



# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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## INVITATION TO COMMENT

SP24-04

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**Title**

Court Interpreters: Designation of Languages for Certified or Registered Status

**Action Requested**

Review and submit comments by June 4, 2024

**Proposed Rules, Forms, Standards, or Statutes**

None

**Proposed Effective Date**

January 1, 2025

**Proposed by**

Hon. Brian L. McCabe, Chair  
Hector Gonzalez, Vice-Chair  
Court Interpreters Advisory Panel

**Contact**

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### Executive Summary and Origin

The Court Interpreters Advisory Panel (CIAP) recommends that the Judicial Council change the certified status designation of Japanese, Khmer, and Armenian (Western) to registered status due to low interpreting language usage, low testing demand, and the court interpreter testing program not having examinations to administer for the certified status or being unable to administer the examination due to insufficient rater availability. 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. Aspiring interpreters in these languages would be able to take the Written Examination in English and the Oral Proficiency Examination in English along with the target language to become registered interpreters, which would expand the court interpreter pool.

### Background

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 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.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

The California judicial branch designates 15 major non-English languages as certified for spoken language interpretation. 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 15 certified spoken languages for court interpreters (see Link A) in California are:

- 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.

Although they are certified languages, the council has not been able to test for Armenian (Western) or Japanese for several years due to a lack of a certifying examination.<sup>1</sup> The number of interpreters for those languages has therefore remained stagnant or decreased. And since 2019, the council has not been able to test for Khmer, another 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. 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>1</sup> The National Center for State Courts (NCSC) maintains a list of oral examinations ready for administration. See [www.ncsc.org/\\_data/assets/pdf\\_file/0019/74512/Oral\\_Exam\\_Ready\\_for\\_Administration-August-2023.pdf](http://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.

**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 (1,318)</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 (40)</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

## The Proposal

On December 13, 2023, CIAP discussed how to address the current situation and approved the following recommendations to circulate for comment:

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 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.

CIAP discussed several benefits of these recommendations, including:

- People who want to become interpreters in these languages will now have a pathway;
- The recommendations will expand the pool of interpreters, which benefits courts and litigants; and
- The program will not have to create California-only examinations for these languages, which are expensive and time-consuming to develop and pilot.

Interpreters who are currently certified in Japanese, Khmer, and Armenian (Western) 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, Khmer, or Armenian (Western) 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 Court and Registered Interpreters (see Link B).

### **Fiscal and Operational Impacts**

There is no cost or grace period associated with changing the designation of languages when the change is from certified to registered status. Once the change is effective, both existing certified and newly registered interpreters for Japanese, Khmer, and Armenian (Western) who successfully enroll with the council will be eligible for available court employee positions.

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 for which NCSC does not have a certifying examination.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal address the stated purpose of expanding the court interpreter pool?
- Are there other potential impacts that should be highlighted?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Will the proposal expand the availability of qualified court interpreters to serve limited-English-proficient (LEP) court users?
- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- How well would this proposal work in courts of different sizes?

### Links

1. Link A: [Certified Languages in California](#) (May 6, 2022)
2. Link B: [Judicial Council’s Master List of Certified Court and Registered Interpreters](#)