

COURT INTERPRETER COMMISSION
FRIDAY, APRIL 10, 2009
PIERCE COLLEGE - STEILACOOM

Members Present: Justice Susan Owens, Leticia Camacho, Emma Garkavi, Judge Judith Hightower, Frank Maiocco, Dirk Marler, Judge James Riehl, Virginia Rockwood, and Theresa Smith

Members by Phone: Judge Gregory Sypolt and Steve Muzik

Members Absent: Mike McElroy

Guest: Jeff Hall

AOC Staff: Katrin Johnson, Karina Pugachenok and Tina Williamson

I. GENERAL BUSINESS

The Commission met with students and faculty in the Pierce College (Fort Steilacoom) Interpreting/Translation Program and promoted the courts' needs for additional certified and registered interpreters. The students remained throughout the meeting and questioned Commission members regarding various perspectives and issues discussed.

Members reviewed and approved the minutes of the February 2009 meeting. AOC staff will post the minutes on the AOC's website.

Language Assistance Plans

Funding for Karina Pugachenok's position at the AOC ends on June 30, 2009, so she provided a final status report regarding Language Assistance Plans. In sum, there are presently 135 trial courts and 10 county clerk's offices (31 counties) that are covered by language assistance plans. Approximately 59 trial courts benefited from LAP funding that was approved during this biennium. At this point, it is unknown whether additional funding for LAP projects or interpreter reimbursement will be available in the next biennium, but AOC leadership continues to strive for it.

Approved plans are not posted on the AOC website, though many courts have posted plans on their own sites. However, the AOC will make plans available upon request, or requests can go directly to the courts

RCW Interpreter Status

Several questions have been raised under RCW 2.43.040 regarding who bears the legal responsibility of paying for interpreters. The debate posits subsections (2) and (4) against each other, and in at least one court, interpreter costs are routinely imposed, under sub. 4, as a "taxable cost of any proceeding in which costs ordinarily are taxed." This includes interpreters in criminal cases, notwithstanding the language in sub. 2. The Commission discussed whether this statutory language requires clarification or correction. Judge Sypolt, suggested bringing the issue to the Superior Court Judges Association, and will report at the next Commission meeting.

II. COMMITTEE REPORTS

Issues Committee

1. The Issues Committee recently reviewed a policy that allows interpreter candidates to re-take the oral interpreting exam in the spring after failing in the fall. Under policy, this is limited by invitation only and where the candidate achieved a passing score of 70 percent or better in 2 of the 3 components, and a score of 65-70 in the third component. Staff explained that because of time limitations for repeated testing set by the Consortium for State Court Interpreter Certification and lack of exam raters (graders) for languages other than Spanish, this policy is not easily implemented for non-Spanish testers. However, because the policy language allows for flexibility and discretion by AOC staff, the Commission decided to leave the language as is.
2. The Issues Committee began a discussion about transitioning languages from the registered category to the certified category. The Consortium currently has oral certification exams available in seventeen languages, with five more in development. Yet Washington only offers certification in nine languages. At an earlier Commission meeting, it was decided that the court interpreter program should move towards applying the certification process for all languages for which Consortium oral certification exams exist, beginning first with Arabic, Somali and Mandarin. However, some of the languages in which oral certification exams are available, are currently categorized in Washington as registered – e.g. French and Portuguese.

The Issues Committee will continue exploring whether such transitions should occur, when, and how. Likewise, the committee will discuss what should happen when an interpreter certified in these languages from other Consortium states move to Washington and seek certification via reciprocity standards.

Disciplinary Committee

The Disciplinary Committee recently met via conference call and reviewed the continuing education policy, more specifically, the impact of the two-year reporting cycle on AOC staff. Currently, staff spends an absorbent amount of time each compliance period documenting continuing education credits/court hours and pursuing delinquent interpreters. To help reduce the amount of staff time spent each reporting period, members presented the following alternatives: 1) staggered reporting cycles, 2) firm deadlines/no grace period, 3) penalty (\$\$) for not reporting or late reporting, and 4) 3-year reporting cycles. After much discussion, the Commission could not reach a resolution and the committee was asked to explore what it would look like to extend the reporting cycle to every three years.

Judicial and Court Manager Education Committee

The Education Committee is planning to offer two educational sessions designed for interpreter coordinators, managers, court administrators, and any other court staff directly involved in procuring or scheduling court interpreters. The sessions are intended to provide information that will help court staff understand the proper role of

interpreters, the required skills and abilities necessary for appropriate interpretation, the ethical limitations faced by interpreters, and the optimal use of ASL interpreters. The sessions will end with panel discussions regarding best practices, effective telephonic interpreting, local policy development and other “hands-on” suggestions for managing services for peoples of limited English proficiency. The first of two programs is scheduled for September 18, 2009 at the AOC SeaTac facility. A second program for the Eastern region of the state will also be in the fall, potentially around the October WASCLA conference in Spokane. Suggestions regarding presentation topics are still welcome.

III. KING COUNTY IMMIGRATION ARREST POLICY

At the previous Commission meeting, members discussed a letter that was sent to Katrin by the U.S. Customs and Border Protection Division regarding a complaint against one of the court’s interpreters. In summary, after completing an interpretation assignment, the interpreter proceeded into the hallway where Border agents were attempting to interrogate an individual of limited English proficiency. The Border agent expressed concerns regarding the interpreter’s intervention because he appeared to be acting both as an interpreter for the individual and an advocate. The incident was eventually resolved by the local presiding Judge.

At the time, the letter generated a discussion among members regarding the propriety of Border patrol agents arresting peoples of limited English proficiency in the proximity of open court hearings. Concerns were raised regarding the “chilling effect” this type of conduct would have on immigrants’ open access to justice. The Commission reviewed a written policy that was implemented by the King County Superior Court in April 2008 to address similar occurrences. The Commission appreciated the sensitivity of King County’s written policy and took comfort in hearing that it had effectively ended these arrest practices.

IV. AOC INTERPRETER PROGRAM

Newly Certified/Registered Interpreters

In February 2009, eight additional interpreters became certified (five Spanish, one Vietnamese, one Cantonese, and one Mandarin) and two became registered (one Italian and one Romanian). The program has not certified new Vietnamese or Cantonese interpreters in several years, and this is the state’s first certified Mandarin interpreter. Additionally, two of the Spanish certified interpreters are from the eastern side of the state – one in Chelan County, the other in the Tri-Cities. These results have been a positive step in helping to assure certified interpreters are available in more locations and in more languages.

Written Exam

Katrin summarized the results of the 2009 written exams. There were 241 candidates registered, but only 227 took it. The exam was offered in Bellevue and Yakima. Successful candidates included prospective interpreters in Spanish, Russian, Chinese, Korean, Vietnamese, Portuguese, French, Hindi, Punjabi, Swedish, Japanese, Romanian, Urdu, Tagalog and Turkish. Compared to previous years, the exam was

administered three months earlier, allowing more time for passing candidates to study and prepare for the oral exam.

Upcoming Interpreter Training Events

A one-day mandatory interpreter orientation has been scheduled for May 2 in Bellevue and May 9 in Yakima for all interpreters who have passed the written exam in 2009.

Individual or Group Study

The Commission recently expanded the scope of continuing education to allow, on a pre-approved basis, credit for individual or group study projects. Successful completion of such projects may result in credit of up to 6 hours of continuing education credits. Two interpreters have already submitted requests for approval.

Sign Language Case in Benton County

The Commission reviewed a recent, challenging incident in the Benton County Superior Court in which the court needed a sign language interpreter for a defendant who did not communicate using "home sign" and who had recently immigrated from Mexico. The Court arranged to fly in an interpreter for Los Angeles who specializes in communicating with Mexican immigrants who are deaf. In part because of information obtained via this interpreter, the felony charges were dismissed and the defendant was released from custody. The Commission appreciated both the extreme efforts and the ingenuity employed by Pat Austin and her staff in finding someone who could effectively and successfully communicate with the defendant.

Presentation of Award

Justice Owens presented Jeff Hall with an award of appreciation for his work with the Interpreter Commission over the last several years.

NEXT MEETING:

Friday, July 31, 2009
AOC SeaTac Office