

**Washington State Supreme Court  
Interpreter Commission**

**September 25, 2020**

**Meeting Packet**

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

# **Interpreter Commission Meeting Agenda**

 <b>WASHINGTON COURTS</b>	<h2 style="text-align: center;">Interpreter Commission Quarterly Meeting</h2> <p style="text-align: center;">Friday, September 25, 2020 8:45 am- 11:45 am Zoom Video Conferencing: <u><a href="#">Details Forthcoming</a></u></p>	
<b>AGENDA</b>		
<ul style="list-style-type: none"> <li>• <b>Call to Order:</b> <i>Member Gender Designation Preference</i></li> <li>• Member Introductions</li> <li>• Meeting Rules for Observers</li> </ul>	Justice Steven González	
<p><b>Chair’s Report</b></p> <ul style="list-style-type: none"> <li>• Approval of June 5, 2020 Minutes</li> <li>• Service Recognition Award: Judge Andrea Beall</li> <li>• Expansion of Scope of Commission: Considerations</li> <li>• Member Vacancies: Community Organizations Representative and AOC Representative</li> <li>• Commission 2021 Meeting Dates</li> <li>• Language Access Deskbook Update Due to COVID-19 Pandemic: (see ** link below).</li> <li>• Reimbursement Program Funding Update (10 am appearance)</li> <li>• Commission Budget Approval</li> </ul>	Justice González  Justice González  Justice González  Justice González  Justice González /AOC Staff  Ramsey Radwan /AOC  Justice González /AOC	pg. 5        pg. 15
<p><b>Committee and Partner Reports</b></p> <ul style="list-style-type: none"> <li>• <u><i>Education Committee Meetings Report</i></u> <ul style="list-style-type: none"> <li>• <i>2021 Judicial College Shadow</i></li> <li>• <i>2021 Conference Proposals</i></li> </ul> </li> <li>• <u><i>Issues Committee Meetings Report</i></u> <ul style="list-style-type: none"> <li>• Proposed Amended GR 11.3: Remote Interpreting</li> <li>• Proposed New GR 11.4: Team Interpreting</li> </ul> </li> <li>• <u><i>Disciplinary Committee Report</i></u> <ul style="list-style-type: none"> <li>• Disciplinary Hearing Update</li> </ul> </li> </ul>	Katrin Johnson  Judge Andrea Beall  Judge Mafé Rajul	pg. 17 pg. 25  pg. 33 pg. 45  pg. 56
<p><b>Commission Staff Report</b></p> <ul style="list-style-type: none"> <li>• Commission Manager’s Report Reimbursement Program Update</li> <li>• Commission Staff Update</li> <li>• Interpreter Program Report</li> </ul>	Michelle Bellmer AOC Staff AOC Staff	pg. 61
<b>Announcements:</b>	Justice González	
<b>Next Commission Meeting</b>	December 4, 2020 (via Zoom)	

\*\* [www.courts.wa.gov/programs\\_orgs/pos\\_interpret/content/pdf/StateLAP.pdf](http://www.courts.wa.gov/programs_orgs/pos_interpret/content/pdf/StateLAP.pdf)

# Chair's Report

# Meeting Minutes

 <p>WASHINGTON COURTS</p>	<p><b>Interpreter Commission Meeting</b> <b>Friday, June 5<sup>th</sup></b> <b>8:45 AM – 11:45 AM</b> Zoom Videoconference</p>
<b>MEETING MINUTES</b>	

**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

Interpreter Commission Meeting  
June 5<sup>th</sup>, 2020

### **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 1<sup>st</sup>, 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.

Interpreter Commission Meeting  
June 5<sup>th</sup>, 2020

- 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**

Interpreter Commission Meeting  
June 5<sup>th</sup>, 2020

- 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.

Interpreter Commission Meeting  
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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.**

The Supreme Court  
State of Washington

DEBRA L. STEPHENS  
CHIEF JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929



(360) 357-2050  
E-MAIL Debra.Stephens@COURTS.WA.GOV

August 24, 2020

Honorable Matthew Antush  
Spokane Municipal Court  
1100 West Mallon  
Spokane, WA 99260

Re: Appointment to Supreme Court Interpreter Commission

Dear Judge Antush:

Justice Steven González, chair of the Interpreter Commission, advised that based on the recommendation of the District and Municipal Court Judges Association (DMCJA) the Commission nominated you to fill the DMCJA representative vacancy created by the departure of Judge Andrea Beall. The Supreme Court's Administrative Committee has confirmed your appointment. Your three-year term will commence October 1, 2020 and will end on September 30, 2023.

On behalf of the justices of the Supreme Court, I wish to thank you for your continued willingness to serve on the Interpreter Commission. I am confident that this important Commission will continue to benefit from the expertise and experience you have to offer.

Very truly yours,

Handwritten signature of Debra Stephens in black ink.

Debra Stephens  
Chief Justice  
Washington State Supreme Court

cc: Justice Steven González, Chair, Interpreter Commission  
Judge Samuel G. Meyer, President, DMCJA  
Judge Michelle Gehlsen, President-Elect, DMCJA  
Robert Lichtenberg, AOC  
Sharon Harvey, AOC

The Supreme Court  
State of Washington

DEBRA L. STEPHENS  
CHIEF JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929



(360) 357-2050  
E-MAIL Debra.Stephens@COURTS.WA.GOV

August 24, 2020

Honorable Maria Fernanda (Mafé) Rajul  
King County Courthouse  
401 4th Ave N, RJC-SC-0203  
Kent, WA 98032

Re: Appointment to Supreme Court Interpreter Commission

Dear Judge Rajul:

Justice Steven González, chair of the Interpreter Commission, advised that based on the recommendation of the Superior Court Judges Association (SCJA) the Commission nominated you to serve as the SCJA representative to the Commission for a three-year term. The Supreme Court's Administrative Committee has confirmed your appointment. Your term will commence October 1, 2020 and will end on September 30, 2023.

On behalf of the justices of the Supreme Court, I wish to thank you for your continued willingness to serve on the Interpreter Commission. I am confident that this important Commission will continue to benefit from the expertise and experience you have to offer.

Very truly yours,

A handwritten signature in black ink that reads "Debra L. Stephens".

Debra Stephens  
Chief Justice  
Washington State Supreme Court

cc: Justice Steven González, Chair, Interpreter Commission  
Judge Judith Ramseyer, President, SCJA  
Robert Lichtenberg, AOC  
Crissy Anderson, AOC



STATE OF WASHINGTON

OFFICE OF ADMINISTRATIVE HEARINGS

2420 Bristol Court SW • PO Box 42488 • Olympia, Washington 98504-2488  
(360) 407-2700 • FAX (360) 664-8721 • [www.oah.wa.gov](http://www.oah.wa.gov)

July 28, 2020

*Via email only*

Honorable Steven González, Justice  
Washington State Supreme Court  
c/o Ashley.Lipford@courts.wa.gov

Dear Justice González:

Thank you for the invitation to speak at the Interpreter Commission meeting last month. I hope our remarks opened up communication lines with Commission members who are interested in Office of Administrative Hearings (OAH) policy and practices on language access and the use of interpreters. I very much appreciate the opportunity to engage with you and the Commission members on these important topics.

I also welcome Bob Lichtenberg's excellent suggestion that I designate an OAH liaison to the Interpreter Commission. I am designating Deputy Chief Administrative Law Judge Josh Sundt to serve in this role.

It is very important to me that OAH, as an integral part of Washington's justice system, makes every effort to ensure equal access to justice. Building relationships with the members of the Interpreter Commission would help OAH be successful in these efforts.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine Lee".

Lorraine Lee  
Chief Administrative Law Judge

Cc: Bob Lichtenberg

## CONSTANCE M. VAN WINKLE

PO Box 257, PMB 8261 • Olympia, WA 98507 • (206) 992-9952 • vanwinklecon@seattleu.edu

Constance van Winkle is a third-year law student at Seattle University, attending on a Presidential Law Scholarship. Her course focus is on Public Interest Law and underserved populations.

Work experience includes interning with Kristi Cruz at the Northwest Justice Project where she drafted Department of Licensing Memo that was a basis for a Department of Justice, Department of Licensing, and Northwest Justice Project meeting to secure interpreters for driver's test takers who are deaf or hard of hearing. Additionally, she drafted a demand letter for deaf and hard of hearing clients to obtain interpreters for medical appointments.

Through Legal Atoms, Constance analyzed application paperwork, provided client support for acquisition of Domestic Violence Protection Orders (DVPO), provided client website support, and provided support to other students working with clients. She also drafted or assisted the client in drafting the DVPO statement.

Immigration law experience was gained through the Ronald Peterson Law Clinic. She navigated a client through a declaration for a U visa application. Her drafting of the client declaration from the U visa is used as an example for how to write a client statement in current classes. In addition, she successfully represented a client through an asylum/ withholding from removal process. The case was won on the client statement prior to the hearing. Constance had to rely on interpreters for communication with both clients and had to identify when a lack of interpreter skill was impeding the legal process.

Law School activities include the Access to Justice Institute, Women's Law Caucus, Black Student Law Association, and participation in the Tausend Competition.

Prior to law school, Constance was a professional American Sign Language interpreter. Her work experience includes being a primary interpreter for Helen Keller National Center in Seattle and an interpreter for the board of the American Association of the Deaf Blind in Washington DC. She free lanced in medical facilities and businesses in the Seattle area.

Constance grew up in Spokane as the younger sibling of a Deaf child. She continues to enjoy friends and colleagues in the Deaf Community. She moved to Seattle to attend the University of Washington, obtaining two degrees in music performance on the Double Bass. She performed in symphonies throughout the northwest and Alaska until a car accident ended that career.

Current hobbies include teaching art classes, oil painting in a representational style, and digital painting. Additionally, she has over five hundred volunteer hours at Children's Hospital and is looking forward to returning to volunteering after Covid-19 restrictions ease.

# Proposed Interpreter Commission 2021 Meeting Dates

Teleconference Number: 1-877-820-7831 | Passcode: 618272#  
Virtual Meetings held via Zoom Videoconference/TBD

Date	Time	Location
Friday 02/19/21 or 02/26/21	9:00 AM – 12:00 PM	Zoom Videoconference
Friday 06/04/21	9:00 AM – 12:00 PM	Zoom Videoconference
Friday 09/24/21	9:00 AM – 12:00 PM	<i>TBD</i>
Friday 12/03/21	9:00 AM – 12:00 PM	<i>TBD</i>

Please contact Bob Lichtenberg at [Robert.Lichtenberg@courts.wa.gov](mailto:Robert.Lichtenberg@courts.wa.gov) or 360-350-5373 if you have any questions.

# Committee Reports

 <b>WASHINGTON COURTS</b>	<b>Interpreter Commission – Education Committee</b> <b>Friday, July 24, 2020</b> Zoom Meeting 12:00 PM – 1:00 PM
<b>MEETING MINUTES</b>	

**Members Present:**

Katrin Johnson  
Francis Adewale  
Kristi Cruz  
Luisa Gracia  
Donna Walker

**AOC Staff:**

Bob Lichtenberg  
James Wells

**Trainings for Courts**

The Committee discussed training and assistance to help courts adapt to remote technology and providing interpreter services during the pandemic.

- Pre-recorded trainings may be better for court staff as these kinds of trainings can be put together faster and they would be dealing with immediate issues.
- Focus first on using VRI the right way and then moving onto trouble shooting later.
- Few trials are occurring so that focusing on regular hearings could be a priority for now.

The Committee brainstormed a number of potential topics for trainings and elements that could be addressed:

- The good and bad of each platform.
- Equipment and web platforms.
- Dealing with exhibits and how they will be available visually.
- Interpreter scheduling – what should courts ask the interpreters to make sure they have the equipment and software to log in.
- Different users such as witnesses and jurors
- Logistics of communicating with the interpreter.
- Courtroom setup for remote or in-person interpreters.
- How modes of interpreting will be performed.
- Providing captions.
- When to use remote versus in-person interpreting
- Different needs of platform between sign and spoken languages.
- When multiple parties are remote versus only the interpreter.

- The technology requirements placed on the LEP or DHH and instructions they receive to participate.

### **Court Recover Taskforce**

- Katrin part of the Court Recovery Taskforce. They are looking to the Interpreter Commission to provide some information and guidance.
- The technology committee is looking at a comparison of different platforms. There will be some opportunity to advocate for certain platforms by providing input technology committee.

### **Action Items**

- Katrin will draft a request from Commission to AOC about providing additional resources in the form of staff or contractor to help provide technical assistance.
- Kristi and Francis can help gather user feedback.
- AOC staff will share resources with other states

### **Next Meeting**

- A Doodle poll will be created to schedule the next meeting.

 WASHINGTON COURTS	<b>Interpreter Commission – Education Committee</b> <b>Friday, August 10, 2020</b> Zoom Meeting 12:00 PM – 1:00 PM
<b>MEETING MINUTES</b>	

**Members Present:**

Katrin Johnson  
Francis Adewale  
Kristi Cruz  
Luisa Gracia  
Donna Walker  
Sharon Harvey

**AOC Staff:**

James Wells

**Previous Meeting Minutes**

- Minutes Approved

**Documents for Scheduling Interpreters**

The Committee discussed documents for court staff who schedule interpreters. The Committee reviewed the sections of a quick tips document and made edits throughout the meeting. Some of the discussion included:

- These written resources can serve as a basis for video trainings.
- The document will be modified to include more information specific to sign language interpreting.
- This document specifically addressed issues brought about by the pandemic. The Supreme Court has issued administrative orders affecting the requirements made in GR11.3.
- Quality of the audio and video during remote hearings is critical. This can take care of many other problems that can occur during a remote hearing.
- The modes of interpreting section includes a lot of detail, but this information is very important for court staff to understand. A column addressing the technology requirements for each mode could help courts understand how they can be performed in a remote hearing.
- Information for how litigants will access a remote hearing could be beneficial.
- The templates for scheduling interpreters could be turned into fillable forms.

**Next Steps**

- A meeting will be scheduled for Friday, August 14.
- An updated draft of the quick tips document will be sent to the Committee. Committee members can submit edits before the next meeting.

 <b>WASHINGTON COURTS</b>	<b>Interpreter Commission – Education Committee</b> <b>Friday, August 14, 2020</b> Zoom Meeting 12:00 PM – 1:00 PM
<b>MEETING MINUTES</b>	

**Members Present:**

Katrin Johnson  
 Francis Adewale  
 Kristi Cruz  
 Luisa Gracia  
 Fona Sugg

**AOC Staff:**

Bob Lichtenberg  
 James Wells

**Trainings for Courts**

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- Pre-recorded trainings may be better for court staff as these kinds of trainings can be put together faster and they would be dealing with immediate issues.
- Focus first on using VRI the right way and then moving onto trouble shooting later.
- Few trials are occurring so that focusing on regular hearings could be a priority for now.

The Committee brainstormed a number of potential topics for trainings and elements that could be addressed:

- The good and bad of each platform.
- Equipment and web platforms.
- Dealing with exhibits and how they will be available visually.
- Interpreter scheduling – what should courts ask the interpreters to make sure they have the equipment and software to log in.
- Different users such as witnesses and jurors
- Logistics of communicating with the interpreter.
- Courtroom setup for remote or in-person interpreters.
- How modes of interpreting will be performed.
- Providing captions.
- When to use remote versus in-person interpreting
- Different needs of platform between sign and spoken languages.
- When multiple parties are remote versus only the interpreter.

- The technology requirements placed on the LEP or DHH and instructions they receive to participate.

### **Court Recovery Taskforce**

- Katrin part of the Court Recovery Taskforce. They are looking to the Interpreter Commission to provide some information and guidance.
- The technology committee is looking at a comparison of different platforms. There will be some opportunity to advocate for certain platforms by providing input technology committee.

### **Action Items**

- Katrin will draft a request from Commission to AOC about providing additional resources in the form of staff or contractor to help provide technical assistance.
- Kristi and Francis can help gather user feedback.
- AOC staff will share resources with other states

### **Next Meeting**

- A Doodle poll will be created to schedule the next meeting.

 WASHINGTON COURTS	<b>Interpreter Commission – Education Committee</b> <b>Thursday, August 20, 2020</b> Zoom Meeting 12:00 PM – 1:00 PM
<b>MEETING MINUTES</b>	

**Members Present:**

Katrin Johnson  
Luisa Gracia

**AOC Staff:**

Bob Lichtenberg  
James Wells

The Committee reviewed the latest draft of the documents to help courts in scheduling interpreters. Some of the discussion included:

- The document being created is specifically for guidance during the pandemic and not during normal operations.
- Some additional information should be added to the section regarding in-person proceedings regarding sign language interpreters.
- Each court will have its own guidelines and restrictions affect proceedings taking place in the court room.
  - Availability of space in the courtroom and the number of people allowed.
  - Whether witness will be required to wear a mask or how face shields can be used.
- When the documents are posted, there should be a version number in the footer to make it clearer when the documents are updated.
- Short webinars can be created based on information in the documents. Three priority topics:
  - Sign Language interpreting
  - Interpreter scheduling
  - In-person proceedings

 <p><b>WASHINGTON COURTS</b></p>	<p><b>Interpreter Commission – Education Committee</b>  <b>Friday, August 27, 2020</b>  Zoom Meeting  12:00 PM – 1:00 PM</p>
<p><b>MEETING MINUTES</b></p>	

**Members Present:**

Katrin Johnson  
Francis Adewale  
Kristi Cruz  
Luisa Gracia  
Fona Sugg

**AOC Staff:**

Bob Lichtenberg  
James Wells

**Court Documents**

- Katrin sent the documents that Committee has spent the last meetings on for his approval. The documents will then be uploaded to the AOC website.
- The documents will be sent out to all the Interpreter Commissions members and any comments or changes can be incorporated into future versions.

**Webinars**

- At the previous meeting, three webinar topics were proposed:
  - Scheduling interpreters
  - Needs of deaf and hard of hearing court participants
  - Safe in-person interpreting for spoken languages.
- The AOC is looking into using new software for creating webinars. However, the committee will move forward with the current technology that is available to avoid delays in making the webinars.
- The webinars will be short, approximately 5-7 minutes.
- The documents the Committee has been working can serve as a foundation for some of the topics to be addressed.
- These webinars will not address the users of interpreter services as a main focus, although some information can be incorporated. Court users are an important topic and should be addresses in a separate webinar.
- The slides in the presentations should not be text heavy. A specific idea can be addressed in separate slides and graphics should be used.
- Each topic will be worked on by separate groups of Committee members.
- The webinars should have a consistent feel, format, and language choice.
- A draft timeline was proposed to help guide the project.
- The primary audience for these webinars will be court staff and judges.

## Conferences

- The program for 2021 will be shortened.
- A potential topic would be a training on how courts can work with jurors with different disabilities.
- A topic for the future would be to understand how the push for more remote hearings is affecting the LEP and DHH court users. What is working well for the community and what is now.
  - The Board for Judicial Administration will have a committee looking at the lessons learned during the pandemic. This committee will be doing a large survey and Education Committee members can suggest questions.
- Once the themes of the conferences are decided on, the Committee can find topics that fit into those themes.
- For the next Judicial College, Claudia A'zar and Judge Rajul have agreed to be on the panel.

## Next Meeting

- A Doodle Poll will be sent out to find a date.

## Action Items

- Bob – follow up with AOC education staff to identify any themes and get proposal forms. Katrin can help get a first draft and circulate among the Committee members.
- Katrin – sent out email about the webinar groups to identify volunteers.

## DMCJA Education Committee Session Proposal Form

*District & Municipal Court Judges' Spring Program*

*June 6 - 9, 2021*

**PROPOSAL DEADLINE: September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

<b>PROPOSED SESSION TITLE:</b> Meaningful Communication in Complicated Times: Effective Language Access in Virtual and Socially-Distanced Courtrooms			
<b>PROPOSED BY:</b> Interpreter Commission and Gender and Justice Commission <b>CONTACT NAME:</b> Robert Lichtenberg <b>CONTACT PHONE:</b> 360-350-5373 <b>CONTACT EMAIL:</b> <a href="mailto:Robert.Lichtenberg@courts.wa.gov">Robert.Lichtenberg@courts.wa.gov</a>			<b>TARGET AUDIENCE:</b> <input checked="" type="checkbox"/> Experienced Judges <input checked="" type="checkbox"/> New Judges <input checked="" type="checkbox"/> District Courts <input checked="" type="checkbox"/> Municipal Courts
<b>PROPOSED DURATION (In Person):</b> <input type="checkbox"/> 60 Minutes <input checked="" type="checkbox"/> 90 Minutes <input type="checkbox"/> 3 Hours <input type="checkbox"/> Other:	<b>PROPOSED DURATION (Online):</b> <input checked="" type="checkbox"/> 60 Minutes <input type="checkbox"/> 75 Minutes <input type="checkbox"/> Other: (such as series of sessions)	<b>SESSION TYPE:</b> <input checked="" type="checkbox"/> Plenary <input type="checkbox"/> Choice <input type="checkbox"/> Colloquium <input type="checkbox"/> Webinar	<b>IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>TOPIC AREA: Interpretation and Translation; Access to Justice</b>			
<b>REQUIRED COMPONENTS</b>			
<i>The session must address the following essential areas of information:</i>			
<b>Substantive Knowledge</b>	<b>Administrative/Procedural</b>	<b>Skills, Attitudes &amp; Beliefs</b>	
<ul style="list-style-type: none"> <li>• Legal requirements for the provision of interpreter services, including recent changes by Supreme Court Orders</li> <li>• Available technology for safe and effective consecutive and simultaneous interpretation</li> </ul>	<ul style="list-style-type: none"> <li>• Steps to ensure accurate communication with remote court users who are limited English-proficient or deaf/hard of hearing, beginning with the initial court contact and throughout the duration of a case.</li> </ul>	<ul style="list-style-type: none"> <li>• Full comprehension and meaningfully active participation of all court-users, regardless of language used and technological platform employed</li> </ul>	
<b>RECOMMENDED FACULTY: (These are temporary placeholders pending confirmation)</b>			
<a href="#">Judge Kim Walden, Tukwila Municipal Court?</a> <a href="#">Frankie Peters, Thurston County District Court, or Trish Kinlow, Tukwila Municipal Court?</a> <a href="#">Claudia A'Zar, Court Certified Spanish Interpreter?</a> <a href="#">ADWAS representative?</a> <a href="#">NJP Attorney &amp; former client? Or former DV victim? Or possibly a County VLP coordinator/attorney?</a> <a href="#">Representative(s) from Gender &amp; Justice Commission – Judge? DV Advocate? Former Court User?</a>			

**Proposals due by September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

**DMCJA Education Committee Session Proposal Form***District & Municipal Court Judges' Spring Program**June 6 - 9, 2021***PROPOSAL DEADLINE: September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

**SESSION DESCRIPTION:** Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

This session will provide best-practice examples, tips, live action demonstrations, and resources to assist courts in providing meaningful language access in socially-distanced and video remote hearings. Through the lens of the Deaf or Limited English Proficient (LEP) court customer, participants will recognize what approaches limit their ability to comprehend and participate, and what can be done to overcome those barriers.

**LEARNING OBJECTIVES:** Describe what participants will be able to do or say as a result of this session.

- Recognize language barriers faced by LEP or Deaf individuals, and identify solutions to remove them.
- Distinguish the particular language access challenges encountered by pro se litigants – particularly in protection order cases, and revise local practices to guarantee their meaningful participation.
- Integrate interpreting technology into remote hearings, and safe, in-person, socially-distanced hearings.
- Plan for socially-distanced jury trials that include court interpreters.

**FUNDAMENTALS COVERED:** Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

- Legal requirements in RCW 2.42, RCW 2.43, GR 11, and interpreter-related case law.
- Best practices to plan for interpretation at web-based and in-person hearings in advance – for represented parties and pro se parties who require ASL or spoken language interpreter services.
- Best practices for managing web-based and in-person hearings with interpreters.
- Utilizing online interpreters for accommodating unscheduled events and providing more flexibility to language access.

**Proposals due by September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

## DMCJA Education Committee Session Proposal Form

*District & Municipal Court Judges' Spring Program*

*June 6 - 9, 2021*

**PROPOSAL DEADLINE: September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

**PARTICIPANT RESOURCES:** Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

- Interpreter Commission resources, such as the [COVID-19 Guide to Courtroom Interpreting](#)
- Electronic interpreting equipment – transmitters and receivers
- Online resources from the National Center for State Courts, and other state court systems

**PROPOSED TEACHING METHODS AND ACTIVITIES:** Describe how the session will be presented to actively engage the audience in the education. In the event this program is held virtually, or if this is intended as webinar, please let us know how you plan to keep the audience involved. (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

This session can be delivered in either an in-person or webinar format. It will include an interactive exercise where audience members will experience the perspective of a person who relies on language interpretation in a web-based hearing. A panel discussion of language access strategies will include the perspectives of court-users, interpreters, attorneys, and judges. Technology intended for interpreting in remote and socially-distanced settings will be demonstrated either live or through video.

**ANTICIPATED COST:**  
Less than \$500

**FUNDING RESOURCES:**  
Supreme Court Interpreter Commission

**Proposals due by September 30 to [Laura.Blacklock@courts.wa.gov](mailto:Laura.Blacklock@courts.wa.gov)**

# Guide to Working with Court Interpreters – COVID-19

This guide provides practical suggestions to help guarantee language access for limited English proficient (LEP) and Deaf court participants. Under current conditions, **interpreting should be done remotely whenever possible**. [Order No. 25700-B-626, §19](#). For additional information, please see [Remote Interpreting Best Practices](#) and [Court Interpreting Information and Resources during COVID-19](#).

## Legal Requirements:

- Telephonic interpreting is typically permissible in limited circumstances. [GR 11.3\(a\)](#)
- **Courts must follow RCW 2.42 and RCW 2.43** (qualifications, costs, oath, etc.) and [GR 11.2](#) (Code of Professional Responsibility for Judiciary Interpreters), even when interpreting is done remotely. [GR 11.3\(b\)](#)
- The equipment used must ensure **clear audio for all participants**. [GR 11.3\(c\)](#) For Deaf participants, **clear video** is required under the Americans with Disability Act. [28 CFR §35.160\(d\)](#). Also see Department of Justice [Guidance](#).
- There must be a way for **attorneys to communicate privately with clients**. [GR 11.3\(d\)](#)
- Written documents which would normally be interpreted must be read aloud. [GR 11.3\(e\)](#)
- The telephonically interpreted hearings shall be **recorded**. [GR 11.3\(f\)](#)

## When Scheduling Interpreters

The linked resources below were designed to help Court Staff when scheduling interpreters for remote hearings:

- **Quick Tips for Scheduling Interpreters for Telephonic or Video Remote Hearings**
- **Interpreter Scheduling Form – Telephonic or Video Remote Hearings** (Information to give the interpreter)
- **Interpreter Information Form** (Information to get back from the interpreter)

## Instructions for LEP and Deaf Participants

Litigants are used to appearing in-person at their hearings with in-person interpreters. For remote hearings:

- Carefully plan instructions for LEP and Deaf individuals, ensuring they are written in clear, plain English.
- Specify what technology is needed, who the person can contact with questions or concerns, and what to do in the case of technology failures or inability to access necessary technology.
- Courts are encouraged to translate written instructions into commonly used languages, and provide timely translation or interpretation into other languages upon request. [Order No. 25700-B-626, p. 11](#).
- Consider directly calling the LEP Participant and speaking through a telephonic interpreter.
- Be careful in presuming the literacy level of LEP and Deaf individuals.

## Logistics – Remote Interpreting

**Audio and video clarity is critical for accurate interpreting.**

- In telephonic connections make sure the interpreter can clearly hear all participants.
- With video remote interpreting, make sure the interpreters (particularly sign language interpreters) can clearly see all participants.
- Confirm that the LEP or Deaf participant can clearly hear/see the interpreter.
- **Audio is usually best when each participant has their own microphone.** Voices become less audible when participants use speaker phones.
- Parties appearing with counsel must have access to **confidential sidebar conversations**. **Ensure that your court's technology allows interpreters to participate** when parties are LEP or Deaf individuals.

Interpreters work use three different **Interpreting Modes**. In a typical courtroom environment they can seamlessly transition from one to another, but it is more complicated with remote interpreting. Things to keep in mind:

Interpreting Mode	What it is	How it's handled remotely
<b>Consecutive Interpretation</b>	<p>Interpreter begins interpreting when the speaker stops speaking.</p> <p>Examples: conversations and witness testimony.</p>	<p><b>Most common mode in hearings held by telephone or video.</b></p> <p>Each person speaks in short utterances (1-3 sentences) and pauses for the interpretation.</p> <p>Judges should monitor length of utterances and the interpreter's ability to keep pace.</p>
<b>Simultaneous Interpretation</b>	<p>Interpreter interprets while the speaker is still speaking/signing.</p> <p>Examples: when judges or attorneys speak while LEP or Deaf individual listens.</p>	<p><b>Most common mode in the courtroom.</b></p> <p>Can be used in remote hearings, but requires a <u>separate audio channel</u> between the interpreter and the LEP participant.</p> <p>Please contact the AOC for suggestions and examples of how to accomplish this.</p>
<b>Sight Translation</b>	<p>Interpreter reads aloud a document into the other language.</p> <p>Examples: court forms, reports, or written statements.</p>	<p><b>Send interpreter an electronic copy</b> so they can see the document clearly when sight-translating. Sending documents in advance avoids delays during the hearing allows the interpreter to prepare.</p> <p>If the interpreter is required to sign a document, connect with the interpreter in advance about your court's process for electronic signatures.</p>

## Logistics: Socially-Distanced, In-Person Interpreting in the Courtroom

- Simple **transmitter/receiver sets** will allow interpreters to work while keeping a safe distance from an LEP individual in the courtroom. The interpreter speaks into a **microphone connected to a one-way transmitter** while the LEP person listens through **headphones connected to a receiver**. This equipment can be an excellent tool even when COVID-type restrictions are not in place.
- For privileged attorney-client communications inside the courtroom**, consider purchasing **two-way radios** with ear pieces and microphones – similar to those used by store employees to communicate with one another. Provide one set to the interpreter.
- Sign language interpreters will need to remove their mask while interpreting. Courts should work with the interpreter to find a location where the interpreter can maintain a safe distance and be visible to the Deaf individual.

### Just Before the Hearing Begins...

- Verify that all technology works well. Confirm that the interpreter can clearly hear/see all participants.
- Ask the interpreter to check-in briefly with the LEP or Deaf person to ensure that they have a compatible language match.
- Ask the participants whether any documents will be discussed. Provide copies of those documents to the interpreter if this has not been done previously.

### During the Hearing...

- Remind participants to speak at a slow, steady pace, and take pauses for consecutive interpreting. Monitor their compliance throughout, as people tend to speed up and speak in longer utterances after the first few minutes.
- Check-in occasionally with the interpreter and LEP or Deaf participants to make sure all equipment is functioning, and that they can clearly see/hear all participants.

# Interpreter Scheduling - Telephonic or Video Remote Interpreter Information

---

Prior to your scheduled court hearing, please complete the following information and provide it to the court representative at: \_\_\_\_\_

Interpreter Name: \_\_\_\_\_

How do we contact you if we lose connection?

Working cell number: \_\_\_\_\_

Alternative phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Texting number: \_\_\_\_\_

Other: \_\_\_\_\_

Do you have the following equipment available for your interpreting assignment?

- Desktop computer
- Laptop
- Head phones
- Microphone
- Strong internet connection
- Telephone

Comments: \_\_\_\_\_

For video remote hearings, our court uses the following platform: \_\_\_\_\_ Are you experienced in working in this platform?

- Yes
- No
- Unsure

Comments: \_\_\_\_\_

Is there more information you need from us? \_\_\_\_\_

# Interpreter Scheduling - Telephonic or Video Remote Assignment Information

---

Provide the Interpreter the Following information:

## Case Information

Language: \_\_\_\_ Name of LEP or Deaf Person: \_\_\_\_

Name of attorneys and judge: \_\_\_\_

Case #: \_\_\_\_ Event Type: \_\_\_\_

Event Date: \_\_\_\_ Event Start Time: \_\_\_\_

Event Duration: \_\_\_\_

## Connection Instructions

This hearing will be conducted:

- Telephonically
  - The court will call the interpreter.
  - The interpreter will call the court at this number: \_\_\_\_
- Video Remotely

Log on information: \_\_\_\_

Call-in or log-on time: \_\_\_\_

In case of disconnection or malfunction, the interpreter should call the court at: \_\_\_\_

## Special Instructions

Documents to be discussed/read at the hearing: \_\_\_\_

Testing of equipment prior to the hearing: \_\_\_\_

Signing of documents by the interpreter: \_\_\_\_

Other: \_\_\_\_

## Telephonic or Video Remote Interpreter Scheduling Quick Tips

Telephonic and video remote hearings present new challenges, and effective communication with interpreters helps to ensure a smoother process. Remember that interpreters work with many different courts, and telephonic/video practices vary from location-to-location.

 Telephonic Hearings	 Video Remote Hearings
<ul style="list-style-type: none"> <li>Specify <b>who calls whom</b> - whether the interpreter should call the court, or the court will call the interpreter.</li> <li>Provide the interpreter with the <b>main number</b>, and an <b>alternative number</b> in case of disconnection.</li> </ul>	<ul style="list-style-type: none"> <li>Specify which <b>web platform</b> the court will be using.</li> <li>Provide the interpreter the <b>link</b> or invitation and <b>password</b>.</li> <li>Provide the interpreter with a <b>phone number</b> to call in the event of disconnection.</li> </ul>

### + For All Telephonic and Video Remote Hearings



**Backup plan:** Explain what to do if there is a disconnection or malfunction – Call the court? Immediately call or log back in again?



**Timing:** Clarify when the interpreter needs to call in or log-on. Either at the start of the hearing, or earlier for testing or other purposes.



**Documents:** If there will be documents that will be read or reviewed during the hearing (statement of rights, plea form, motions, etc.), please send copies to the interpreter ahead of time. This provides the interpreter an opportunity to print it, review it, and be better prepared for interpreting the contents at the hearing.



**Signing Documents:** If your court uses a particular application to sign documents, provide instructions to the interpreter prior to the hearing.



**Testing:** If the court hasn't used interpreters in remote hearings previously, or if the interpreter has not previously used the court's web platform, consider setting up a testing session prior to the hearing to identify and resolve any potential problems.

### Questions the interpreter might have for you:

- **Will I get paid from the moment I log-on (or call-in)?** This question may arise if they are required to log-on (or call-in) ahead of time.
- **How long is the assignment?** There are many different practices for scheduling from court-to-court, and this can be helpful for interpreter managing multiple assignments within the same day.
- **How and to whom do I submit the invoice?**
- In the event of a **long telephonic or video remote hearing** (motion hearing or trial), **who** is the other interpreter I will be teaming with? **How will we be able to communicate** with one another during the hearing?

## Proposed Court Rule GR 11.3 -- REMOTE INTERPRETATION

- (a) Whenever an interpreter is appointed in a legal proceeding to assist a limited English proficient (LEP) person or a person with hearing loss, the interpreter should appear in-person. Remote interpreting may only be used when an in-person interpreter is not practicable, and where it will allow the users to fully and meaningfully participate in the proceedings. The appointing authority shall make a preliminary determination, on the basis of testimony of the person utilizing the interpreter services, of such ability to participate and if not, the court must provide alternative access.
- (b) RCW 2.42, RCW 2.43, and GR 11.2 must be followed regarding the interpreter's qualifications and code of professional responsibility for judiciary interpreters.
- (c) Technology used during the legal proceeding must ensure that the LEP person or person with hearing loss is able to hear or see all statements made by all participants. Spoken and sign language interpreters must be able to see and hear all speakers. If the technology does not allow simultaneous interpreting, the hearing shall be conducted to allow consecutive interpretation of each sentence.
- (d) The court must provide a means for confidential attorney-client consultations, and allow for these communications to be interpreted confidentially.
- (e) For the efficient administration of justice, every effort should be made to provide the following documents to the interpreter, electronically or by other means, in advance of the hearing, allowing the interpreter sufficient time to review the information and prepare for the hearing:
  - i. Case information and documents pertaining to the hearing.
  - ii. Names and spellings of all participants in the hearing to include but not limited to: litigants, judge, attorneys, and witnesses.
  - iii. Evidence in a case, to include but not limited to: documents, photographs and images, audio and video recordings and any translations of such materials.
- (f) Written documents, the content of which would normally be rendered by the interpreter to the limited English proficient person or person with hearing loss, must be read aloud by a person other than the interpreter to allow for full interpretation of the material by the interpreter.
- (g) An audio recording shall be made of all statements made on the record during the interpretation, and the same shall be preserved. Upon the request of a party, the court may make and maintain an audio recording of the spoken language court interpretations or a video recording of the signed language interpretations. Any recordings permitted by this subparagraph shall be made and maintained in the same manner as other audio or video recordings of court proceedings. This subparagraph shall not apply to court interpretations during jury discussions and deliberations.
- (h) When using remote interpreter services, particularly when combined with remote legal proceedings, courts should ensure the following: the LEP person or person with hearing loss is able to access the necessary technology to join the proceeding remotely; the remote proceeding technology allows for remote simultaneous interpretation and confidential attorney-client communications; or provide alternative means for these communications; provide translated instructions on appearing remotely or provide alternative access to this information through interpretation services; audio and video feeds are clear; and judges, court staff, attorneys, and interpreters are trained on the use of the remote platform.

**Comments:**

- (1) Section (a) is a significant departure from prior court rule which limited the use of telephonic interpreter services to non-evidentiary hearings. While remote interpretation is now permissible, in-person interpreting services are the primary and preferred way of providing interpreter services for legal proceedings. Because video remote interpreting provides the litigants and interpreters the ability to see and hear all parties, it is more effective than telephonic interpreter services; however, in-person interpreting services are superior in quality and efficiency and remain the primary means by which interpreter services should be delivered in Washington Courts. Allowing remote interpretation for evidentiary hearings will provide flexibility to courts to create greater accessibility. However, in using this mode of delivering interpreter services, where the interpreter is remotely situated, courts must ensure that the remote interpretation is as effective and meaningful as it would be in-person and that the LEP litigant is provided full access to the proceedings.

Section (a) refers to the appointing authority making a preliminary determination regarding the effectiveness of remote interpretation and the ability of the LEP litigant to meaningfully participate in the legal proceeding. This requirement applies to each occurrence or legal proceeding because circumstances may change over time necessitating an ongoing determination that the remote interpretation is effective and enables the parties to meaningfully participate.

- (2) Section (b) reinforces the requirement that interpreters appointed to appear remotely must meet the qualification standards established in RCW 2.42 and 2.43 and they must be familiar with and comply with the code of professional responsibility for judiciary interpreters. Courts are discouraged from using telephonic interpreter service providers who cannot meet the qualification standards outlined in 2.42 and 2.43.

 <p>WASHINGTON COURTS</p>	<p><b>Interpreter Commission – VRI Rule Workgroup</b>  <b>Tuesday, July 14, 2020</b>  Zoom Meeting  3:00 PM – 4:30 PM</p>
<p><b>MEETING MINUTES</b></p>	

**Members Present:**

Kristi Cruz  
Donna Walker  
Diana Noman  
Frankie Peters

**AOC Staff:**

Bob Lichtenberg  
James Wells

**Guests:**

Stefanie Burich

**VRI in Alaska**

Stefanie Burich from the Court Interpreter Program in Alaska discussed how video remote interpreting is done in Alaska.

- Alaska is a non-unified court system but interpreting services is centralized. Tech support is also centralized.
- Almost all interpreter are from outside the state so VRI is used extensively.
- All courtrooms have telephonic system. Phones are integrated with the sound system which helps in creating the court record.
- The platform used for VRI is VSee. VSee is used with the phone system to allow simultaneous interpreting. VSee allows as many participants as necessary. They use the free version of Vsee. Multiple cameras are usable.
- Simpler hearing are often done telephonically while VRI is used for more complex hearings, hearings over an hour hearings, and some trials.
- An expectation sheet was created for interpreters and test sessions were used to help training interpreters.
- Documents can be sent by email and some sight translation can be done with screen sharing.
- Multiple images can be used to help present exhibits.
- For attorney-client privileged communication, the courtroom can be cleared or the laptop can be taken to a conference room.

**Washington Rule**

- This new rule in Washington is not meant to specifically address the current situation with COVID where multiple parties are appearing remotely.
- Courts in WA are using several platforms including Zoom and WebEx.

- The Committee must establish where our level of detail in the rule and how specific to make the requirements.
- It is important the rule address the importance of having clear video and audio. When they are unclear it adds a big strain on interpreter and can prevent accurate Interpretation. The rule does not need to go into the technical issues such as bandwidth requirements.
- Some technology allows for simultaneous interpretation of spoken languages. Typically simultaneous interpretation for spoken languages is not recorded during in-person proceedings.
- A comment section can help frame the meaning of the rule.
- The rule must allow for privileged communication between the attorney and the client with the interpreter.

**Next Meeting:**

- July 28, 3:00 PM to 4:30 PM

 <p>WASHINGTON COURTS</p>	<p><b>Interpreter Commission – VRI Rule Workgroup</b>  <b>Tuesday, July 28, 2020</b>  Zoom Meeting  3:00 PM – 4:30 PM</p>
<p><b>MEETING MINUTES</b></p>	

**Members Present:**

Kristi Cruz  
Donna Walker  
Trish Kinlow  
Diana Noman  
Frankie Peters  
Judge Mafe Rajul

**AOC Staff:**

Bob Lichtenberg  
James Wells

The Committee reviewed a draft version of the rule, which included language based on similar court rules in other states along with the current GR 11.3. Their discussion included:

- The rule will apply to every court in the state. The differing resources, capabilities, and functions should be kept in mind when drafting the rule.
- The rule will be in place for a long period and should not be written so that it could become outdated quickly.
- The rule must balance being too specific or too general.
  - The rule should include language about having clear audio and video, but does not need to be exact regarding technological requirements.
  - The rule can require be able to provide a mechanism for certain functions, such as allowing private conversations between the attorney and client. However, the rule doesn't need to specify the required functions of the remote hearing platform.
- **Providing Written Documents:** The language should not be too strict and must be practical for courts. Courts do not have control over all of the documents the will be used during a hearing and some documents may come last-minute. More general language such as requiring that interpreters have time to review documents may be more appropriate.
- **Audio Recordings of Interpretation:** When spoken language is interpreted consecutively, both the English and target languages are on the record. During simultaneous interpretation, usually only the English language is recorded and so the interpretation cannot be reviewed. Recording the non-English language during simultaneous will be technologically challenging and needs to be better understood before making it a requirement.

**Next Meeting**

- August 11, 3:00 PM to 4:30 PM

 <b>WASHINGTON COURTS</b>	<b>Interpreter Commission – VRI Rule Workgroup</b> <b>Tuesday, August 11, 2020</b> Zoom Meeting 3:00 PM – 4:30 PM
<b>MEETING MINUTES</b>	

**Members Present:**

Kristi Cruz  
 Trish Kinlow  
 Diana Noman  
 Frankie Peters  
 Judge Mafe Rajul

**AOC Staff:**

Bob Lichtenberg  
 James Wells

The Committee reviewed the latest draft version of the revised GR11.3:

- General Discussion:
  - The rule is being drafted for outside of the pandemic and shouldn't we written so that it would need to be edited in the near future.
  - There is a concern that moving to allow remote interpreting more often may affect the person needing the interpreter's ability to receive high quality interpreter services.
  - The approach should be to create a rule that guides the best way to deliver interpreter services.
  - A foundational question is will we allow courts to use remote interpreting in evidentiary proceedings if certain guidelines are in place.
- Good Cause: Language regarding good cause was introduced to be more inclusive of circumstances, but also more restrictive than language used in earlier drafts.
- Audio Quality:
  - The LEP party must be able to hear statements from all participants. Without the ability to provide simultaneous interpreting, the hearing must be carried so that consecutive interpreting can take place.
  - Judge may not understand the quality for each of the parties who are appearing remotely.
  - Some language in the rule refers to audio quality as it comes from the rule regarding telephonic interpreting and didn't take into account sign language.
  - Language could be added that requires the quality of the audio and video needs of the remote interpretation to match the quality of in-person interpretation.

- Naming Conventions: Some terms such as “non-English-speaking person” and “hearing impaired person” come from RCW and are outdated. There needs to be a balance between being consistent but also using more current language.
- Audio recordings: The non-English language is typically not on the record except for language the consecutive interpretation for spoken languages.
- Written documents:
  - Some documents may be confidential and may be difficult to send by email, which will make it a public record. The word “translation” should be avoided to prevent confusion.
  - Whenever documents are submitted as part of evidence, they must be translated. If a non-English written document is going to be entered into evidence, then it should be translated ahead of time. Documents may contain contextual information that might not be read aloud when someone is reading aloud a document.

### **Next Meeting**

- August 25, 3:00 PM to 4:30 PM

 <b>WASHINGTON COURTS</b>	<b>Interpreter Commission – VRI Rule Workgroup</b> <b>Tuesday, August 25, 2020</b> Zoom Meeting 3:00 PM – 4:30 PM
<b>MEETING MINUTES</b>	

**Members Present:**

Kristi Cruz  
 Trish Kinlow  
 Diana Noman  
 Frankie Peters

**AOC Staff:**

Bob Lichtenberg  
 James Wells

The Committee reviewed the most recent draft of the updated GR11.3.

- Terminology in a previous draft was adapted to be consistent with GR 11.2, which used “limited English proficient” individuals and WAC which uses, “person with hearing loss” rather than using outdated terms found the RCWs.
- “Electronic equipment” commonly refers equipment used by interpreters in in-person proceedings and could be confusing. A more general term such as “technology” would be better suited as it could cover both hardware and software.
- The need for live captioning for people with hearing loss that do not sign won’t be added to this rule since these kinds of accommodations may be better addressed in other guidance documents.
- Some subsections regarding the handling of written documents would be combined.
- Recordings of interpretations:
  - Audio: Online platforms are currently limited in their ability to record simultaneous interpretation. If a request is made to record the interpretation, spoken language interpretation would need to be done consecutively since simultaneous interpretation takes place on an audio channel separate from the main audio of the proceeding.
  - Video: Online platforms typically are able to record video, but there may be limitations in how it used. The recording of the video would probably not be part of the official record of the hearing, which is also true when sign language interpretation is recorded at an in-person proceeding.
- The final section of the rule which covers important topics that would not be easily located in other sections. Some of the topics are especially relevant for proceedings with multiple parties appearing remotely.

**Next Steps**

- A draft incorporating the changes from today's meeting would be reviewed at the next Issues Committee meeting on September 1.
- The VRI rule Committee will meet again on September 8.
- A draft will be reviewed by the full Commission on September 25. If a final draft is available by mid-October, it should be able to go through the normal review process by the Supreme Court this year.

DRAFT

 <b>WASHINGTON COURTS</b>	<b>Interpreter Commission – VRI Rule Workgroup</b> <b>Tuesday, September 8, 2020</b> Zoom Meeting 3:00 PM – 4:30 PM
<b>MEETING MINUTES</b>	

**Members Present:**

Kristi Cruz  
 Diana Noman  
 Frankie Peters

**AOC Staff:**

Bob Lichtenberg  
 James Wells

**Finalizing the Rule**

The Issues Committee will make an electronic vote to approve the recommendation of the draft rule for the next Interpreter Commission meeting.

**Relation to GR11.4 Team Interpreting Rule**

- At the last Issues Committee meeting, it was suggested that the team interpreting and remote interpreting rules use language that more closely mirror each other.
- The group working on the team interpreting rule, met and felt that some of the proposed changes mentioned may not work for the purposes of that rule.

**Comment Section**

- Section (a) – may need some more specific information.
- A training may be necessary to pull together all the changes that are being made to the court rules.
- An additional comment could be added to add more context for the rule.
- Adding the word “meaningful” to the first comment in addition to the effective communication.
- Ensuring communication is an ongoing process throughout the proceeding and not just one initial determination.

**GR 9 Packet**

- AOC Staff will put together a draft cover letter for the GR 9 packet.
- The language in the draft can be fine-tuned after receiving feedback at the Commission meeting at end of the month.

**Next Steps**

- Kristi will make the changes suggested at this meeting and will be sent to the committee members who were not present at today's meeting. That version will be sent to Issues Committee for their approval.

DRAFT

GR 11.4  
TEAM INTERPRETING

(a) Definitions.

- (1) Team interpreting for spoken languages – the practice of using two interpreters of the same language pair (e.g. English - Spanish) who take turns interpreting.
- (2) Team interpreting for sign languages – the practice of using multiple interpreters, which might include Deaf Interpreters.
- (3) Simultaneous mode of interpreting – the rendering of a **speaker's or signer's message into another language while the speaker or signer continues to speak or sign**. Parties speak or sign at the same time.
- (4) Consecutive mode of interpreting – **the rendering of a speaker's or signer's message into another language when the speaker or signer pauses to allow interpreting**. Parties take turns speaking or signing.
- (5) Relay interpreting is the practice of interpreting from one language to another through a third language. It is necessary when no single interpreter commands the required language pair.

(b) Spoken Languages.

- (1) To provide for accurate and complete interpreting, a team of two (2) interpreters must be appointed when it is anticipated that an assignment will require more than one (1) hour of simultaneous interpreting or two (2) hours of consecutive interpreting.
- (2) If relay interpreting is required, a team of two (2) interpreters for each language pair must be appointed pursuant to (1) above.

(c) Sign Languages.

- (1) To provide for accurate and complete interpreting, a team of interpreters shall be appointed for each participant who needs sign language interpreting when the event will last more than one (1) hour, as well as in challenging linguistic situations.

- (2) If the team requires intermediary Deaf Interpreters, a team of two (2) Deaf Interpreters and a team of two (2) ASL interpreters shall be appointed.

(d) Good Cause Exception.

When a team of interpreters is required under this rule, it is permissible to proceed with a single interpreter only when:

- (1) a team of interpreters is not reasonably available, and it is found and noted on the record that given the totality of the circumstances, there is good cause to proceed with only one interpreter; and
- (2) the single interpreter is given breaks at regular intervals. An interpreter working alone must be given a ten-minute (10) break after every twenty (20) minutes of interpretation.

Comments:

[1] Simultaneous mode of interpreting is used when the recipients of interpretation are listening or watching, and the flow of information is in one direction only, such as during trials, motion hearings and classes.

[2] Research has established that simultaneous interpreting involves intensive cognitive activity. Interpreter fatigue—both physical and mental—results from the high degree of concentration an interpreter must employ to hear, analyze, and understand ideas in one language and then render those same ideas coherently in another. This research has demonstrated that accuracy begins to decline within 15 to 30 minutes of simultaneous interpreting, before interpreters are even aware of the fatigue that leads to this increase in errors. After 30 minutes, the decline is precipitous. Therefore, it is imperative that interpreters alternate every 15 to 30 minutes, as agreed upon by members of the interpreting team.

[3] Consecutive mode of interpreting is used when the recipients of interpretation are responding to questions and the exchange of information is two-directional, such as during testimony, interviews, and depositions.

[4] In consecutive mode, the interpreter must focus intensely to memorize substantial chunks of information and then render them precisely. Consecutive mode requires the same amount of cognitive work as simultaneous, but the fatigue builds up over a longer period of time.

[5] Communication through sign language can be particularly broad and challenging. Not all Deaf, Deafblind, or hard of hearing participants are fluent in standardized sign and some have specialized linguistic needs. Some persons may require the assistance of a Deaf Interpreter—a professional interpreter who is Deaf, an expert in American Sign Language (ASL) linguistics, and a native user of ASL. The requester should look to the expertise of the sign language interpreter and the knowledge and experience of the parties to identify such needs and assign a team of sign language interpreters where appropriate.

 <p>WASHINGTON COURTS</p>	<p><b>Interpreter Commission – Issues Committee Meeting</b>  <b>Tuesday, July 7, 2020</b>          Teleconference Meeting          12:00 PM – 1:00 PM          Call-in number: <b>877-820-7831</b>  <b>Passcode: 618272#</b></p>
<p><b>MEETING MINUTES</b></p>	

Present: Judge Beall, Francis Adewale, Bob Lichtenberg, Diana Noman, Frankie Peters, Judge Rajul, James Wells

### Previous Meeting Minutes

- Approved with modification.

### Draft of GR 11.4

The Committee reviewed the latest draft of the proposed rule regarding team interpreting.

- The draft language was recently reviewed by a group of interpreters working in several spoken languages and ASL.
- The group provided input on the language in the draft, including the definitions of terms, details on situations where team interpreting would be needed, and information covering both sign language and spoken languages.
- Some issues discussed during the meeting
  - Changing from “multiple languages” to “two languages”.
  - Potential confusion with the term combination” in “two interpreters of the same language combination”.
  - How much language about relay interpreting should be in the rule.
  - The term “Deaf interpreter”, which was advised to be the term most current and commonly used when discussing intermediary interpreters. Additional information is provided in the comment section about intermediary interpretation.

 <p>WASHINGTON COURTS</p>	<p><b>Interpreter Commission – Issues Committee Meeting</b>  <b>Tuesday, August 4, 2020</b>          Teleconference Meeting          12:00 PM – 1:00 PM          Zoom</p>
<p><b>MEETING MINUTES</b></p>	

Present: Judge Beall, Luisa Gracia, Bob Lichtenberg, Diana Noman, Frankie Peters, Judge Rajul, Naoko Schatz, Fona Sugg, James Wells

### Previous Meeting Minutes

- Approved with modification.

### GR 11.4 – Team Interpreting

The Committee reviewed the latest draft of the proposed rule regarding team interpreting. Some changes mentioned:

- Word combination updated
- Using the term certified.
- Adding language about relay interpreting.
- When two parties need the same language:
  - Typically equipment is used so that parties share the same set of interpreters.
  - When confidential conversations with attorney outside of the court room occur, usually one member of the team will do the interpretation. Each member of the team may be assigned to each party. In less common circumstances, a third interpreter may be used.
- Add language to the Sign Languages section about relay interpreting that is similar to language in the Spoken Languages section.

### Courts Not Providing Interpreter Equipment

- Diana was informed that at least one court was making it a requirement for interpreters to purchase their own interpreting equipment to bring to the court.
- Diana consulted some other interpreters to get feedback about equipment they used. The feedback indicated there is a big range in cost in the equipment interpreter have purchased and some interpreter have modified equipment to meet their needs.
- Purchasing equipment can be a big financial burden to interpreters. During COVID there has been a large drop in work in court interpreting.

- Courts may be in a better position to research, purchase, and maintain interpreting equipment than interpreters. Courts could have backup equipment and would provide consistency in equipment in quality.
- There is a great deal of variation in the kinds of technology that courts have and the resources that they have acquire more. This should be considered in any recommendations from the Committee that would apply to all courts across the state.
- Courts are also being asked to reduce funding so requiring additional costs such as equipment would be a challenge.
- The AOC is looking to using federal funds to assist courts in purchase equipment.
- The Issues Committee can make recommendations about best practices. It can send information to courts to help resolve issues when they arise. The Committee discussed the role of the Issues Committee and what kind of recommendations.

### **Hourly Minimums for Interpreters**

- Some courts now are paying a one-hour minimum for interpreters rather than a two-hour minimum.
- Before COVID, when remote interpreting was performed, typically the interpreter was only part appearing remotely and assignments could be very short.
  - Currently multiple parties are appearing remotely and types of cases the remote interpreting is used for has expanded.
  - Remote interpreting has become more difficult as assignment have become longer and the increased number of parties leads to additional audio issues.
  - Interpreters may leave the profession if they are not able to maintain a living due to changes in court payment practices. Private practices sometimes pay interpreters much more than courts.
- As a result of COVID, courts often limit their calendars rather than cramming in cases. Since courts are scheduling more conservatively now, there are fewer time over runs.
  - Courts have been making a number of administrative changes on the back end reducing the time the interpreter will need to be waiting.
  - Courts frequently overspend on their anticipated budget expenses.

### **Next Meeting**

- September 1

## **Action Items**

- Bob will create GR-9 cover so that it can be reviewed at the next Issues Committee meeting.

 <p>WASHINGTON COURTS</p>	<p><b>Interpreter Commission – Issues Committee Meeting</b>  <b>Tuesday, September 1, 2020</b>  Videoconference Meeting  12:00 PM – 1:00 PM  Zoom</p>
<p><b>MEETING MINUTES</b></p>	

Present: Judge Beall, Bob Lichtenberg, Diana Noman, Frankie Peters, James Wells, Kristi Cruz, Francis Adewale, Moriah Freed

### **Previous Meeting Minutes**

- Approved with modification.

### **GR 11.4 – Team Interpreting**

The Committee reviewed the latest draft of the proposed rule regarding team interpreting. Some changes were noted:

- Language used should be consistent with other rules. For example, “should” can replace the word “must.”
- The section of the rule that discusses simultaneous and consecutive interpreting should be discussed as a comment instead of subsections to the rule. The rule should state that a team should be used over two hours.
- The good cause requirement might be inconsistent with GR 11.3. Consider removing the good cause requirement and instead opt for strong language used in GR 11.3.

### **GR 9 Cover Review and Comments**

- Bob will expand upon the draft so that it can be submitted to the full Commission for review before the September 25 meeting. The draft will note an emergency consideration of the rules, including 11.3.

### **GR 11.3 Rule Redraft (now called “Remote Interpreting”)**

The Committee reviewed the latest draft of the proposed rule regarding remote interpreting. The following changes were noted:

- The good cause requirement was removed in favor of strong language. Some Committee members were in favor of the good cause requirement due to concern of misuse in the future. The language change in the rule will compromise by not overly restricting courts while still requiring recognition. The language will be taken back to the subcommittee for approval.

- The use of “person with hearing loss” should be changed to “deaf, deaf-blind, and hard of hearing” to be consistent with other Interpreter Commission rules.

The final rule will be sent out electronically for feedback from the Committee.

### **Action Items**

- Bob will finish the GR-9 cover so that it can be submitted to the full Commission before the September 25 meeting for review.
- The final draft of GR 11.3 will be sent out to the Issue Committee electronically for final feedback before the September 25 Commission meeting.

DRAFT

 <p>WASHINGTON COURTS</p>	<p><b>Interpreter Commission</b>  <b>Ad Hoc Policy Workgroup Committee Meeting</b>  <b>August 13, 2019</b>  Teleconference Meeting  12:00 PM – 1:00 PM  Call-in number: <b>1-877-820-7831</b>  <b>Passcode: 618272#</b></p>
<p><b>Meeting Minutes</b></p>	

**Present:** Diana Noman, Bob Lichtenberg, Moriah Freed, Francis Adewale, Frankie Peters, James Wells, Judge Rajul

Luisa Gracia Camon could not make the call but left notes for Diana

#### **Review and Approval June 20, 2019 Meeting Minutes**

- June 20 Minutes approved with modification

#### **Desk Card**

- Desk card is still under development
- Issue of “in-court qualified” interpreters is being evaluated as a bench card topic

#### **Matter of Non-Credentialed/Qualified/In-Court-Qualified Interpreters**

- Non-certified/non-registered interpreters have been presenting themselves to the court as having ‘qualified’ status when asked about credentials
- May need a topic in the bench card – responsibility of the courts needs to be emphasized, could be a training issue
  - Issue is being reviewed and added to the bench card. We will wait to see if language is sufficient to address this issue.
- Judge Rajul - from talking to Judges, she thinks that the different credentialing and qualifications of interpreters is not understood (training issue)
  - Judge Rajul is willing to be a resource in King County for education and training
- Could be due to a lack of resources available to courts, which results in them qualifying on the record instead of hiring certified/registered interpreters
  - Judges and court staff need to be made aware of which languages are certified, registered, or no testing available

#### **What makes non-credentialed interpreters claim that they are ‘qualified’?**

- There is an assumption that if they are qualified in one court, that it is the same for all courts – like a “permanent” court qualification
  - The process and purpose of qualifying on the record each time needs to be common knowledge for interpreters – must be repeated each time for the record
  - The process is part of understanding the code of conduct and being a court interpreter
  - Could the AOC interpreter program include this topic in the ethics class or trainings?
- Judges could adjust the qualifying language – “I find this interpreter qualified to interpret for this hearing” and make it clear that it is not a general qualification

- Some interpreters become defensive when their credentials and experience are “questioned” each time they are sworn in
- There is a fear that if the interpreter says “I have no qualifications” they will lose the job
- There is confusion with types of interpreter certifications in a non-malicious way, i.e. DSHS certified, but not court certified by AOC
  - Could lead to accidental misrepresentation of court credentials

**ACTION:** Wait and see what areas of this topic are covered in the language in the desk card. Take action on the issue and provide clarification to address areas of the topic that are not covered for court staff.

### **What measures can be implemented to educate interpreters on credentialing issues?**

- An Introduction packet could be given to interpreters
  - How can we better prepare interpreters for court interpreting?
  - Could be accessed online or hard copy.
  - This would mostly be accessible to credentialed interpreters
- The court scheduler is the first point of contact with the interpreter – information and education could be provided to court staff
- Not all courts follow the rules regarding using certified interpreters first if available
  - Diana – Snohomish county as an example
- What if the litigant cannot understand the interpreter? – i.e. different dialects, but the interpreter is certified (not a qualification issue)
  - Judge should have language on the record that the litigant can effectively communicate with their interpreter

### **Update from AOC on creation of Approved Registry of Non-Credentialed Interpreters**

- Bob – It is still being worked on. Will need to figure out creating an online tool, and how to set up criteria before creating the tool.
  - Name, data set, etc.
- How would non-credentialed interpreters get their name on this list?
  - They could complete approved training videos, ethics documents and classes, etc.

### **Updates**

- Next meeting sometime in September – A doodle poll will be sent out with date proposals for mid-September

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BEFORE THE INTERPRETER COMMISSION  
OF THE WASHINGTON STATE SUPREME COURT

IN RE:	}	Case No.: IC-2018-01
ANDREI MEDVEDEV LICENSE NO. 10694,	}	ORDER ON COSTS AND FEES
Interpreter,	}	

This matter comes before the Disciplinary Committee of the Interpreter Commission of the Washington State Supreme Court, for an order for fees and costs against Andrei Medvedev pursuant to Disciplinary Rule (DR) 9.8.

Pursuant to CR 9.8, the Commission’s costs and fees may be assessed against any interpreter who is disciplined. Costs includes all monetary obligations, reasonably and necessarily incurred by the Commission in the complete performance of its duties under the rules. An interpreter may challenge the assessment for costs and fees by submitting a written statement. DR 9.8(f). The statement must provide details on why the costs and/or fees are inappropriate or miscalculated. The written statement must be submitted to the Administrative Office of the Courts (AOC) within 20 days of receiving notice of the assessment.

ORDER ON  
COSTS AND FEES -- 1

**Interpreter Commission**  
State of Washington  
1206 Quince Street SE  
PO Box 41170  
Olympia, WA 98504-1170

1 The Disciplinary Counsel for the Washington State Interpreter Commission, Chad  
2 C. Standifer, properly moved for fees and costs against Medvedev in the amount of  
3 \$24,114.87<sup>1</sup>. The motion was accompanied by Standifer's declaration with Exhibit One,  
4 which contained the detailed billings for the work on this case. Service to Medvedev was  
5 proper. The deadline for a written challenge to the costs and fees was July 13, 2020.

6 On July 29, 2020, the Disciplinary Committee convened to make a final  
7 determination on costs and fees. In light of Medvedev's lack of response, the Disciplinary  
8 Committee found the \$24,114.87 to be a reasonable and supported request. The Disciplinary  
9 Committee also considered the fact that Medvedev is not able to earn a living as an  
10 interpreter, given that his credentials have been revoked for five years.

11 DR 9.8(e) provides that the assessment of costs and fees may be waived in the  
12 interest of justice. The Disciplinary Committee reached a unanimous agreement that full  
13 waiver was not appropriate in light of Medvedev's lack of response, and that an assessment  
14 of \$24,114.87 would be too punitive. Thus, the Disciplinary Committee determined that  
15 25% of the requested costs and fees (rounded to the closest dollar amount) would be an  
16 appropriate balance and in the interest of justice.

17 IT IS HEREBY ORDERED that Andrei Medvedev pay costs and fees in the amount  
18 of \$6,030 to the AOC within 30 days of this order.

19  
20 Dated this 29<sup>th</sup> day of July, 2020.

21  
22 

23 Judge Mafé Rajul  
24 Chair of the Disciplinary Committee  
of the Interpreter Commission

25 <sup>1</sup> Standifer's declaration and billing indicate his total fees were \$43,857.50. The only amount billed to  
26 AOC for his services was \$23,258.64.



# WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

**Dawn Marie Rubio, J.D.**  
State Court Administrator

August 18, 2020

Mr. Andrei Medvedev  
6251 NE 184th St.  
Kenmore, WA 98028  
RE: Washington State Court Interpreter Commission  
Disciplinary Matter, Andrei Medvedev, Case No. IC-2018-01

Dear Mr. Medvedev,

On June 19, 2020, the Washington State Office of the Attorney General (AGO) filed with the Administrative Office of the Courts a Motion for Fees and Costs related to the above-referenced matter pursuant the Disciplinary Process Manual Section 9.8 provisions. A copy of the Motion was sent to the above address as well as to your email address on record. Pursuant to the Disciplinary Process Rules Section 9.8(f), you had 20 days to challenge the assessment. Our records show that as of the date of this letter, you have not replied to the Motion challenging the assessment of fees against you in the amount of \$24,114.87.

The Disciplinary Committee met on July 29 to hear the Motion. After discussion, the Committee voted to reduce the assessment to the amount of \$6,030.00. Please see the accompanying Order on Costs and Fees dated July 29, 2020 for a full explanation of the decision by the Committee. Pursuant to DR 9(g)(1), "a respondent ordered to pay costs and fees, who has not filed a Challenge to Assessment, must make payment within 30 days of the date on which the assessment becomes final. Payment may be later if the order provides otherwise, or the respondent enters into a periodic payment plan with the AOC".

Section 9.8(g) provides that the AOC may enter into an agreement with a respondent for a reasonable periodic payment plan if the respondent demonstrates in writing present inability to pay assessed costs and fees. I am requesting that you immediately contact me by August 31, 2020 to inform me whether you wish to pay the costs by that date of August 31, 2020 or enter into a periodic payment plan.

If you choose to make periodic payments, the AOC will require that you sign a written agreement to a periodic payment plan in lieu of a one-time payment and that you agree to pay the outstanding balance in full by the end of June 2021. For example, you could agree to make 10 monthly payments in the amount of \$603 per month to satisfy that obligation or make other periodic payment arrangements with the AOC. If your payment arrangement proposal is satisfactory to the AOC, I will draft an agreement for your signature and once the agreement is executed, the AOC will set up an account to receive your payment(s). The Rules provide that

“respondent may ask the Disciplinary Committee Chair to review an adverse determination by the AOC of the reasonableness of a proposed periodic payment plan. The Chair [will] direct the procedure for this review. The Disciplinary Committee Chair’s ruling is not subject to further review.” Section 9.8(g)

Please direct your response regarding this correspondence to me no later than August 31, 2020. If we do not receive a response from you on or before August 31, 2020, further action will be taken to enforce the terms of the Order attached with this letter, such as seeking an enforcement order and/or forwarding the final cost assessment to a collection agency. You can mail your written response to this address:

Robert Lichtenberg  
Supreme Court Interpreter Commission  
Administrative Office of the Courts  
P.O. Box 41170  
Olympia, WA 98504-1170

In the alternative, you can email your response to me at this address:

[Robert.Lichtenberg@courts.wa.gov](mailto:Robert.Lichtenberg@courts.wa.gov)

Please contact me at the above email address or in writing if you have any questions about this correspondence and corresponding instructions.

Sincerely,



Robert W. Lichtenberg, J.D.  
WA Supreme Court Interpreter Commission Staff  
Administrative Office of the Courts, Senior Court Program Analyst

# Commission Staff Reports

# Court Interpreter Program Update

## Recent Activities

- One new Spanish interpreter received her credential.
- Live offering of Remote Interpreting 101

## Written Exam Update

It has not been possible to administer any written exams in-person this year. Prior to the outbreak of the pandemic, the Court Interpreter Program began the process of transitioning the written exam to a computer-based format which will allow interpreters to schedule their exams individually at several testing centers across the state throughout the year. We are in the testing phase of using the online platform for the written exam and we plan to have the exam available for interpreter to take by the end of 2020.

## Oral Exam Update

Typically the Court Interpreter Program holds oral exams for registered languages in the summer and the oral exams for certified languages in the fall. These exams have a very strict administration protocol and must be done in person. Due to the pandemic, have not able to hold the oral exams according to our normal schedule.

The Program is monitoring other states as they begin to resume oral exam testing. Because of the uncertainty of when Washington state government and AOC safety restrictions will be, we don't have a projected date when oral exam testing will be resumed. Because we were not able to hold the written exam earlier this year, we don't have as large a pool of candidates as normal waiting to take the exam. When we resume testing, we plan to begin with a small administration for test candidates who received near-passing scores on the exam in 2019. These candidates will were originally scheduled to have a special exam administration this past spring.

## Interpreter Groups affected by Testing Delay

Due to the pandemic and safety restrictions currently in place, the Court Interpreter Program has not been able to administer the written and oral exams that are part of the credentialing process according to its normal schedule. The Program is taking steps to safely resume the testing and training that are part of the credentialing process. However, the delay in testing will affect two groups of interpreters who face deadlines that were created with our normal testing scheduling in mind. The Court Interpreter Program recommends extending the deadlines for the two groups below by one year.

### Group 1 – Candidates Whose Written Exam Results Will Expire

Test candidates who pass the written exam have a six-year window to take and pass the oral exam. If candidates do not pass the oral exam within that time period, they need to re-pass the written exam before attempting the oral exam again. Due to COVID, we won't be able to offer the oral exam this year. As a result, we would like to give interpreters who passed the written exam in 2015 an additional year to take the oral exam without having to pass the written exam again.

### Group 2 – Interpreters in Transitioning Languages

The languages Portuguese and Tagalog are transitioning from the registered category to the certified category. Registered interpreters in these languages were given a one year extension to take and pass the oral exam at the Interpreter Commission meeting last February. Due to COVID, the interpreters in this group will not be able to take the oral exam before that extension expires. As a result, we would like to give these interpreters an additional year.

# Court Interpreter Written Exam Update

## Computer-Based Administration

The Court Interpreter Program plans to move the written exam from a paper-based administration to a computer-based format in 2020. This change in format gives test candidates more opportunities to take the written exam while significantly reducing the staff time involved in administering and proctoring the exam.

### What is the Written Exam?

This written exam is the first step in the credentialing process for court interpreters. It is a multiple choice exam covering the English language, court-related terms and usage, and ethics and professional conduct. Passing the exam is a pre-requisite to continuing in the credentialing process.

### Why is the format changing?

- To recruit potential interpreters by providing more testing opportunities, especially in rural areas.
- To allow the Interpreter Program to devote more time to training and outreach.
- To streamline the process of holding the exam and eliminate the need for involvement on multiple AOC departments.

### What will change?

Until now the written exam has been administered by pencil and paper-forms. AOC staff handles outreach, administration, proctoring, and payment processing of the exam and the AOC must contract with multiple outside entities. The AOC now plans to contract with one vendor who will host the online testing platform and manage exam proctoring.

Summary of changes:		
	Future Administration	Previous Administration
<b>Format</b>	Computer-based	Paper-based
<b>Locations</b>	13*	2
<b>Frequency</b>	Year round	Once per year
<b>Registration</b>	PSI	Interpreter Program staff
<b>Proctoring</b>	PSI	Interpreter Program staff with contracted proctor
<b>Rating</b>	PSI	Third-party rating company
<b>Fee Processing</b>	PSI	AOC staff (Interpreter Program, Fiscal and Web Services)

*\*Some testing centers may be temporarily unavailable do to restrictions from COVID-19.*

### What is the Cost?

- The Legislature approved funding to move the written exam to an online format as part of a funding package in 2019. This funding will pay for the annual fee for the software platform and cover the revenue that was generated from the test fees under paper-based administration.
- The test fee for the test candidate will change from \$75 to \$105, but will allow more flexibility and decrease the travel costs for many candidates.

### Who is the Vendor?

AOC will contract with PSI Services. PSI hosts the testing platform and contracts with testing centers. This vendor was chosen after consulting other states who have moved to a computer-based administration.

### What is the Timeline for 2020?

June	September/October	November or December
Contract finalized	Platform Testing	Written Exam Available for Test Candidates

