

# **Court Interpreter Commission Meeting Minutes**

**Friday, February 12, 2010  
Coast Gateway Hotel**

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**Present:** Justice Susan Owens (Chair), Leticia Camacho, Emma Garkavi (phone)  
Judge Judith Hightower, Frank Maiocco, Jr., Dirk Marler, Mike McElroy, Steve Muzik,  
Judge James Riehl, Theresa Smith

**Absent:** Judge Greg Sypolt

**AOC Staff:** Katrin Johnson, Tina Williamson

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## **I. General Business**

**Minutes:** After one amendment to the minutes of the November 6, 2009 Commission meeting, the minutes were unanimously approved. They will be posted on the Interpreter Commission page of the AOC website.

## **II. Discipline Committee Report**

### **A. Interpreter Misconduct Report – Victor Guzman**

The Discipline Committee met via telephone to consider a complaint filed against Victor Guzman, Certified Spanish Court Interpreter and staff interpreter at Grant County Superior Court. Mr. Guzman had been accused of taking and retaining money from a court customer who thought she was paying an outstanding court fine by giving him the money.

The Committee reviewed police reports and evidence provided by Grant County. Mr. Guzman was given the opportunity to respond, but only asked for an extension of the Disciplinary decision until the pending criminal matter is resolved. Committee members were very concerned about the nature of the allegations and agreed that it was important to expedite the process within program policy guidelines due to potential harm to future victims.

On January 21, 2010, a letter was sent to Mr. Guzman outlining the Committees findings, conclusions, and disciplinary action. The Committee determined that Mr. Guzman's court certification should be revoked immediately. In addition, Mr. Guzman is ineligible to apply for certification from the Administrative Office of the Courts by retaking the written and oral exams. Mr. Guzman is entitled to appeal the decision of the Disciplinary Committee no later than 40 calendar days after the decision is mailed.

Mr. Guzman's misconduct highlighted some areas within the current policy that need addressing:

- The duty of interpreters to report ethical violations, including their own;
- The duty of the courts to report interpreter misconduct to the AOC;
- Proper handling of misconduct allegations when the complaint is initiated by AOC staff, who serve as the complainant and staff to the Disciplinary Committee;
- The possibility of imposing immediate sanctions when the alleged conduct creates a clear risk to the public; and
- Identifying the proper process regarding confidentiality of documents acquired in the investigation of a complaint.

Currently, the AOC is looking to achieve greater consistency with the disciplinary policies and procedures of the Interpreter and Professional Guardian Programs. The AOC will closely examine the WSBA's process for attorneys.

It was suggested that interpreter misconduct should be posted on the AOC website and readily available to the public, similar to what is currently done for attorneys. Staff will examine some options and present them at the next Commission meeting.

## **B. Biannual Reporting of Continuing Education and Court Hours**

A two-year reporting period ended on December 31, 2009. Certified court interpreters were required to report 16 hours of continuing education (two from an ethics course) and 20 hours of court interpreting, and registered court interpreters were required to report 10 hours of continuing education.

In January, complaint letters were mailed to the interpreters still out of compliance, with a deadline of February 5 to submit their completed information. Interpreters had 30 days to come into compliance, or to respond in writing to the Committee. The Committee met shortly after the deadline. To date, 15 certified and 7 registered interpreters are still out of compliance. The Disciplinary Committee will meet later this month to review the cases of interpreters who are still out of compliance.

Katrin received an informal, verbal request of a certified court interpreter that the Commission address the possibility of developing a "senior status" for elderly interpreters, which would waive their continuing education requirement. Members were not supportive of this idea and decided to table it until a "formal" request is received from the interpreter.

### **III. Issues Committee Report**

#### **A. Request for Oral Exam Rescore**

A request has been made for a rescore of an oral exam. The current policy allows anyone to request a rescore if they've passed two of the three sections. Is this policy too liberal? The Issues Committee recently met by telephone to review and discuss the current policy, and their two main concerns were the time and money involved in a rescore. The committee asked staff to look at what other states are doing and bring to the next committee meeting.

### **IV. Judicial Education Committee**

#### **A. Judicial Training Proposals for 2010**

**DMCJA/DMCMA Spring Conference:** The Court Interpreter Program is on the agenda at this year's DMCJA/DMCMA Spring Conference. It is one of seven choice sessions and will showcase best practices and cost saving measures regarding court interpreters. Examples include highlighting the Snohomish County's web-based interpreter "scheduler" and the joint payment policy of the municipal courts in King County.

### **V. Sign Language Interpreting Standards Update**

Katrin provided a final report of the workgroup. Dirk, Katrin and Shirley Bondon (AOC) met with staff from the Office for the Deaf and Hard of Hearing (ODHH) to work on staffing and moving forward with the next steps, Katrin will continue to work with Emily from ODHH on this effort.

### **VI. Legal Issues**

#### **A. Bremerton Request – Licensing Fee in Bremerton**

The City of Bremerton sent a letter to all interpreters stating that the City of Bremerton Municipal Code requires every person engaging in business within the city limits maintain a City business license and pay tax on their gross revenue. This new fee will have a huge impact on interpreters and the Bremerton court financially.

The City of Port Orchard is also considering imposing this requirement on interpreters at Municipal Court. The court administrator emailed Katrin with her concerns, and requested assistance from the Commission because of the potential detrimental effects.

Katrin polled other courts to see if this is happening elsewhere, which does not appear to be the case at this time. However, if implemented, courts may have difficulty in getting interpreters, and it may negatively influence the courts' decision on whether to appoint an interpreter.

Members agreed this needs to be referred to the Board for Judicial Administration (BJA) as soon as possible. The BJA meets next week and Justice Owens, a BJA member, will try to get it on their agenda. Katrin will respond to Port Orchard Municipal court and let them know it is being referred to the BJA.

## **B. Interpreter Oath - Permanently Swearing-in Interpreters**

House Bill 2518, which authorizes the AOC to maintain biannually signed oaths of certified and registered interpreters, passed the House unanimously and has now been referred to the Senate.

There was preliminary discussion about implementation of the statute if it is signed into law.

## **C. Medical Interpreters**

The legislature is currently considering Senate Bill 6726, which includes three primary items: (1) permission for DSHS-paid freelance interpreters to unionize; (2) elimination of the broker scheduling system; and (3) the establishment of a stakeholders workgroup to propose changes on DSHS paid interpreter services.

## **VII. Court Interpreter Program Update**

### **A. Judicial Trainings**

2010 Judicial College – 15 new judges attended the presentation on court interpreting by Katrin and Kenny Barger of WITS.

### **B. Report to Legislature on Court Mandated Programs**

Recently, Katrin assembled and presented a report to the Legislature on interpreter expenses in court mandated programs and services.

### **C. Interpreter Examinations and Training Update**

#### **Court Interpreter Protocol and Ethics**

This class was held on February 5, 2010 at Seattle Municipal Court and attended by 13 newly certified and registered interpreters. In addition, many non-credentialed interpreters, currently working in the courts, attended. A thank you to Emma who was instrumental in helping put this together, and Judge Hightower who administered the interpreter oath.

#### **2009 Oral Exam Summary**

Katrin provided a summary of the 2009 oral exam, and a comparison of that to the previous year (2008). Overall, the results of the 2009 exam were higher than that of 2008. This outcome is believed to be a direct result of the AOC sponsored language-specific training, which focused on helping candidates prepare for the exam.

## **VIII. Other Business**

### **A. Commission and Boards Assessment**

Chief Justice Madsen would like a review of all boards and commissions that address access to justice issues. A new committee is being assembled to head this effort and she has requested one member from the Interpreter Commission serve on this committee. The committee will meet 3-4 times starting in March and finishing in June. Justice Owens would like an interpreter to represent this effort and nominated Steve or Emma. Emma said she would be honored and agreed to represent the Commission.

### **B. Public Member Vacancy**

Mike contacted Greg Hook and he is interested in filling the public member vacancy.