

THE LINK, NEWSLETTER OF THE KENTUCKY TRANSLATORS AND INTERPRETERS ASSOCIATIONⁱ

Explanation of Court Interpreter Certification by Isabel Frammer

As the non-English-speaking population increases nation-wide, the number of non-English-speaking defendants, victims, and litigants in the criminal justice system also grows. Our regional courts are experiencing this increase. Problems can arise from the use of non-certified, non-qualified interpreters in our legal system. As the National Association of Judiciary Interpreters and Translators (NAJIT) handbook for the legal profession notes, “to have an incompetent interpreter is tantamount to having no interpreter at all.” Ostensibly, court interpreters are questioned about their credentials, familiarity with legal/courtroom protocol, vocabulary/terminology, procedures and their relationship to involved parties. But often, the difference between speaking a foreign language and the ability to interpret is overlooked. In legal settings, particularly courtrooms, where interpreters can be the only conduits for communication, it is imperative that interpreters have been appropriately trained and have recognized credentials.

Creating individual test instruments is an expensive and difficult task, undertaken by the Consortium for State Court Interpreter Certification. For an organization with no prior experience developing interpreting tests, costs can easily exceed \$100,000 to launch a written or oral examination program. After technical experience in test development is gained and with established relationships with subject matter experts, costs are likely to range from \$15,000-\$30,000 to develop a single test in a new language, depending upon characteristics of the language. Certification tests must undergo psychometric evaluation and test item analyses to ensure validity and reliability. Tests are prepared by professionals in the fields of language and test reliability, as well as by evaluators and professional, certified court interpreters. It is important for testing entities to maintain and publish statistics on the validity and reliability of their tests. Such analysis will protect the courts from legal challenges and helps strengthen subsequent test forms.

The history of court interpretation testing shows the difficulties faced by states that have tried to develop their own test. California is a great example -- the first state to develop a court certification exam, it spent thousands and thousands of dollars to create a test. At first, the test's validity was challenged. After finally developing a valid test, they had to continuously rework it and create new tests for security reasons. Although today California has tests for many languages, California decided to join the Consortium in 2000. Studies will be conducted to ascertain whether California's examinations are functionally equivalent to the Consortium examinations. If the examinations are found to be equivalent, the advantages will be great for all Consortium-member states.

Due to these facts, Tennessee and Kentucky have joined the Consortium for State Court Interpreter Certification. The test certification process has already begun in Tennessee and they have adopted court rules regarding interpreters. A little over a year ago, these

states began a rigorous training program for interpreters and are now starting their first round of testing. Kentucky's Supreme Court, like Ohio, is currently reviewing rules and ethics for their state. Ohio is currently reviewing the recommendations of standards, training, and certification of judiciary interpreters prepared by the Interpreter Services Subcommittee of the Ohio Supreme Court's Racial Fairness Implementation Task Force, on which I had the privilege to serve. I hope to see Ohio join the Consortium so that we can begin working with our neighboring states and tap into the wealth of information available through the Consortium member states.

CERTIFICATION AND QUALIFICATIONS FOR PROVIDING LEGAL INTERPRETATION FOR THE DEAF AND HARD OF HEARING:

There are federal and state statutes and also law pertaining to the Americans with Disabilities Act (ADA) that govern the rules pertaining to the Deaf and Hard of Hearing.

The primary certifying body, the Registry of Interpreters for the Deaf, RID, has an established testing system. A few years ago, believing that the Consortium for State Court Interpreter Certification did not have the expertise to design an exam for interpreters for deaf people, RID requested that its legal exam be considered functionally equivalent to the Consortium's language exams and allowed to suffice for interpreters and transliterators of ASL without additional testing or credentialing. The Consortium agreed to review the RID exam.

In November of 2000, the Honorable Patricia Griffin, Chair of the Consortium wrote to RID; "After thorough assessment, we have concluded that the SC:L certification sponsored by the RID is a functional equivalent to the certification exams developed and administered by the Consortium. The most practical impact of this decision is that member states that wish to recognize the SC.L within their own certification programs can do so with a degree of confidence".

In addition, the Consortium stated that they are aware of the tremendous cost and time involved in producing a performance based exam for ASL/English interpreters and transliterators and may not wish to assume such a financial burden in light of an existing exam that they call "very fine" an exam created by "a remarkable team of professionals who should take great pride in this exam".

The various certification acronyms for ASL interpreters mark the different levels of certification for the Sign Language Interpreters. Although there is a dearth of interpreters in rural areas holding any certification and especially the SC:L, it is nonetheless strongly recommended that the services of interpreters holding the SC:L be utilized first for any legal proceedings including police interrogations (in any situation where the party may be deprived of Due Process of Law, loss of liberty and/or life). If an RID certified interpreter holding the SC:L (Special Certificate Legal) is not readily available, (which often happens, especially in rural areas), it is highly recommended that interpreters holding the CLIP, which is (Conditional Legal Interpreting Permit), CI (Certificate of Interpretation),

CT (Certification of Transliteration) or CSC (Comprehensive Skills Certificate) be contacted next.

FEDERAL COURT CERTIFICATION

The federal court interpreter certification exam is rigorous (and offered only in Spanish at this time). Statute requires that Federal Court interpreters be certified. (See: 28 USC section 1827.) The federal statute also has a provision stating that, if no certified interpreter is reasonably available, the court can use an “otherwise qualified” interpreter. Qualified is defined by the statute and Federal Rule 604. The third category, applicable only for languages other than Spanish, is “language skilled”. (also defined in the federal statute).

The federal court exam has a written and an oral portion. Historically each part has been offered every other year. The written examination was offered in December 2001 and will be offered again in August, 2002 (registration closes June 29), but thereafter testing will return to the every-other-year cycle, with the next oral examination offered in August, 2003, followed by a written again in 2004. The written exam tests language vocabulary, reading comprehension, translation, court-related terms and usage in both languages. A candidate must pass the written test before being eligible for the oral portion of the test. The oral exam tests all three modes of interpreting (simultaneous, consecutive, and sight). Once one has passed both portions of the test, he or she receives a Federal Court Interpreting Certification number. This certification exam can only be accepted by, deemed a certification test, and administered by the Administrative Office of the United States Courts. The AOUSC maintains a list of certified and qualified interpreters. Their contractor will register potential test candidates and will send test information to the registered candidates.

STATE COURT CERTIFICATION

Aside from California’s reliable and valid test instrument, and the federal court interpreter certification exam, the Consortium for State Court Interpreter Certification test is so far the only test that is considered an accepted credential for interpreting in many state courts. Currently there are 28 member states in the Consortium and most of them have implemented certification requirements, qualification requirements, rules and a canon of ethics for judiciary interpreters. Usually, persons who hold a federal court interpreting certification are exempted from a state court exam.

Some states in the Consortium offer a written examination. The written portion of the exam consists of general English language vocabulary, court related terms and usage, and ethics and professional conduct. Oregon, a member state, has added a translation section consisting of 10 short passages to be translated from English into the target language. Like the federal exam, some Consortium member states require that the written portion be passed before the candidate can take the oral portion of the state test. When both portions are passed, the interpreter will receive a state certification ID number. While not

as rigorous as the oral federal court exam, the State Court exam is not an easy test. For a state to implement certification, it must go through legislation or through the Supreme Court of the particular state. In other words, only the Administrative Office of a Supreme Court can implement, administer and decide who the certifying body will be.

The National Association of Judiciary Interpreters and Translators (NAJIT) have developed their own exam. Still in its early stages, the NAJIT exam has not been accepted as a credentialing by any Supreme Court. We hope to have states accept the NAJIT exam as a credentialing instrument, together with the federal and state certification exams.

CONTINUING EDUCATION

California has a continuing education requirement for their interpreters, which I believe should be mandatory component in all states. RID also has a continuing education requirement, as do many of the Consortium member states. Both RID and NAJIT provide an annual seminar, the location changing from year to year. The NAJIT seminars have been approved as continuing education for judiciary interpreters by those states which require such education.

Our neighboring states have also begun to provide training of court interpreters, which is another crucial element that should be mandatory. Interpreters do not have to attend every single workshop and training program that is offered, but your state will likely have some requirements such as an initial mandatory orientation or ethics training. It's good to know that there is training being made available locally and to be able to choose when you can go and which ones are the best ones.

The last workshop that I attended put on by Catholic Services in Louisville, was one of the best. Margaret Redd, federally certified court interpreter, assisted Holly Mikkelson, Associate Professor and Director of the Monterey Institute International Interpretation Resource Center and one of the top interpreters and instructors nationwide. CCEO, Community and Court Interpreters of the Ohio Valley put together a weekend ethics training and we were able to bring in Alee' Alger-Robbins, our other top instructor nationwide, and the Interpreter Supervisor for the Oregon Judicial Department, Office of the State Court Administrator. Participants were talking for days about how wonderful the seminar was. I also had the privilege to attend one of the many training seminars that Tennessee has been conducting for judiciary interpreters. The two excellent instructors for this seminar were Judith Kenigson Kristy, federally certified court interpreter, NAJIT board member and also working with the Tennessee court interpreting project, and Dr. Marvyn Bacigalupo, federally certified court interpreter. Anytime interpreters are able to attend this training it will certainly be worth their time and money. I hope this very long explanation on the various certifications has helped :).

Isabel Framer

For information on the Federal Court Interpreting Certification Examination in Spanish, please contact our contractor at 916-263-3494 to request the Examinee Handbook and

registration information , or visit the website at <<http://www.cps.ca.gov/fcice-spanish>>. Both the hardcopy materials and the website include sample written and oral tests, self assessment to test one's readiness to take the examination and much more.

For information about the Consortium for State Court Interpreter Certification, log onto the following Web site: http://www.ncsconline.org/D_Research/CourtInterp.html

For information about a state's testing program, contact the interpreter program manager in that state.

ⁱ This article was published in 2001