAH has failed to schedule a team of interpreters in the past for long hearings and does not allow adequate breaks. They do not have a formal policy on hearing length that mandates an individual interpreter vs. a team. Interpreters have been told that the OAH contract does not allow for two interpreters for a full day hearing. Other courts, such as Seattle Municipal Court, provide breaks every 15-20 minutes, or two interpreters for a hearing over 2 hours. Can the contract be revisited to include provisions for breaks and team interpreters?
- Rate of pay for interpreters at OAH hearings is concerning due to money being lost to the broker. Why does OAH contract with a broker instead of interpreters directly? The rate of pay was pre-determined during the last contract bidding process with DES. OAH is partway through a contract with 4 Corners Brokerage.

ACTION: Chief Judge Lee will appoint a liaison from OAH to the Interpreter Commission.

COMMITTEE REPORTS

Education Committee

- The DMCJA conference was held via Zoom this year. On 6/3/2020, Judge Ida Chen, Carla Mathers, and Bob Lichtenberg presented. The presentation was well received and ran smoothly.
- The recorded webinar project has been temporarily put on hold. Storyline software has not yet been installed on AOC computers by IT Staff.

Issues Committee

- **GR 11.4 Team Interpreting Rule**
 - A draft of GR 11.4 is included on page 84 of the packet. A motion to adopt revised GR 11.4 was withdrawn pending the following concerns raised by Commission members:
 - Replacing “Court interpreter fatigue” with “to ensure an accurate and complete interpretation.”
 - Broad language used, especially regarding exceptions for use of additional interpreters.
 - The final language for GR 11.4 will need to be available by the next Commission meeting in September in order to be submitted as a rule before October. Direct comments to Judge Beall.
- **GR 11.3 Revision – Remote Interpreting**
 - GR 11.3 currently only discusses telephonic but not video interpreting. Due to COVID-19, use of telephonic and video interpreting has been allowed. Resources available to courts are being looked at and recommendations are being developed.
- **Non-credentialed Interpreter Ad-Hoc Committee**
 - The ad-hoc committee’s recommendations are included in the meeting packet. They have not been adopted by the committee, but are a working list. Revision is still needed after group feedback. Suggestions from the Commission meeting included using the NCSC ethics and English test, and providing an introduction to legal terminology, such as in a recorded webinar format. Send additional suggestions to the ad-hoc committee.

ACTION: Direct comments concerning GR 11.4 to Judge Beall before the next Commission meeting on September 25, 2020.

ACTION: Send feedback about the non-credentialed interpreter ad-hoc committee’s recommendations to Diana Noman. The committee’s recommendations are provided in the meeting packet.

Disciplinary Committee

- A report was included on page 88 and 89 of the packet regarding the decisions made for non-compliant interpreters.
- A determination of costs and fees still needs to be made regarding the disciplinary hearing that took place in October, 2019. A new complaint has since been made against the same interpreter due to misrepresentation of credentials.

The Commission is deciding how to handle the new disciplinary matter as the interpreter's credentials have already been revoked.

COMMISSION STAFF REPORT

Commission Staff Update

- Seattle Municipal Court will draft an ethics guidebook for court interpreters. The contract is currently being set up.

Interpreter Program Report

- A written Interpreter Program Report is on page 91 of the packet.
- Credentialing is currently on hold.

ANNOUNCEMENTS

Language Education Petition

- Should the Commission sign on to the Language Education Petition? Bob Lichtenberg will follow up via email.

ACTION: Bob Lichtenberg will email the Commission follow-up information about the Language Education Petition.

The meeting was adjourned at approximately 11:45 AM

The Commission will meet next on September 25, 2020 via Zoom unless otherwise noted.