



Hawai`i State Judiciary Becoming a Court Interpreter

Break-Out Session
Office of Language Access
Language Access Conference

**Laulima -
Working Together to Ensure
Language Access in Hawai'i**

March 28-29, 2008

Office on Equality and Access to the Courts

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Court Interpreter Trivia

1. Which of the following skills is *LEAST* important in interpreting?
 - A. Memory
 - B. Bilingualism
 - C. Native accent
 - D. Intelligence



Court Interpreter Trivia

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- A. Memory
- B. Bilingualism
- C. **Native accent**
- D. Intelligence



Court Interpreter Trivia

2. The mandatory method for interpreting at the witness stand is
- A. Simultaneous
 - B. Consecutive
 - C. Summary
 - D. Paraphrase



Court Interpreter Trivia

2. The mandatory method for interpreting at the witness stand is

A. Simultaneous

➔ **B. Consecutive**

C. Summary

D. Paraphrase



B

Court Interpreter Trivia

3. The court interpreter has an obligation to
 - A. Make sure the defendant understands everything that is going on in the trial
 - B. Inform the court if an attorney's question is likely to be too difficult for the defendant to understand
 - C. Interpret everything just as it is said, without explaining or simplifying
 - D. Explain complex legal concepts to the defendant



Court Interpreter Trivia

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 - A. Make sure the defendant understands everything that is going on in the trial
 - B. Inform the court if an attorney's question is likely to be too difficult for the defendant to understand
 - C. **Interpret everything just as it is said, without explaining or simplifying**
 - D. Explain complex legal concepts to the defendant



Court Interpreter Trivia

4. The *defense rests* means

- A. The defense cannot proceed for lack of witnesses
- B. The defense moves for a brief recess
- C. The defense has finished presenting its case
- D. The defense is finished with the cross-examination of the prosecution witnesses



zzzz



Court Interpreter Trivia

4. The *defense rests* means

- A. The defense cannot proceed for lack of witnesses
- B. The defense moves for a brief recess
- C. **The defense has finished presenting its case**
- D. The defense is finished with the cross-examination of the prosecution witnesses



Court Interpreter Trivia

5. The interpreter may give legal advice
- A. In a limited way, under certain circumstances
 - B. Never under any circumstances
 - C. When the defendant explicitly asks for help
 - D. When the defendant is indigent



When,
when,when,when?

Court Interpreter Trivia

5. The interpreter may give legal advice
- A. In a limited way, under certain circumstances
 - ➡ **B. Never under any circumstances**
 - C. When the defendant explicitly asks for help
 - D. When the defendant is indigent



mai *nunca* *jamaais!!!*
never!!!



Court Interpreter Trivia

6. An attorney calls her client a “son of a bitch.” The interpreter should
- A. Clean up the language, since the client may be offended
 - B. Interpret everything using the closest equivalents in the target language
 - C. Report the inappropriate behavior to the judge
 - D. Tell that attorney that it is against your religion to use such language



Court Interpreter Trivia

6. An attorney calls her client a “son of a bitch.” The interpreter should

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C. Report the inappropriate behavior to the judge

D. Tell that attorney that it is against your religion to use such language



Learning Outcomes

- **Overview of Court Interpreting**
 - legal bases for provision of court interpreting
 - modes of court interpreting
 - ethics for court interpreters
- **Hawai`i State Judiciary Court Interpreter Certification Program**
 - certification program application
 - mandatory minimum requirements for interpreting in the courts
 - fee schedule
 - tiers of interpreter designation and Certification Program timeline
 - certification program exams
- **Questions and Answers**

Video Clip

The background is a solid blue color. A thin, light blue curved line starts from the top left and arcs towards the right. On the right side, there is a larger, semi-transparent blue shape that appears to be a stylized arrow or a decorative element pointing towards the right edge of the frame.

Legal Bases of Court Interpreting

Federal Constitutional Mandates:

- Fundamental Fairness - 5th and 14th Amendments;
- Equal Protection - 14th Amendment;
- Right to Cross-Examine Adverse Witnesses - 6th Amendment

Civil Rights Statutes:

- Court Interpreter Act of 1978
- Spoken Federal Law: Title VI – National Origin
- Spoken State Law: HRS 371 (Act 290)
- ADA Federal and State: Title II / State law

What Is The Interpreter's Job?



To render everything said in court in the source language into the target Language

Three Modes of Interpreting

- Sight Translation
- Consecutive Interpreting
- Simultaneous Interpreting

Sight Translation

The mode where a written document rendered orally or by sign is translated into the target language.

Consecutive Interpretation

The mode where the interpreter hears the **complete** thought *before* beginning to interpret.



Defendant

Interpreter

Attorney

-One person speaks.

Interpreter interprets.

-Other person speaks

Interpreter interprets.

Simultaneous Interpretation

The mode where the interpreter speaks almost at the same time as the source language speaker.

Requires listening, processing information, and speaking...

ALL AT ALMOST THE SAME TIME!!!

Nine Canons

(Basis for Hawaii Code)

Canon 1: Accuracy And Completeness

Canon 2: Representation Of Qualifications

Canon 3: Impartiality And Avoidance Of Conflict
Of Interest

Canon 4: Confidentiality And Restriction Of
Public Comment

Nine Canons

Canon 5: Professional Demeanor

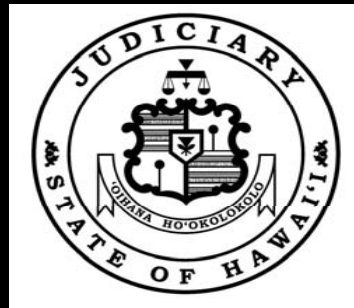
Canon 6: Scope Of Practice

Canon 7: Assessing And Reporting
Impediments To Performance

Canon 8: Duty To Report Ethical Violations

Canon 9: Professional Development

Overview of the Hawai`i State Judiciary Court Interpreter Certification Program



Certification Program Application Requirements

- At least 18 years of age
- Authorized to work in the United States
- Hawai`i General Excise Tax (“GET”) License
- Read and agree to abide by the Policies for Interpreted Proceedings in the Courts of the State of Hawai`i, Part III
- Fully complete the Certification Program Application Form with supporting documents and submit to the OEAC

Court Interpreter Employment Status

- Hired on a freelance basis as independent contractor
- Self-employed

ORIENTING

- Introduction to Interpreting
- Overview of the Hawaii Court System
 - Procedures and Protocol
- Interpreter Ethics
- Role of the Interpreter
- The 3 Modes of Interpreting
 - Simultaneous – Consecutive – Sight
 - Note-taking – Memory
- Overview of the Written and Oral Exams
- Resources and Preparation for the Written and Oral Exams

**Two-Day Basic
Orientation
Workshop**

**Registered
Attendance**

MANDATORY FOR ALL TIER DESIGNATIONS

SCREENING

- Written English Proficiency
- Court-Related Terminology
- Role of the Interpreter
- Ethics
- More Ethics....

Consortium English Written Exam & Hawaii Basics Ethics Test	80%
Two-Day Basic Orientation Workshop	Registered Attendance

MANDATORY FOR ALL TIER DESIGNATIONS

OVERVIEW OF THE CONSORTIUM WRITTEN ENGLISH EXAMINATION

General English language proficiency:

- sentence completion
- synonyms and synonyms in context
- antonyms
- idioms

Court-related terms and usage:

- sequence of court events
 - court-related sentence completion
 - professional conduct
 - ethics scenarios
-
- 2 hours and 15 minutes
 - at least 108 of the 135 items or 80% of the items answered correctly

OVERVIEW OF THE HAWAII STATE JUDICIARY BASIC ETHICS EXAMINATION

Court interpreter ethics:

- ethical behavior
- professional conduct
- knowledge of the *Hawaii Code of Professional Conduct for Court Interpreters*
- One hour
- At least 20 of the 25 items or 80% of the items answered correctly.

BUILDING THE FOUNDATION

Criminal Back- ground Check(s)	Passed
Consortium English Written Exam & Hawaii Basics Ethics Test	80%
Two-Day Basic Orientation Workshop	Registered Attendance

MANDATORY FOR ALL TIER DESIGNATIONS

SETTING THE FLOOR

**SPOKEN TIER 1
REGISTERED**

**Criminal Back-
ground Check(s)**

Passed

**Consortium English
Written Exam & Hawaii
Basics Ethics Test**

80%

**Two-Day Basic
Orientation
Workshop**

**Registered
Attendance**

**ASL TIER 1
REGISTERED**

\$25/hr

MANDATORY FOR ALL TIER DESIGNATIONS

Purpose of the Consortium Oral Exam

To determine whether candidates have:

1) minimum knowledge of English
and the non-English language

and

2) minimum interpreting skills to render
meaning between the two languages
completely and accurately in court
proceedings

Consortium Oral Exams languages:

Arabic	Mandarin
Cantonese	Marshallese*
Chuukese*	Portuguese
French	Russian
Haitian Creole	Serbian*
Hmong	Somali
Ilokano	Spanish
Korean	Vietnamese
Laotian	

- Abbreviated version - simultaneous only

Purpose of the LionBridge Oral Exam

Alternative credential to measure interpreting skills in languages for which there is no Consortium exam

- Telephonic administration
- Consecutive and sight translation

LionBridge Exam languages:

Available in over 80 languages

JAPANESE*	TAGALOG*
SAMOAN*	TONGAN*
Amharic	German
Armenian	Hungarian
Bengali	Indonesian
Cambodian	Italian
Fukinese/Taiwanese	Thai

*among the top 14 language of demand in Hawaii State Courts

TIER 2

Spoken Interpreter Tier of Designation	Scores Needed to Achieve Tier Designation for Spoken		ASL Interpreter Tier of Designation	Fee Schedule
	Exam	Score		
SPOKEN TIER 2 CONDITIONALLY APPROVED State Dept "Conference"	Consortium Abbreviated	60% - -	ASL TIER 2 CONDITIONALLY APPROVED NAD IV / HQAS IV RID CI or CT	\$35/hr
	LionBridge	70% (70%)		

Within top 14 languages:

Tongan
Japanese
Samoan
Tagalog

OPTIONAL

TIER 3

Spoken Interpreter Tier of Designation	Scores Needed to Achieve Tier Designation for Spoken			ASL Interpreter Tier of Designation	Fee Schedule
	Exam	Score			
SPOKEN TIER 3 APPROVED	Consortium Full	60%	60%	60%	\$40/hr
	Consortium Abbreviated	70%	-	-	

Within top 14 languages:

Chuukese
Marshallese

Spoken Interpreter Tier of Designation	Scores Needed to Achieve Tier Designation for Spoken				ASL Interpreter Tier of Designation	Fee Schedule
	Exam	Score				
SPOKEN TIER 6 CERTIFIED MASTER FCICE	Oral Exam	Simul	Cons	Sight	ASL TIER 6 CERTIFIED MASTER RID SC:L	\$55/hr
	Consortium Full	80%	80%	80%		
SPOKEN TIER 4 CERTIFIED	Consortium Full	70%	70%	70%	ASL TIER 4 CERTIFIED NAD V / HQAS V RID: CDI, CSC, RSC RID: CI and CT	\$45/hr

Within top 14 languages:

- Ilokano
- Vietnamese
- Spanish
- Korean
- Cantonese
- Mandarin
- Laotian

TIERS 4, 5, 6

Spoken Interpreter Tier of Designation	Scores Needed to Achieve Tier Designation for Spoken			ASL Interpreter Tier of Designation	Fee Schedule
	Exam	Score			
SPOKEN TIER 6 CERTIFIED MASTER FCICE	Oral Exam Consortium Full	Simul 80%	Cons 80%	Sight 80%	ASL TIER 6 CERTIFIED MASTER RID SC:L \$55/hr
	at least 75% for each Sight Translation subpart				
				ASL TIER 5 CERTIFIED ADVANCED Tier 4 + CA reqs \$50/hr	
SPOKEN TIER 4 CERTIFIED	Consortium Full	70%	70%	70%	ASL TIER 4 CERTIFIED NAD V / HQAS V RID: CDI, CSC, RSC RID: CI and CT \$45/hr
SPOKEN TIER 3 APPROVED	Consortium Full	60%	60%	60%	\$40/hr
	Consortium Abbreviated	70%	-	-	
SPOKEN TIER 2 CONDITIONALLY APPROVED State Dept "Conference"	Consortium Abbreviated	60%	-	-	ASL TIER 2 CONDITIONALLY APPROVED NAD IV / HQAS IV RID CI or CT \$35/hr
	LionBridge	(70%)	70%		
<i>In languages where a Consortium oral exam exists, interpreters cannot opt to take the recognized alternative credential oral exam.</i>					
OPTIONAL					

C R E A T I N G A L L A D D E R

Tiers of Designation

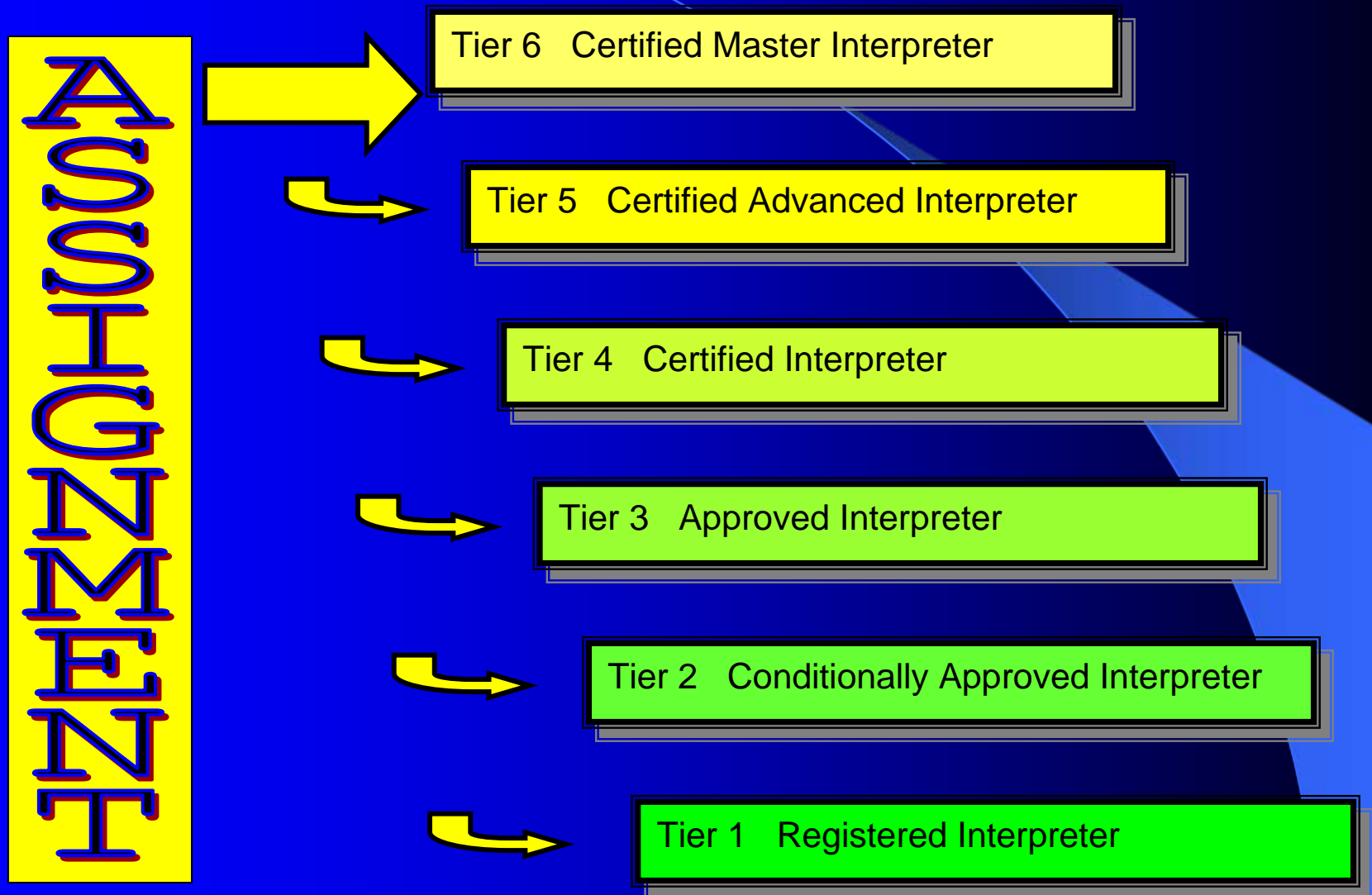
- Minimum requirements for court interpreters;
- Standards for interpreter performance and ethics;
- Incentives for professional advancement;
- Parity of Spoken and ASL interpreter designations;
- Reciprocity and Alternative Credential Recognition.

TIERS OF COURT INTERPRETER DESIGNATION

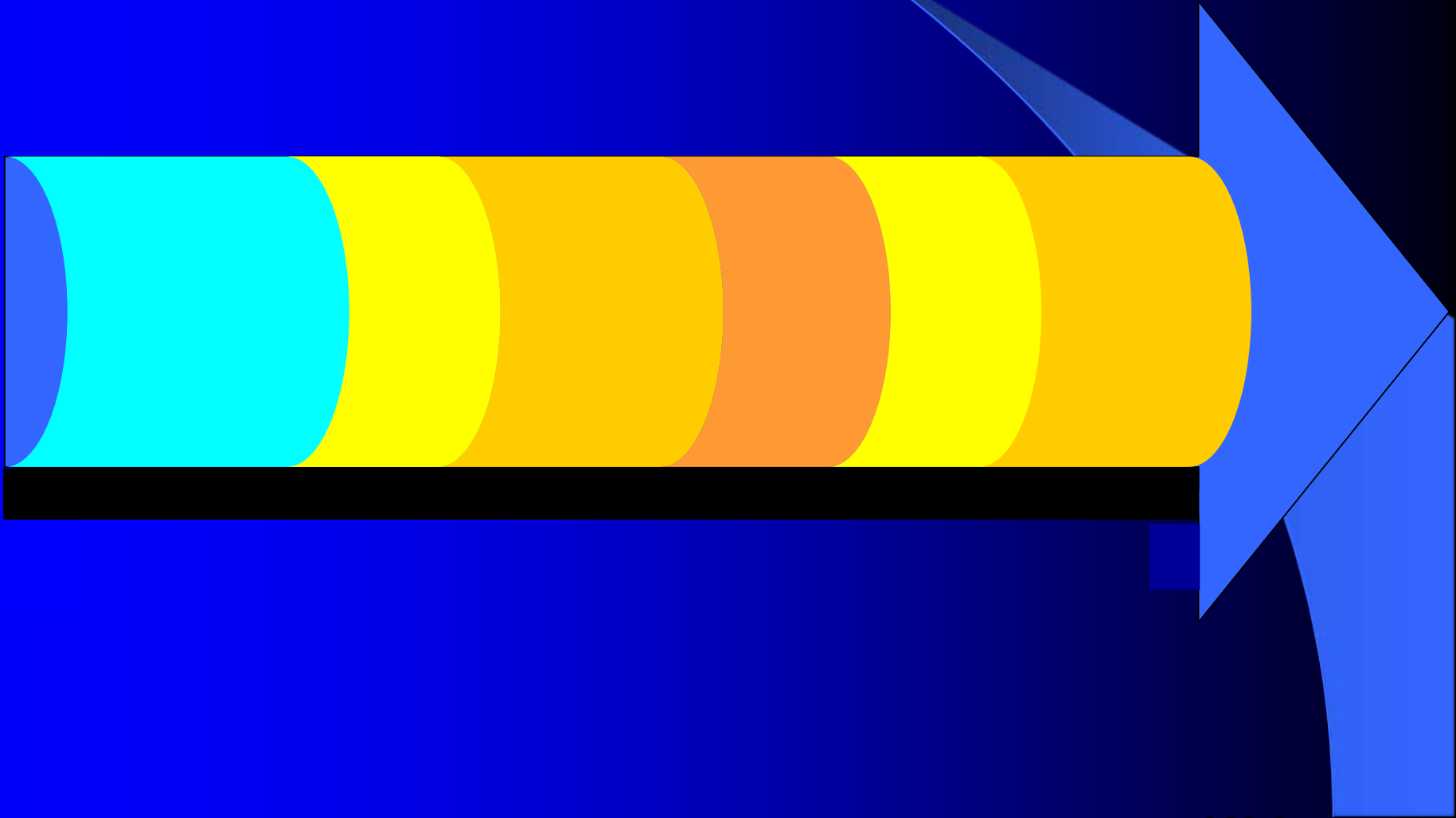
Spoken Interpreter Tier of Designation	Scores Needed to Achieve Tier Designation for Spoken			ASL Interpreter Tier of Designation	Fee Schedule	
	Exam	Score				
SPOKEN TIER 6 CERTIFIED MASTER FOICE	Oral Exam	Simul	Cons	Sight	ASL TIER 6 CERTIFIED MASTER RID SC:L	\$55/hr
	Consortium Full	80% 80% 80% at least 75% for each Sight Translation subpart				
					ASL TIER 5 CERTIFIED ADVANCED Tier 4 + CA reqs	\$50/hr
SPOKEN TIER 4 CERTIFIED	Consortium Full	70% 70% 70% at least 65% for each Sight Translation subpart			ASL TIER 4 CERTIFIED NAD V / HQAS V RID: CDI, CSC, RSC RID: CI and CT	\$45/hr
SPOKEN TIER 3 APPROVED	Consortium Full	60% 60% 60% at least 55% for each Sight Translation subpart				\$40/hr
	Consortium Abbreviated	70% - -				
SPOKEN TIER 2 CONDITIONALLY APPROVED State Dept "Conference"	Consortium Abbreviated	60% - -			ASL TIER 2 CONDITIONALLY APPROVED NAD IV / HQAS IV RID CI or CT	\$35/hr
	Alternative Cred Recognition	Passage of each part <i>In languages where a Consortium oral exam exists, interpreters cannot opt to take the recognized alternative credential oral exam.</i>				
OPTIONAL						
SPOKEN TIER 1 REGISTERED	Criminal Background Check(s)	Passed			ASL TIER 1 REGISTERED	\$25/hr
	Consortium English Written Exam & Hawaii Basics Ethics Test	80%				
	Two-Day Basic Orientation Workshop	Registered Attendance				
MANDATORY FOR ALL TIER DESIGNATIONS						

Interpreting assignment preference will be based on highest interpreter designation levels available in each language.

Finding the Most Qualified Interpreters



Typical Program Timeline

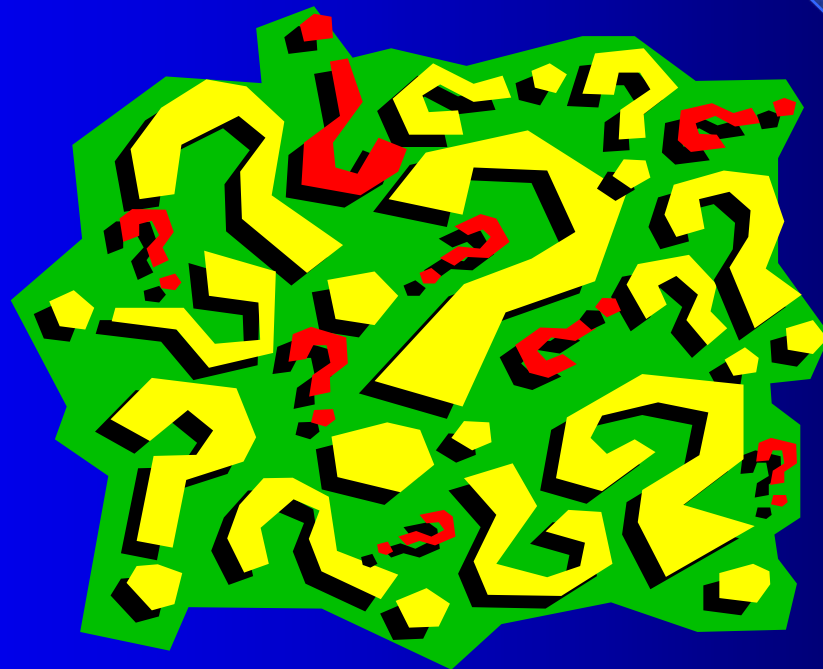


Resource for Court Interpreting

Contact OEAC at 539-4860

- **obtain information on court interpreting**
- **schedule court observation**
- **shadow a fellow court interpreter**

Any Questions



MAHALO
for your Kokuua!