



National Center for State Courts

CREDENTIALING OPTIONS FOR ASL GENERALIST INTERPRETERS

Preliminary Findings

NOVEMBER 2024

Project Overview

PURPOSE

To conduct research and present findings on how the Judicial Council of California (JCC) and California courts can utilize ASL interpreters with generalist credentials, identifying case types or matters that may be appropriate for such persons to work in the California courts.



Project Overview

MAJOR STEPS

1. Conduct landscape review on national ASL certification/credentialing options
2. Present survey and focus group findings to Judicial Council staff
3. Develop preliminary report
4. Finalize preliminary report
5. Present findings to CIAP's Interpreter Language Access Subcommittee
6. Present findings to CIAP
7. Prepare final report

Survey and Focus Group Results

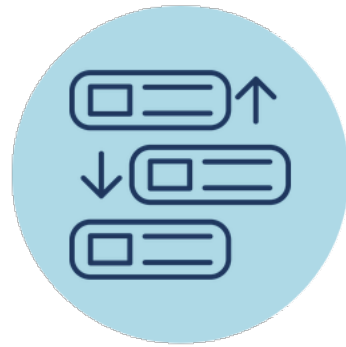


- Surveys conducted with state language access program managers and state agencies in charge of ASL rosters for state courts.
- 24 survey responses received



- Focus groups and interviews conducted with California Language Access Representatives (LARs) and court staff; legally certified ASL interpreters and Certified Deaf Interpreters (national and in California); state language access program managers; and national and California-based stakeholders.
- 21 participants across focus groups

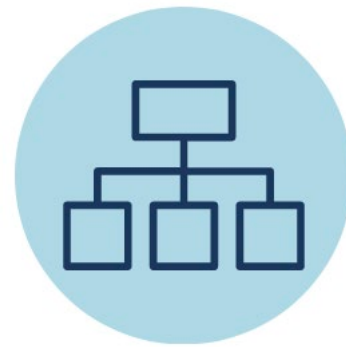
Survey and Landscape Review Findings



- Most states prioritize the use of ASL interpreters with legal certifications (SC:L, BEI CIC).



- When no interpreters with legal certifications are available, states may also have other formal or informal processes in place to use ASL interpreters with generalist credentials.



- Some states have tiers with various classifications.

Tiers of Designation – Examples

New Mexico

- Legal Specialist (RID SC:L, BEI CIC)
- Legally Qualified (RID generalist and pass SC:L Written Test or DHHS-approved written test)
- Legal Apprentice (RID generalist; no trials, no jury)

Arizona

- Legal A (RID SC:L, BEI CIC)
- Legal C (NAD/RID/BEI; must be teamed with Legal A)
- Legal D (NAD/RID/BEI; for settings that require a CDI; must be teamed with Legal A)

Hawa'i'i

- Tier 6: Certified Master (RID SC:L)
- Tier 5: Certified Advanced (Tier 4 + other requirements)
- Tier 4: Certified (NAD V, HQAS V, RID CI and CT, RID CDI, RID CSC, RID RSC)
- Tier 3: Approved (NAD IV, HQAS IV, RID CI or CT)
- Tier 2: Conditionally Approved (N/A)
- Tier 1: Registered (other requirements)

* In addition to credentials, there may be other requirements to qualify for each tier.

Survey and Landscape Review Findings



- Some states have additional requirements for ASL interpreters without legal credentials (e.g., identified hours of court work, training).
- Some states reported only using ASL generalist interpreters for specific assignments or in certain settings. Examples include:



- Clerks' counters
- Continuances
- Traffic
- Matters outside the courtroom
- Emergency matters
- Short-notice and on-demand hearings

Additional Requirements – Examples

Legal Training for Generalist Interpreters

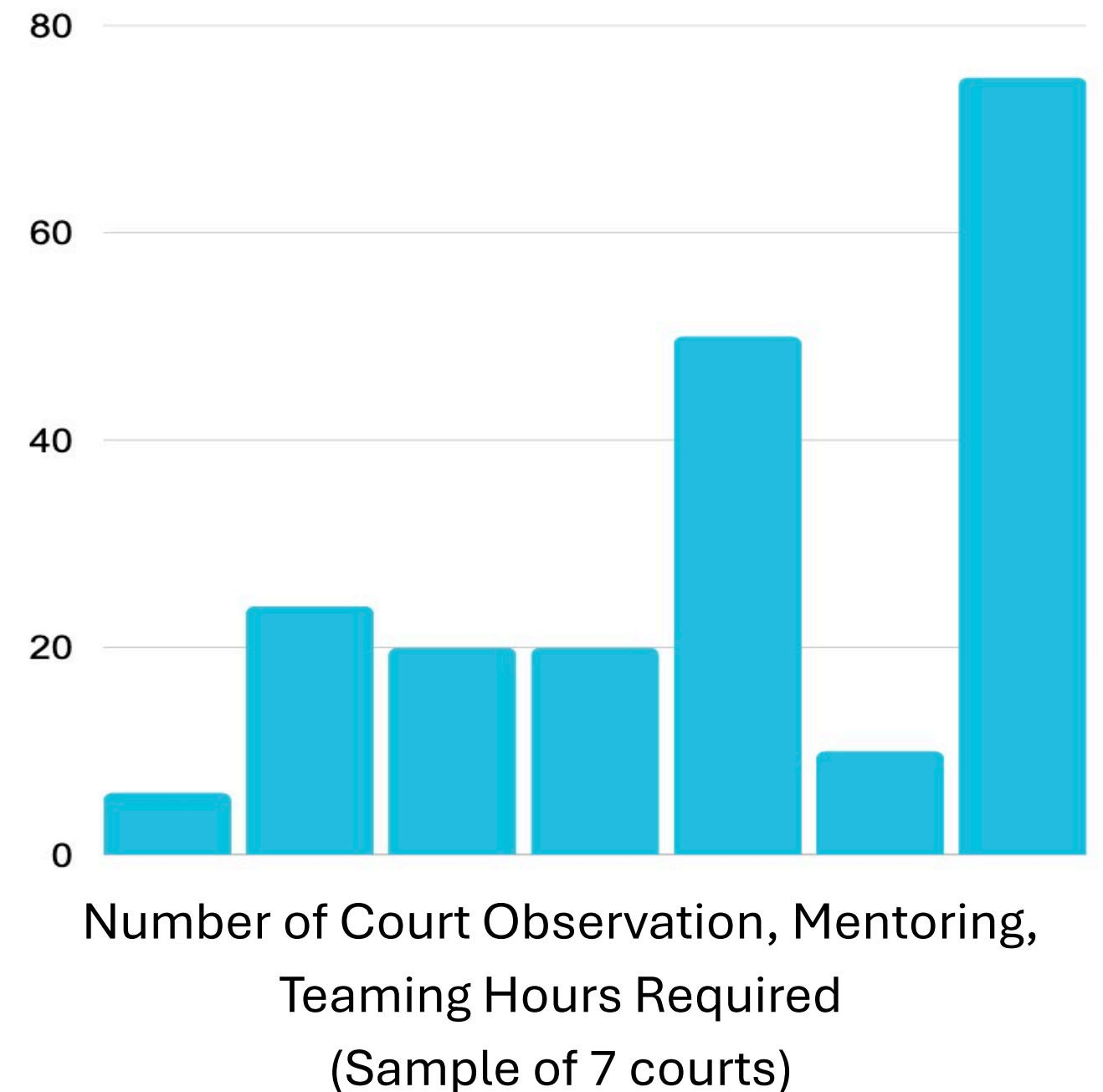
- States require between 20-120 hours of formal legal interpreter training.
- Total hours may be required for initial rostering, satisfied over a period of time, or required on a periodic basis.
- States may accept comparable experience or supervised practice in lieu of legal training requirements.
- Number of required hours may vary based on additional training or education completed.



Additional Requirements – Examples

Court Observation, Mentoring, Teaming

- States require anywhere from 6-100 hours of court observation, mentoring, and/or teaming.
- All or a portion of work may be supervised/signed off on by certified staff interpreter.
- States may accept comparable experience in lieu of mentoring requirements.
- Number of required hours may vary based on additional training or education completed.
- Teaming with a certified interpreter may be required to qualify the interpreter to work in legal settings.



Additional Requirements – Examples

Orientation

- Many states require ASL generalist interpreters to go through orientation.
- Orientations may include state-based ethics and/or skills-building trainings.

Many states also require background checks; passage of the NCSC Written Exam; submission of proof of credential, application, registration; interpreter oaths; complying with CEU requirements; etc. Some also require educational degrees, holding a certification for a certain period of time, etc.

Other Requirements

- Commit to interpreting for a certain period of time
- Complete training and mentoring within a certain period of time
- Affidavit affirming the completion of a minimum number of hours of paid interpreting experience
- Proof of a number of hours of professional development
- Attempt to obtain a relative legal certificate

Focus Group Findings

KSAs Needed for ASL Court Interpretation



- Interview findings map to the *Knowledge, Skills, and Abilities Essential for Court Interpretation: American Sign Language* – adopted in 2018 by an ad hoc national advisory committee.
- Interview participants stressed that interpreting skills and court terminology are basic fundamentals, but ASL interpreters also need:
 - Understanding of legal procedures
 - Knowledge of court conduct
 - Understanding of how to work in court (where to stand, how to address the bench, how to work in a team, etc.)



Focus Group Findings

Training, Mentoring, and Observation



- Focus group participants (and survey respondents) noted support for additional court training for ASL interpreters to work effectively in courts (for new court interpreters with and without legal credentials).



- Some focus group participants noted informal examples/structures of this currently (e.g., observing/shadowing a working interpreter).

Focus Group Findings

Training, Mentoring, and Observation

- Stakeholders expressed an interest in more information-sharing about existing or upcoming trainings to which they could refer their interpreters.
- Some certified court interpreters noted the success of a training model implemented at the University of California, Riverside Extension, which has assisted a number of currently certified Spanish interpreters with legal training and experience. (See <https://extension.ucr.edu/certificates/interpretationenglishspanish>)

- 200-hour interpreting program
- Legal interpreting and more
- All modes of interpretation, legal and specialized terminology, interpreting skills



Focus Group Findings

Training, Mentoring, and Observation

- Some CA ASL interpreters highlighted the successful program run by the California State University – Northridge in the '90s (during a period when an ASL certification exam was not available). *(Note: This specific training is no longer offered.)*
 - Grant program supported by the LA Superior Court to train ASL court interpreters
 - 5 weeks of intensive ASL court interpreting instruction
 - Faculty evaluation before, during, and after the program
 - Mock practice sessions
 - Courtroom observation
 - Weekly forums with Deaf community members
 - 50 hours of observed practice in courts

CSUN®

CALIFORNIA
STATE UNIVERSITY
NORTHRIDGE

Focus Group Findings

Tiers of Designation

- Some California court staff encouraged the development of a statewide provisional qualification process to facilitate ASL court interpreter assignments.
- Some staff cautioned against too many tiers of designation due to concerns over flexibility when scheduling interpreters based on changing court calendars.



Focus Group Findings

Handling Complaints

- State Language Access Program Managers indicated that complaints are typically handled internally, on a case-by-case basis, or by the agency that maintains the interpreter roster.
- Complaints may involve formal investigations and may result in a loss of future court assignments for the interpreter or removal of licensure by the issuing agency.
- One participant indicated generalist ASL interpreters may be resistant to taking legal assignments over possible challenges to their license.



Potential Models from Other States



Pairing generalist ASL interpreters with interpreters with a legal credential



Required hours of mentoring/practice under supervision



Required hours of legal/court interpreter training

Possible Work Models for ASL Generalists

- Appointing ASL generalist interpreters with appropriate training and experience in settings outside of court and without court record:
 - Self-help centers
 - Clerks' windows
 - Mediation
 - Jury selection (e.g., voir dire)
 - Court-operated, court-mandated programs



Possible Structure for ASL Interpreters

ASL Court Certified Status

- Continued recognition of SC:L
- Recognition of Texas BEI Court Interpreter Certification

ASL Court Qualified Status (TBD – may require amending Evid. Code)

- ASL Generalist Credentials + Training and Experience:
 - ASL Generalist credential
 - Completion of approved online legal interpreting modules
 - Completion of RID-approved legal trainings
 - Completion of experience requirements

Considerations

- Use of ASL interpreters with generalist credentials for court work may include demonstration of the following portfolio requirements:
 - **Legal Training:** Approximately 40 hours RID-approved training
 - **Court Observation, Mentoring, Teaming:** Approximately 20 hours practice under the supervision of a certified ASL interpreter
 - **Orientation:** Completion of an orientation to working in the courts
 - **Other:** Completion of an ethics training, passage of the NCSC Written Exam, completion of ASL training modules, CEUs for credential maintenance

Considerations

- ASL interpreters with generalist credentials could be used only in the following matters or interactions:
 - matters outside the courtroom,
 - interactions that do not become part of the court record,
 - emergency or short-notice matters, and/or
 - matters with lower impact on individual rights.
- ASL interpreters with generalist credentials may be teamed with ASL interpreters with legal credentials as necessary or required.

Considerations

- Explore pipeline development model similar to CSUN model of the '90s:
 - ASL intensive training
 - Faculty mentoring
 - Court observations
 - Observed practice hours
 - Evaluations of skills
- Explore partnership/collaboration with Deaf experts to assist with identifying ASL generalist interpreters with qualifications to be considered for ASL Court Qualified Status.

Considerations

- Credential reviews (for complaints) may be conducted on a case-by-case basis as is done for spoken-language interpreters.
- The availability of ASL legal trainings (state-based and nationally) should be communicated in a centralized way.
- Implementation of a statewide provisional qualification process of court interpreters, including ASL court interpreters.
- Amendment of Evidence Code section 754 would likely be necessary to allow for provisionally qualified ASL Generalist Interpreters to work in the courts under guidelines set by the Judicial Council.

Knowledge, Skills and Abilities Essential for Court Interpretation: American Sign Language (ASL)

Knowledge, Skills, and Abilities (KSAs) adopted by an ad hoc national advisory body in January 2018.

Knowledge, Skills and Abilities Essential for Court Interpretation: American Sign Language (ASL)

The following knowledge, skills, and abilities (KSAs) essential for court interpretation are applicable to ASL interpreters. KSAs apply to all ASL interpreters, except where specifically noted to apply solely to Deaf or hearing interpreters.

ASL-English interpreters (ASL interpreters) can hear and interpret from spoken or written English to ASL and back again. ASL-Deaf interpreters (Deaf interpreters) are Deaf and interpret between ASL and whatever communication method is necessary to achieve effective communication with the Deaf individual.

ASL-Deaf interpreters may be referred to as “intermediary” or “relay” interpreters. When needed, the ASL-Deaf interpreter(s) and the ASL-English interpreter(s) function as a team.

Section 1: Linguistic skills:

- 1A Native-like proficiency, in all working languages.
- 1B Ability to accommodate the linguistic and communication needs of a variety of Deaf individuals.
- 1C Knowledge and use of a broad range of vocabulary, including legal terminology, subject-specific terminology, and slang.
- 1D Knowledge and use of cultural nuances, regional variations, idiomatic expressions, and colloquialisms in all working languages.

Section 2: Interactive skills:

- 2A Ability to use the proper pronunciation, diction, and intonation in all working languages, signed and spoken.
- 2B Ability to communicate with a neutralized accent in all working languages.
- 2C Ability to project and/or speak/sign softly.
- 2D Ability to ignore auditory and visual distractions and focus on the message.

Section 3: Listening comprehension skills for hearing ASL-English interpreters:

- 3A Ability to listen to and comprehend different rates of speech in English.
- 3B Ability to listen to and comprehend various regional accents and/or language varieties in English.

Section 4: Reading comprehension skills:

- 4A Ability to read English and comprehend overall meaning and specific details of a written text.
- 4B Ability to read and recognize various written contexts, including formal and informal text, subject-specific vocabulary, idiomatic expressions, and colloquialisms.
- 4C Ability to read and understand quickly and with little preparation.

Section 5: Interpreting skills:

- 5A Ability to concentrate and focus.
- 5B Ability to process linguistic information quickly.
- 5C Ability to make quick linguistic decisions regarding word choice or terminology selection.
- 5D Ability to apply short-term memory skills in retaining small units of information.
- 5E Ability to think analytically.
- 5F Ability to utilize predictive thinking skills to anticipate incoming messages.
- 5G Ability to convey meaning.
- 5H Ability to provide transference from one language to another.
- 5I Ability to preserve accuracy.
- 5J Ability to select appropriate equivalent for vocabulary or phrases.
- 5K Ability to conserve intent, tone, style, and utterances of all messages.
- 5L Ability to reflect register.
- 5M Ability to self-monitor and self-correct.

Section 6: Behavioral skills:

- 6A Ability to practice and follow professional judicial ethical standards.
- 6B Ability to conduct business in a professional manner.
- 6C Knowledge and awareness of cultural aspects and bias that affect the interpretation.
- 6D Ability to work in various settings, situations, or conditions.
- 6E Ability to project self-confidence and self-awareness when interpreting.
- 6F Knowledge and continued learning of social, technological, and legal changes that affect interpretation and best practices.
- 6G Knowledge of how and when to petition judicial officers and court staff when requesting adjustments to standard operating procedures in order to establish effective communication.

Section 7: Skills Specifically relating to Deaf ASL Interpreters including comprehension skills:

- 7A Ability to facilitate effective communication with a variety of individuals who use atypical signed communication by employing gestures, signs and other communication approaches or tools, which may not be part of standard ASL.
- 7B Ability to see and comprehend different rates of signing in ASL and gestural communication.
- 7C Ability to see and comprehend various regional accents and/or language varieties in ASL.

Section 8: Additional Knowledge Skills:

- 8A Knowledge of protocol, legal procedures, and court systems and how they operate.
- 8B Knowledge of the distinctions between the role of a counsel/table interpreter and a proceedings interpreter.
- 8D Knowledge of the role of an interpreter as part of a team, when additional interpreters are required for effective communication.

Knowledge, Skills and Abilities Essential for Court Interpretation: American Sign Language (ASL) were adopted on January 4, 2018 by the following ad hoc national advisory which included Deaf community representatives, educators, academics, certified Deaf interpreters, certified court interpreters, people from diverse backgrounds (including people of color and Children of Deaf Adults (CODA)), court administrators, and test development managers.

John Bichsel, Senior Coordinator, Testing & Curriculum, National Center for Interpretation, UA, Tucson, AZ; Ritchie Bryant, CDI, Rochester, NY; Tracy Clark, Manager, Court Interpreting Services, Superior Court of California, County of Ventura, Ventura, CA, ASL interpreter, SC:L; Jo Linda Greenfield, ASL interpreter, SC:L CO; Ben Hall, Hallenross Interpreting, Sunbury, OH, CODA, interpreter; Marva Johnson, Freelance ASL Interpreter, Louisville, KY; Kristin Lund, Freelance Interpreter, CDI, Austin, TX; Sandra Maloney, Vice President, Registry of Interpreters for the Deaf (RID), Alexandria, VA; Deb Martinez, LIMS chair, Registry of Interpreters for the Deaf (RID), Legal Interpreter Member Section, interpreter ; Anne Marx, J.D., Senior Analyst, Court Operations Services, Judicial Council of California, San Francisco, CA; Carla Mathers, Esq., ASL interpreter, SC:L, court interpreter trainer, Silver Springs, MD; Kelly Mills, Program Manager, Court Language Access Services, State of Oregon Judicial Department, Salem, OR ; Debra Patkin, Staff attorney, National Association of the Deaf (NAD); Tara Potterveld, ASL interpreter, SC:L CA; Jacquie Ring, Manager, Language Access Services Section, National Center for State Courts (NCSC), Williamsburg, VA; Howard A. Rosenblum, Executive Director, National Association of the Deaf (NAD); Cheryl Thomas, Arkansas Supreme Court, CODA, SC:L, BEI Court Certified interpreter; Miako Villanueva, Chair, Board of Managers, Center for the Assessment of Sign Language Interpretation (CASLI), Alexandria, VA; Erica West Oyedele, Co-Director, Project CLIMB, ASL Interpreter, Sacramento, CA; Amy Williamson, Co-Director, Project CLIMB, ASL Interpreter, SC:L Montpelier, VT; Ann Wohlmuth, Supervisor, Deaf/Hard of Hearing Access, Office of Accessibility & Education Outreach, Office of the Chief Judge, Circuit Court of Cook County, Chicago, IL