

February 28, 2022

Justices of the Washington Supreme Court
P.O. Box 40929
Olympia, Washington 98504-0929
VIA E-MAIL: supreme@courts.wa.gov

RE: Comment Opposing Proposed Changes to General Rule (GR) 11.3

Dear Justices:

We, the undersigned organizations, oppose the Interpreter Commission's proposed change to GR 11.3(a), which would allow interpreters to appear remotely at many hearings.

In person interpretation is imperative any time a person who has limited English proficiency (LEP) or a deaf person is accused of a crime and physically present in court, assuming the person or their lawyer has notified the court in advance. An interpreter should also be physically present when a person who has LEP or a deaf person appears from jail.

In person interpretation is effective and efficient. Attorney-client communication during criminal hearings often involves quick exchanges of information, including explanations about events as they happen. Remote interpretation would make that impossible. Further, nuances in meaning can be legally significant. In person interpretation can be necessary to convey subtleties about words and concepts.

Limiting access to in-person interpretation would disproportionately harm Black people, Indigenous people and People of Color (BIPOC) and immigrant communities. People who have LEP are often BIPOC, and many are foreign-born.¹ Some foreign-born people face criminal accusations without understanding how legal proceedings work in the United States generally and in Washington specifically. Remote interpretation would add another layer of confusion to hearings that can be disorienting, stressful and frightening. Many Washington residents who have LEP are not United States citizens. That they can face serious

¹ Nearly 15% of Washington residents (1 in 7) are foreign-born.

immigration consequences if convicted adds to the importance that they have effective interpretation.

Unfortunately, the Washington Defender Association (WDA) continues to hear from public defenders about difficulties securing interpreters for their clients who have LEP. Sometimes defenders and their clients only have access to an interpreter when in court. This practice violates a client's constitutional and rule-based rights, and WDA encourages defenders to challenge it. However, defenders and clients who have LEP are sometimes limited to consulting in court before and after hearings because that is when an interpreter is available. Allowing interpreters to appear remotely would make even that communication impossible.

Please reject the proposed changes to GR 11.3(a).

Sincerely,

Washington Defender Association

Columbia Legal Services

OneAmerica

Washington Immigrant Solidarity Network

Northwest Justice Project

American Civil Liberties Union of Washington

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: comment against proposed changes to GR 11.3
Date: Tuesday, March 1, 2022 8:13:25 AM
Attachments: [02.28.22_group comment opposing change to GR 11.3.pdf](#)

From: Magda Baker [mailto:Magda@defensenet.org]
Sent: Monday, February 28, 2022 7:11 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: comment against proposed changes to GR 11.3

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Hello,

I submit the attached comment opposing proposed changes to GR 11.3 on behalf of the following organizations:

Washington Defender Association
Columbia Legal Services
OneAmerica
Washington Immigrant Solidarity Network
Northwest Justice Project
American Civil Liberties Union of Washington

Thank you for your time and attention.

Magda Baker
She/her
Washington Defender Association
Cell: 206-226-9512
magda@defensenet.org