



## COURT INTERPRETERS ADVISORY PANEL

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

August 3, 2023  
12:15 p.m. - 1:15 p.m.  
Virtual

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**Advisory Body Members Present:** Hon. Judge Brian L. McCabe (Chair), Mr. Hector Gonzalez, Jr. (Vice-Chair), Mr. Hany Farag, Ms. Amelia Loera, Ms. Luisa McEwen, Mr. Tam "Tyler" T. Nguyen, Ms. Carol M. Palacio, Hon. Michael P. Pulos, Mr. Chris Ruhl, Hon. Maurice Sanchez, Ms. Iris Van Hemert, Ms. Angie Birchfield, Mr. Mark Crossley, Ms. Jennifer De La Cruz, Ms. Shirley Luo.

**Advisory Body Members Absent:**

**Others Present:** Mr. Douglas Denton, Ms. Claudia Ortega, Ms. Charli Depner, Mr. Don Will, Mx. Kaytlin Hancock

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

The chair called the meeting to order at 12:17 and took roll call.

##### **Approval of Minutes**

The advisory body reviewed and approved the minutes of the March 30, 2023, Court Interpreters Advisory Panel (CIAP) meeting.

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#### DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

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##### **Item 1**

##### **New Requirements for American Sign Language (ASL) Court Interpreters (Action Required)**

**Action:** The voting members of CIAP unanimously voted to approve the draft report to the Judicial Council which includes a recommendation that the council address the current shortage of ASL court interpreters by approving the Texas Office of Deaf and Hard of Hearing Services (DHHS) Board for Evaluation of Interpreters (BEI) as an approved testing entity for ASL court interpreter certification for a period of four years.

##### **Item 2**

##### **Court Interpreter Skills Assessment Process (Information Only)**

The members received a presentation that provided an overview of the interpreter credential review (complaint) process and an update on efforts on the annual agenda project to develop a process and tools to assess an interpreter's knowledge, skills, and abilities when a complaint

concerning his/her interpreting ability has been submitted to the Court Interpreters Program (CIP) unit.

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**A D J O U R N M E N T**

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There being no further open meeting business, the meeting was adjourned at 1:12 p.m.

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**C L O S E D S E S S I O N**

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**Item 1**

**Closed meeting pursuant to California Rules of Court, rule 10.75 (d)(3) and (10). Provide feedback on pending legislation.**

**Approval of Minutes**

**Action:** The advisory body reviewed and approved the minutes of the May 11, 2023, closed CIAP meeting.

Adjourned closed session at 1:15 p.m.

Approved by the advisory body on enter date.

**Court Interpreters Advisory Panel**  
**Annual Agenda<sup>1</sup>—2024**

**Approved by Executive and Planning Committee: XX, XX, 2024**

**I. COMMITTEE INFORMATION**

<b>Chair:</b>	Hon. Brian L. McCabe, Judge, Superior Court of Merced County
<b>Lead Staff:</b>	Mr. Ray Mata, Analyst, Court Interpreters Program, Center for Families, Children & the Courts
<b>Committee's Charge/Membership:</b> <p><a href="#">Rule 10.51</a> of the California Rules of Court states the charge of the Court Interpreters Advisory Panel (CIAP), which is to: Assist the council in performing its duties under Government Code sections 68560 through 68566 and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons, the advisory panel is charged with making recommendations to the council on:</p> <ol style="list-style-type: none"><li>(1) Interpreter use and need for interpreters in court proceedings; and</li><li>(2) Certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters.</li></ol> <p><a href="#">Rule 10.51(b)</a> sets forth the additional duties of the panel that are: Reviewing and making recommendations to the council on the findings of the study of language and interpreter use and need for interpreters in court proceedings that is conducted by the Judicial Council every five years under Government Code section 68563.</p> <p><a href="#">Rule 10.51(c)</a> sets forth the following membership composition of the committee. CIAP currently has 14 members, which consists of 11 advisory panel members (voting) and 4 advisors (nonvoting) appointed by the Chief Justice to assist the advisory panel. A majority of the members must be court interpreters. The advisory panel must include the specified numbers of members from the following categories:</p> <ol style="list-style-type: none"><li>(1) Four certified or registered court interpreters working as employees in trial courts, one from each of the four regions established by Government Code section 71807. For purposes of the appointment of members under this rule, the Superior Court of California, County of Ventura, is considered part of Region 1 as specified in section 71807, and the Superior Court of California, County of Solano, is considered part of Region 2 as specified in section 71807;</li></ol>	

<sup>1</sup> The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

- (2) Two interpreters certified or registered in a language other than Spanish, each working either in a trial court as an independent contractor or in an educational institution;
- (3) One appellate court justice
- (4) Two trial court judges; and
- (5) Two court administrators, including at least one trial court executive officer.

The current committee [roster](#) is available on the committee's web page.

### **Subcommittees/Working Groups<sup>2</sup>:**

1. Professional Standards and Ethics Subcommittee – Provides review and recommendations on interpreter professional development, as well as adherence to professional standards and compliance requirements.
2. Interpreter Language Access Subcommittee – Works on specific projects related to language access and interpreting services, including recommendations from the [Strategic Plan for Language Access in the California Courts](#) that relate to court interpreters. As appropriate, these projects are undertaken in collaboration with the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness.

### **Meetings Planned for 2024<sup>3</sup>**

Video conference calls – As needed.

In-person meeting – One in-person meeting if requested by the committee members.

Professional Standards and Ethics Subcommittee – Video conference calls as needed.

Interpreter Language Access Subcommittee – Video conference calls as needed.

Check here if exception to policy is granted by Executive Office or rule of court.

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<sup>2</sup> California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

<sup>3</sup> Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

## II. COMMITTEE PROJECTS

#	New or One-Time Projects <sup>4</sup> [Group projects by priority number.]	
1	<b>Project Title: Implementation of Assembly Bill 1032 (Pacheco) Court interpreters</b>	<b>Priority 1(c)<sup>5</sup></b> <b>Strategic Plan Goal<sup>6</sup> III</b>
<p><b>Project Summary<sup>7</sup>:</b> Assembly Bill 1032 (Stats. 2023, ch. 556), amends the Trial Court Interpreter Employment and Labor Relations Act (Government Code sections 71800-71829) with provisions affecting intermittent part-time, employee, independent contractor, provisionally qualified, relay, and privately appointed interpreters. CIAP will propose revisions to California Rules of Court, rule 2.893, interpreter forms, and other guidance materials to conform with the statute. In addition to rule and form changes, staff from the Center for Families, Children &amp; the Courts (CFCC) and Human Resources Labor Employment Relations Unit (HR-LERU) will provide educational training to courts regarding changes arising from AB 1032.</p> <p><b>Status/Timeline:</b> Changes to rules and forms will be presented to the Judicial Council for approval in Fall 2024 to ensure a January 1, 2025, implementation date.</p> <p><b>Fiscal Impact/Resources:</b> Any expenses associated with this project will be entirely funded under the Court Interpreters Program budget.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><b>Internal/External Stakeholders:</b> Interpreter community, judicial officers, justice partners, language access court personnel, and the public. Training for courts to be provided by CFCC and HR-LERU staff.</p> <p><b>AC Collaboration:</b> Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness</p>		

<sup>4</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>5</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

<sup>6</sup> Indicate which goal number of [The Strategic Plan for California's Judicial Branch](#) the project most closely aligns.

<sup>7</sup> A key objective is a strategic aim, purpose, or "end of action" to be achieved for the coming year.

#	<b>New or One-Time Projects<sup>4</sup> [Group projects by priority number.]</b>	
2	<b>Project Title: 2025 Language Need and Interpreter Use Study</b>	<b>Priority 1<sup>5</sup></b> <b>Strategic Plan Goal<sup>6</sup> IV, VI</b>
<p><b>Project Summary<sup>7</sup>:</b> Develop the legislatively mandated <i>Language Need and Interpreter Use Study</i>. Under Government Code section 68563, this five-year study will be due to the Governor and Legislature by July 1, 2025.</p> <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Assess the current statewide landscape concerning the need and use of interpreting services in California’s trial courts;</li> <li>• Evaluate trends and compare to previous studies;</li> <li>• Develop sound recommendations for the council’s consideration;</li> <li>• Assist the strategic expansion of interpreters into needed areas; and</li> <li>• Continue to address the shortage of court interpreters in key languages.</li> </ul> <p><b>Status/Timeline:</b> The Language Access Implementation unit will develop this study and prepare the report in 2024. The unit will provide CIAP with project status updates throughout 2024. The study is due to the Governor and to the Legislature no later than July 1, 2025.</p> <p><b>Fiscal Impact/Resources:</b> There is no fiscal impact associated with this project. Resources are: Governmental Affairs, Court Interpreters Program, and the Language Access Implementation staff.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><b>Internal/External Stakeholders:</b> Interpreter community, the superior courts, the Governor, and the Legislature.</p> <p><b>AC Collaboration:</b> None.</p>		
3	<b>Project Title: Certification of Persons with American Sign Language (ASL) Generalist Credentials to Perform Work in the Courts and ASL Guidelines</b>	<b>Priority 1<sup>5</sup></b> <b>Strategic Plan Goal<sup>6</sup> IV</b>
<p><b>Project Summary<sup>7</sup>:</b> As directed in the November 2023 council report, <i>Language Access Plan: New Requirements for American Sign Language Court Interpreters</i>, CIAP will (1) develop a proposal for the council to certify persons with ASL generalist credentials to perform work in the courts, (2) revise the <i>Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons</i>, and (3) develop a recommendation for a process for approving ASL court interpreter certification programs that</p>		

#	<b>New or One-Time Projects<sup>4</sup> [Group projects by priority number.]</b>	
	<p>is more responsive to the current interpreter marketplace and testing and certification landscape.</p> <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Explore the feasibility of a tiered approach to certify persons with ASL generalist credentials to perform work in the courts.</li> <li>• Develop a more modernized approval process for ASL court interpreter certification programs.</li> </ul> <p><b>Status/Timeline:</b> Upon the completion of a Request for Proposal process, a consultant will be secured by summer 2024 to assist with developing an implementation proposal for ASL generalist credentials. This proposal will be presented to CIAP for approval in fall 2024. In addition, CIAP will update the Guidelines and develop a more modernized approval process for ASL court interpreter certification programs by December 31, 2024.</p> <p><b>Fiscal Impact/Resources:</b> The estimated one-time cost, which will be funded under the Court Interpreters Program consultant budget for FY 2023-24, is \$200,000 for a consultant to conduct national level research on accepted ASL generalist credentials and tiered approaches, and propose implementation options for CIAP’s consideration. Resources include the Court Interpreters Program and the Language Access Implementation Unit, and additional staff time as needed from Legal Services and Human Resources.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><b>Internal/External Stakeholders:</b> Interpreter community (including ASL interpreters), judicial officers, justice partners, language access court personnel, and the public.</p> <p><b>AC Collaboration:</b> Consultation with the Advisory Committee on Providing Access and Fairness as needed.</p>	
4	<p><b>Project Title: Carryover of Bilingual Interpreting Examination (BIE) Scores</b></p>	<p><b>Priority 2<sup>5</sup></b></p> <p><b>Strategic Plan Goal<sup>6</sup> IV</b></p>
	<p><b>Project Summary<sup>7</sup>:</b> After consideration of the findings from the National Center for State Courts (NCSC) research on court interpreter test administration and credentialing options from other states, Language Access Services (LAS) staff will draft and propose recommendations for CIAP regarding the feasibility of allowing interpreter candidates to carry over passing scores of 70% or higher on two or more exam sections of the Bilingual Interpreting Examination (BIE) from one administration to another within a two-year period. Several states allow this practice to ensure that interpreter candidates stay in the testing pipeline and provide them with two years to pass all four sections of the exam. Candidates failing to pass all four sections of the BIE within this timeframe must restart the process by retaking all sections.</p>	

**# New or One-Time Projects<sup>4</sup> [Group projects by priority number.]**

Key considerations for CIAP include determining whether LAS staff can implement the carryover practice already established by other states. LAS staff will develop recommendations, including an assessment of potential costs, benefits, drawbacks, and operational feasibility.

**Key Objectives:**

- Maintain the current testing requirements for attaining certified court interpreter status.
- Explore the feasibility of allowing candidates to carry over passing scores on two or more exam sections of the BIE from one administration to another within a two-year period.
- Evaluate the potential costs, benefits, drawbacks, and operational feasibility associated with adopting this practice which is already implemented in other states to expand their interpreter credentialing pool.

**Status/Timeline:** December 2024.

**Fiscal Impact/Resources:** Any expenses associated with this project will be entirely funded under the Court Interpreters Program budget.

*This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.*

**Internal/External Stakeholders:** Interpreter community, judicial officers, justice partners, language access court personnel, and the public.

**AC Collaboration:** None.



#	<b>Ongoing Projects and Activities<sup>4</sup> [Group projects by priority number.]</b>	
1	<b>Project Title: Compliance Requirements for Certified Court and Registered Interpreters</b>	<b>Priority 2<sup>5</sup></b>
		<b>Strategic Plan Goal<sup>6</sup> III</b>
<p><b>Project Summary<sup>7</sup>:</b> Consider recommendations to modify the annual court interpreter renewal and compliance process so that it is more efficient, clear to interpreters, and in alignment with operational improvements. Consider recommended updates to the <a href="#">Compliance Requirements for Certified Court and Registered Interpreters</a> so that it incorporates modifications to the compliance process.</p> <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Assess shortening the current 10-month compliance cycle, which traditionally runs from September through June.</li> <li>• Consider making the cycle end and start in the same calendar year and transitioning to a biannual cycle instead of annual cycle.</li> <li>• Vet moving all interpreters to the same new cycle instead so that when compliance is held all interpreters are part of that cycle.</li> <li>• Determine alternatives (such as long-term suspension) to permanently revoking the credentialed status of interpreters who do not fulfill the compliance requirements.</li> <li>• Consider updating the continuing education requirements to include, for the first time, refresher ethics training for interpreters who have been credentialed for more than two years.</li> <li>• Update the <a href="#">Compliance Requirements for Certified Court and Registered Interpreters</a> so that it incorporates the committee’s proposed modifications to the compliance process and operational improvements.</li> </ul> <p><b>Status/Timeline:</b> Court Interpreters Program staff has developed recommendations that the committee will consider in 2024. If approved, the recommendations will be presented to the council for its consideration later that year.</p> <p><b>Fiscal Impact/Resources:</b> Any expenses associated with this project will be entirely funded under the Court Interpreters Program budget.</p> <p><b>Internal/External Stakeholders:</b> Interpreter community, judicial officers, justice partners, language access court personnel, and the public.</p> <p><b>AC Collaboration:</b> None.</p>		

#	<b>Ongoing Projects and Activities<sup>4</sup> [Group projects by priority number.]</b>	
2	<b>Project Title: Interpreting Skills Assessment Process</b> – Professional Standards and Ethics Subcommittee	<b>Priority 1<sup>5</sup></b> <b>Strategic Plan Goal<sup>6</sup> IV</b>
<p><b>Project Summary<sup>7</sup>:</b> To further support implementation of the <a href="#">California Court Interpreter Credential Review Procedures</a>, consider a proposed process to assess an interpreter’s ability to interpret if a complaint alleging gross incompetence is lodged against the interpreter, and if following review and investigation, the complaint is deemed to have merit. This project originated with Recommendation #64 of the <i>Strategic Plan for Language Access in the California Courts</i> (LAP) and Government Code section 68564(g): The Judicial Council shall establish a procedure for Judicial Council and local court review of each court interpreter's skills and for reporting to the certification entity the results of the review.</p> <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Consider and recommend a process that strengthens the Judicial Council’s ability to assess an interpreter’s interpreting abilities in a fair and thorough manner when the subject of a valid complaint concerning interpreting ability.</li> </ul> <p><b>Status/Timeline:</b> Court Interpreters Program staff is working under a contract with the National Center for State Courts to develop a skills assessment process for the committee’s consideration in 2024. If approved, the recommendations will be presented to the council for its consideration later that year.</p> <p><b>Fiscal Impact/Resources:</b> Any expenses associated with this project will be entirely funded under the Court Interpreters Program budget.  <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><b>Internal/External Stakeholders:</b> Interpreter community, judicial officers, justice partners, language access court personnel, and the public.</p> <p><b>AC Collaboration:</b> None.</p>		
3	<b>Project Title: Professional Standards and Ethics for California Court Interpreters</b> – Professional Standards and Ethics Subcommittee	<b>Priority 2<sup>5</sup></b> <b>Strategic Plan Goal<sup>6</sup> V</b>
<p><b>Project Summary<sup>7</sup>:</b> Consider recommended updates to <a href="#">The Professional Standards and Ethics for California Court Interpreters Manual, which informs</a> interpreters of their professional and ethical responsibilities. The manual was last updated in 2013.</p>		

# Ongoing Projects and Activities <sup>4</sup> [Group projects by priority number.]				
<p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Update the manual to align with current interpreting practices, evolving technology, remote and hybrid courtroom environments, video remote interpreting, and contemporary ethical issues such as conduct on social media.</li> <li>• Increase interpreters’ accessibility and engagement with the manual by adding scenarios that illustrate ethical considerations.</li> <li>• Align the content with a redesigned live ethics training that is required for new interpreters and a new online ethics refresher training for more experienced interpreters.</li> </ul> <p><b>Status/Timeline:</b> Court Interpreters Program staff has begun developing proposed updates to the manual. It is anticipated that proposed revisions will be presented to the committee for its consideration in 2024.</p> <p><b>Fiscal Impact/Resources:</b> Any expenses associated with updating the manual and the electronic dissemination of the updated version will be entirely funded by the Court Interpreters Program.</p> <p><b>Internal/External Stakeholders:</b> Interpreter community, judicial officers, justice partners, language access court personnel, and the public.</p> <p><b>AC Collaboration:</b> None.</p>				
<table border="1"> <tr> <td data-bbox="107 878 1549 995">4 <b>Project Title: Designation of Certain Languages as Certified and Registered</b></td> <td data-bbox="1549 878 1980 935"><b>Priority 2<sup>5</sup></b></td> </tr> <tr> <td data-bbox="107 995 1549 1503"> <p><b>Project Summary<sup>7</sup>:</b> Following the <a href="#">2020 Language Need and Interpreter Use Study</a>, consider whether to (1) maintain certain languages as certified, or (2) recommend one or more of these languages be de-designated and reclassified as registered languages to allow candidates to take the OPE to become registered interpreters in one or more of these languages (Portuguese, Western Armenian, and Japanese, and potentially Khmer).</p> <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Develop recommendations that result in none of the above-mentioned languages being removed from the list of languages for which the council provides an interpreting credential.</li> <li>• Consider the following: number of in-court interpretations; level of interest in becoming an interpreter; costs to develop and maintain examinations; availability of existing examinations; costs to administer testing; and the trial courts’ need for more interpreters.</li> </ul> </td> <td data-bbox="1549 995 1980 1503"><b>Strategic Plan Goal<sup>6</sup> I, II, IV</b></td> </tr> </table>	4 <b>Project Title: Designation of Certain Languages as Certified and Registered</b>	<b>Priority 2<sup>5</sup></b>	<p><b>Project Summary<sup>7</sup>:</b> Following the <a href="#">2020 Language Need and Interpreter Use Study</a>, consider whether to (1) maintain certain languages as certified, or (2) recommend one or more of these languages be de-designated and reclassified as registered languages to allow candidates to take the OPE to become registered interpreters in one or more of these languages (Portuguese, Western Armenian, and Japanese, and potentially Khmer).</p> <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Develop recommendations that result in none of the above-mentioned languages being removed from the list of languages for which the council provides an interpreting credential.</li> <li>• Consider the following: number of in-court interpretations; level of interest in becoming an interpreter; costs to develop and maintain examinations; availability of existing examinations; costs to administer testing; and the trial courts’ need for more interpreters.</li> </ul>	<b>Strategic Plan Goal<sup>6</sup> I, II, IV</b>
4 <b>Project Title: Designation of Certain Languages as Certified and Registered</b>	<b>Priority 2<sup>5</sup></b>			
<p><b>Project Summary<sup>7</sup>:</b> Following the <a href="#">2020 Language Need and Interpreter Use Study</a>, consider whether to (1) maintain certain languages as certified, or (2) recommend one or more of these languages be de-designated and reclassified as registered languages to allow candidates to take the OPE to become registered interpreters in one or more of these languages (Portuguese, Western Armenian, and Japanese, and potentially Khmer).</p> <p><b>Key Objectives:</b></p> <ul style="list-style-type: none"> <li>• Develop recommendations that result in none of the above-mentioned languages being removed from the list of languages for which the council provides an interpreting credential.</li> <li>• Consider the following: number of in-court interpretations; level of interest in becoming an interpreter; costs to develop and maintain examinations; availability of existing examinations; costs to administer testing; and the trial courts’ need for more interpreters.</li> </ul>	<b>Strategic Plan Goal<sup>6</sup> I, II, IV</b>			

#	<b>Ongoing Projects and Activities<sup>4</sup></b> <i>[Group projects by priority number.]</i>
	<p><b>Status/Timeline:</b> Language Access Services staff has developed recommendations that the committee will consider by December 2023. If approved, the recommendations will be presented to the council for its consideration in 2024.</p> <p><b>Fiscal Impact/Resources:</b> Any expenses associated with this project will be entirely funded by the Court Interpreters Program.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><b>Internal/External Stakeholders:</b> Interpreter community, judicial officers, justice partners, language access court personnel, and the public.</p> <p><b>AC Collaboration:</b> None.</p>

### III. LIST OF 2023 PROJECT ACCOMPLISHMENTS

#	<b>Project Highlights and Achievements</b> <i>[Provide brief, broad outcome(s) and completed date.]</i>
1.	<p><b>Requirements for New American Sign Language (ASL) Court Interpreters</b> – In November 2023, CIAP recommended that the council, effective January 1, 2024:</p> <ol style="list-style-type: none"> <li>1. Approve temporary revisions to the <i>Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons</i> allowing for exemptions in critical circumstances for a period of four years;</li> <li>2. Under the exemption, temporarily approve the Texas Office of Deaf and Hard of Hearing Services Board for Evaluation of Interpreters as an approved testing entity for ASL court interpreter certification for a period of four years;</li> <li>3. Direct CIAP to develop a proposal for the council to certify persons with ASL generalist credentials to perform work in the courts; and</li> <li>4. Direct CIAP to revise the <i>Guidelines</i> and develop a recommendation for an ASL court interpreter certification program approval process that is more responsive to the current interpreter marketplace and testing and certification landscape.</li> </ol> <p>The council unanimously approved these recommendations at its November 2023 business meeting. This project is now closed and further work for CIAP as directed by the council is on the 2024 Annual Agenda.</p>
2.	<p><b>Passage and Credentialing Options for the Interpreting Examinations</b> – In December 2023, after review of other states’ testing and credentialing options identified by NCSC in research findings, CIAP approved the following recommendations (TBD):</p> <ol style="list-style-type: none"> <li>1. Make no change at this time to the current testing requirement that candidates must pass the BIE with a score of 70 or higher in each of the four examination sections in one sitting.</li> <li>2. Narrow the scope of the 2023 project and create a new annual agenda project for 2024 for LAS staff to explore the potential costs, benefits, drawbacks, and operational feasibility of allowing BIE candidates to carryover their passing scores on two more sections of the BIE for two years, which is a practice followed by other states.</li> </ol> <p>With the committee’s approval of these recommendations, this project is now closed, and the new project is on the 2024 Annual Agenda.</p>

JUDICIAL COUNCIL OF CALIFORNIA  
LANGUAGE ACCESS SERVICES PROGRAM  
**Report to the Court Interpreters Advisory Panel  
(Action Item)**

**Title:** Passage and Credentialing Options for the Interpreting Examinations

**Date:** December 7, 2023

**From** Douglas G. Denton, Principal Manager, Language Access Services Program; 415-865-7870, [Douglas.Denton@jud.ca.gov](mailto:Douglas.Denton@jud.ca.gov)

Juan Palomares, Analyst, Language Access Services Program; 415-865-7857, [Juan.Palomares@jud.ca.gov](mailto:Juan.Palomares@jud.ca.gov)

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### **Executive Summary**

Since 2020, the Court Interpreters Advisory Panel (CIAP) has had a project on its annual agenda to thoroughly assess the passage and credentialing options for the Bilingual Interpreting Examination (BIE) for certified languages, explore avenues for increasing the number of passers and, thereby, qualified interpreters, and ensure the trial courts have access to a workforce of qualified interpreters that meets their needs and the needs of the public.<sup>1</sup> This report summarizes research conducted to date on this project and makes recommendations for further work to be conducted by Language Access Services (LAS) Program staff.

### **Proposed Recommendations**

1. Make no change at this time to the current testing requirement that candidates must pass the BIE with a score of 70% or higher in each of the four examination sections in one sitting.
2. Consider implementing key elements of the annual agenda project by adding a specific project that directs LAS staff to explore the potential costs, benefits, drawbacks, and operational feasibility of allowing BIE candidates to carryover their passing scores on individual sections of the BIE for two years.

### **Previous Council Action**

The requirement that candidates must pass all four sections of the BIE with a score of 70% or higher in one sitting has been in place since 2010, when the Court Interpreters Program (CIP) began using the oral court interpreter examinations developed by the National Center for State Courts (NCSC) for certification of court interpreters.

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<sup>1</sup> See 2023 CIAP Annual Agenda, Ongoing Project #1, p. 6, at <https://www.courts.ca.gov/documents/ciap-annual.pdf>.

JUDICIAL COUNCIL OF CALIFORNIA  
LANGUAGE ACCESS SERVICES PROGRAM  
**Report to the Court Interpreters Advisory Panel  
(Action Item)**

**Background**

As of July 27, 2022, there were 1,834 court interpreters on the [California Judicial Council Master List of Court Certified and Registered Interpreters](#). There are two categories of credentialed status for California court interpreters – certified and registered. Certified court interpreters are credentialed for the languages more frequently interpreted in the superior courts.<sup>2</sup> Registered interpreters are credentialed for less frequently interpreted languages.<sup>3</sup> Of the 1,834 interpreters, nearly 1,700 were certified in designated languages. California has a limited supply of qualified and credentialed interpreters, particularly in languages other than Spanish (see *2020 Language Need and Interpreter Use Study*, pp. 11-14). The Fall 2021 Language Access Metrics Report (at p. 4) also indicates decreasing numbers of interpreters in several languages in 2019 and 2020 (including a decrease of 62 Spanish interpreters from 2019 to 2020). The report also indicates that more interpreters are needed in all four regions of the state (Id. at p. 3). A significant portion of the current court interpreter pool is nearing retirement age (see Metrics Report, Table 4). The COVID-19 pandemic also resulted in limited testing opportunities from 2020–2022.

Of the 1,834 interpreters (as of July 27, 2022), 799 (44%) were employees and 1,035 (56%) were contractors. For fiscal year 2019–20, employees accounted for 78.4 percent of court interpreter expenditures, and contractors accounted for 21.6 percent of expenditures. There were 1,684 certified interpreters and 150 registered interpreters. For some languages, there are less than 10 interpreters. California follows the testing standards recommended by NCSC, and candidates for certified status in California must score at least 70% on each of the four parts of the BIE in one sitting. The exam passage rate for the BIE in California has averaged around 10 percent or less.

Since over 200 languages are spoken in the California courts, the council is focused on targeted training, outreach, and recruitment efforts to support the interpreter workforce growing across the state to continually meet the language needs of 6.4 million limited English proficient (LEP) residents and potential court users. This includes use of remote appearance technology for appropriate case matters, including short or noncomplex assignments.

Recent and targeted efforts by LAS to conduct innovative solutions like free, intensive trainings with near passers—candidates who previously took the BIE and came close to passing but did not pass—have proven successful at increasing the passage rate for the BIE over prior years.

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<sup>2</sup> See “Certified Languages” list at <https://www.courts.ca.gov/documents/CIP-Certified-Languages.pdf>.

<sup>3</sup> See <https://www.prometric.com/test-takers/search/cacourtint/california-registered-court-interpreter>.

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2021	2022
Total number of candidates: 190	Total number of candidates: 243
Pass rate: <b>14%</b> (27/190)	Pass rate: <b>14%</b> (34/243)
Total number of near passer training participants who took the BIE: 53	Total number of near passer training participants who took the BIE: 28
Passage rate: <b>25%</b> (13/53)	Passage rate: <b>21%</b> (6/28)

**Analysis/Rationale**

In order to become a certified court interpreter, candidates must:

- Pass the English Written Examination at 80% or higher.
- Obtain 70% or higher in each of the four interpreting modes (simultaneous, consecutive, sight translation from target language to English, and sight translation from English to target language) in one sitting.
- Successfully enroll with the council and complete post-exam requirements (orientation and ethics course).

Under a contract with LAS, and to assist CIAP with this project, NCSC conducted research and candidate data analyses to assist with council decisions regarding possible modifications to current test administration and credentialing policies that may increase the pool of qualified court interpreters available to work in the California courts.

In their research, NCSC:

- Reviewed court interpreter testing programs used in other states.
- Reviewed California court interpreter testing data for certified languages.
- Conducted review of publicly available information for 36 states using NCSC Written and Oral Exams.
- Conducted telephone interviews with states to review test administration processes in more detail.

On May 24, 2022, NCSC presented its findings to CIAP.<sup>4</sup>

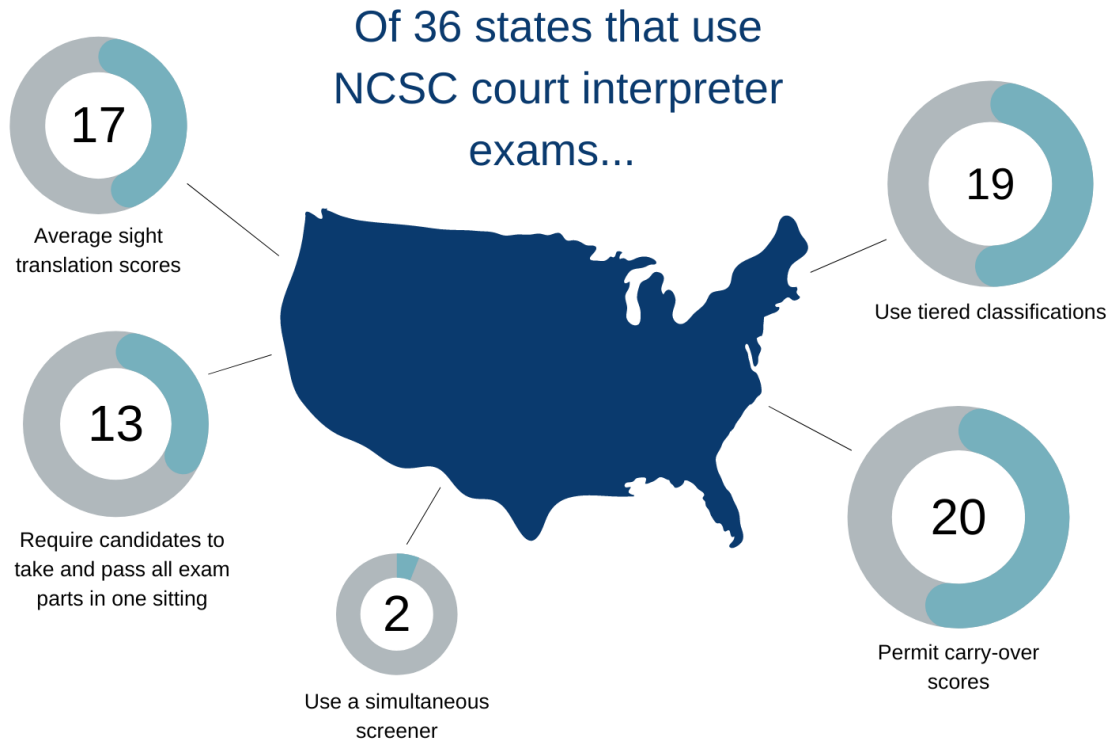
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<sup>4</sup> See [https://www.courts.ca.gov/documents/ciap-20220524-materials\\_revised2.pdf](https://www.courts.ca.gov/documents/ciap-20220524-materials_revised2.pdf).



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Major findings from the review of other states' practices are summarized in the graphic below:



NCSC reviewed California court interpreter testing data from 2014–2019 and analyzed how different testing practices may impact pass rates across languages.

NCSC found that there was little to be gained for California (in terms of additional exam passers) by allowing candidates to average their sight translation scores to 70% or higher.

While use of tiered classifications (allowing lower score rates) may increase the number of exam passers, some CIAP members expressed concerns regarding lowering the passage rate for the BIE. Extensive research would be required to establish evidence-based scoring standards which ensure a minimum level of proficiency at lower score levels and further exploring this option is not recommended at this time. This approach of lower tiers would also be potentially time-consuming and logistically complex to implement with courts.

Use of a simultaneous mode screener test is a promising idea that California may want to explore for future use but would entail funding and development costs.

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The one option that appears to most benefit California is to evaluate allowing candidates to carryover their passing scores on individual sections of the BIE for a period of two years, which 20 of 36 states allow. For California, eligibility to carry over scores could be applied to those candidates who have passed two or more sections of the examination. This approach does not appear to have a significant impact on the quality of passers. It would better ensure that candidates stay motivated, remain in the interpreter pipeline, and work hard to pass all four sections of the BIE within two years. Currently, unsuccessful candidates must retake the BIE (including all four sections) after waiting at least six months and pass it in one sitting if they wish to become a certified interpreter. This new approach also appears to correlate with recent budget language that establishes a pilot training/grant program.<sup>5</sup>

**Policy Implications**

Potentially allowing candidates to carryover passing scores on individual sections of the BIE over a two-year period is still exploratory and does not require council action (or delegated action by the Administrative Director) at this time. The CIAP Chairs will work with LAS staff to develop the 2024 CIAP Annual Agenda through the normal annual agenda development process for council approval, including potentially adding a new project for 2024. In the new project, LAS staff would assess the operational feasibility of allowing carryover of passing scores for two years for those persons who have passed at least two sections of the BIE. Under this new project, feasibility findings and a formal recommendation would be developed for CIAP review and approval at a later date.

**Alternatives Considered**

No change is being recommended at this time to the current testing requirement that persons must pass all four sections of the BIE with a score of 70% or higher in each section in one sitting.

**Fiscal and Operational Impacts**

LAS staff will first need to assess the potential costs, benefits, drawbacks, and operational feasibility of this approach to allow carryover scores. Such an approach would require extensive planning and additional data tracking by LAS staff and the interpreter testing vendor to monitor candidates' progress. It will also need to be determined whether candidates would be charged a lesser amount if they are retaking only certain sections of the BIE that they need to pass (e.g., one to two remaining sections, rather than four). All operational impacts of this approach would need to be explored with the testing vendor and will likely require a staff assessment of potential costs, benefits, drawbacks, operational feasibility, and whether a contract amendment may be

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<sup>5</sup> The 2023 Budget Act reappropriated \$6.8 million from the 2021 Budget for the council to establish the California Court Interpreter Workforce Pilot Program. This interpreter training/grant program will run as a pilot from 2024–2029. The potential approach described herein to allow carryover scores will also benefit pilot participants and encourage them to stay motivated, continue to study, and ultimately pass the examination while they are in the pilot.

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required. Findings would be reported to CIAP in 2024, under the recommended new annual agenda project.

**Links**

1. [2020 Language Need and Interpreter Use Study](#)
2. [2021 Language Access Metrics Report](#)

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**Title:** Designation of Certain Languages as Certified and Registered

**Date:** December 7, 2023

**From** Douglas G. Denton, Principal Manager, Language Access Services Program; 415-865-7870, [Douglas.Denton@jud.ca.gov](mailto:Douglas.Denton@jud.ca.gov)

Juan Palomares, Analyst, Language Access Services Program; 415-865-7857, [Juan.Palomares@jud.ca.gov](mailto:Juan.Palomares@jud.ca.gov)

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### **Executive Summary**

Since 2021, the Court Interpreters Advisory Panel (CIAP) has had a project on its annual agenda to consider the recommendations from the *2020 Language Need and Interpreter Use Study* and determine if changes concerning the designation (certified or registered) for the following languages should be recommended to the Judicial Council: Hmong, Japanese, Portuguese, and Armenian (Western). This report makes preliminary recommendations on those languages for CIAP discussion and adds recommendations regarding Khmer and Hindi.

### **Proposed Recommendations**

1. Change the certified status designation of Japanese and Armenian (Western) to registered status due to low interpreting language usage, low testing demand, and the testing program not having examinations to administer for the certified status. Interpreters who are currently certified in California in these languages would retain their certified status for as long as they remain in good standing with the council.
2. Change the certified status designation for Khmer to registered status due to low interpreting language usage, low testing demand, and the testing program not being able to administer the examination for this language since 2019 due to insufficient rater availability. Interpreters who are currently certified in California in Khmer would retain their certified status for as long as they remain in good standing with the council.
3. Continue monitoring the language usage of Hindi (registered), Hmong (registered), and Portuguese (certified). At this time, the recommendation is to keep the designation status of these languages the same.

### **Previous Council Action**

Government Code section 68562 provides that the council shall designate the languages for which certification programs shall be established. The council or Administrative Director has periodically updated the list of certified languages. Most recently, in November 2010, based on

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the recommendations of the *2010 Language Need and Interpreter Use Study*, and under a delegation of authority from the council, the Administrative Director approved a CIAP recommendation to designate Farsi as a language for certification. See Attachment 1, Judicial Council Memorandum from Kenneth L. Kann to William C. Vickrey (November 18, 2010).

**Background**

This project is on the CIAP Annual Agenda with the title, “Designation of Certain Languages as Certified and Registered” (Priority 2).<sup>1</sup> For spoken language, the California judicial branch designates 15 major non-English languages as certified languages. Only interpreters who pass the Bilingual Interpreter Exam (BIE) for spoken language and fulfill the corresponding Judicial Council requirements are referred to as *certified* interpreters. Interpreters of other spoken languages for which there is no state-certifying exam are required to pass the Written Exam and Oral Proficiency Exam (OPE) in both English and their non-English language if available and fulfill the corresponding Judicial Council requirements to become a *registered* interpreter.

The *2020 Language Need and Interpreter Use Study* made the following recommendation: “The Judicial Council should continue to monitor the usage of Hmong for possible future designation as a certified language” (Rec. 2).

The 2020 study also noted that the “2015 Study recommended that Japanese and Portuguese be de-designated, but they currently remain certified languages. And, while Western Armenian and Japanese are certified languages, a bilingual interpreting exam is not available in either of these two languages. Since candidates cannot take the oral proficiency exam (OPE) to become a registered interpreter in these two languages, the Court Interpreters Advisory Panel and the Judicial Council may also need to consider at a future date whether to (1) maintain these languages as certified, or (2) recommend one or more of these languages be de-designated and reclassified as registered languages to allow candidates to take the OPE in order to become registered interpreters in one or more of these languages.”

Key objectives for this project include:

- Consider the recommendations from the 2020 study and determine if changes concerning the designation (certified or registered) for the following languages should be recommended to the council: Hmong, Japanese, Portuguese, and Armenian (Western).
- Seek to develop recommendations that will ensure that all languages continue to have a pathway for the Court Interpreters Program to provide an interpreting credential.
- Seek pathways for the continued testing and credentialing of interpreters for the above-mentioned languages that are cost-effective and create greater efficiencies.
- In regard to the above-mentioned languages, the committee will consider the number of in-court interpretations; the level of interest in becoming an interpreter; the costs to

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<sup>11</sup> See <https://www.courts.ca.gov/documents/ciap-annual.pdf>.

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develop and maintain examinations; the availability of existing examinations; the costs to administer testing; and the trial courts' need for more interpreters.

**Analysis/Rationale**

For spoken language, only interpreters who pass the Written Examination and BIE and fulfill the corresponding council requirements are credentialed as certified interpreters. The 15 certified spoken languages for court interpreters in California are as follows:

- Arabic (Egyptian/Levantine)
- Armenian (Eastern)
- Armenian (Western)\*
- Cantonese
- Farsi (Persian)
- Filipino (Tagalog)
- Japanese\*
- Khmer
- Korean
- Mandarin
- Portuguese
- Punjabi (India)
- Russian
- Spanish
- Vietnamese

\* The BIE is not available for this language.<sup>2</sup>

Interpreters of other spoken languages, including those for which there is no state-certifying exam are required to (1) pass the Written Examination in English, (2) pass the Oral Proficiency Examination (OPE) in English and their non-English language if available, and (3) fulfill the corresponding council requirements to become a registered interpreter. The OPE is available in approximately 69 languages.

The chart below shows the top languages by usage for Fiscal Year 2021-22 and whether there is a BIE or OPE available for the language. Languages in **blue** are California's certified languages.

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<sup>2</sup> The National Center for State Courts (NCSC) maintains a list of oral examinations ready for administration. See [https://www.ncsc.org/\\_data/assets/pdf\\_file/0019/74512/Oral\\_Exam\\_Ready\\_for\\_Administration-August-2023.pdf](https://www.ncsc.org/_data/assets/pdf_file/0019/74512/Oral_Exam_Ready_for_Administration-August-2023.pdf). The council also maintains its own BIE exams (that meet NCSC requirements) for Spanish, Armenian (Eastern), Farsi (Persian), and Punjabi (Indian). Neither California nor NCSC currently has a certification examination for Armenian (Western) or Japanese.

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Chart: 2021-22 Language Usage by Number of Interpretations and Rank for California.

Language and Number of Credentialed Interpreters	Rank	Number of Interpretations	BIE Available	OPE Available
<b>Spanish (1318)</b>	1	562,561	Yes	Yes
<b>Mandarin (84)</b>	2	13,289	Yes	Yes
<b>Vietnamese (56)</b>	3	8,908	Yes	Yes
<b>ASL (48)</b>	4	4,861	Texas BEI	NA
<b>Cantonese (27)</b>	5	4,012	Yes	Yes
<b>Punjabi (India) (3)</b>	6	3,462	Yes	Yes
<b>Arabic (8)</b>	7	3,110	Yes	Yes
<b>Korean (56)</b>	8	3,093	Yes	Yes
<b>Armenian (Eastern) (16)</b>	9	2,280	Yes	Yes (Armenian)
Mixteco-Alto (2)	10	2,247	No	No
<b>Russian (44)</b>	11	2,127	Yes	Yes
<b>Filipino (Tagalog) (6)</b>	12	2,086	Yes	Yes
<b>Farsi (Persian) (12)</b>	13	1,950	Yes	Yes (Persian)
<b>Armenian (Western) (3)</b>	14	1,441	<b>No</b>	Yes (Armenian)
Hindi (25)	15	1,124	No	Yes
<b>Portuguese (6)</b>	16	1,046	Yes	Yes
Hmong (8)	17	957	Yes (NCSC)	Yes
Mixteco-Bajo (2)	18	836	No	No
Lao (15)	19	785	Yes (NCSC)	Yes
Mixteco (3)	20	770	No	No
<b>Khmer (8)</b>	21	751	Yes	Yes (Cambodian)
<b>Japanese (8)</b>	NA	366	<b>No</b>	Yes

**Note:** Since 2019, the council has not been able to test for Khmer, a certified language, because of insufficient raters in that language. Raters for the Khmer language and the other languages for which there is an NCSC oral examination are recruited, trained, and managed by NCSC.

**Potential Recommendations**

1. Change the certified status designation of Japanese and Armenian (Western) to registered status due to low interpreting language usage, low testing demand, and the testing program not having examinations to administer for certified status. Interpreters who are currently certified in California in these languages would retain their certified status for as long as they remain in good standing with the council.
2. Change the certified status designation for Khmer to registered status due to low interpreting language usage, low testing demand, and the testing program not being able to administer the examination for this language since 2019 due to insufficient rater

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availability. Interpreters who are currently certified in California in Khmer would retain their certified status for as long as they remain in good standing with the council.

3. Continue monitoring the language usage of Hindi (registered), Hmong (registered), and Portuguese (certified). At this time, the recommendation is to keep the designation status of these languages the same.

### **Policy Implications**

As stated above, interpreters who are currently certified in Japanese, Armenian (Western), and Khmer would retain their certified status if these languages are reclassified to registered status for as long as they remain in good standing with the council. Aspiring interpreters will be able to take the Written Examination in English and the OPE in English and the target language—which are administered year-round in several locations across the state—to become registered interpreters.

### **Alternatives Considered**

Staff cannot identify alternatives to the proposed recommendations. Under the current designation of spoken languages, the Court Interpreters Program is unable to add interpreters for the Japanese, Armenian (Western), or Khmer languages due to the lack of an examination or insufficient pool of raters. This limitation has essentially removed any pathway for aspiring interpreters to become credentialed and it has restricted the interpreter pool for these languages as the council has no mechanism to enroll and add them to the Judicial Council’s Master List of Certified and Registered Interpreters.

### **Fiscal and Operational Impacts**

There is no cost associated with developing recommendations concerning the designation of languages when the change is from certified to registered status. Compensation rates for certified/registered contract interpreters are the same under the council’s [Payment Policies for Independent Contractor Interpreters](#). Changes will be required for the Court Interpreter Data Collection System (CIDCS) to indicate whether a language has been changed to certified or registered. Cost savings may be realized over time because the testing program will not have to develop California-only certifying examinations for those languages that NCSC does not have a certifying examination.

### **Attachments and Links**

1. Attachment 1: Judicial Council Memorandum from Kenneth L. Kann to William C. Vickrey (November 18, 2010)
2. Link: [2020 Language Need and Interpreter Use Study](#)
3. Link: [Certified Languages in California](#)
4. Link: [2021 Language Access Metrics Report](#)
5. Link: [Judicial Council’s Master List of Certified and Registered Interpreters](#)





**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

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**Date**

November 18, 2010

**Action Requested**

Review and Approve

**To**

William C. Vickrey  
Administrative Director of the Courts

**Deadline**

December 6, 2010

**From**

Kenneth L. Kann, Director  
Executive Office Programs

**Contact**

Lucy Smallsreed, Manager  
Court Interpreters Program  
415-865-7705  
lucy.smallsreed@jud.ca.gov

**Subject**

Court Interpreter Related Decisions:  
Transition to Consortium Exams

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Effective July 1, 2010, the Court Interpreters Program (CIP) began using the written and oral court interpreter exams developed by the National Center for State Courts' Consortium for Language Access in the Courts. In transitioning to the Consortium's exams, CIP plans to implement operational-level activities and policies in 2011 to increase the number of certified court and registered interpreters available to the California courts.

This memorandum requests your action on the following items:

- (1) Confirmation of the Consortium as an approved testing entity for the certification of court interpreters in California;
- (2) Approval of test reciprocity procedures for court interpreters who have passed a Consortium-developed exam in other member states;
- (3) Approval of grace period procedures for currently registered interpreters of Punjabi and Khmer; and
- (4) Approval of the recommendation by the Court Interpreters Advisory Panel to designate Farsi as a language for certification.

### **1. Confirmation of the Consortium as an Approved Testing Entity**

In April 1998, the Judicial Council approved the Consortium (then known as the Consortium for State Court Interpreter Certification) as a testing entity to certify Spanish-language interpreters and interpreters for all other languages designated by the Judicial Council, and approved joining the Consortium, effective May 1998, to enhance the existing testing and certification program. (See Attachment A for complete information.) The approval stated that there was no termination date set on this agreement, and that this approval would only terminate should the Administrative Director of the Courts provide written notice to the council. On April 28, 2000, the council delegated to the Administrative Director of the Courts the authority under Government Code section 68562(b) to approve certification testing entities.

In April 2010, CIP requested and received your approval of the use of Consortium-developed exams for the qualification of court interpreters in California. (See Attachment B for complete information.) To ensure consistency with terms approved by the Judicial Council in 1998 as well as the provisions in Government Code section 68562(b), we now request your confirmation of the Consortium as an approved testing entity for the certification of court interpreters in California. CIP will continue to contract with an outside vendor for the administration of the court interpreter exams.

### **2. Test Reciprocity Guidelines for Consortium Exams**

In using the court interpreter exams developed by the Consortium, California is expected to adhere to basic test reciprocity agreements with other Consortium-member states. In accordance with these agreements, CIP recommends, effective January 1, 2011, that test reciprocity be offered to court interpreters who have passed Consortium-developed exams administered in member states, subject to specific conditions below. Your approval is sought pursuant to your authority to approve certification testing entities.

In order to maintain consistency with the testing standards applied to candidates in California, reciprocity will be granted subject to the following conditions:

- Candidates must have achieved a score that meets or exceeds California's standards on all portions of the exam; and
- Candidates must have completed and passed all portions of the exam within the same testing event in one state.

These guidelines are consistent with the highest reciprocity standards followed by Consortium member states.

Interpreters who have met the above criteria will be required to enroll and maintain certification as California court interpreters by fulfilling the compliance requirements approved by the

Judicial Council. All interpreters who meet the reciprocity guidelines and enrollment requirements will be placed on the *Master List of Certified Court and Registered Interpreters* used by the local courts for identifying, locating, and contracting with interpreters. Local courts will not be responsible for tracking or proving eligibility for reciprocity.

### **3. Grace Period for Currently Registered Interpreters of Punjabi and Khmer**

Following the *2000 Language Need and Interpreter Use Study*, the Judicial Council approved the designation of Punjabi and Khmer for certification. With the costs-savings realized from the transition to the Consortium exams as well as the move to market rates for court interpreter test fees, the AOC is now able to develop certification exams for both Punjabi and Khmer. In preparation for the administration of certification exams in these two languages, CIP recommends a grace period for the 32 currently registered interpreters in Punjabi and 13 in Khmer to meet the testing requirements for certification. CIP recommends that we maintain consistency by adhering to the grace period policy for newly certified languages that was approved by the Judicial Council in April 2004 for Eastern and Western Armenian, Mandarin, and Russian. That policy states “that interpreters be allowed three consecutive testing cycles, over a period of 18 months, to gain certification in these newly certified languages.”<sup>1</sup>

CIP plans to communicate the grace period policy to all registered interpreters of Punjabi and Khmer in January 2011. The bilingual oral interpreting exams in Punjabi and Khmer will be offered in the early summer of 2011, and CIP will strongly encourage all registered interpreters in these languages to prepare for and take this first exam. Subsequent exams will be offered in the winter of 2011 and the summer of 2012. Following these three consecutive testing cycles, interpreters who have not passed the bilingual oral interpreting exams will be reclassified as “noncertified.”

To assist the courts in planning for this grace period, CIP will provide updated information regarding the status of all registered interpreters of Punjabi and Khmer prior to the first administration of oral exams in these languages. Following the final notification of exam results in late summer 2012, CIP will provide an implementation period for courts to provide adequate time to terminate the employment status of any staff interpreters not able to pass the requisite certification exams in Punjabi or Khmer during the grace period. Additionally, CIP will closely monitor the first administration of bilingual oral interpreting exams and will offer training to support registered interpreters in passing the certification exams in these languages.

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<sup>1</sup> In accordance with the written exam retake policy, registered interpreters in Punjabi or Khmer who passed a California written exam after January 1, 2005, are eligible to take the bilingual oral interpreting exams. Registered interpreters who passed the California written exam prior to January 1, 2005, must pass the current English-only written exam before going on to the bilingual oral exam.

#### 4. Designation of Farsi for Certification

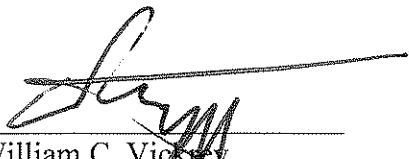
The *2010 Language Need and Interpreter Use Study* identifies Farsi as one of the spoken languages most in demand in the California courts, with an average of 1,760 service days per year. Using the benchmark average of 1,500 service days per year, the study recommends that Farsi be considered for designation. Due to savings associated with the transition to the Consortium exams, CIP can dedicate funding to the development of a bilingual oral interpreting exam for Farsi in the near future. Based on the recommendations from the *2010 Language Need and Interpreter Use Study* and under the Judicial Council's prior delegation of authority to designate future languages for certification, staff requests your approval of the designation of Farsi for certification. The Court Interpreters Advisory Panel supports this designation.

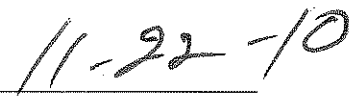
#### Request for Approval

Staff requests your action on the following:

1. Confirm approval of the Consortium as a testing entity for the certification of California court interpreters;
2. Approve the test reciprocity procedures outlined above for interpreters who have passed a Consortium exam in another member state;
3. Approve the grace period procedures outlined above for currently registered interpreters in Punjabi and Khmer to meet certification requirements in these languages; and
4. Approve the recommendation of the Court Interpreters Advisory Panel to designate Farsi for certification.

Please indicate your approval of these four items by signing below.

  
\_\_\_\_\_  
William C. Vickrey  
Administrative Director of the Courts

  
\_\_\_\_\_  
Date

KLK/LS/jr  
Attachments (2)  
cc: Ronald G. Overholt

**ADMINISTRATIVE OFFICE OF THE COURTS**  
Report Summary

Administrative Office of the Courts

April 13, 1998

SUBJECT: Designation of Testing Entities for Court Interpreters  
(Gov. Code, § 68562(b)) (Action Required)

Summary

The Administrative Office of the Courts (AOC), with the Court Interpreters Advisory Panel, recommends that the Judicial Council designate Cooperative Personnel Services (CPS) and the Consortium for State Court Interpreter Certification ("Consortium"), administered by the National Center for State Courts (NCSC), as the testing entities to certify court interpreters effective July 1, 1998, through June 30, 2000, subject to the establishment of mutually satisfactory agreements between the AOC and CPS, and the AOC and the Consortium.

Recommendation

The AOC, with the Court Interpreters Advisory Panel, recommend that the Judicial Council:

1. Approve CPS as the testing entity; approve the continuance of its testing program for certification of Spanish-language interpreters and interpreters of all other languages designated by the Judicial Council; and allow CPS to offer English fluency examinations to interpreters in nondesignated languages, effective July 1, 1998, through June 30, 2000. If the AOC and CPS do not enter into a written agreement to administer a testing program, the approval shall terminate on the date on which the Administrative Director of the Courts provides written notice to the council that the AOC and CPS will not enter into such an agreement.
2. Approve the Consortium for State Court Interpreter Certification as a testing entity to certify Spanish-language interpreters and interpreters for all other languages designated by the Judicial Council, and to join the Consortium to enhance the existing testing and certification program, effective May 1998. Membership in the Consortium does not require renewal; therefore a termination date is not required. If the AOC and the Consortium do not enter into a written agreement for the Consortium to administer a testing program, the approval shall terminate on the date on which the Administrative Director

of the Courts provides written notice to the council that the AOC and the Consortium will not enter into such an agreement.



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MEMORANDUM

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**Date**

April 20, 2010

**Action Requested**

Review and approve

**To**

William C. Vickrey  
Administrative Director of the Courts

**Deadline**

N/A

**From**

Kenneth Kann *KK*  
Director, Executive Office Programs

**Contact**

Lucy Smallsreed  
Manager, Court Interpreters Program  
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**Subject**

Court Interpreter Examination –Related  
Delegations of Authority for Administrative  
Director of the Courts

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The Court Interpreters Program is currently planning court interpreter exam administration activities for 2010 -2011. In preparation for the upcoming court interpreter written and oral exam administration cycles, this memorandum requests your approval of these operational – level decisions regarding the court interpreter testing program, including (1) the selection of Prometric, Inc. as the test administrator; (2) the utilization of written and oral exams developed by the Consortium for Language Access in the Courts (Consortium); and (3) the adoption of a schedule of test fees set at the full and actual cost (market rate) for exam administration.

**Selection of Testing Entity**

We request that you approve the selection of Prometric, Inc., our current test administrator, as the vendor for the administration of court interpreter certification and registration exams for 2010 – 2011.

Following a competitive bidding process in 2008, Prometric, Inc. was selected as the preferred vendor for the 2009 administration of written and oral court interpreter exams. The contract awarded to Prometric in 2009 included two one-year options to extend the original contract. To expedite testing and provide for continuous examination of court interpreter candidates, staff recommends exercising the first option to extend this contract and continue with Prometric, Inc. as our test administrator. This extension would run through March 31, 2011.

### Utilization of Consortium Exams

The majority of the current written and oral court interpreter certification exams used by California have not been revised in over 17 years. Following a 2007 study of the California exams, which indicated that improvements could be made to further strengthen the California exams, the Court Interpreters Program sought to analyze for potential use the court interpreter exam instruments developed and used by the Consortium for Language Access in the Courts (Consortium). A second study has recently been conducted by ALTA Language Services, Inc., to assess the practical equivalency between the Consortium exams and California's exams. The study was designed to suggest ways in which California could align the Consortium exams and exam scores with its own standards, should the state choose to adopt the Consortium exams for its own use.

Results of the study of the Consortium's exams indicate that the Consortium written and oral interpreter certification exams are qualifying interpreters at a standard comparable to California's current certification exams, and can be used by California in their current form. The Consortium exams measure all essential interpreting knowledge, skills, and abilities, and all exams have been developed in a highly defensible manner. Additional benefits of adopting the Consortium exams include the use of objective scoring methods for oral exams, continued test maintenance and revision, the opportunity to expand the interpreter pool through national reciprocity, and significant long-term costs savings.

The results of this study provide California the opportunity to leverage resources with a national organization, which will ultimately lead to increased access to justice in the courts. In light of these study results, we request your support to utilize the written and oral exams developed and recognized by the Consortium for the certification of court interpreters in California.<sup>1</sup>

### Adoption of Schedule of Test Fees

On October 23, 2009, the Judicial Council approved the recommendation made by the Court Interpreters Advisory Panel (CIAP) to require court interpreter certification and registration test

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<sup>1</sup> California will continue to administer its English-only oral proficiency exam for all registered languages, as the Consortium does not offer a comparable process or exam for this purpose.



candidates to pay the full and actual cost (market rate) for the administration of written and oral examinations.

Court interpreter certification and registration testing fees were last set in 1994, and have not been changed since that time. Over the course of this time, the Court Interpreters Program has subsidized roughly one-third of the administrative costs of every certification and registration examination taken, by paying the vendor additional fees on top of the fees paid by candidates. Since 1994, candidates in certified languages have paid \$250 for every written exam attempt. Once the written exam is passed, candidates have been allowed to take the first oral exam offered after passing the written exam for free. Subsequent oral exams have cost \$250 each. Candidates in registered languages have had the identical fee structure, but have paid only \$100 for their exams because they are English-only. In moving to a new fee structure, candidates would no longer pay in advance for one written and one "free" oral exam. Instead, candidates would be expected to pay for each exam taken, at the actual market rate set for the administration of that exam.

#### Recommended Market Rate- Based Fees

The market rate for exam administration services includes acquisition of exam sites, candidate registration and scheduling, exam proctor recruitment and oversight, management of uniform test administrations in multiple statewide locations, scoring exams, reporting test results, and reviewing candidate appeals (which can include rescoring tests). Based on cost proposals presented by our current test administrator during the contract process, as well as a comparative analysis of court interpreter certification process fees in other states, we recommend the following exam fees to be paid by court interpreter exam candidates:

<b>Exam Type</b>	<b>Application Fee Per Exam</b>
English-only Written Exam	\$150.00
Bilingual Oral Interpreting Certification Exam	\$350.00
English-only Oral Proficiency Exam for Registered Languages	\$150.00

The exam application fees provided above reflect the actual market rate as proposed by our test administrator for the administration of the English-only written exam and the bilingual oral interpreting certification exam.

The actual market rate for the administration of the English-only oral proficiency exam for registered languages is \$200. However, we recommend that the application fee for the oral proficiency exam for registered languages be set at \$150, with the Court Interpreters Program continuing to subsidize a maximum of 120 candidates per year, at a program cost of \$6,000. The recommendation to continue a subsidy for registered interpreter candidates is based on the fact that non-designated languages are in less demand in the courts, and, therefore registered

interpreters in these languages may have less of an incentive to obtain registered status. We believe this modest subsidy will help our efforts to encourage speakers of non-designated languages to pursue registered status.


A comparative analysis of fees associated with the certification process of court interpreters in other states revealed that rates vary significantly, depending on the individual state resources, candidate volume, and the number of testing opportunities provided per year. California does have a number of unique needs based on our large volume of test-takers and the wide range of languages tested per year. Some factors that contribute to the cost of test administration in California include the need for a call center to handle approximately 1,000 calls per month for exam registration and statewide testing that accommodates the geographic diversity of the state's testing population. These elements have been taken into consideration when conducting our comparative analysis of rates and in setting the price point for exam administration in California.

**Request for Approval**

The Court Interpreters Program requests your approval of the following operational decisions:

1. Selection of Prometric, Inc. as the administrator of the court interpreter certification and registration exams for 2010-2011;
2. Support the utilization of the written and oral exams developed and recognized by the Consortium for Language Access in the Courts for the certification of court interpreters in California; and
3. Adopt the court interpreter exams fees to be paid by interpreter candidates at the following rates: English-only written exam (\$150), bilingual oral interpreting certification exam (\$350), and English-only oral proficiency exam for registered languages (\$150).

Please indicate your approval of these three operational decisions by signing below.

  
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William C. Vickrey  
Administrative Director of the Courts

4-22-10  
Date

KK/LS/jrs  
cc: Ron Overholt