

ACIA Annual Meeting – December 2015

Interpreter Credentialing Presentation

Presenter Bios

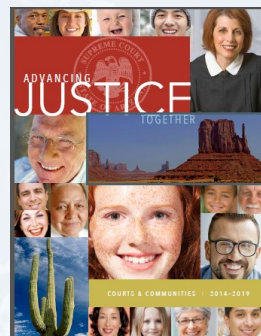
Amy Wood is the manager of the Caseflow Management Unit in the Court Services Division of the Administrative Office of the Courts (AOC). Ms. Wood initially began working in the court system with the Hawaii judiciary. She moved to Arizona in 2001 and is now responsible for oversight of the language access program, CourTools project, local grants, statistics, victim-related issues, DUI case processing improvement, and the AZTurboCourt e-filing project. Amy is a Fellow with the Institute for Court Management having focused her CEDP paper on language access issues. She also holds a Master's Degree in Human and Animal Cognition.

David Svoboda is the Language Access Coordinator for the Arizona Supreme Court, Administrative Office of the Courts (AOC). Prior to joining the AOC, Mr. Svoboda served for eleven years as a staff Spanish interpreter for the Maricopa County Superior Court. A Federally Certified Court Interpreter, Mr. Svoboda has extensive experience in all court departments and in the transcription and translation of audio recordings. Mr. Svoboda served on the Board of Directors of the Arizona Court Interpreters Association as Treasurer (2008 – 2013), and President (2014 – 2015). He has also given numerous training sessions on interpreter ethics, modal skills, and other court interpreting-related subjects. He is a graduate of the Monterey Institute of International Studies where he earned his Master's Degree in Translation and Interpretation (2004). He holds a Bachelor's Degree in Spanish, conferred by Ithaca College where he graduated *Summa Cum Laude* with departmental honors (1999).

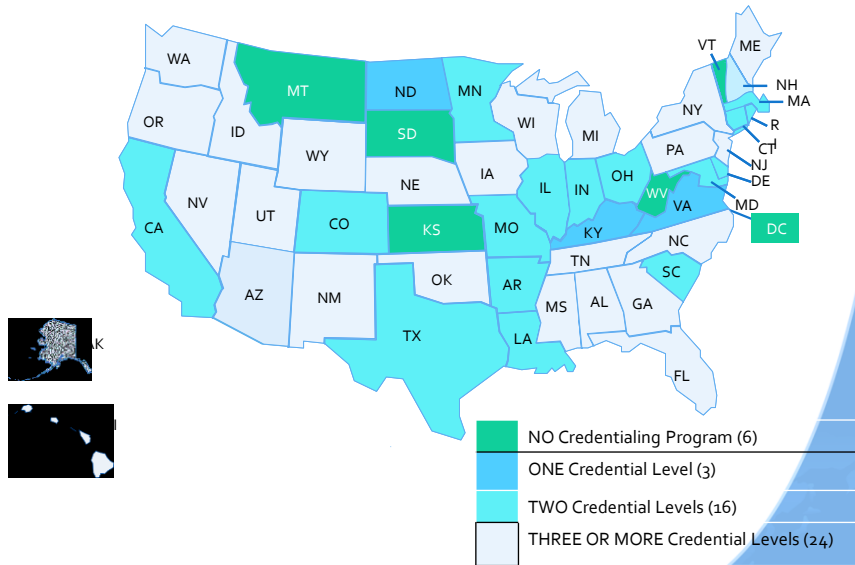


Strategic Agenda Goal 1:

Develop strategies for increasing the availability and quality of court interpreters and interpreter services.



Credentialing Overview for the Nation



PROPOSED ARIZONA CREDENTIALING PROGRAM

Goals



Establish a credentialing program for court interpreters in Arizona



Increase management information regarding the quality of interpreters



Provide access for rural areas & part-time interpreters



Scope program for sustainability

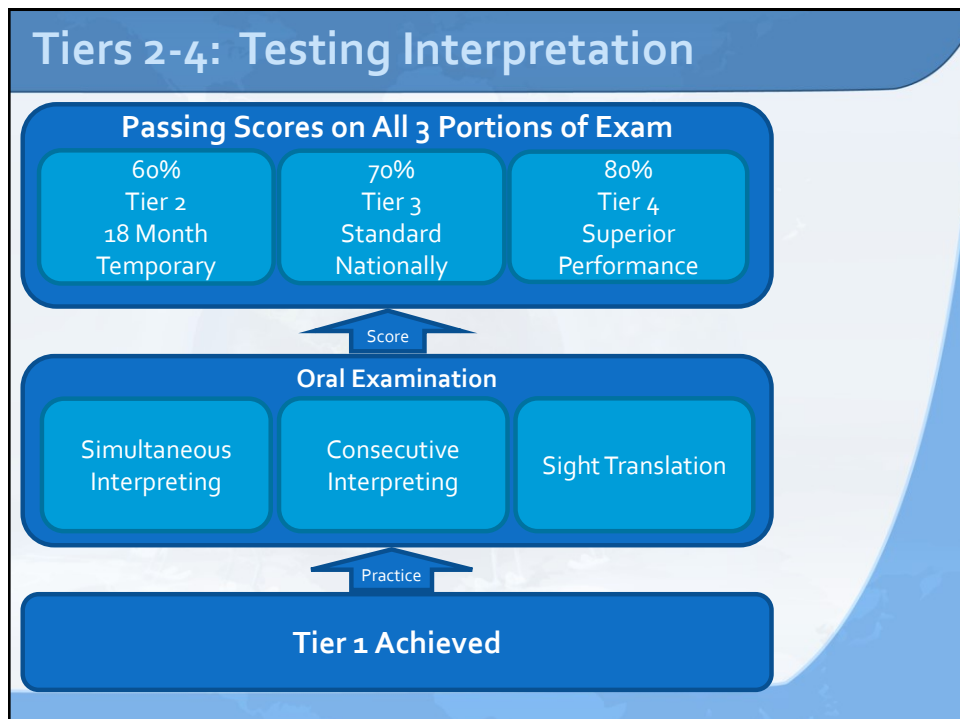
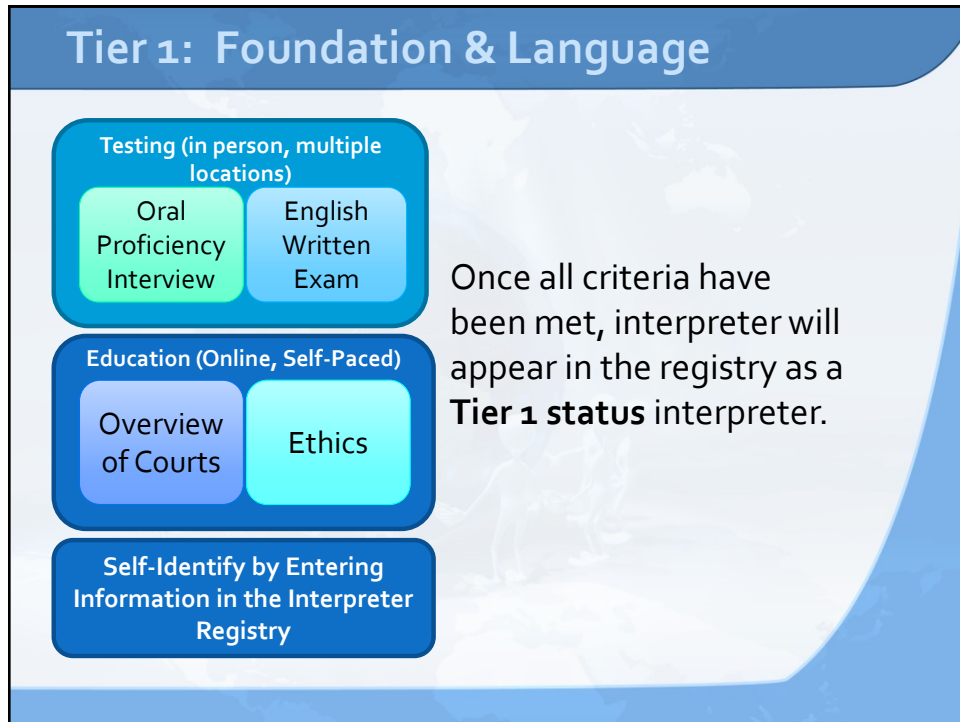


Enhance the interpreter registry

American Sign Language (ASL)



- ARS §12-242 requires the use of a qualified sign language Interpreter
- ACDHH handles licensure
- Legal license required for a court setting
- Unnecessary to also require our court interpreting credential
- ASL interpreters will still appear in the registry
- ASL interpreters are welcome to sign up for classes



20 Languages Available for Oral Exam

- Arabic
- Bosnian/Serbian/Croatian
- Cantonese
- French
- Haitian Creole
- Hmong
- Ilocano
- Khmer
- Korean
- Laotian
- Mandarin
- Marshallese
- Polish
- Portuguese
- Russian
- Somali
- Spanish
- Tagalog
- Turkish
- Vietnamese



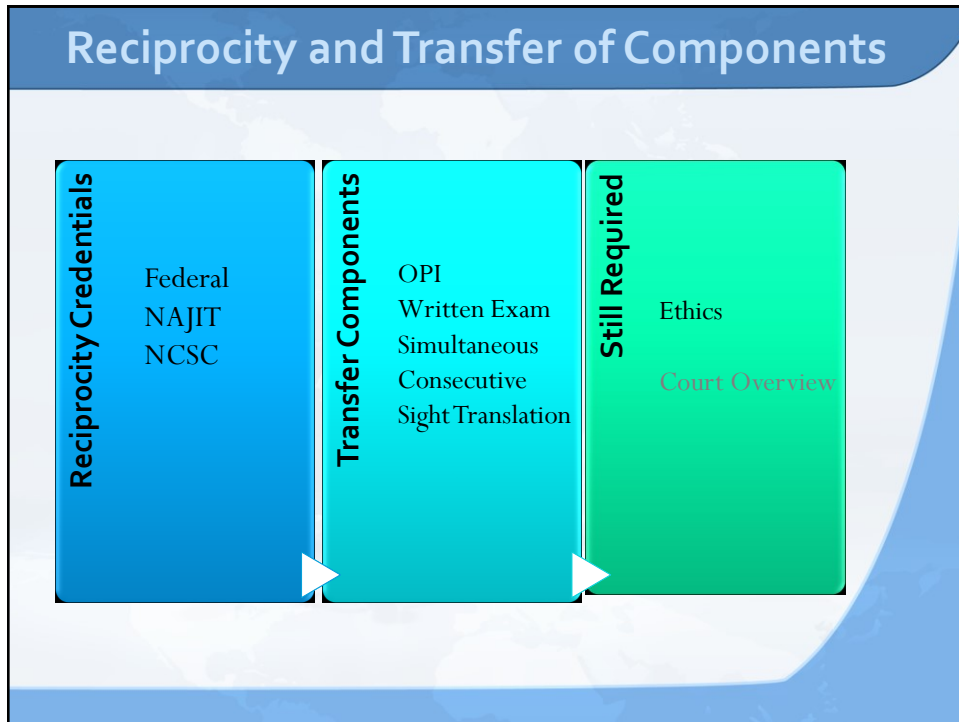
Tier A: Superior Language Ability

- Languages for which there are no oral exams

Superior performance on an Oral
Proficiency Interview



Tier 1 Achieved



Classes

- **Court Overview**
 - Required for contractors (freelance interpreters)
 - Supervisor discretion for court staff interpreters
- **Ethics**
 - Required for everyone
- Online, self-paced trainings
 - Login will be provided after payment is received
- Additional downloadable reference materials will be included with the ethics training.

Oral Proficiency Interview

- Must show ID at a court
- Interview conducted over the telephone
- Conversation rated on language complexity
 - Vocabulary
 - Linguistic structures
 - Fluency in describing, narrating and hypothesizing
- Tier 1: Advanced Level or Higher
- Tier A: Superior Level

NCSC's Written Examination

135 Multiple Choice Questions in 2 Parts

English Language
Vocabulary

Court Process
and Ethics

- Must obtain a score of 80% or higher correct to pass

NCSC's Oral Examination

Simultaneous
Interpreting

Consecutive
Interpreting

Sight
Translation

- Candidates are recorded digitally as they take the test
- Digital recordings are sent to raters to rate the exams
- Acceptable pass score for CLAC member states: 70% on all 3 areas
- Information to prepare for the exam will be available for candidates in advance

NCSC's Oral Examination

Simultaneous Interpreting

- English → Target language
- Attorney's opening statement or closing argument
- Speed of 120 words/minute
- Approximately 900 words in length
- Speech lasts for 7-10 minutes

NCSC's Oral Examination

Consecutive Interpreting

- English → Target Language
- Target Language → English
- Attorney questioning a non-English speaking witness
- Maximum length of each question or answer is 50 words
- 22 Minutes to complete this portion of the test
- May request up to 2 repetitions

NCSC's Oral Examination

Sight
Translation

- English → Target Language
- Target Language → English
- Each document is approximately 225 words in length
- 6 minutes allowed per document

LOGISTICS

Administration of Program

- Administrative Office of the Courts (AOC) will administer the overall program.
- Some courts will assist in holding exams at their locations.
- Applications will be available online.
- Application process will be through email.
- Online interpreter registry will be re-written and be used to hold and communicate information about interpreter candidates.

Requirements of Courts

Freelance Preference

Preference for
credentialed
freelancers

Staff Requirement

Required to have
staff interpreters
credentialed

Anticipated Fees for Interpreters

Arizona Component	Cost
Ethics Class	\$55
Court Overview Class	\$55
Written English Exam	\$80
Oral Proficiency Interview	\$65
Oral Exam -Complete	\$300
-Component	\$125
Total	\$555

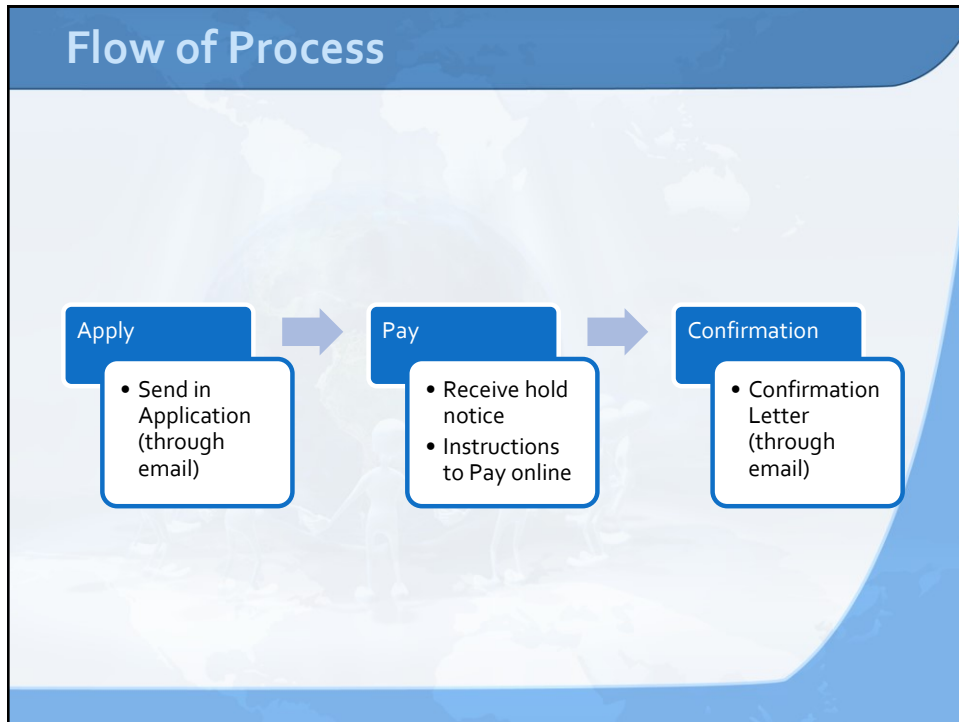
Component	High	Average	Median	Low
Application/Background Check	\$116	\$56	\$40	\$0
Ethics + Overview (orientation)	\$350	\$162.5	\$145	\$80
Written English Exam	\$164	\$75	\$75	\$25
Oral Exam (Complete)	\$475	\$289	\$300	\$200
OPI-Tier 1	NA	NA	NA	NA

State	Total Amount
Highest	Nevada \$787
Average	Illinois \$500
Lowest	Washington \$405

Fees for Other Situations

Out of State	Cost
Ethics Class	\$100
Court Overview Class	\$100
Written English Exam	\$125
Oral Proficiency Interview	\$100
Oral Exam (Complete Only)	\$450
Total	\$875

Reciprocity and Transfer	Cost
Full Reciprocity	\$200
Transfer Test Component	\$50



Related Authorities

Supreme Court Administrative Orders

- A.O. 2015-95: Court Interpreter Program Advisory Committee
- A.O. 2015-98: Arizona Court Interpreter Code of Conduct
- A.O. 2015-XXX: Credentialing for Court Interpreters

View them at:

<http://www.azcourts.gov/orders/Administrative-Orders-Index>

**QUESTIONS YOU MAY BE
THINKING....**

Will anyone be
"grandfathered" in?

No. No one will be
grandfathered into the
program.

Is continuing education
required?

Not as a requirement of the
credential.

Continuing education is a part of
the Arizona Court Interpreter
Code of Conduct (ethics)

How will I know it is time to enroll?

- Email blast to people registered in current registry
- Information will be updated on our website
- We will share with ACIA when registration opens

Testing Dates

Future Dates to Keep in Mind (Subject to modification)

Cycle 1	Phoenix & Tucson	Written Exam	3 rd week of March 2016
		OPI	4 th week of March 2016
		Oral Exam	2 nd week of July 2016
Cycle 2	Flagstaff, Phoenix & Tucson	Written Exam	1 st week of September 2016
		OPI	2 nd week of September 2016
		Oral Exam	1 st week of December 2016

More Questions?

Feel free to contact us.



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Interpreter Program:
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Coming Soon:
More information will be available
on our website at:
www.azcourts.gov/interpreter

Arizona Court Interpreter Code of Conduct Canons

1. Accuracy and Completeness
 2. Representation of Qualifications
 3. Impartiality and Avoidance of Conflict of Interest
 4. Professional Demeanor
 5. Confidentiality
 6. Restriction of Public Comment
 7. Scope of Practice
 8. Assessing and Reporting Impediments to Performance
 9. Duty to Report Ethical Violations
 10. Professional Development
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CODE OF PROFESSIONAL RESPONSIBILITY FOR INTERPRETERS IN THE JUDICIARY PREAMBLE

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier.¹ Interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively.

APPLICABILITY

This code shall guide and be binding upon all persons, entities and organizations which administer, supervise use, or deliver interpreting services to the judiciary. This code shall not be binding on non-interpreter staff who may carry out their official non-interpreting duties in a language other than English when providing assistance or information to court customers. This code is meant to be administered in concert with the Employee Code of Conduct, found in the Arizona Code of Judicial Administration §1-303, where applicable.

Commentary:

The canons of this Code of Conduct are widely recognized principles of general application for judiciary interpreters. The use of the term "shall" is reserved for these recognized principles. Statements in the commentary use the term "should" to describe behavior that illustrates or elaborates on the principles. The commentaries are intended to convey what are believed to be probable and expected behaviors.

1. A non-English speaker should be able to understand just as much as an English speaker with the same level of education and intelligence.

CANON 1: ACCURACY AND COMPLETENESS

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

Commentary:

The interpreter has a twofold duty: 1) to ensure that the proceedings in English reflect precisely what was said by a non-English speaking person, and 2) to place the non-English speaking person on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are obligated to apply their best skills and judgment to faithfully preserve the meaning of what is said in court, including the style or register of speech. Verbatim, "word for word," or literal oral interpretations are not appropriate when they distort the meaning of the source language, but every spoken statement, even if it appears nonresponsive, obscene, rambling, or incoherent should be interpreted. This includes apparent misstatements.

Interpreters should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (e.g., a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court's permission to provide an explanation. Interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions, or dramatic gestures.

Sign language interpreters, however, must employ all of the visual cues that the language they are interpreting for requires -- including facial expressions, body language, and hand gestures. Sign language interpreters, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Commentary:

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that

interpreters present a complete and truthful account of their training, certification and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Commentary:

The interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

The interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. The interpreter should discourage a non-English speaking party's personal dependence.

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their official functions. It is especially important that interpreters, who are often familiar with attorneys or other members of the courtroom work group, including law enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Should an interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing services in a matter, court interpreters must disclose to all parties and presiding officials any prior involvement or relationships, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information.

The following are circumstances that are presumed to create actual or apparent conflicts of interest for interpreters where interpreters should not serve:

1. The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceedings;

2. The interpreter has served in an investigative capacity for any party involved in the case;
3. The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;
4. The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case;
5. The interpreter has been involved in the choice of counsel or law firm for that case should disclose to the court and other parties when they have previously been retained for private employment by one of the parties in the case.

Interpreters should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

An interpreter who is also an attorney should not serve in both capacities in the same matter.

CANON 4. PROFESSIONAL DEMEANOR

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Commentary:

Interpreters should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enable them to be heard and understood throughout the courtroom, but the interpreter's presence should otherwise be as unobtrusive as possible. Interpreters should work without drawing undue or inappropriate attention to themselves.

Interpreters should dress in a manner that is consistent with the dignity of the proceedings of the court.

Interpreters should avoid obstructing the view of any of the individuals involved in the proceedings. However, interpreters who use sign language or other visual modes of communication must be positioned so that hand gestures, facial expressions, and whole body movement are visible to the person for whom they are interpreting are encouraged to avoid personal or professional conduct that could discredit the court.

CANON 5: CONFIDENTIALITY

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Commentary:

The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of her or his duties. It is especially important that the interpreter understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communications.

Interpreters must also refrain from repeating or disclosing information obtained by them in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who is not involved in the proceeding and seek advice in regard to the potential conflict in professional responsibility.

CANON 6: RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

CANON 7: SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Commentary:

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating only. Interpreters should refrain from initiating communications while interpreting unless it is necessary for assuring an accurate and faithful interpretation.

Interpreters may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing their duties.

Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances they should make it clear that they are speaking for themselves.

An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose of forms, services, or otherwise act as counselors or advisors unless they are interpreting for someone who is acting in that official

capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person.

The interpreter should not personally serve to perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators or interviewers, or probation counselors.

CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

Commentary:

If the communication mode or language of the non-English-speaking person cannot be readily interpreted, the interpreter should notify the appropriate judicial authority.

Interpreters should notify the appropriate judicial authority of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (e.g., the court room is not quiet enough for the interpreter to hear or be heard by the non-English speaker, more than one person at a time is speaking, or principals or witnesses of the court are speaking at a rate of speed that is too rapid for the interpreter to adequately interpret). Sign language interpreters must ensure that they can both see and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movement, as well as hand gestures.

Interpreters should notify the presiding officer of the need to take periodic breaks to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should recommend and encourage the use of team interpreting whenever necessary.

Interpreters are encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables interpreters to match more closely their professional qualifications, skills, and experience to potential assignments and more accurately assess their ability to satisfy those assignments competently.

Even competent and experienced interpreters may encounter cases where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter (e.g., the unscheduled testimony of an expert witness). When such instances occur, interpreters should request a brief recess to familiarize themselves with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the presiding officer.

Interpreters should refrain from accepting a case if they feel the language and subject matter of that case is likely to exceed their skills or capacities. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with terminology, preparation, or difficulty in understanding a witness or defendant.

Interpreters should notify the presiding officer of any personal bias they may have involving any aspect of the proceedings. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and legal translating.

Commentary:

Because the users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this code or other laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should turn to a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

CANON 10: PROFESSIONAL DEVELOPMENT

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

Commentary:

Interpreters must continually strive to increase their knowledge of the languages they work in professionally, including past and current trends in technical, vernacular, and regional terminology as well as their application within court proceedings.

Interpreters should keep informed of all statutes, rules of courts and policies of the judiciary that relate to the performance of their professional duties.

An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field.

Modeled after the code of conduct provided in *Court Interpretation: Model Guide for Policy and Practice in the State Courts* National Center for State Courts, 1995

ARIZONA COURT INTERPRETER CREDENTIALING PROGRAM

A CREDENTIALING PROGRAM IS UNDER DEVELOPMENT FOR ARIZONA

DATE: 25 November 2015

Background	On October 22, 2015 the Arizona Judicial Council voted to support the implementation of a court interpreter credentialing program for the Arizona courts. The program is expected to be implemented through an Administrative Order from the Chief Justice.
Program Expectations	
Tiers:	<p><u>Tier 1</u> – Foundation and Language only Applicable to interpreters of all spoken languages. Elements include online classes on the Arizona courts and court interpreter ethics; a written English exam; and an oral proficiency interview (OPI) in the non-English language.</p>
	<p><u>Tiers 2 – 4</u> – Interpretation Skills Applicable to interpreters of any of the 20 languages for which an oral interpreting exam is available. Tier level is based on exam score. Tier 2 is temporary; it expires after 18 months. Tiers 3 & 4 are permanent.</p>
	<p><u>Tier A</u> – Superior Language Skills Applicable only to interpreters of a language for which no oral interpreting exam is available. Requires the highest score available on the OPI.</p>
Will credentialing be required?	It is expected that courts will be required to have staff interpreters credentialed within a stipulated period after the program is implemented. For freelance/contractor/per diem interpreters, preference would be shown for those holding an Arizona credential.
Can I be “grandfathered” in?	No, there is no “grandfather” clause expected.
Can I apply for reciprocity?	Yes, FCICE, NAJIT and NCSC (CLAC, formerly the Consortium) certifications are expected to be recognized for reciprocity. Additionally, for those who have begun the credentialing process in another state, certain individual credential components that meet or exceed the Arizona requirements may be transferred in, and the program then completed in Arizona.
Are observation hours or CEUs required?	No, there are not expected to be ongoing requirements to maintain the permanent credentials. However, continuing education is referenced in the ethical canons of the Arizona Court Interpreter Code of Conduct.
When would the program start?	The program may start in early 2016. Dates have not been finalized.
When would testing start?	Testing may start as early as Spring 2016. Dates have not been finalized.
How often will tests be offered?	All exams are expected to be held in various locations twice a year.
Where do I go for more information?	As details are finalized information will be posted on a new section of the Judicial Branch website (www.azcourts.gov/interpreter ; currently under construction).
Program contact information:	Arizona Court Interpreter Credentialing Program (ACICP) Email: interpreters@courts.az.gov Tel: (602) 452-3333