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Court Interpreters Program

A fundamental goal of the California judicial branch is equal access to justice and to the courts, regardless of an individual's ability to communicate in English. With over 200 languages spoken in California, court interpreters play a critical role in achieving this goal by accurately interpreting for persons who are limited English proficient (LEP) or deaf or hard-of-hearing. The Court Interpreters Program strives to ensure access to the courts for LEP or deaf or hard-of-hearing persons, by developing programs and practices that enhance the quality of interpretation and increase the availability of qualified interpreters in the courts.

Overview

Article I, section 14 of the California Constitution was amended in 1974 to provide that "[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings." This provision established a mandate for courts to provide interpreters in criminal matters to all defendants who have limited proficiency in English. The constitutional mandate and subsequent case law have been interpreted to include proceedings related to criminal, misdemeanor, and delinquency matters as well as certain civil matters such as divorce or separation involving a protective order and child custody and visitation proceedings.

Effective January 1, 2015, the enactment of Assembly Bill 1657 (Stats. 2014, ch. 721) through Evidence Code section 756 authorized courts to provide interpreters to all parties in civil matters, regardless of income, and presented a priority and preference order when courts have insufficient resources to provide interpreters for all persons.

Persons who are deaf or hard of hearing are entitled to an interpreter when participating in all court proceedings, both criminal and civil.

As of 2018, estimates indicate that 44.1 percent of the California population five years and older speak a language other than English at home, and 18.1 percent of

the California population five years and older (6.6 million out of 37.7 million) speak English less than "very well.[1]

Court interpreters must accurately interpret for persons with very limited language skills as well as for individuals that possess extensive vocabularies and linguistic abilities. Interpreters must interpret without altering the language register of the speaker. Court interpreters must possess proficiency in the three modes of interpretation: 1) simultaneous interpreting, 2) consecutive interpreting, and 3) sight translation of documents.

1. **Simultaneous interpretation** is when the interpretation from the source language to the target language happens in real time.

2. **Consecutive interpretation** is when the speaker pauses after one or two sentences and allows the interpreter to interpret from the source language to the target language before the speaker continues on with his/her speech.

3. **Sight translation** is when the interpreter is called upon to verbally translate legal documents from English to the target language and from the target language to English.

History

California was the first state in the U.S. to adopt laws requiring standards for interpreters' professional conduct and certification requirements (AB 2400, 1978; California Government Code § 68560).

On January 1, 1993, the Judicial Council assumed responsibility for certifying and registering court interpreters and for developing a comprehensive program to ensure an available, competent pool of qualified interpreters. (Government Code § 68562 et seq.).

In June 1993, then Chief Justice Malcolm Lucas appointed the Court Interpreters Advisory Panel (CIAP) as a new standing advisory committee to the council, as specified under Government Code § 68565. Rule 10.51 of the California Rules of Court states that the charge of CIAP is to assist the council with performing its duties under Government Code sections 68560 through 68566, and to promote

[1] U.S. Census Bureau, 2014–2018 American Community Survey 5-Year Estimates.

access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons. To carry out this charge, the committee reviews and makes recommendations to the council on:

- Interpreter use and need in court proceedings;
- The certification, registration, testing, recruiting, training, continuing education and professional conduct of court interpreters; and
- The findings of the language need and interpreter use study for interpreters in California court proceedings that is conducted by the council every five years pursuant to Government Code section 68563.

Court Interpreters Program

In 1998, the council approved the establishment of the Court Interpreters Program (CIP). As part of the Language Access Services Program in the Center for Families, Children & the Courts, CIP oversees interpreter recruitment, education, testing, licensing, discipline, and cross-assignments. CIP monitors the compliance requirements for California's certified and registered court interpreters, which include continuing education and professional assignments requirements. CIP maintains a statewide registry, *the Judicial Council's Master List of Certified Court and Registered Interpreters* (Master List). The Master List assists the courts and the public with locating California court interpreters in good standing. CIP also oversees the credential review process, which addresses complaints brought against credentialed court interpreters. Lastly, CIP provides staff support to CIAP.

Certified Court Interpreters for Spoken Languages

Individuals who successfully complete the certification exam process in one of the fifteen spoken certified languages and subsequently complete the application process and enroll with CIP are referred to as "**certified court interpreters**."

To obtain certified status in a spoken language, individuals must successfully pass the Written Examination as well as the Bilingual Interpreting Examination (BIE) for their respective certified language. The BIE is administered in the following spoken certified languages: Arabic; Armenian (Eastern); Cantonese; Farsi (Persian); Filipino (Tagalog); Khmer; Korean; Mandarin; Portuguese; Punjabi (India); Russian; Spanish; and Vietnamese. The BIE is not currently available in Armenian (Western) and Japanese.

CIAP is in the process of developing recommendations concerning the certification of new ASL court interpreters for the council's consideration.

Registered Court Interpreters for Spoken Languages

Court interpreters of spoken languages other than those designated as certified languages are referred to as **"registered court interpreters."** Registered court interpreters are required to pass the Written Examination, the Oral Proficiency Examination in English, and the Oral Proficiency Examination in their non-English language (if available). The Oral Proficiency Examinations in English and the non-English languages assess the candidate's functional ability to communicate in that language.

Locating a Court Interpreter

The Master List is a searchable database of currently certified and registered California court interpreters available to the public and to our justice partners. The Master List can be searched by language and county or by the name of an interpreter.

The Master List is accessible at: *https://www.courts.ca.gov/35273.htm.* Currently, there are over 1,700 certified court and registered interpreters on the Master List.

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Additional resources:

Court Interpreters Program: www.courts.ca.gov/courtinterpreters

Interpreter Exam Information: https://www.courts.ca.gov/2695.htm

Court Interpreters Advisory Panel: https://www.courts.ca.gov/ciap.htm#panel26265

Language Access: www.courts.ca.gov/languageaccess.htm