



California Court Interpreter Credential Review Procedures

EFFECTIVE JANUARY 1, 2020



JUDICIAL COUNCIL
OF CALIFORNIA

COURT INTERPRETERS
ADVISORY PANEL

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California Court Interpreter Credential Review Procedures

A. Purpose

Court interpreters play a critical role in facilitating accurate communications between the court and limited-English-proficient users. In performing that crucial function, court interpreters are governed by the professional conduct provisions of rule 2.890 of the California Rules of Court.¹ The Judicial Council of California adopts these credential review procedures in accordance with Government Code section 68562(d), which provides: “The Judicial Council shall adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline. The Judicial Council shall adopt standards of professional conduct for court interpreters.”

These procedures reinforce the professional standards for certified and registered court interpreters by:

1. Establishing a process for the Judicial Council under its authority to issue court interpreter credentials, and to review allegations of professional misconduct or malfeasance against certified and registered court interpreters;
2. Defining the due process protections and procedures governing the credential review process;
3. Seeing that California certified and registered court interpreters meet and maintain minimum professional standards of practice; and
4. Safeguarding the quality and integrity of credentialed court interpreters in California.

The procedures set forth recognize the distinction between the obligations of the Judicial Council as the credentialing body to ensure interpreters abide by the codes of professional conduct as set forth in rule 2.890, *Professional conduct for interpreters*, and those of the employer to ensure interpreter employees follow workplace policies. Trial courts retain the authority to enforce their local personnel policies, collective bargaining agreements, and contractual agreements with independent contract interpreters.

The credential review procedures do not preclude a superior court—consistent with the court’s applicable memoranda of understanding, personnel policies, and/or local rules—from receiving and investigating complaints, conducting investigations, and taking the necessary disciplinary or corrective action against interpreter employees or contractors

¹ *Professional Standards and Ethics for California Court Interpreters*, published by the Judicial Council, is based on the principles and requirements set forth in rule 2.890 of the California Rules of Court. The manual is available at www.courts.ca.gov/documents/CIP-Ethics-Manual.pdf.

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who violate a court's rules, policies, and procedures, but rather supplement local court actions.

The credential review procedures are separate from discipline arising from an interpreter's work performance. However, discipline or corrective actions at the court on an employee interpreter may be considered in the credential review process, or, in regard to actions taken on an independent interpreter's contractual agreement with the court as a result of an allegation of misconduct or ongoing performance issues.

B. Jurisdiction

Every certified or registered spoken-language interpreter on the Master List of Certified Court and Registered Interpreters (Master List) is subject to these procedures.² Jurisdiction over an interpreter to enforce and act under these procedures exists regardless of whether the interpreter resides in California.

C. Grounds for Sanctions on Interpreter Credentials

As the entity responsible for issuing credentials to court interpreters in California, the Judicial Council of California's Court Interpreters Program (CIP) may impose sanctions on any California court certified or registered interpreter, up to and including revocation of an interpreter's credential. The grounds for sanctions may include:

1. Violation of rule 2.890 of the California Rules of Court;
2. Gross incompetence;
3. Deliberate misrepresentation of a certified court or registered interpreter credential, including failure to notify relevant parties of a suspension or revocation of a court interpreter credential;
4. Knowing and reckless disclosure of confidential or privileged information obtained while serving in an official capacity;
5. Fraud, dishonesty, or corruption related to the functions and duties of a court interpreter;
6. Conviction of a felony or misdemeanor;

² American Sign Language interpreters are credentialed by the Registry of Interpreters for the Deaf (RID). Information about filing a request for review of an RID-certified interpreter is found at www.rid.org/ethics/file-a-complaint/.

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7. Violation of California or federal law, including discrimination and harassment laws;
8. False or deceptive advertising after receipt of notification to discontinue; and
9. Violation of duties imposed by these procedures.

D. Statute of Limitations

Requests for a credential review of alleged misconduct as identified in section C, Grounds for Sanctions on Interpreter Credential, submitted to CIP by an individual or entity **other than a court** more than 90 days after the alleged misconduct occurs will be rejected as untimely, and no further action will be taken.

If a trial court receives a complaint that may require a credential review, the following time limits apply:

1. Requests for credential review submitted by anyone other than a trial court, or that regard an independent contractor, must be submitted to CIP within 90 days of the alleged misconduct.
2. As the employing entity, a court should locally investigate any allegation of employee misconduct. If the results of the investigation may warrant a sanction on the interpreter's credential, the court must submit a request for credential review within 30 days of the completion of the investigation; or
 - a. If a court requires assistance in conducting an investigation and it is determined a credential review is required, the court must submit the request to CIP within 90 days of the date of the alleged misconduct; or
 - b. If the 90-day period has elapsed, the court must submit the request for credential review to CIP within 30 days of becoming aware of the alleged misconduct, or after addressing an ongoing pattern of conduct that may require a sanction on a court interpreter's credential.

E. Submitting a Request for Credential Review

Any person or entity, including the court, may submit a request for a credential review to CIP regarding a spoken-language interpreter who is a California certified court or registered interpreter and enrolled on the Master List. The request for credential review:

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1. Must be submitted using the complaint form, available on the “Court Interpreters Program” webpage of the California Courts website:
<https://www.courts.ca.gov/42807.htm>.
2. Must be signed and dated under penalty of perjury. During the credential review process, the confidentiality of a complainant’s identity will be preserved to the extent permitted by law.
3. The request for credential review must include a detailed description of the alleged misconduct including, if known or available, the date, time, location, name of interpreter, the interpreter’s badge number, the case file number of the proceeding interpreted, the names and contact information of any potential witnesses, and any documents or evidence that support the allegations.
4. The request for credential review must be submitted to CIP, or to the local court where the allegation occurred. The request for credential review may be submitted in person or mailed to:

Judicial Council of California
Court Interpreters Program
455 Golden Gate Avenue
San Francisco, CA 94102-3688

The complaint form requesting a credential review, along with supporting documentation, may also be submitted by e-mail to: credreview@jud.ca.gov.

F. Assessment of a Request for Credential Review

Within 30 days of receipt of the request for a credential review, CIP staff will assess the request for credential review and determine whether it is complete, meets jurisdictional requirements, and provides sufficient factual allegations that, if true, would constitute grounds for sanctions up to and including revocation of an interpreter’s credential.

1. The complainant will be notified within 45 days of the receipt of the request for credential review informing the complainant that the request has been received and is being reviewed; or
2. The complainant may be asked to provide additional information for staff to assess the request for credential review. Supplemental information must be submitted within 30 days, or as directed by CIP staff.

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3. CIP staff will notify the complainant of the action to be taken regarding the request for credential review, and:
 - a. If the request for credential review meets the jurisdictional requirements, written notice will be provided to the interpreter who is the subject of the request for credential review. The notice will contain a summary of the allegation(s), the date the allegation(s) took place, and the case file number of the case interpreted, if available or applicable. The notice must be sent within 45 days of the receipt of the request for credential review by CIP staff; or
 - b. Assessment of the request for credential review may be deferred if the allegations are related to pending civil or criminal litigation. CIP staff will notify the complainant and the subject interpreter of the deferral, the reasons for the deferral, and its anticipated duration, if known.
4. If the allegations in the request for credential review do not meet jurisdictional requirements that warrant sanctions on an interpreter's credential, the complainant will be notified within 45 days of the receipt of the request for credential review.
5. All requests for credential review and investigations are confidential, except when a final determination is made to impose the sanctions as provided in section L, Notification of Sanction on a Credential.
6. The final determination, including the grounds for the sanction(s) may be made accessible to the public consistent with the rules governing public disclosure and California Rules of Court, rule 10.500.

G. Investigation of Request for Credential Review and Issuance of Charging Document

1. The investigation may include, but is not limited to:
 - a. Interviewing the complainant, interpreter, witnesses, and other relevant persons. If the interpreter chooses not to participate or respond to questions, the investigation may continue without the interpreter's participation.
 - b. Reviewing records, documents, case files, and other materials.
 - c. Requesting information and materials from the interpreter and other relevant persons. The interpreter must respond to all inquiries within 30 days of receipt of the request for information or materials unless CIP staff grants an extension upon a

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- showing of good cause. If the interpreter chooses not to respond to the request for information or materials, the investigation may continue without the interpreter's participation.
- d. Consulting with a subject matter expert on the duties and requirements to serve as a court interpreter.
 2. At the conclusion of the investigation, if grounds for one or more sanctions exist, a charging document is prepared by CIP staff or its legal counsel that provides the evidentiary basis for the conclusions supporting identified sanctions on an interpreter's credential. The charging document will be concurrently: (1) served by CIP staff or its legal counsel on the interpreter; and (2) filed with the Office of Administrative Hearings (OAH), which will thereafter have jurisdiction over the administrative process of pursuing sanctions against an interpreter's credential. CIP staff may in its discretion provide advance notice to the interpreter that a charging document will be filed.
 3. Once a charging document is filed and served, the procedures set forth in the Administrative Procedure Act (APA), Government Code section 11500 et seq., will apply and are incorporated herein. The procedures of the APA will apply in pursuing sanctions against an interpreter's credential unless the language in these procedures provides differently, in which case the language in these procedures will control.
 4. The interpreter may request a hearing to contest the charges after engaging in good faith dispute resolution efforts as set out below under subdivision (5). To request a hearing, the interpreter must serve a Notice of Defense on the Judicial Council's Court Interpreters Program office, or its legal counsel, within 30 days of service of the charging document. Upon being served a Notice of Defense, the Judicial Council's Court Interpreters Program office or its legal counsel will schedule a hearing with the Office of Administrative Hearings. Failure to timely serve a Notice of Defense by the deadline will result in the interpreter's default in challenging the proposed sanctions pursuant to Government Code section 11520.
 5. Prior to filing a Notice of Defense and requesting a hearing, the interpreter and CIP staff or CIP's legal counsel must engage in informal good faith dispute resolution efforts (i.e., a phone conference to discuss potential resolution; formal mediation before a third party is not required). If they are unable to resolve the charges, the case will proceed to hearing.

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H. Resolution without Issuance of a Charging Document

With the approval of CIP staff, a request for credential review may be resolved before the issuance of a charging document.

1. A request for credential review may be resolved by:
 - a. Voluntary withdrawal of the request for credential review by the complainant before the issuance of the charging document;
 - b. Voluntary surrender of the interpreting credential by the interpreter and removal of the interpreter from the Master List; or
 - c. A settlement agreement that is signed by the interpreter and the Judicial Council's Administrative Director or his or her designee. Approval of a settlement by the Administrative Director or his or her designee constitutes a final decision and is not subject to further review.
2. Voluntary surrender of the interpreting credential requires the interpreter to provide CIP with written notice of the interpreter's voluntary surrender of the interpreting credential. Upon submission of the written notice to CIP, any credential review and/or administrative hearing process to impose sanctions or revocation on a credential, commenced hereunder will terminate. Upon surrender of the interpreter's credential, the interpreter will be removed from the Master List and will no longer be eligible to interpret in the California courts and be a part of the Court Interpreter's Program. The request for credential review and the sanctions arising from the proceedings may be reviewed in the event the interpreter seeks to reinstate his or her credential.
3. Sanctions taken on a court interpreter's credential may be posted on the CIP webpage consistent with the rules regarding public disclosure.
4. At the discretion of CIP, any of the resolutions provided for above may be considered and accepted after the filing of a charging document.

I. Right to Representation

An interpreter may be represented by legal counsel under these procedures, at the interpreter's expense.

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J. Proceedings before the Office of Administrative Hearings and Judicial Council Advisory Panel Review

Hearings will be conducted in the OAH before an administrative law judge and will proceed under the procedures and requirements set forth in the APA.³

After a hearing before an administrative law judge, he or she shall prepare a proposed decision and order pursuant to Government Code section 11517(c). Thereafter, the proposed decision and order of the administrative law judge will be reviewed by a three-member panel consisting of current members of the Judicial Council's Court Interpreters Advisory Panel (CIAP) pursuant to Government Code section 11517(c)(2), and the three-member panel may take any action as provided for in that section.⁴

K. Sanction⁵ Regarding a Credential

1. The type of sanction on an interpreter's credential must include consideration of aggravating and mitigating circumstances, including but not limited to:
 - a. The intent of the interpreter;
 - b. The gravity and impact of the harm to the complainant, the court, litigants, third parties, or judicial processes; and
 - c. The interpreter's history of prior discipline, including any pattern of improper conduct.
2. Sanctions on an interpreter's credential may include but are not limited to one or more of the following:
 - a. Revocation of a certified or registered status credential that is permanent or temporary;

³ Administrative Procedure Act, at https://oal.ca.gov/publications/administrative_procedure_act/, and Gov. Code, § 11500 et seq., at https://california.public.law/codes/ca_gov't_code_section_11500.

⁴ One member of the three-member panel must be a certified court or registered interpreter member of the Judicial Council's Court Interpreters Advisory Panel.

⁵ Separate from the *California Court Interpreter Credential Review Procedures*, California certified court and registered interpreters can be suspended or have their certification revoked for failure to comply with annual compliance requirements as outlined in the Compliance Requirements for Certified Court and Registered Interpreters, at <http://www.courts.ca.gov/23507.htm>.

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- b. Suspension of certified or registered status for a specified period of time after which the interpreter must make a written request to the Court Interpreter Program for reinstatement of his or her credential;
- c. Probation for a fixed period of two years or less during which time the interpreter must meet the probationary terms as defined by the final decision and order to maintain credential status;
- d. A requirement that specific education courses be taken to maintain credential status;
- e. A public or private reprimand; and
- f. A requirement that the court interpreter take the credentialing examinations in place at the time the final decision and order are issued.

L. Notification of Sanction on a Credential

1. CIP staff or its legal representative must notify the complainant, the interpreter, and all relevant courts within 30 days of a final decision and order being issued that specifies a sanction against the interpreter's credential. A final decision and order consist of either the three-member panel's adoption of an administrative law judge's proposed decision pursuant to Government Code section 11517(c)(2)(A)–(D), or issuance of a new decision of the three-member panel pursuant to the procedure described in Government Code section 11517(c)(2)(E).
2. CIP may post information about an interpreter's credential status on the "Court Interpreters Program" webpage consistent with the rules governing public disclosure.

M. Appeals

The interpreter may appeal the final decision and order as authorized by Government Code section 11523 of the APA.

N. Reinstatement

An interpreter whose California court interpreter credential has been suspended or temporarily revoked may apply in writing to CIP for reinstatement within the time established in the decision and order that imposed the sanction. CIP will have sole discretion in determining whether the conditions for reinstatement have been satisfied.

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O. Confidentiality

All requests for review, evidence collected, and investigations must be confidential, except when a final decision and order to impose a sanction on an interpreter's credential are reached. In those limited circumstances, the final decision and order, the grounds for the sanction(s) imposed, and the facts cited to support the final decision and order on credential-related sanction(s), up to and including revocation of an interpreter's credential, must be accessible to the public.

A final decision and order exist in accordance with section L, Notification of Sanction on a Credential.

Publicly accessible information may be posted on the Judicial Council's "Court Interpreters Program" webpage or may be made available through a public records request to the Judicial Council under Government Code section 68106.2 and rule 10.500 of the California Rules of Court.