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| final_logo_pc [Converted] | **Interpreter Commission Meeting**  **Friday, February 4th, 2022**  **9:00 AM – 12:00 PM**  **Zoom Videoconference** |
| **MEETING MINUTES** | |

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| **Members:**  Katrin Johnson, Interim Chair  Francis Adewale  Florence Adeyemi  Ashley Callan  Kristi Cruz  Jeanne Englert  Luisa Gracia  Diana Noman  Judge Lloyd Oaks  Frankie Peters  Naoko Inoue Shatz  Donna Walker  Justice G. Helen Whitener  **Liaisons:**  Judge Joshua Sundt, OAH  Berle Ross, ODHH  **AOC Staff:**  Kelley Amburgey-Richardson  Michelle Bellmer  Cynthia Delostrinos  Moriah Freed  Dr. Lisette Garcia  Bob Lichtenberg  Nico Salas  James Wells | **Guests:**  Adrián Arias  Kathy Chang  Helen Eby  Amine Fajri  Chela Fisk  Emma Garkavi  Chief Justice Steven González  Fred Harriman  Natsuya Izuka Shiki  Jovi Lee  Nancy Leveson  Andrea Levin  Yolanda Lopez  Maria Lucas  Mary  Jonas Nicotra  Cindy Nosko  Rebecca Ortega  Raul  Andrea Reeff  Patsy Robinson  Thei  Tonya  Elianita Zamora |

**CALL TO ORDER**

The meeting was called to order at 9:00 AM.

**Welcome and Introductions**

* Katrin Johnson introduced herself as Interim Chair of the Interpreter Commission. Commission members and liaisons introduced themselves.

**Approval of December 4, 2021 Meeting Minutes**

* Approval of the minutes was postponed and will be finalized via email pending corrections.

**ACTION:** Approval of the minutes was postponed until Kristi Cruz sends an edit for approval via email. The edit will address a discussion point raised in the Ethics Manual presentation and discussion.

**CHAIR’S REPORT**

**Resignation of Judge Mafe Rajul as Interpreter Commission Chair**

* Chief Justice González addressed the Commission about the resignation of Judge Rajul as Interpreter Commission Chair. This leaves both the Chair and Supreme Court Judges’ Association (SCJA) position vacant. At least one Superior Court Judge has expressed interest in the position.
* The Chief Justice expressed interest in hearing what the Commission is seeking in appointment of a new Chair. He can be contacted via email or through Bob Lichtenberg.
  + Concerns were raised by Commission members about having a newly appointed SCJA representative also serve as Chair. They expressed desire to have someone familiar with the Commission’s work as chair, such as Justice Whitener.
  + Justice Whitener stated that while she appreciates the support, she does not have the capacity to serve as Chair, and supports the appointment of a bilingual Superior Court Judge. She also recognized that there are experienced members on the Commission who could serve as Co-Chair if that position is added.
  + Commission members expressed agreement with Justice Whitener, and emphasized the importance of the new Chair possessing knowledge on language access issues, even if they do not have experience with the Interpreter Commission specifically.
  + After Chief Justice González stepped down as Commission Chair, it was decided that the Commission did not need a Supreme Court Justice as the Chair, and that trial judges have more routine experience working with interpreters.
* The Chief Justice is hoping to hear about a final nomination from SCJA by next week.
* The Chief Justice attended a meeting earlier today where trial judges expressed a strong desire to have interpreters present in court if possible. On their behalf, the Chief Justice is conveying their desire for the Commission to explore this issue.

**Membership Procedures Changes**

At a past meeting, the Commission voted on amended GR 11.1 to expand the scope and add members to the Commission. [The rule has been posted for public comment.](https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedDetails&proposedId=2174) In September 2022, 5 current members will be outgoing. If GR 11.1 passes, that adds 5 new members, meaning there will be 10 new members total joining the Commission. What type of onboarding process should the Commission consider, and should there be some type of staggering in of members so that all of the terms do not end at once?

* GR 11.3 (remote interpreting) has also been published for comment. The comment period closes in February, 2022. The comment period for GR 11.1 will close at the end of April 2022 and likely be published late Summer 2022.
* The Commission will need to form a nominations Committee or leadership committee to review applicants and help ensure a smooth transition.
* Commission members suggested an early on-boarding process to ease transition, such as sitting in on meetings for identified candidates. The outgoing members come from different groups, and these organizations can be contacted early to nominate a replacement.
  + Commission member mentors to help new members navigate onboarding. This could either be done early, or current members could attend a meeting after their term formally ends.
  + All members are vetted by the Supreme Court before formal appointment. This means if individuals are on-boarded early, it will need to be confirmed prior that they will both be approved by the Court and their nominating organization, and agree to serve for the full Commission term.
    - Outgoing members can email their organization and copy Bob Lichtenberg.
* Emphasis was put on new members understanding the interpreter profession and receiving training to understand the process.
* A 2023 start was proposed for the 5 new positions added under GR 11.1.
* It was suggested to recruit users of interpreter services for the Commission and conduct outreach from a leadership committee to find good candidates.
* Commission members asked staff to share a timeline with dates on when to send recruitment announcements, application deadlines, etc.
* Katrin Johnson, interim Commission Chair, proposed the following next steps:
  + Representatives with expiring terms should contact their organizations to assist with recruiting. For those who do not represent organizations, work with AOC staff to determine who to contact for recruitment, and ensure recruitment notices reach interested applicants, such as interpreters.
    - Issues Committee will clarify which positions require direct nomination from an organization.
  + Education/mentoring new members – will be assigned to the Education Committee.
  + Procedural elements such as timeline and terms will be looked at by the Issues Committee. Bring proposal to June meeting. They will also look at the current Commission meeting schedule and possibly meeting more frequently.
* There was concern expressed by staff if staggering the terms will require an amendment to the rule, or if this could be addressed by the appointment letters issued by the Supreme Court. This will be referred to the Issues Committee.
* If non-members are interested in the Commissions work, they can contact Bob Lichtenberg or a Committee chair to join a Committee.

**Legislative Session Updates**

* Commission staff circulated a document of legislative changes that could possibly impact the Commission.
* HB 5255 will not be moving forward this session. As there are no current legislative action items for the Commission, it is not necessary for the Commission to meet in March.
* If Commission members become aware of language access bills that affect the court, please alert staff.
* Katrin Johnson reminded members of the two RCW 2.42 and 2.43 workgroups that were recently formed at the last meeting and to contact Donna Walker or Luisa Gracia to join.

**Letter from DMCMA re: Uniform LAP Suggestion**

* The letter is included on page 19 of the meeting packet.
* Under statute, each court in the state is required to have a written language access plan (LAP). This is also a requirement for courts to be eligible for interpreter reimbursement funding. There is currently a template provided that courts can modify to suit their individual court’s needs.
* DMCMA has submitted a request for a statewide LAP instead of individualized plans by court. The AOC and the Commission has not yet responded to the letter.
* The Commission could consider having both a statewide option and an option for courts to create individualized plans. There is concern that this could create additional work for AOC staff members and Commissioners.
* Commission members expressed the importance of the courts understanding and being involved in the document they are signing, as opposed to just agreeing to a set of rules.
* It was suggested to refer this issue to the Issues Committee and invite in additional stakeholders from DMCMA and AWSCA to facilitate discussion before a decision is made.
  + There is a pending deadline of May 1, 2022 for the completed LAPs to be submitted to AOC. The deadline complicates the timeline of facilitating discussion.
* There could be tension between a statewide LAP and Washington’s non-unified court system. It could conflict with the individual jurisdictions of judges.
* Staff pointed out that there is no enforcement of all courts needing a LAP, regardless of participation in the reimbursement program. AOC does not currently track or enforce this requirement.

**VOTE:** The Commission voted to approve referring the DMCMA letter and related statewide LAP discussion to the Issues Committee for guidance.

**Commission Budget and Legislation Planning**

* AOC will open the biennium budget proposal period soon. There has been discussion of additional funding needs for the Commission and associated programs. It is anticipated a budget proposal will be submitted, and they are open to feedback from Commissions. The increase would not start until July 2023 if funding is approved.
* The state fiscal year runs July 1 – June 30.
* The current Commission budget is around $20,000 per year. This covers contracts with experts to develop resources, speakers for trainings, and travel when appropriate. The Interpreter Program and Reimbursement Program have separate budgets.
  + Commission members expressed interest in hybrid meetings and the value of gathering in-person.
* There likely will be increased funding needs for translation of additional court forms, like plea forms with amended court rules.
* In the past, there was a full time staff member at AOC who assisted courts with LAPs. The budget for this position was cut during the last recession.

**ACTION:** Kelley Amburgey-Richardson will circulate in writing details about the funding and budget amounts of other Commissions. Committees should let AOC staff know about any upcoming anticipated work that might require long term funding.

**COMMITTEE AND PARTNER REPORTS**

**Issues Committee –** Judge Lloyd Oaks

* Judge Oaks summarized the new DMCMA letter response and facilitated discussion that was assigned to the Issues Committee during today’s meeting.
  + Staff noted that if the LAP submission deadline is extended that the contracts might need to be amended as well. This additionally will impact the contractor hired to review LAPs.
  + Commission members expressed concern over the potential change in position on individual LAPs and a deadline change. There has been considerable work done to develop review tools, and the deadlines have been approved for months.
    - It was clarified that the deadlines will remain the same and the LAP approval tool will be utilized. The only change is that the Issues Committee will facilitate a discussion with the DMCMA. If any changes are proposed resulting from the discussion, they would not take effect this LAP cycle.
  + Court staff in attendance remarked that due to limited resources LAPs have not been submitted, but not with the intention of non-compliance.
  + Cynthia Delostrinos shared that the interpreter reimbursement tool has gone live online and additional courts have been on-boarded to the program. She suggested a grace period for courts who have not submitted a LAP due to the extenuating circumstances.
  + Commission members emphasized not wanting to change deadlines, but that feedback is important in the courts’ ability to submit LAPs.
* Judge Oaks reviewed the Committee’s ongoing projects:
  + Review of CEU credits.
  + LAP Approval Criteria Workgroup and finalized criteria template.
* Judge Oaks requested a color-coded spreadsheet of the Commission membership that indicates voting members, outgoing members, guests, liaisons, etc., in order to recommend a process for handling membership vacancies.

**ACTION:** Katrin Johnson will draft a response letter to the DMCMA. The letter will invite them to continue the discussion about a proposed statewide LAP, and inform them that the deadlines for this LAP cycle have not changed.

**Education Committee –** Luisa Gracia

* Judicial College 2022 – Judge Rajul, Claudia A’Zar, and Judge Riquelme presented.
  + Remote interpreting was emphasized during the presentation, such as GR 11.3 and GR 11.4.
  + This year, Judge Rajul was the only Commission member present. It was recommended that the Education Committee chair attend in the future.
* The Education Committee submitted two proposals for the 2022 Fall Judicial Conference. One is about remote interpreting. The other proposal covers recent court rule changes related to interpreter ethics and practices.
  + Justice Whitener shared that both Interpreter Commission proposals have been approved to move forward for consideration at Fall Conference.
* The matter of working with ASL interpreters was not fully covered during Judicial College. There was intention to provide an additional session to cover this topic but this needs additional work by the Education Committee.
* There was not opportunity for Judge Rajul to have a shadow while presenting at Judicial College. The discussion about number of presenters for panels and identifying judges for future panels will be discussed by the Education Committee.
  + It was suggested in the future to have one Judge and one interpreter to present on the panel.

**Disciplinary Committee** – Justice Whitener

* There are about 15 certification matters that will be reviewed by the Disciplinary Committee.
* Disciplinary Manual – The revision workgroup, led by Florence Adeyemi, has been meeting diligently to revise the manual. Justice Whitener has received a first draft for review. She recognized the importance of having interpreters provide input on the process.
  + Florence Adeyemi shared that the group will continue meeting to fine tune some sections, such as reviewing CEU compliance and actions that will be eligible for revocation.
  + The hope is to have a final draft of the revised Disciplinary Manual for review by the June Commission meeting.

**Office of Administrative Hearings (OAH) Report –** Judge Bradley

* In reviewing the previous minutes, OAH is still discussing how to provide case documents to interpreters. Judge Bradley is proposing new contract language to their contractor that will stipulate that documents cannot be downloaded or added to external storage devices, and that downloads will be purged every 24 hours. The contract will be renewed in March 2022.

**AOC STAFF REPORT**

**Interpreter Program Report –** James Wells

* There is a request to allow more time for interpreters registered in Portuguese and Tagalog to take the certified language exam. During COVID, there have been a few extensions for these interpreters to pass the certified exam, but the pandemic has limited the ability to conduct the exams, which need to be done

in-person. The Interpreter Program is requesting an extension of one more year for these interpreters to take and pass the certified exam until February 2023.

* + If the registered Tagalog and Portuguese interpreters fail to take and pass the certified exam, these interpreters will “fall off” the list of credentialed court interpreters in Washington.
* The next ethics and protocol class will be held in March 2022. James Wells has extended an invitation to Commission members and other interested parties to become more familiar with interpreter’s work and expectations by attending the class. He will send the invite to the Commission listserv.
* A refresher on registered versus certified interpreter credentials will be added to the agenda at the next Commission meeting.
  + The RCW 2.43 can further refine this language to assist with clarification.

**VOTE:** The Commission unanimously approved to extend the testing deadline until February 2023 for registered Tagalog and Portuguese interpreters to pass the certified exam.

**Language Access Interpreter Reimbursement Program –** Michelle Bellmer

* The application is moving forward with building and development. AOC did not have resources in the past to update technology. As of January 2022, a beta version of the technology is live for users to test and provide feedback. This allows the program staff to incorporate changes and feedback.
* 2700 data entries have been collected in the first 10 days the application has been live. This acknowledges that users are entering information and moving forward with use. While not perfect, the application is a big step forward.
* The next step is to invite additional courts to use the application in addition to the pilot courts. By the next Commission, they are hoping to phase out of beta and move into version 1.

**Announcements** – Bob Lichtenberg

* A webinar announcement will be sent via email about a language access conference. The Commission is able to reimburse attendees for the registration cost.

**The meeting was adjourned at 11:57 AM**