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FACT SHEET

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Court Interpreters Program

Equal access to justice and to the courts for all, regardless of an individual's ability to communicate in English, is a fundamental goal of the California judicial system. The California Constitution mandates that "[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings."¹ This 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. Persons who are deaf or hard of hearing are entitled to an interpreter when participating in all court proceedings, whether criminal or civil. Plans are underway to expand the provision of spoken language interpreters by 2020 to include all civil proceedings.

Over 200 languages are spoken in California. Of the state's 37 million residents, nearly 40 percent speak a language other than English at home. Of the 40 percent, an estimated 6.7 million residents speak or understand English "less than very well".²

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. Interpreters also may be called upon to translate legal documents from English into the target language and from the target language into English ("sight translation").

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).

¹ Cal. Const., Article I § 14

²Data as reported in: 2010 Language Need and Interpreter Use In California Superior Courts; Chapter 6; pp.87; table 6.1; year 2008

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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. (Gov Code §68562 et seq). In June 1993, then Chief Justice Malcolm Lucas appointed the Court Interpreters Advisory Panel (CIAP) as a new Judicial Council standing advisory committee, as specified under Government Code § 68565.

The CIAP assists the Judicial Council in performing its duties through promoting access to spoken-language interpreters and interpreters for the deaf and hearing impaired. The CIAP specifically assists the Judicial Council with:

- Designating the languages for which certification programs will be established;
- Adopting standards and requirements for interpreter proficiency, continuing education, certification renewal, and professional conduct;
- Adopting programs for recruitment, training, continuing education, and evaluation to ensure that adequate numbers of interpreters are available and that they interpret competently;
- Setting fees or establish fee guidelines for interpreter examinations, and for certification or renewal of certification; and
- Formulating program and policy recommendations based on the findings of the Language Need and Interpreter Use Study conducted every five years.

Results and recommendations arising from the 2015 Language Need and Interpreter Use Study will be available in Fall of 2015.

In June 2013, Chief Justice Tani Cantil-Sakauye convened the Joint Working Group for California's Language Access Plan. Comprised of the members CIAP, the Access and Fairness Advisory Committee, and community stakeholders, the working group set out to develop a comprehensive statewide Language Access Plan (LAP). The LAP will serve all of California's limited English proficient (LEP) court users by providing a consistent statewide approach to language access. Adoption of the *Strategic Plan for Language Access in the California Courts* is anticipated by late 2014, or early 2015.

Court Interpreters Program

In 1998, the Judicial Council approved the establishment of the Court Interpreters Program. The Court Interpreters Program (CIP) is overseen by Court Language Access Support Program (CLASP) which is part of the Judicial Council's Court Operations Services, Operations and Programs Division. CLASP oversees program development and manages the recruitment, orientation, testing, and certification of individuals seeking to become court interpreters. CLASP also oversees mandatory

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training for newly qualified interpreters and continuing education and professional development requirements of interpreters in California's courts, and maintains a statewide registry (Judicial Council Master List or Master List) of all California certified and registered interpreters.

Certified Court Interpreters

Interpreters who successfully complete the certification exam process in one of the fifteen certified languages and subsequently complete an application process and enroll with the Judicial Council are referred to as "**certified court interpreters.**"

To obtain certified status in a spoken language, interpreters must first successfully pass the written exam as well as the Bilingual Interpreting Exam for their respective certified languages. American Sign Language interpreters must complete a required examination process offered by the Register of Interpreters for the Deaf (RID).

Bilingual Interpreting Exams are currently administered in the following certified languages: Arabic, Eastern Armenian, Cantonese, Korean, Khmer, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. (Bilingual Interpreting Exams are not currently available in Western Armenian and Japanese.)

Certified, registered or ASL interpreters must also fulfill additional Judicial Council requirements for enrollment on the Judicial Council's Master List of certified and registered court interpreters.

Registered Court Interpreters

Court interpreters of spoken languages other than those deemed as certified languages are referred to as "**registered court interpreters.**" Registered court interpreters are required to pass the Written Exam, the Oral Proficiency Exam in English, and an Oral Proficiency Exam in their non-English language. The Oral Proficiency Exams in English and non-English languages assess the candidate's functional ability to communicate in that language. All exams for both certified and registered status are administered under contract by an approved testing entity as required under Government Code §68562(b)

Required Elements	Certified	Registered
Written Exam	√	√
Oral Proficiency Exam (English)	Optional	√
Oral Proficiency Exam (Non-English Language)	Optional	√
Bilingual Interpreting Exam	√	Not available

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Required Elements	Certified	Registered
Submit a complete application including certificate of completion for the on-line course "Orientation to Working in the California Courts".	√	√

The Judicial Council also has the authority under California Evidence Code §754(f) to designate testing entities for American Sign Language (ASL) interpreters. The council has determined that a qualified ASL interpreter is one who holds a "Specialist Certificate: Legal" issued by the Registry of Interpreters for the Deaf (RID). For more information regarding ASL interpreters visit www.rid.org

Use and Need for Interpreters

Government Code §68563 mandates the Judicial Council to conduct a study of language and interpreter use and need in court proceedings, and to report its findings to the Governor and the Legislature every five years. The *2010 Language Use and Interpreter Need in California Superior Courts* study covers the five-year period 2004–2008.³ The study was conducted and final report prepared by the Institute for Social Research, California State University, Sacramento. Some of the findings and conclusions from the study include:

- Almost four in ten people in California live in a household in which a language other than English is spoken;
- Interpreters in the state's courts provided more than 1 million days of spoken language interpretation services in 147 languages;
- 17 languages account for 98.5% of all interpreter service days;
- Spanish comprises 83 percent of all mandated service days;
- American Sign Language (ASL) was the second most common language interpreted in all proceedings in the California's court during the five years (all proceedings are mandated for ASL);
- Regional differences in the immigration trends and geographic locations of limited-English-proficiency language populations create differing needs for interpreters across the state's four regions; and,
- Based on report recommendations and applying suggested criteria the Judicial Council should consider the designation of Farsi.

³ Complete Report :*2010 Interpreter Use and Need In California Superior Courts* is available at : <http://www.courts.ca.gov/2686.htm>

Locating a Court Interpreter

The Master List of certified and registered court interpreters (Judicial Council Master List) is a searchable database of currently certified and registered California court interpreters and is available to the public as well as to our justice partners. The database can be searched by language and county or by the name of an interpreter. The Judicial Council's Master List is accessible via the Court Interpreter Program website at: <http://www.courts.ca.gov/3796.htm> There are currently over 1750 certified and registered interpreters on the list.

For additional information on California's Court Interpreters Program or how to become a Court Interpreter, please visit the Court Interpreters Program website at: www.courts.ca.gov/courtinterpreters

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Additional resources:

Court Interpreters Program Information: www.courts.ca.gov/courtinterpreters
Test Administration and information: www.prometric.com/California