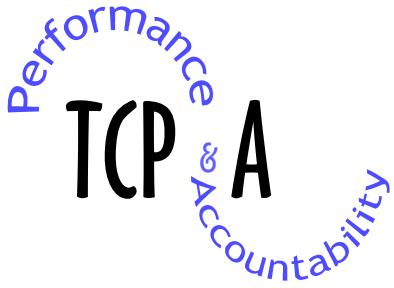
Supreme Court of Florida Commission on Trial Court Performance & Accountability



Recommendations for the Provision of Court Interpreting Services in Florida's Trial Courts

11/1/2010

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Executive Summary

Commission on Trial Court Performance and Accountability

The Commission on Trial Court Performance and Accountability (TCP&A) was established by the Supreme Court in July 2002 for the purpose of proposing policies and procedures on matters related to the efficient and effective resource management, performance measurement, and accountability of Florida's trial courts. Since their inception, a major objective of the TCP&A has been the development and implementation of standards of operation and best practices for the major elements of the trial court system. As such, the TCP&A has issued standards of operation and best practices for two trial court elements, mediation and court reporting.

Supreme Court Directive

With mediation and court reporting as a precedent, the TCP&A was directed in Administrative Order SC08-32, to continue to develop and implement standards of operation and best practices for the major elements of the trial court system. The TCP&A decided that court interpreting should be the next element reviewed for this purpose.

Court Interpreting Workgroup

The TCP&A issued a 2002 report developed by their Court Interpreting Workgroup, in an effort to provide a degree of standardization of policies and practices regarding the use of spoken language court interpreters. To embark upon the development of standards of operation and best practices, a new Court Interpreting Workgroup was formed by the TCP&A in the fall of 2009. The Workgroup included: judges, trial court administrators, ADA coordinators, court interpreting managers and interpreters, as well as cross-over membership with the TCP&A, the Court Interpreter Certification Board, the Trial Court Budget Commission, and the original 2002 Court Interpreting Workgroup. The Honorable Ronald N. Ficarrotta, Circuit Judge, Thirteenth Judicial Circuit, was selected to chair the Court Interpreting Workgroup. The Workgroup met from November 2009 through July 2010 via a series of conference calls and one in-person meeting. In May and June of 2010, the Workgroup solicited feedback from court interpreting stakeholders on the proposed standards and best practices and modified the recommendations accordingly. The Workgroup report was then forwarded to the TCP&A for review and final approval.

Guiding Principles

Throughout the process, the Workgroup focused on uniform services across the state, while giving high priority to circuit flexibility. As the makeup of the Workgroup represented circuits of differing size, market conditions, population, and interpreting requirements, consideration for differences among the circuits was paramount. Understanding that significant variations in

practice and local conditions exist around Florida, the Workgroup focused on solutions to improve the effectiveness, efficiency, timeliness, and uniformity of court interpreting services. The report strives to balance a uniform system for court interpreting services with an approach that allows circuits to determine procedures that provide for their unique variations. These variations must be carefully considered in formulating legal and operational recommendations designed to improve the effectiveness and efficiency of court interpreting services.

Legal Recommendations

Several general revisions to the court interpreter court rules are proposed in an effort to accomplish four goals: (1) to encourage interpreters to become state certified, (2) strengthen the provision of court interpreting services for linguistic minorities, (3) better assist judges in ensuring that the most qualified interpreters are utilized for court proceedings, and (4) eliminate the disparity or variance in standards that currently exist for state certified interpreters versus other designations of interpreters. The rule revisions are offered for the Court Interpreter Certification Board's further evaluation as the Board is the appropriate entity to develop the detailed language for submission to the Supreme Court. Specifically, it is recommended that the Board consider creating a new nomenclature for the classification of interpreters that renames the "duly qualified" designation and requires additional requirements to attain this designation. Further, consistent with other states with membership in the Consortium for Language Access in the Courts, it is recommended that the Board consider creating an additional category of interpreter to distinguish their official status based on whether oral proficiency testing in a language is available, and therefore state certification is actually attainable. Creating another interim designation of "conditionally approved" is also recommended for the Board's consideration. Finally, a rule amendment is recommended to clarify when a judge should appoint a certified interpreter versus an otherwise designated interpreter.

Further, a statutory revision is also proposed to section 90.606, F.S., to amend the term "duly qualified" in order to be consistent with the proposed rule amendments and give judges additional flexibility in appointing qualified interpreters.

Operational Recommendations

Along with the proposed rule and statutory changes, the general recommendations, standards of operation and best practices offered throughout the report provide a comprehensive ground work for court interpreting operations. Issues covered include: assignment of services, certification, networking/shared resources, technology/remote interpreting, staffing, courtroom procedures, translations and transcription, uniform data reporting system, and funding.

The proposed general recommendations, standards of operation and best practices are summarized in the following table. "Standards of operation" are intended to be mandatory practices which must be implemented. "Best practices" are suggested practices intended to improve operations, but due to local conditions beyond the court's control, are not required. "General recommendations" pertain to issues that fall within the purview of another Supreme Court appointed committee and are offered for their review and subsequent action, if appropriate. Particular standards and best practices may not apply to all types of interpreters. Specifically, the term "spoken language interpreter" is used for interpreters who provide interpreting services to persons who are non-English speaking or limited English proficient, and the term "sign language interpreter" is used for interpreters who provide interpreting services to persons who are deaf, hard of hearing, or deaf-blind.

Court Interpreting General Recommendations, Standards of Operation and Best Practices

A. Determining the Need for Services	***Proposed Standards of Operation*** 1. For the purpose of providing court interpreting services, "court proceedings" shall be defined to include any civil or criminal event or proceeding presided over by a judge, magistrate, or hearing officer. "Court-managed activities" shall be defined as any activity or service operated or managed by the court system. 2. Any party or participant appearing in any court proceeding or court-managed activity, or the parents of minors involved in juvenile court or criminal court proceedings, who are unable to speak the English language or have limited English proficiency shall be provided an interpreter. 3. In accordance with the Americans with Disabilities Act of 1990 and, when applicable, Section 504 of the Rehabilitation Act of 1973, any person who is deaf, hard of hearing, late-deafened, or deaf-blind that participates in any court proceeding as a defendant, litigant, witness, juror, attorney, observer, or as the companion to a court participant, and who requires the services of an interpreter for effective communication shall be provided an interpreter. Depending on the circumstances, the responsibility for such interpreter services may be the obligation of the court system, the individual's employer, or both.
	Proposed Best Practices 1. The need for interpreter services should be determined as soon as possible, preferably by whoever makes initial contact with the party. In criminal cases, there should be an identifier in any automated system utilized in a circuit for intake staff at the jail to indicate that the defendant requires a spoken or sign language interpreter, or the public defender's office should request an interpreter as soon as a court appearance is scheduled. 2. Each circuit should establish and document a procedure for requesting a court interpreter.
B. Record Keeping	***Proposed Standard of Operation*** 1. Circuits shall keep clear and accurate record of the use of interpreters per language, type of proceeding, and length of proceeding; and such record shall be kept by using request forms, log sheets and report forms for contract interpreters at the completion of the assignment. The request form shall be completed at the earliest possible determination that interpreting services are needed, according to local policy and procedure. Circuits shall ensure that the report forms are signed by the presiding judge or an officer of the court. Contract interpreters shall be required to submit report forms with their invoices. Employee interpreters shall be required to keep a log sheet.
C. Determining the Appropriate Qualifications of Interpreters When Assigning Proceedings	***Proposed Standards of Operation*** 1. Circuits shall establish criteria to determine the appropriate qualifications of an interpreter when assigning proceedings, in accordance with court rules and guidelines. 2. In accordance with court rule, whenever possible, a certified spoken language interpreter, as defined in the Rules for Certification and Regulation of Court Interpreters, shall be appointed. If, after diligent search, a certified interpreter is not available, an interpreter who is otherwise qualified may be appointed if the judge or hearing officer presiding over the proceeding finds that good cause exists for the appointment of an interpreter who is not certified, such as the prevention of burdensome delay, the request or consent of the non-English-speaking or limited English-proficient person, or other unusual circumstance; and the proposed interpreter is competent to interpret in the proceedings. 3. Whenever possible, an interpreter certified by the Registry of Interpreters for the Deaf /National Association of the Deaf shall be appointed to provide interpreting services to court participants who are deaf, hard of hearing, late-deafened, or deaf blind. If, after diligent search, a certified interpreter is not available, an interpreter who is otherwise qualified may be appointed if the judge or hearing officer presiding over the proceeding finds that good cause exists for the appointment of an interpreter who is not certified, such as the prevention of burdensome delay, the request or consent of the participant, or other unusual circumstance; and the proposed interpreter is competent to interpret in the proceedings and agrees to do so.
	Proposed Best Practice 1. Circuits should require designated court interpreting services coordinators to give certified interpreters priority for assignments.
D. Prioritizing Cases When There is Limited Availability of	***Proposed Standard of Operation*** 1. When there is limited availability of spoken language interpreters, cases requiring interpreters shall be prioritized according to rule 2.560, Florida Rules of Judicial Administration, and based on when an interpreter is requested, the time sensitive nature of the matter, and whether a fundamental interest is at stake.

Spoken Language Interpreters	***Proposed Best Practice*** 1. When there is limited availability of spoken language interpreters, cases requiring interpreters should be prioritized as follows: (1) First appearances, detention hearings and reviews, shelter hearings, and final injunction hearings; (2) Felony trials; (3) Other felony matters; (4) Misdemeanor cases; (5) Delinquency cases; (6) Dependency cases, except shelter hearings; (7) Civil commitment hearings; (8) Civil traffic cases; (9) Diversion programs operated by the courts; and (10) Other civil cases.
E. Assignment of Contract Court Interpreters	***Proposed Standard of Operation*** 1. Each circuit shall establish an assignment system for contract court interpreters with certified interpreters given priority for assignments.
	Proposed Best Practice 1. Each circuit should take steps to ensure that any assignment system for contract court interpreters is as fair and balanced as possible.
F. Multiple Interpreters/ Team Interpreting	***Proposed Standard of Operation*** 1. Multiple interpreters shall be scheduled if a spoken or sign language interpreter is needed for more than one participant (e.g., the defendant and a witness).
	Proposed Best Practice 1. Team interpreters for both spoken and sign language should be scheduled for proceedings lasting more than one hour, allowing the interpreters to take turns in 20-minute shifts.
II. CERTIFICATION	
A. Availability of State Orientation/ Testing	***Proposed Best Practices*** 1. The Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program should sponsor orientation workshops, written exam administrations, and oral exam testing at a minimum of three venues per fiscal year, subject to Chief Justice approval and unit workload permitting. 2. The Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program should sponsor back-to-back workshops and written exams when warranted by demand (i.e., registration well exceeds class capacity and workshop expenses for a second orientation/written exam can be covered by the participant registration fees) subject to Chief Justice approval and provided that registration is completed by the slated registration deadline and instructor/proctor and meeting space availability permitting. 3. When warranted by demand, additional proctors or additional days should be added by the Court Interpreter Certification and Regulation Program to the oral exam testing schedule in order to accommodate the maximum number of prospective oral exam candidates. As with the other major training/testing components of the program, expansion of the test cycle should be contingent upon receiving approval from the Chief Justice and securing additional proctor staff. 4. Court Interpreter Certification and Regulation Program venues should be approved by the Court Interpreter Certification Board or Board Chair and should take into account non-English speaking population statistics for the particular jurisdiction, as well as surrounding areas. 5. At the discretion of the Court Interpreter Certification and Regulation Program, additional trainings should be scheduled in areas of the state where recruitment is critical and orientation workshops/written exams/oral exams are not typically held.
B. Orientations Included in Local Educational Programs	***General Recommendation to the Court Interpreter Certification Board*** 1. All related training standards and procedures for the provision of orientations by providers other than the Office of the State Courts Administrator should be established by the Court Interpreter Certification Board.
	Proposed Best Practice 1. Court Interpreter orientations should be tagged onto local court interpreter education programs provided that the approved course guidelines of the program are equal or greater to those of the Office of the State Courts Administrator-sponsored workshops.

III. NETWORKING/SHARED RESOURCES	
A. Interpreters Listing Maintained by the Office of the State Courts Administrator	***Proposed Standards of Operation*** 1. The Office of the State Courts Administrator-maintained online statewide registry of spoken language interpreters shall reflect the official status of each interpreter listed, pursuant to court rule or Court Interpreter Certification Board operating procedures. 2. An overview as to what inclusion on the statewide registry of spoken language interpreters entails shall be posted online by the Office of the State Courts Administrator, clearly indicating the requirement differences for the various listings. 3. A link to the Registry of Interpreters for the Deaf shall be maintained on the Office of the State Courts Administrator's website, to provide access to a database of nationally certified sign language interpreters.
B. Circuits Working Together to Provide Mutual Assistance and Support	***Proposed Standards of Operation*** 1. Circuits shall explore the utilization of certified employee interpreters across circuit lines. 2. Circuits shall explore the prospect of shared training, observation, and mentoring programs across circuit lines. 3. The Office of the State Courts Administrator shall maintain and update a directory of all court interpreting services coordinators for each circuit. The directory shall be uploaded to the Florida Courts' intranet site. 4. The Office of the State Courts Administrator shall maintain a statewide electronic listserv for court ADA coordinators, to facilitate the sharing of information about sign language interpreter services. 5. The Office of the State Courts Administrator shall create and maintain a statewide electronic listserv to facilitate communication and information sharing for all court interpreting services coordinators.
IV. TECHNOLOGY/REMOTE INTERPRETING	
A. The Use of Remote Interpreting Technology	***Proposed Standards of Operation*** 1. Circuits shall move towards incorporating the appropriate use of remote audio/video interpreting technology. 2. Circuits shall identify existing technology that is currently operating in courtrooms to determine the feasibility of establishing remote interpreting capability. 3. Circuits shall comply with all statewide technical requirements and cost standards for remote interpreting technology as developed by the Florida Courts Technology Commission and the Trial Court Budget Commission. 4. Circuits shall comply with all federal regulations and state court guidelines relating to video remote interpreting services for persons with hearing loss. 5. Circuits shall require that any remote interpreting technology utilized within their courts provide a mechanism for attorney-client confidentiality.
	Proposed Best Practices 1. Remote interpreting should involve the use of proper equipment with appropriate technical capabilities for both spoken language and sign language court interpreters. 2. Circuits should incorporate video capability into any remote interpreting system. 3. Court interpreters who are providing remote interpreting should be given proper advance notice of the need for interpreter services and an enclosed, quiet environment or noise-controlled courtroom in order to listen and view clearly and interpret adequately. 4. All court participants should receive adequate training regarding the use of remote interpreting prior to introducing a remote system in a courtroom. 5. Circuits should develop and document procedures for the appropriate use of remote interpreting.
B. Sharing Remote Interpreting Resources	***Proposed Best Practices*** 1. Circuits should explore the possibility of expanding the use of remote interpreting technology in order to promote intra-state interaction and the sharing of interpreter resources. 2. Circuits should maintain close communication with those circuits that currently operate remote interpreting technology in order to avoid duplication of effort and to share the pool of qualified interpreters.
C. The Use of Telephonic Spoken Language Interpreting Services	***Proposed Best Practices*** 1. Telephonic spoken language interpreting services provided by outside vendors should only be used when all other options have been exhausted. 2. If the use of telephonic interpreting services is necessary, only "court certified" interpreters should be used, if available.

V. STAFFING	
A. Preferred Staffing Model	***Proposed Standard of Operation*** 1. Each circuit shall determine a court interpreter staffing model based on the most efficient use of resources.
B. Techniques for Recruiting Interpreters as Employees	***Proposed Standards of Operation*** 1. Recruitment procedures and practices for court interpreting positions shall be in compliance with the Florida State Courts Personnel Regulations and section 25.382(4), Florida Statutes. 2. Pursuant to Section 1.04, Florida State Courts System Personnel Regulations Manual, regarding Recruitment/Applications, job vacancy notices specifying the knowledge, skill, and ability requirements for each vacant court interpreting position shall be posted and distributed to all appropriate court offices. Job vacancies open to the general public shall be advertised by employers using appropriate advertising sources to reach a diverse group of qualified applicants in the available labor market.
	Proposed Best Practices 1. Circuits should contact local colleges and universities that offer foreign language or translation and interpretation programs to advertise position vacancies. 2. Circuits should partner with local colleges and universities to participate in internship programs for court interpreters. 3. Circuits should attend local job and career fairs to provide information regarding the court interpreter program and available job opportunities. 4. Circuits should attend interpreter association conferences to provide information about the interpreter program and available positions. 5. Circuits should post notices of vacancies on websites and bulletin boards of relevant national and state interpreting/translation groups. 6. Circuits should request the Office of the State Courts Administrator to disseminate job vacancy announcements through broadcast e-mails to interpreter program participants. 7. Circuits should seek to recruit employee interpreters from other fields of interpretation that are not legally oriented. 8. The Office of the State Courts Administrator should develop a recruitment brochure and other materials that can be accessed electronically by the circuits to aid in recruitment efforts. 9. The Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program should give special recognition to newly certified spoken language court interpreters by disseminating a list periodically via electronic communication to pertinent trial court personnel. 10. Circuits should hold an annual or biannual ceremony presided over by the jurisdiction's chief judge or designee, in which all newly certified sign language and spoken language court interpreters will be recognized.
C. Hiring Requirements for Court Interpreters	***Proposed Standards of Operation*** 1. Applicants selected for a position in the court interpreter series of positions (e.g., supervising court interpreter, assistant supervising court interpreter, and court interpreter) shall meet the Education and Training Guidelines and Competencies outlined in the class specification for the position. 2. Court interpreter employees shall possess the knowledge, skills and abilities necessary to perform the duties assigned to the position as outlined in their position description. Employees shall agree to abide by the Code of Professional Conduct as promulgated in Part III of the Florida Rules for Certification and Regulation of Court Interpreters. 3. Applicants who are selected as employee interpreters and are not certified shall obtain such status within one year of being employed in a court interpreting position. Interpreters currently employed with the court shall obtain such status within one year upon notification by the court. The one year requirement may be modified, on a case-by-case basis, if necessary, when extenuating circumstances exist. 4. Certified interpreters shall be given priority in hiring decisions for employee interpreter positions.
D. Training and Education of Court Interpreters	***Proposed Standards of Operation*** 1. A two-day orientation workshop for court interpreters shall be offered by the Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program to all interested spoken and sign language interpreters. 2. Pursuant to rule 14.390 of the Code of Professional Conduct, spoken language interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training, continuing education, and interaction with colleagues and specialists in related fields. 3. Circuits shall provide a concise review of the spoken language certification process to court interpreters and require the use of seminars and workshops at the local circuit level to build skills and to remain current on

	interpreting issues. 4. If funding becomes available, the Office of the State Courts Administrator shall organize statewide educational conferences for all court interpreters. Topics shall include: • Role of the interpreter in the courtroom; • Ethics; • Techniques for improving interpreter skills; • Specialized vocabulary training; • Common difficulties and problems; and • Courtroom dynamics – roles of court participants.
	Proposed Best Practices 1. Periodic sessions for employee and contract interpreters should be held in each circuit to provide information on timely and relevant job-related topics. 2. Continuing education/training workshops should be offered to employee interpreters and made available to contract interpreters at their own expense. 3. Employee interpreters should be encouraged to join professional associations so they may receive pertinent information and support. 4. Employee interpreters should have the opportunity to attend training at annual conferences of professional associations, contingent on available funding. 5. Appropriate training resources should be made available to employee interpreters in each circuit. 6. An in-house plan should be developed in each circuit to provide on-the-job training to employee interpreters.
E. Mentoring Programs	***Proposed Best Practices*** 1. Circuits should provide mentoring programs for employee interpreters. 2. Circuits should encourage participation in voluntary mentoring programs in collaboration with professional interpreter associations.
F. Observation Programs	***Proposed Standard of Operation*** 1. A program or plan to observe employee and contract interpreters shall be established in each circuit to monitor the performance of the interpreters. Court interpreters shall be observed while performing their duties to ensure they are properly and adequately carrying out the responsibilities of their position pursuant to their position description or contract requirements and the Code of Professional Conduct.
	Proposed Best Practice 1. A review of digital court recordings, when available, should be utilized to monitor court interpreter performance in cases where a problem was reported or identified and direct observation was not performed during the time in question.
G. Procedures for Handling Problems with Interpreter Performance	***Proposed Standards of Operation*** 1. When a problem is identified in interpreter performance, the supervisor shall meet with the interpreter to discuss the problem and develop a plan of action to correct the problem. 2. Pursuant to the Personnel Regulations Manual, Section 2.04(4), an employee interpreter shall be placed on a Performance Improvement Plan at the discretion of the supervisor, if he/she is not performing his/her duties and responsibilities satisfactorily. This Performance Improvement Plan shall specify the duties and responsibilities where the employee interpreter is deficient and corrective actions to be taken. 3. Pursuant to Section 2 of the Personnel Regulations Manual, Performance Planning and Review System, the employee interpreter's duties and responsibilities and mutual performance expectations shall be discussed with the employee interpreter at the start of employment in the position. On-going direction and training shall be made available to the employee during the review period, as well. A position description shall also be prepared.
	Proposed Best Practice 1. If the performance problem is not related to the employee interpreter's knowledge, skills, or abilities necessary to perform the duties assigned to their position as outlined in their position description, the supervisor should refer the employee interpreter to the court's Employee Assistance Program, if appropriate.

H. Compensation	***General Recommendations to the Trial Court Budget Commission*** The TCBC should review the feasibility of: 1. Establishing a rate differential that would provide a higher rate of pay for those contract spoken language interpreters who have achieved state certification. 2. Establishing a rate differential that would provide a higher rate of pay for those contract sign language interpreters who have achieved national certification. 3. Establishing pay increases for court employee interpreters which would provide newly hired certified interpreters a higher base rate and existing employees, who are certified or become certified, a fair and equitable pay increase. 4. Seeking legislation to provide statutory authority to circuits wishing to use existing funds to pay for training and certification expenses for employee interpreters.
	Proposed Standards of Operation 1. Contract court interpreters shall be paid rates not to exceed those delineated below. Rates exceeding the maximum may be paid in extenuating circumstances as approved by the Chief Judge of the circuit. Certified Spoken Language Interpreters (per the Florida Rules for Certification and Regulation of Court Interpreters): • Spanish $60 per hour (2 hour minimum with ¼ hour increments thereafter) • Haitian Creole $90 per hour (2 hour minimum with ¼ hour increments thereafter) • Other Spoken Languages $120 per hour (2 hour minimum with ¼ hour increments thereafter) • Written Translations $60 per page (8.5" by 11" page) Certified American Sign Language interpreters and all other types of interpreters for persons with hearing loss (per the Registry of Interpreters for the Deaf/National Association of the Deaf): • Specialist Certificate: Legal $100 per hour • Other Certifications $75 per hour Non-Certified Interpreters • Spanish $45 per hour (2 hour minimum with ¼ hour increments thereafter) • Haitian Creole $75 per hour (2 hour minimum with ¼ hour increments thereafter) • Other Spoken Languages $90 per hour (2 hour minimum with ¼ hour increments thereafter) • American Sign Language and all other types of interpreters for persons with hearing loss $70 per hour (2 hour minimum with ¼ hour increments thereafter) • Written Translations $35 per page (8.5" by 11" page) 2. The Office of the State Courts Administrator shall develop standardized language that can be used as a template for circuit court interpreter contracts.
	Proposed Best Practice 1. All circuit court interpreter contracts should contain standardized language developed by the Office of the State Courts Administrator for the procurement of court interpreting services.
VI. COURTROOM PROCEDURES	
A. Swearing In Interpreters	***Proposed Standard of Operation*** 1. A court interpreter shall be sworn in at the beginning of a proceeding or set of proceedings.
	Proposed Best Practice 1. Before a proceeding, the judge should require the interpreter to take an oath swearing that he or she will make a true interpretation of the questions asked and the answers given and that the interpreter will make a true translation into English of any writing which he or she is required by his or her duties to decipher or translate.
B. Types of Interpreting Used	***Proposed Standard of Operation*** 1. Consecutive interpretation shall be used during witness testimony or when there is questioning of the defendant. Simultaneous interpretation shall be used at all other times.
C. Educating Judges, Court Participants, and	***General Recommendations to the Florida Court Education Council*** 1. Presentations to judges pertaining to court interpreting services should be included periodically at judicial conferences.

the Public about Court Interpreting	2. Presentations regarding the need for and use of court interpreters should be included in some appropriate way at the Florida Judicial College. ***General Recommendation to the Court Interpreter Certification Board, Advisory Committee*** 1. The Office of the State Courts Administrator should develop a bench card and a chapter on the topic of the need for and use of court interpreters for inclusion in a judicial bench book.
	Proposed Standards of Operation 1. The Office of the State Courts Administrator shall prepare brochures and pamphlets to be distributed to court users advising them of the availability of and requirements for using a court interpreter. 2. Circuits shall develop a court interpreter page to be included on their website explaining the basic services provided by the court interpreter program and shall provide contact information. 3. Circuits shall publish information on their websites to inform court participants with disabilities about the rights afforded by the Americans with Disabilities Act, the federal regulations, and the process for requesting a qualified interpreter or other accommodation. 4. All educational materials developed for the circuits by the Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program and by the Court Interpreter Certification Board shall include information on how to request an interpreter, what the role of the interpreter is, and what the interpreter is not allowed to do.
	Proposed Best Practices 1. Circuits should provide educational materials on the use and practice of court interpreters for all stakeholders. 2. The Office of the State Courts Administrator should develop signage, in multiple languages, that may be posted by circuits outside of courtrooms providing instructions for those in need of court interpreting services.
D. Participant Responsibilities in Proceedings Involving Court Interpretation	***Proposed Standards of Operation*** 1. The judge shall ensure that all parties are informed an interpreter is being used in the proceeding and ensure that all parties are conscious of the interpreter. 2. The judge shall monitor the proceeding and ensure that the interpretation process is flowing smoothly. 3. The judge shall instruct the participants to adjust their volume, rate of speech, and refrain from extraneous comments or whispering, allowing for the interpreter to fully hear all that is being said. 4. The judge shall give the appropriate jury instructions regarding the use of a court interpreter. Jurors shall be instructed that the interpreter is neutral, impartial, does not represent the interest of any party, and is only there to assist in communication. 5. All parties, including jurors, shall be instructed that if they speak and understand the language being interpreted and perceive a discrepancy as to the interpretation, it should be brought to the attention of the judge. 6. When an interpreter is used for a juror who is deaf or hard of hearing, the presiding judge has the discretion to administer an oath of non-involvement, including language stating that the interpreter will not interfere with the deliberations of the jury or reveal the confidences of the jury. 7. All court personnel shall work toward making the best use of the court interpreter's time and availability by ensuring that those cases involving an interpreter are called and brought to the court's attention as soon as possible. 8. Court interpreters shall advise the court or presiding officer any time during a proceeding whenever they believe they are or may be in violation of any part of the Code of Professional Conduct, including if they discover that they cannot communicate effectively with the person using the service.
	Proposed Best Practice 1. At the beginning of a proceeding where court interpreting services are necessary, the presiding judge, magistrate, or hearing officer, should allow the interpreter to converse briefly with the person who will use the service to be certain that they can effectively communicate with each other.
E. Code of Professional Conduct for Interpreters	***Proposed Standards of Operation*** 1. Every spoken language court interpreter shall abide by the Code of Professional Conduct pursuant to Part III of the Florida Rules for Certification and Regulation of Court Interpreters. 2. Every sign language court interpreter shall abide by the National Association of the Deaf-Registry of Interpreters for the Deaf Code of Professional Conduct.

VII. TRANSLATIONS AND TRANSCRIPTIONS

Proposed Standard of Operation

1. Sound recordings shall not be transcribed or translated live in court.

Proposed Best Practices

1. Audio/Video recordings should first be transcribed from source language to source language, and then translated from source language to target language.
2. Circuits should use and have available in their courtrooms commonly distributed forms such as Felony and Misdemeanor plea forms; Application for Criminal Indigent Status; Drug Court, Mental Health, and any Diversion Program Agreement forms; containing both English and Spanish translations and any other critical language demand in their jurisdiction.
3. Translated forms should not be used in lieu of the use of an interpreter.

VIII. UNIFORM DATA REPORTING SYSTEM

General Recommendation to the Commission on Trial Court Performance and Accountability, Court Statistics and Workload Committee

1. Court interpreting statistics collected in the Uniform Data Reporting System should be modified to capture the number of court interpreting hours (in quarter hour segments), by proceeding type and language, in addition to the number of events.
2. Court interpreting statistics collected in the Uniform Data Reporting System should be modified in order to be consistent with amendments to s. 29.004, Florida Statutes.

Proposed Standards of Operation

1. The Office of the State Courts Administrator shall sponsor periodic trainings for all individuals involved in the collection and reporting of Uniform Data Reporting System statistics.
2. All circuits shall require attendance at trainings sponsored by the Office of State Courts Administrator for individuals involved in the collection and reporting of Uniform Data Reporting System statistics.

IX. FUNDING

General Recommendations to the Trial Court Budget Commission

1. Funding allocations should take the total need for funding into consideration in order to bring uniformity and equity to the level of services provided across the trial courts.
2. The court interpreting funding formula should be modified as follows:
   - The formula should result in the total number of dollars required to provide court interpreting services with certified interpreters;
   - The formula should be based on a standardized statewide cost for court interpreting services (including document translations), by language type, and applied to projected court interpreting hours and pages from the Uniform Data Reporting System;
   - The formula should incorporate a modifier for non-direct service functions (i.e., supervision, coordination, scheduling); and
   - The formula should incorporate a modifier for multiple counties and/or multiple courthouses.

General Recommendations to the Office of the State Courts Administrator

1. Explore the use of Justice Assistance Grant funds, provided by the office of Justice Programs, as an additional resource for funding language services in the courts.

Introduction

Spoken Language Court Interpreters

Spoken language court interpreters should have the ability to speak both English and a foreign language fluently, including regional colloquialisms and slang expressions, and be able to demonstrate a thorough knowledge of the theory, method, techniques, ethics and standards of interpreting. They must also have an understanding of grammatical conventions observed during formal, consultative and casual modes of oral communication in English and the foreign language, the court system, and types of judicial proceedings including arraignments, pleas, motions, probation violation hearings, and sentencing.

The judicial branch has the constitutional and statutory responsibility to develop qualifications and compensation for court interpreters. The fact that an individual is bilingual does not mean he or she has the skills necessary to interpret, especially in a court proceeding. Parties, bystanders, bailiffs, co-defendants or relatives are not acceptable substitutes for a qualified court interpreter, as they can knowingly or unwittingly distort evidence, jeopardize the fairness of the proceedings, and diminish access to justice.

In 1991, the Florida Supreme Court Racial and Ethnic Bias Study Commission made two recommendations relative to court interpreting:

- The Florida Legislature should mandate and fund the development of a statewide training and certification program, to be administered through the Office of the State Courts Administrator. Once funded, the Office of the State Courts Administrator should be encouraged to collaborate with the state university system to design a curriculum appropriate for pre- and post-certification education.
- The Office of the State Courts Administrator should, through appropriate means, ensure the effective dissemination of information to all judges and court administrators, regarding the availability and appropriate use of court interpreters, training, and certification services.

In 1995, the states of Minnesota and Oregon, with the help of the National Center for State Courts (NCSC), formed the Consortium of State Court Interpreter Certification (now Consortium for Language Access in the Courts). As a part of membership in the Consortium, states agree to share court interpreter exams and abide by test security standards. Benefits include savings in test development costs, as well as interstate agreement on minimum qualifications. To date, 40 states are members of the Consortium.

During 1996, the Florida State Courts Administrator visited several circuits to view court interpreter programs. At meetings of the chief judges and trial court administrators, he obtained unanimous support for a state-level initiative to improve interpreter services and to establish a statewide Workgroup. In fiscal year 1996-97, Florida joined the Consortium and

staff of the Office of the State Courts Administrator attended the annual meeting of the Consortium in Denver, Colorado.

In 1997, the Office of the State Courts Administrator requested nominations from each of the circuits to form an advisory Workgroup. The Court Interpreters Advisory Workgroup held its first meeting in November 1997. The group heard a presentation from the National Center for State Courts and developed a work plan. The work plan called for the following to be completed:

- the development of a code of professional responsibility;
- the development of advisory guidelines for courts on providing interpreter services;
- the creation of the two-day orientation program in the state;
- the administration of interpreter qualifications examinations;
- the development of a telephone interpreting pilot program to identify guidelines for the appropriate use of telephone interpreting, including the recommendation of equipment specifications that allow for simultaneous interpreting over the telephone; and
- the development of a statewide registry of interpreters who have attended a two-day court interpreter orientation program and passed the qualifications examination.

To date, all aspects of the work plan have been accomplished.

Sign Language Court Interpreters

Section 504 of the Rehabilitation Act of 1973, as amended, applies to all entities that receive federal assistance and contains provisions that are nearly interchangeable with the Americans with Disabilities Act of 1990. Section 504 was the first civil rights legislation in United States designed to protect individuals from disability-based discrimination. The broad reach of Section 504 is indicated in the statutory language which states that "no otherwise qualified individual with a disability in the United States…shall, solely by reason of his or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Section 504, 29 U.S.C. §794. All functions of a state department or agency are subject to Section 504 if "any part…is extended Federal financial assistance" (see Civil Rights Restoration Act, Pub. L. No. 100-259, 102 Stat. 28 (1988)). Each federal agency that distributes federal financial assistance has adopted Section 504 regulations covering entities that receive federal aid. Most of the court system's federal funding comes through the Department of Justice; therefore, the applicable federal regulations are located in Title 28 Code of Federal Regulation – Judicial Administration. In addition to other remedies that may be available, administrative remedies available under Section 504 include suspension or termination of Federal financial assistance (29 U.S. C. §794a) for the particular program or part thereof that is not in compliance (28 C.F.R. §42.108(c)).

The Americans with Disabilities Act of 1990 (ADA) was enacted by Congress to ensure that all qualified individuals with disabilities enjoy the same opportunities that are available to persons without disabilities. Under Title II of the Act, no qualified individual with a disability shall be discriminated against, or excluded from participation in or benefits of the services, programs, or activities of the state courts. The state courts must take appropriate steps to ensure that communications with individuals who are deaf, hard of hearing, late-deafened, or deaf-blind are as effective as communications with persons who do not have hearing loss. Pursuant to the ADA, the provision of auxiliary aids and services including "qualified" interpreters is required when necessary to ensure effective communication. A "qualified" interpreter is defined as an interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

Sign language interpreters must be fluent in English and in American Sign Language (ASL), which combines signing, finger spelling, and specific body language. Most sign language interpreters either interpret, aiding communication between English and ASL, or transliterate, facilitating communication between English and a form of signed language that uses a more English language-based word order. Some interpreters specialize in oral transliterating for people who are deaf or hard of hearing and lip-read instead of sign. Other specialties include tactile signing, which is interpreting for people who are blind as well as deaf by making manual signs into their hands, using cued speech, and signing exact English. Relay or intermediary interpreters, such as certified deaf interpreters, are deaf or hard of hearing and are qualified to interpret as part of a team. Additionally, just as there are different spoken languages, so are there different sign languages (e.g., Spanish Sign Language, German Sign Language, Russian Sign Language, to name but a few). Sign language interpreters must also be knowledgeable about the court system and types of judicial proceedings.

In 1994, the Supreme Court Committee on Court-Related Needs of the Elderly and Persons with Disabilities developed Guidelines for the Provision of Interpreters for Persons who are Deaf or Hard of Hearing (see Appendix C). Those Guidelines were subsequently incorporated into the Title II Guidelines for the State Courts System of Florida and are updated, as necessary.

Current Status of Court Interpreting Services in Florida

Florida is a diverse state and the growth of limited English proficient and hearing-limited populations continues to increase, thus increasing the demand for court interpreting services. It is projected that Florida's non-English speaking population will increase by 16 percent between FY 2008-09 and FY 2010-11. According to the Centers for Disease Control and Prevention, one in every ten Americans has hearing loss and, as baby boomers reach retirement age beginning in 2010, this number is expected to climb rapidly and nearly double

by the year 2030. The Centers for Disease Control and Prevention lists the prevalence rate for hearing loss in Florida as 16.1% of the population, which equates to approximately 3 million Floridians. The majority of persons with hearing loss require some form of alternate communication method, such as sign language interpreter services.

Since 2000, certain events, other than the increase in demand for services, have significantly impacted court interpreting operations in the trial courts. First, Revision 7 to Article V of the Florida Constitution mandated that beginning July 1, 2004, court interpreting services be funded at state expense. Prior to this time, counties were financially responsible for costs associated with court interpreters. Since July 1, 2004, the state has paid for "foreign language and sign language interpreters and translators essential to comply with constitutional requirements" while the counties remain financially obligated for sign language interpreter services required by the ADA but that do not rise to the level of a constitutional requirement.

Further, legislation was passed in 2006 directing the Supreme Court to establish minimum standards and procedures for qualifications, certification, professional conduct, discipline, and training of spoken language court interpreters. This led to the adoption of the Florida Rules for Certification and Regulation of Court Interpreters; the adoption of former rule 2.073 (now 2.560), Florida Rules of Judicial Administration, which provided conditions for appointing a spoken language court interpreter; and the establishment of the Court Interpreter Certification Board by the Supreme Court.

Finally, the use of remote audio/video interpreting technology in certain circuits has provided new possibilities for enhancing the efficiency and effectiveness of court interpreting services throughout the state. The use of this new technology has coincided with budget issues affecting trial courts, including reductions in funding for operations. This has provided a significant incentive to support innovative ways for addressing court interpreting needs with fewer resources.

Supreme Court Commission on Trial Court Performance and Accountability

The Supreme Court established the Commission on Trial Court Performance and Accountability (TCP&A) for the purpose of proposing policies and procedures on matters related to the efficient and effective resource management, performance measurement, and accountability of Florida's trial courts. In preparation for Revision 7, the TCP&A issued a 2002 report developed by their Court Interpreting Workgroup, in an effort to provide a degree of standardization of policies and practices regarding the use of spoken language court interpreters. Specifically, the report discussed legal requirements for spoken language court interpreters in court proceedings, provided recommendations for management practices for the designation, allocation, and utilization of court interpreters, defined information that should be regularly reported and recorded regarding court interpreting services, and provided

recommendations on a data reporting mechanism and a funding methodology to address circuit needs for court interpreters.

With mediation and court reporting as a precedent, the TCP&A was directed in Administrative Order SC08-32, to continue to develop and implement standards of operation and best practices for the major elements of the trial court system. The TCP&A decided that court interpreting should be the next element reviewed for this purpose. Thus, a new Court Interpreting Workgroup was formed by the TCP&A in the fall of 2009. The Workgroup included: judges, trial court administrators, ADA coordinators, court interpreting managers and interpreters, as well as cross-over membership with the TCP&A, the Court Interpreter Certification Board, the Trial Court Budget Commission, and the original 2002 Court Interpreting Workgroup.

FY 2009-2010 Court Interpreting Workgroup members:

***Ronald N. Ficarrotta**, Circuit Judge, Thirteenth Judicial Circuit, Chair*
***Cheryl Anderson**, Chief Deputy Court Administrator, Seventeenth Judicial Circuit*
***Ody Arias-Luciano**, Supervising Court Interpreter, Ninth Judicial Circuit*
***Eric Fishbeck**, Court Operations Manager, Twentieth Judicial Circuit*
***Joelle Haspil**, Director of County Court Mediation (Miami-Dade), Eleventh Judicial Circuit*
***Gay Inskeep**, Court Administrator, Sixth Judicial Circuit*
***Frances S. King**, Circuit Judge, Fifth Judicial Circuit*
***Rosario Valdiviezo**, Supervising Court Interpreter, Nineteenth Judicial Circuit*
***Kristina Velez**, Criminal Court Operations Manager, Eighth Judicial Circuit*
***Mark Weinberg**, Court Administrator, Seventh Judicial Circuit*

The Workgroup was charged with recommending standards of operation, best practices, and providing any other general recommendations to improve court interpreting services in the trial courts. To accomplish this task, the Workgroup reviewed several sources of information, including statutes, court rules, circuit administrative orders and profiles, other states' laws and regulations, federal laws and requirements, national and state guidelines and certification practices. The Workgroup held several telephone conferences between November 2009 and June 2010, and met face-to-face in January 2010, in Orlando, for an all-day workshop and to observe the use of remote audio/video interpreting technology firsthand. The recommendations of the Workgroup were outreached to the trial courts, employee and contract interpreters, and other stakeholder groups during May and June 2010 before being presented to the TCP&A for extensive review and final approval.

Throughout the process, the Workgroup focused on uniform services throughout the state, while giving high priority to circuit flexibility. As the makeup of the Workgroup represented circuits of differing size, market conditions, population, and interpreting requirements, consideration for differences among the circuits was paramount. Understanding that significant variations in practice and local conditions exist around Florida, the Workgroup focused on solutions, rather than problems, in an effort to improve the effectiveness,

efficiency, timeliness, and uniformity of court interpreting services. The report strives to balance a uniform system for court interpreting services with an approach that allows circuits to determine procedures that provide for their unique variations. These variations must be carefully considered in formulating legal and operational recommendations designed to improve the effectiveness and efficiency of court interpreting services.

The report is organized into three main sections: a general overview of the court interpreting process, proposed rule and statutory revisions, and proposed standards of operations, best practices, and general recommendations. "Standards of operation" are intended to be mandatory practices which must be implemented. "Best practices" are suggested practices intended to improve operations, but due to local conditions beyond the court's control, are not required. "General recommendations" pertain to issues that fall within the purview of another Supreme Court appointed committee and are offered for their review and subsequent action, if appropriate. While the report addresses court interpreting services as a whole, particular standards and best practices may not apply to all types of interpreters. Specifically, the term "spoken language interpreter" is used for interpreters who provide interpreting services to persons who are non-English speaking or limited English proficient, and the term "sign language interpreter" is used for interpreters who provide interpreting services to persons who are deaf, hard of hearing, or deaf-blind.

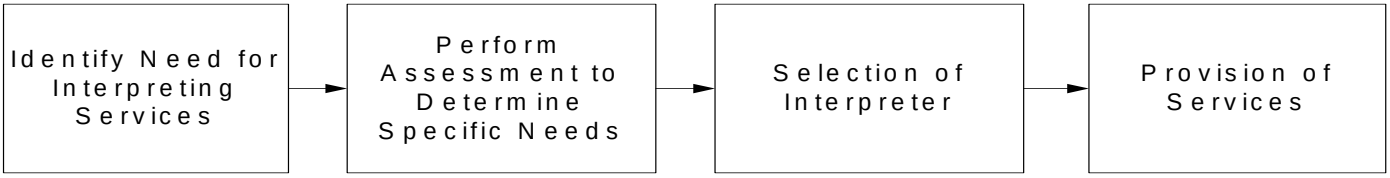
Court Interpreting Process Overview

The provision of court interpreting services in Florida's trial courts constitutes a variety of practices related to both the management and utilization of court interpreters. This may be driven in large part due to resource variances in the state, to include both the demand for services as well as the available pools of interpreters for the diverse communication needs of Florida's trial courts. Accordingly, each circuit, and sometimes even each county within a circuit, has employed varying service delivery systems dictated by any number of factors.

As used in this report, "court interpreting services" refers to those linguistic services provided to limited English proficient persons (LEP) or non-English speakers for court proceedings interpreted and court documents translated at state expense. State funded court interpreting services may also involve services provided for persons who are deaf or hard of hearing, if those services are essential to comply with constitutional requirements.

The following diagram and subsequent descriptions supply a general overview of court interpreting process steps.

General Court Interpreting Process Steps



Identify Need for Interpreting Services

Many individuals with a limited command of the English language understand enough English to enable them to communicate on a very rudimentary level, but are unable to comprehend or articulate at the level needed to fully participate in court proceedings. Likewise, individuals with hearing loss may have some capacity to hear in certain environments, but may be unable to comprehend at a level necessary to effectively communicate in a courtroom setting. Therefore, the first step is to identify the need for interpreting services, which may occur in a variety of ways. The individual in need of services will often request an interpreter themselves or the need is identified by court personnel. Under the Americans with Disabilities Act (ADA), the court system is required to provide notice of the availability of accommodations for persons with disabilities. In accordance with rule 2.540, Florida Rules of Judicial Administration, all notices of court proceedings to be held in a public facility, and all process compelling appearance at such proceedings, shall include the standard language set forth in the rule to advise persons with disabilities about the right and process for requesting a qualified interpreter or other accommodation. Notice about the right

and process for requesting ADA accommodation is also posted on each court's website and in each court facility, also required by rule 2.540, Florida Rules of Judicial Administration.

Non-court personnel may also be the first to determine the need for interpreting services. For example, the public defender, state attorney, private counsel, law enforcement, and staff from various agencies involved with a case may identify the need and then contact the court to request services. In some circuits, a formal request for an interpreter must be made by contacting the appropriate court personnel via phone or e-mail, and in other instances, by submitting a standard request form. These requests are usually received in advance of a scheduled proceeding. However, the need for an interpreter may not be determined until the proceeding is actually conducted. This may lead to a continuance or a delay in the proceeding until an appropriate interpreter may be located.

Perform Assessment to Identify Specific Needs

The next step is to assess the specific interpreting needs of the individual. If the need for services is identified in advance of a proceeding, court personnel will use information submitted by the individual or other person identifying the need, to perform the assessment. The assessment determines the language to be interpreted or whether the individual has a hearing loss, the type of case involved, and the proceedings that require coverage. If the need for interpreting services is not determined until the proceeding is actually conducted, the court should conduct a brief questioning of the individual, taking care to ask questions that call for a description or narration rather than a simple "yes" or "no" response. Whether the needs assessment occurs prior to or during a court proceeding, court personnel should then have the information required to schedule an appropriately qualified interpreter.

Selection of Interpreter

The next step is to select and appoint a court interpreter. Selecting an interpreter is typically the responsibility of court personnel who have been designated as a court interpreting services coordinator or ADA coordinator for one or more counties in a circuit. The coordinator will assign an employee or contract court interpreter based on several factors including: the language need, the type of case, complexity of the proceedings, skill level and qualifications of the interpreter, location of the interpreter, and the availability of remote interpreting technology. Ideally, an assessment of interpreter skills and qualifications is completed prior to a proceeding by court interpreting services coordinators who have access to rosters of qualified interpreters. However, despite court rules that speak to the contrary, there are instances where the appointment of an interpreter is completed in an ad hoc nature during a proceeding without consideration of the interpreter's qualifications and without a diligent search for a qualified interpreter. For example, a family member of an individual in a proceeding may "stand in" and provide interpreting services, despite their lack of training and/or qualifications. In regards to spoken language interpreters, according to rule 2.560, Florida Rules of Judicial Administration, in criminal and juvenile delinquency proceedings, a defendant is permitted to object to the

proposed appointment of an interpreter who is not certified or duly qualified or waive the appointment of a certified or duly qualified interpreter, which shall be made part of the official court record.

Provision of Services

It is required by Florida Statute and court rule that before the interpreter renders his or her interpretation, the presiding judicial officer administers an oath which calls for the interpreter to swear or affirm that he or she will interpret accurately, completely and impartially, using their best skill and judgment, in accordance with the standards prescribed by law and the Code of Professional Conduct. The oath may also require the interpreter to state that he/she will follow all official guidelines established by the court for legal interpreting and translating, and discharge all of the solemn duties and obligations of legal interpretation and translation. Interpreters who are court employees (both full-time and part-time) may be bound to uphold an oath that will remain in effect throughout their employment, rather than be sworn in for each proceeding.

Generally, the provision of court interpreting services in Florida's trial courts is performed using several different modes of interpreting, service delivery models, and staffing models as described below.

Modes of Interpreting

Consecutive Interpretation – According to the National Center for State Courts, consecutive spoken language interpreting is rendering statements made in a source language into statements in the target language, intermittently after a pause between each completed statement in the source language. In other words, the interpreter renders an interpretation after the speaker has stopped speaking. When using this mode in spoken language interpreting, it may be necessary for the interpreter to signal a speaker to pause to permit a consecutive interpretation when the length of the utterance approaches the outer limits of the interpreter's capacity for recall. Consecutive interpreting is also used by interpreters for the deaf and hard of hearing in a variety of situations including interpreting testimony, colloquy, and when using a certified deaf interpreter as a relay interpreter.

Simultaneous Interpretation – According to the National Center for State Courts, simultaneous interpreting is rendering an interpretation continuously at the same time someone is speaking. Simultaneous interpreting is intended to be heard or seen only by the person receiving the interpretation and is usually accomplished by speaking in whispered tones, using equipment specially designed for the purpose in order to be as unobtrusive as possible, or signing close by. A sign language interpreter will need to stand or sit where the speaker can be heard and the deaf or hard of hearing person can see the interpreter and be seen. Usually, sign language interpreters try to position themselves near the speaker so that the deaf or hard of hearing person need only shift his or her line of sight slightly to watch either the speaker or the interpreter. Sign language interpreters generally simultaneously interpret what the speaker is saying.

Written Translation – Written translation involves producing a written document that faithfully and accurately reproduces, in the target language, the closest natural equivalent of the source language document without embellishment, omission, or explanation. Translations must be neither superior nor inferior to the source document in appearance, style, or content.

Sight Translation – Sight translation is a hybrid type of interpreting/translating whereby the interpreter reads a document written in one language while translating it orally into another language. It is sometimes called sight interpreting. In this mode of interpreting a written text must be rendered orally without advance notice and on sight.

Transcription – Transcription refers to the process of preserving audio or video-taped sound files in written form, whereby a complete transcript of the original, together with its translation into the target language, is created. For evidentiary purposes, transcripts should be produced in dual-language format, with the original and the translation side by side. Specialized skill, training, and experience are required to produce complete and accurate transcripts.

Service Delivery Models

In-Person Interpretation – In-person interpretation requires the interpreter to be physically present at the proceeding and often involves travel from court to court to provide services. Some judicial officers favor this means of interpreting, as opposed to telephone or audio/video interpreting, when proceedings are complex or lengthy as there are less technological issues or limitations to contend with.

Remote Telephone Interpretation – Remote telephone interpretation utilizes a standard telephone line attached to a speaker phone. It is currently used in most circuits, to some degree, to provide spoken language interpreting services for infrequently needed language demands, in which the proceeding is of short duration and limited complexity. Telephone interpreting may be performed by local court employees or contractors, but is frequently provided by national vendors such as Language Line Services. Thus, while this model provides the court quick access to interpreter services, it also limits the ability of the court to determine an interpreter's qualifications and limits the mode of interpretation to consecutive interpreting, which tends to slow the proceeding.

Remote Integrated Audio/Video Interpretation – Remote integrated audio/video interpreting technology utilizes an integrated network system consisting of audio mixers, telephone lines, headsets, and in most cases, cameras to enable interpreters to provide on-demand interpretation services to multiple venues from a remote location. Depending on the technical set up, interpreters may view multiple settings from any location (e.g., office, home) and communicate directly with participants. Remote interpretation is delivered in simultaneous mode. Video Remote Interpreting (VRI), another term used for "integrated audio/video interpreting" particularly among interpreters for the deaf and hard of hearing, is defined by the U.S. Department of Justice as an "interpreting service that uses video conference

technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images." Audio/video interpreting is utilized in at least three circuits with reported success, minimizing the need for interpreter travel between courts, expediting the case docket, and reducing the need for additional interpreters.

Staffing Models

Contract Model – Under the contract model, court interpreters, whether employed by a firm or working individually, provide services on a fee basis. Hiring, firing, supervision, terms and conditions of employment and compensation are determined by contract or circuit administrative order. Contracts may be used for all court interpreting modes and service delivery models. Nine circuits (45 percent) currently only use contractors to provide all of their court interpreting services, as the level of demand does not justify hiring employees.

Employee Model – Under the employee model, all court interpreting services are provided entirely by court employees. Such a model may be used for all interpreting modes and service delivery models. Currently, there are no circuits in Florida that exclusively use employees to provide court interpreting services.

Hybrid Model – Eleven circuits (55 percent) combine features of the contract model and the employee model to provide interpreting services. For instance, a circuit may use employees for court interpreting in Spanish, and contract with freelance interpreters for other language needs. In large or multi-county circuits with staff interpreter allocations, employee interpreters may be used predominately in some divisions of court as well as in select counties, while contract interpreters provide coverage in other court divisions or counties. Currently, all circuits contract for sign language interpreting.

Proposed Rule and Statutory Revisions

Suggested Rule Revisions

In regards to spoken language court interpretation, a review of rules 14.100 through 14.460 of the Florida Rules for Certification and Regulation of Court Interpreters, and rule 2.560 of the Florida Rules of Judicial Administration, reveals that amendments may be necessary in order to:

1. Encourage interpreters to become certified.
2. Strengthen the provision of court interpreting services for linguistic minorities.
3. Better assist judges in ensuring that the most qualified interpreters are utilized for court proceedings.
4. Eliminate the disparity or variance in standards that currently exist for state certified interpreters versus other designations of interpreters.

One of the reasons for the adoption of the Florida Rules for Certification and Regulation of Court Interpreters in 2006 was to assure a quality of service provision for spoken language court interpreting services. To attain certification, interpreters would be required to complete the following: attend a two-day orientation program administered by the Office of the State Courts Administrator; pass a written ethics/general knowledge examination; pass an oral proficiency examination; undergo a background check; take an oath to uphold the Code of Professional Conduct; and agree to obtain certain continuing education credits or hours. Prior to the opinion of the Florida Supreme Court *In Re: Petition to Adopt Florida Rules for Certification and Regulation of Court Interpreters and Florida Rule of Judicial Administration 2.073* [renumbered 2.560], 933 So. 2d 504 (Fla. 2006), formal training and testing of spoken language court interpreters for the Florida State Courts System was not compulsory. It became apparent that without a certification or regulatory function in place, court interpreters would not be induced to complete the rigorous testing process, and would not continually strive to enhance their professional knowledge and skills. Prior to the adoption of the rules, it was permissible for an interpreter to be appointed for select cases regardless of whether he or she possessed the special training required for language fluency in English and another language, and the skills necessary to effectively interpret in the courts.

Unfortunately, implementation of the court interpreter rules and rule 2.560(e), Florida Rules of Judicial Administration, have not had the result that was initially anticipated. Active interpreters and prospective interpreters have attended the mandatory two-day orientation workshop and taken the requisite written examination in order to receive the "Duly Qualified" interpreter designation. This allows spoken language interpreters to secure work in most judicial circuits on a regular basis even though it is the lowest official interpreter designation at the state level. However, there are hundreds of duly qualified interpreters who have failed to take an oral proficiency examination and obtain certification status under the rules. Therefore,

there is no credible and objective way to measure their interpreting skills. Additionally, there are many interpreters that have completed the requisite training and passed the written exam, but have failed the oral proficiency examination on one or more attempts. These individuals are deemed "duly qualified" according to the rule definition and are still permitted to work on a contractual basis for the courts, and in some circuits these interpreters are employed as full-time staff. Finally, while 133 individuals have become certified since May 2008, a little more than 200 additional interpreters appear eligible to apply for certification, but have not applied for certification and been issued the official credentials.

In order to ameliorate the problems identified above, a number of rule amendments have been discussed. However, thoughtful contemplation should be exercised before making any explicit recommendations as to the actual language that should be proposed for any new rule or rule amendment. Therefore, general rule revision recommendations are offered to the Court Interpreter Certification Board for further evaluation and consideration. This will give the board the necessary time to make recommendations to the Court that will adequately address these challenges in the long term. Even though specific changes to the existing rules are not proposed, comments are provided as to why amendments should be sought for specific rules in order to supply the necessary justification for further discussion, research and analysis, and problem solving.

One point of concern is the classification for those interpreters that have met the requirements in rule 14.100(b). Pursuant to rule 14.100(b), to meet the criteria of a duly qualified interpreter, an individual must:

1. Obtain a passing grade on a written examination.
2. Attend a two-day orientation program offered by the Office of the State Courts Administrator.
3. Be ***familiar*** [emphasis added] with Part III of the 14-series rules (Code of Professional Conduct).
4. Understand basic legal terminology in both languages.

The term "duly qualified" implies that these individuals have acquired some key skills and are sufficiently competent to interpret for the courts, yet an interpreter may be granted this status whether or not he or she has ever taken an oral performance examination. In fact, this status is attainable even if the interpreter has failed the oral performance examination. Consideration should be given to creating a different nomenclature for this interpreter class which does not use the term "qualified."

In addition to the recommended name change for the "duly qualified" category, a rule amendment should be sought which would also require interpreters to pass an oral proficiency interview (at a superior level) in order to receive the designation. The current criteria only require the interpreter to have an understanding of basic legal terminology in

both languages. The criteria do not require that the individual be orally tested in both languages to demonstrate his or her language proficiency. As such, a monolingual native English speaker could take the orientation workshop, pass the written exam which is a multiple-choice test that is entirely in English, profess to know legal terminology in both English and a second language, and claim to be an interpreter in any conceivable language pair.

Another suggested rule amendment is to create an additional category of interpreter which would distinguish one's official status based on whether oral proficiency testing, and therefore certification attainment, is possible. Many member states in the Consortium for Language Access in the Courts (the Consortium) have instituted different levels of interpreter bands to address the lack of oral proficiency testing in the three modes of interpreting for numerous language pairs, and therefore a person's inability to become certified at the state level. For example, several states have created a "registered interpreter" group for interpreters for non-designated certification languages. Interpreters with this status may retain this official designation so long as an oral performance examination is not available for their language of expertise; however, should a reliable test instrument be developed in the future, the interpreter would have a specified time frame to prepare and take the oral examination, and ultimately become certified.

Further, some states have established an interim status such as "conditionally approved" which identifies those interpreters for whom certification is available in their language of expertise, but who have satisfied only a partial number of key training/testing requisites and are not yet eligible to become certified. For this category of interpreters, it is important to note that a specified time frame has also been mandated by which certification attainment must be fulfilled. Failure to meet the requirements to become eligible to apply for certification, or to meet the criteria but not seek certification, results in the automatic revocation of the interpreter's current official status. In this situation, the person must start over in order to complete the entire training and examination process.

One example of the tier system, the judiciary in the state of New Jersey has created a court interpreter band specification of three levels, based on the state's testing requirements. Interpreters, at all levels, must demonstrate a language and skill proficiency consistent with the level of the position based on the performance tests administered by the New Jersey Administrative Office of the courts or an equivalent test by a member of the Consortium; or possess the Court Interpreter Certification from the Administrative Office of the United States Courts. The levels are summarized as follows:

Level 1 (Conditionally Approved/Trainee) – Employees at this level interpret proceedings of limited legal significance or limited linguistic complexity and prepare draft translations of forms, letters, and other court-related documents. At this level, spoken language interpreters will serve a probationary period of a minimum of one year and will have up to two years from

the date of appointment to successfully test to the next level in order to maintain employment.

Level 2 (Journeyman) – Interpreters at this level interpret legal proceedings and translate forms, letters, and other court-related documents.

Level 3 (Master) – Interpreters at this level interpret complex legal proceedings, such as high-profile and complex trials, as well as trials involving crimes of the first-degree, and translate forms, letters, and other court-related documents.

By delineating appropriate qualifications for different levels of interpreter quality, circuits would be better equipped to provide interpreter services at a level that assures the non-English speaking or the limited English proficient individual protection of their due process rights and fundamental interests.

It is strongly advised that a rule amendment be considered to add another category of interpreter such as "conditionally approved," and to both modify the existing title of the duly qualified interpreter, as well as amending the definition. Adoption of all of the above mentioned rule amendments would help to ensure that those that pass the multiple-choice written examination, which is entirely in English, also possess a sufficient ability to *speak* English and a second language. Additionally, a rule amendment would hopefully encourage certification attainment since the revocation of an interpreter's official status as "conditionally approved" may result in lost contractual assignments for court-appointed cases. It could also lead to potential termination of employment for employee interpreters, together with the additional time and associated expense to begin the process of training and testing a second time.

Another point of contention raised during the development of the report concerns the marked disparity in requirements for certified and duly qualified interpreters. Certified interpreters are required to pay a certification fee, maintain their good standing with the Court Interpreter Certification Board, pay a biennial renewal fee, and earn continuing education credits. In addition, these interpreters are subject to suspension or revocation of certification, or other sanctions, for failure to comply with pertinent rule requirements. Duly qualified interpreters have none of these obligations and continue to compete with certified interpreters for both freelance assignments and full-time employment. This creates a tremendous disincentive for interpreters to pursue certification as evidenced by the fact that less than 35 percent of those eligible to become certified have applied. It is recommended that consideration be given to mandating additional requirements for duly qualified interpreters that are similar to those for certified interpreters. This would bridge the current gap in compliance requirements between the two groups. This practice has been successfully instituted in other Consortium member states.

The final suggested rule amendment concerns Florida Rule of Judicial Administration 2.560(e). Currently, there is little reason for interpreters to become certified as judges may

appoint either a certified or duly qualified interpreter for select cases, pursuant to rule 2.560(e). Specifically, the verbiage in rule 2.560(e) co-mingles the two designations of interpreters (as defined under rule 14.100, Florida Rules for Certification and Regulation of Court Interpreters) so that they are equal in terms of appointing spoken language court interpreters. Rule 2.560(e) should be amended to provide a prioritized ranking scheme and remove any ambiguity in the selection process. If a certified interpreter is not available, the court should then make a diligent search to appoint a duly qualified interpreter (or the category of interpreter with the next highest official designation). Linguistic minorities may be substantially disadvantaged by the current language in rule 2.560(e) and resulting practices in some circuits, since a requirement for a judge to appoint a certified interpreter in lieu of a duly qualified interpreter does not currently exist, even if a certified interpreter is available. The proposed rule amendment would be mutually beneficial to those that both need the services of a sufficiently qualified interpreter, albeit one that is certified if at all possible, and those individuals that desire to expand their skill set and designated interpreting status but have no real inducement to do so.

Suggested Statutory Revisions

It is recommended that a statutory change be pursued to subsection (1)(a) of section 90.606, Florida Statutes (2009), which currently states:

> **"When a judge determines that a witness cannot hear or understand the English language, or cannot express himself or herself in English sufficiently to be understood, an interpreter who is *duly qualified* (emphasis added) to interpret for the witness shall be sworn to do so."**

As previously mentioned with respect to proposed rule amendments, the term "duly qualified" is very misleading. It could be argued that only "duly qualified" interpreters, as defined pursuant to rule 14.100(b), should be appointed by the court to interpret for witnesses. Additionally, it is important to note that rule 2.560 is the rule counterpart to section 90.606, Florida Statutes (2009), with regard to the appointment of an interpreter for non-English speaking persons. The rule presently defines "duly qualified interpreter" by referring to the court interpreter rules (14.100 through 14.460). Thus, a corresponding modification is needed to section 90.606(1)(a), Florida Statute (2009), as set forth below:

> **"When a judge in any proceeding determines that a witness cannot hear or understand the English language, or cannot express himself or herself in English sufficiently to be understood, an interpreter who is ~~duly~~ qualified to interpret for the witness shall be sworn to do so."**

This statutory change is strongly recommended as it provides the greatest amount of flexibility to the courts. Specifically, it is worded generally enough that it would dovetail well with the proposed rule amendment which requires that only certified court interpreters be utilized, yet it also gives the court the ability to appoint anyone who is "qualified" to interpret, if a certified

interpreter is not available. It is also consistent with the term "qualified interpreter" as used in the federal regulations implementing the Americans with Disabilities Act.

Proposed Standards of Operation, Best Practices, and General Recommendations

As applied below, "standards of operation" are intended to be mandatory practices which must be implemented. "Best practices" are suggested practices intended to improve operations, but due to local conditions beyond the court's control, are not required. "General recommendations" pertain to issues that fall within the purview of another Supreme Court appointed committee and are offered for their review and subsequent action, if appropriate. Particular standards and best practices may not apply to all types of interpreters. Specifically, the term "spoken language interpreter" is used for interpreters who provide interpreting services to persons who are non-English speaking or limited English proficient, and the term "sign language interpreter" is used for interpreters who provide interpreting services to persons who are deaf, hard of hearing, or deaf-blind.

I. ASSIGNMENT OF SERVICES

Background Information

Prior to Revision 7, the provision of both spoken and sign language court interpreting at the trial court level was a county financial obligation, and as such circuits developed differing practices regarding assignment, management, and coordination of court interpreting services. Although uniformity was not a consideration when these practices were implemented, most circuits have found similar concerns when addressing the need for services and determining who is qualified to provide those services.

Section 29.004, Florida Statutes, spoke to the Revision 7 transfer of court elements from county to state obligation, stating:

> **"For purposes of implementing s. 14, Art. V of the State Constitution, the elements of the state courts system to be provided from state revenues appropriated by general law are as follows: …(5) Court foreign language and sign-language interpreters and translators essential to comply with constitutional requirements."**

In preparation for Revision 7, the Commission on Trial Court Performance and Accountability (TCP&A) issued *Court Interpreters: Report and Recommendations* (January 2002), identifying case types in which appointment of a spoken language court interpreter was required, based on Florida law, due process provisions of the Florida and United States Constitutions, and on Title VI of the Civil Rights Act of 1964. The report recommended that spoken language court interpreters be provided, at state expense, in all circuit criminal, all juvenile, all county criminal, all custody matters, some child support enforcement, all domestic and repeat violence cases, some Baker/Marchman Act matters, and some guardianship of person cases. Spoken language court interpreters, at state expense, would not be required in

dissolution of marriage, adoption, name change, probate, guardianship of property cases, county civil or any county civil traffic cases.

As the element of spoken language court interpreting transitioned to state funding, criteria were established regarding the legal requirements for appointing a spoken language court interpreter at state expense. Former rule 2.073 (now 2.560), Florida Rules of Judicial Administration, adopted by the Florida Supreme Court in 2006, provides conditions for appointing a spoken language court interpreter. Specifically, a spoken language interpreter shall be appointed, at state expense, in:

- any criminal or juvenile delinquency proceeding in which a non-English-speaking person is the accused;
- all other proceedings in which a non-English-speaking person is a litigant if the court determines that the litigant's inability to comprehend English deprives the litigant of an understanding of the court proceedings, a fundamental interest is at stake (such as in a civil commitment, termination of parental rights, paternity, or dependency proceeding), and that no alternative to the appointment of an interpreter exists.

Currently, most circuits in the state of Florida follow the rule criteria and TCP&A recommendations for appointing a spoken language court interpreter, and in some circuits, resources permitting, there is expanded criteria to allow for appointing a spoken language court interpreter in some civil matters where no fundamental interest is at stake. However, spoken language interpreter services outside of the conditions of rule 2.560 and the TCP&A recommendations are not state funded.

According to the ADA and as described in the *Guidelines for Provision of Interpreters for Persons Who are Deaf or Hard of Hearing* (Revised January 2009), originally developed by the Supreme Court of Florida Committee on Court-Related Needs of the Elderly and Persons with Disabilities, courts will ensure that communications in judicial proceedings, court services, programs, and activities involving persons who are deaf or hard of hearing are as effective as communications with other participants. It is up to the court to ensure that notice is given to the public about how to request accommodations including interpreters; determine the need for a qualified interpreter; and take the necessary steps to obtain a qualified interpreter. Sign language interpreters "essential to comply with constitutional requirements" are provided for at state expense, however, sign language interpreter services required by the ADA, but not at the level of constitutional requirements are provided at county expense.

A. Determining the Need for Services

Proposed Standards of Operation

1. For the purpose of providing court interpreting services, "court proceedings" shall be defined to include any civil or criminal event or proceeding presided over by a judge,

magistrate, or hearing officer. "Court-managed activities" shall be defined as any activity or service operated or managed by the court system.

2. Any party or participant appearing in any court proceeding or court-managed activity, or the parents of minors involved in juvenile court or criminal court proceedings, who are unable to speak the English language or have limited English proficiency shall be provided an interpreter.
3. In accordance with the Americans with Disabilities Act of 1990 and, when applicable, Section 504 of the Rehabilitation Act of 1973, any person who is deaf, hard of hearing, late-deafened, or deaf-blind that participates in any court proceeding as a defendant, litigant, witness, juror, attorney, observer, or as the companion to a court participant, and who requires the services of an interpreter for effective communication shall be provided an interpreter. Depending on the circumstances, the responsibility for such interpreter services may be the obligation of the court system, the individual's employer, or both.

Proposed Best Practices

1. The need for interpreter services should be determined as soon as possible, preferably by whoever makes initial contact with the party. In criminal cases, there should be an identifier in any automated system utilized in a circuit for intake staff at the jail to indicate that the defendant requires a spoken or sign language interpreter, or the public defender's office should request an interpreter as soon as a court appearance is scheduled.
2. Each circuit should establish and document a procedure for requesting a court interpreter.

Discussion

As the diversity of the nation changes shape and the population of non-English-speaking persons expand, the interpretation of Title VI of the Civil Rights Act has become an important element in determining the need for spoken language interpreting services (see Appendix B). According to the Department of Justice, Title VI requires the federal government and those receiving assistance from the federal government, including the receipt of funding, to take reasonable steps to ensure that limited English proficient (LEP) persons have meaningful access to the programs, services, and information those entities provide. As such, these individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services. For the courts, "at a minimum, every effort should be taken to ensure competent interpretation for LEP individuals during all hearings, trials, and motions during which the LEP individual must and/or may be present" (Federal Register, Vol. 67, No. 117/Tuesday, June 18, 2002).

The Department of Justice recently provided clarifying guidance as to the provision of interpreting services to LEP persons. On August 16, 2010, in a letter to Chief Justices and State

Courts Administrators, DOJ noted the importance of meaningful access to courts and courtrooms for LEP individuals, without distinguishing among civil, criminal, or administrative matters (see Appendix A). DOJ noted that "courts should also provide language assistance to non-party LEP individuals whose presence or participation in a court matter is necessary or appropriate, including parents and guardians of minor victims of crime or of juveniles and family members involved in delinquency proceedings. Proceedings handled by officials such as magistrates, masters, commissioners, hearing officers, arbitrators, mediators, and other decision-makers should also include professional interpreter coverage."

DOJ expressed that meaningful access extends to court functions that are conducted outside the courtroom and that are court operated or managed points of public contact in the judicial process. DOJ stated that "examples of such court-managed offices, operations, and programs include…alternative dispute resolution programs; pro se clinics;…and other similar offices, operations, and programs."

It should be noted that coverage for expanded case types and court functions would only apply to those activities in which the court is responsible for as delineated in Florida Statutes. Providing interpreting services for functions of the clerks, law enforcement, or other entities outside of the court system, would remain the responsibility of those entities as designated by Florida Statutes. It is suggested that the OSCA further research implementing the DOJ guidelines and provide further guidance on the specific court interpreting functions that the Florida State Courts System would be legally obligated to cover.

Some judges within Florida note that expanding the case types in which a spoken language interpreter should be appointed would be a benefit because not only does the interpreter provide services to LEP persons, but also provides the court with pertinent information for the matter at hand. For these reasons, it is important to allow court interpreters to be appointed in all matters before the court, not just those where a fundamental interest is at stake.

Expanding the allowable case types and court activities in which a spoken language court interpreter is appointed will result in a significant increased need for funding, which is especially challenging during the current economic downturn, but the paramount consideration is providing meaningful access to the courts, for all persons, regardless of the language they speak, and providing the judiciary with the tools necessary to dispense justice. Should the standard of operation expanding the case types in which interpreting services are provided be adopted by the Supreme Court, successful implementation will be contingent on the circuits receiving appropriate funding.

In determining the need for services, consideration should be given to the LEP person's rights and interests; efficiency and expediency within the court system; and providing the court with the best resources and information. Identifying the need for a court interpreter at the earliest possible point in the legal process preserves the LEP person's rights and avoids costly delay and waste of the judiciary's time.

The type of auxiliary aid or service necessary to ensure effective communication with a person who is deaf or hard of hearing will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, the state courts shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in a timely manner and in such as way as to protect the privacy and independence of the individual with a disability.

Please note that providing accommodations for individuals with disabilities who appear in the courtroom as part of their employment duties or professional practice is a responsibility that appropriately may be shared by the individual's employer and the courts. Title I of the Americans with Disabilities Act requires employers of 15 or more employees and Title II of the Americans with Disabilities Act requires all state and local government employers to provide reasonable accommodations to qualified employees with disabilities. In addition, Section 504 of the Rehabilitation Act of 1973, as amended, covers recipients of federal funding, and requires all covered organizations to provide accommodations for their employees. These responsibilities are concomitant with the courts' responsibility under Title II of the ADA. It is to everyone's benefit when employers and the court system work together to ensure that reasonable accommodations for individuals with disabilities are provided in the most efficient and cost effective manner.

Qualified interpreters must be appointed for qualified individuals with hearing loss when necessary to ensure effective communication in a court proceeding, unless a court can show that such action would result in a fundamental alteration or undue financial or administrative burden. Undue burden is evaluated on a case-by-case basis, relative to the state court system's overall resources. Asserting the defense of undue burden requires a greater showing of hardship than simply that providing accessibility will be difficult or expensive. If after considering all available resources, a determination of "undue burden" is made, the chief judge or chief judge's designee must prepare a written statement explaining such a decision. Further, when a particular communication aid or service would cause an undue burden, the court must provide another communication aid or service that still is effective but is less difficult or costly, if one is available.

B. Record Keeping

Proposed Standard of Operation

1. Circuits shall keep clear and accurate record of the use of interpreters per language, type of proceeding, and length of proceeding; and such record shall be kept by using request forms, log sheets and report forms for contract interpreters at the completion of the assignment. The request form shall be completed at the earliest possible determination

that interpreting services are needed, according to local policy and procedure. Circuits shall ensure that the report forms are signed by the presiding judge or an officer of the court. Contract interpreters shall be required to submit report forms with their invoices. Employee interpreters shall be required to keep a log sheet.

Discussion

Most, if not all, circuits have proceedings occurring in several courtrooms at the same time. Thus, it is difficult to monitor the time an interpreter spends in each courtroom without some form of record keeping. The use of standard forms will assist in this effort, allowing court administration to schedule in such a way as to better assist the court, and providing the information necessary for formal data reporting to the OSCA for funding decisions. A five-month statistical reporting project was conducted statewide in 2002 to assist the Judicial Management Council's Committee on Trial Court Performance and Accountability regarding the appraisal of court interpreting activity; this was done in anticipation of Article V Revision 7 implementation on July 1, 2004, in an effort to help evaluate and compare the service provision across jurisdictions. Accordingly, circuits reported detailed information concerning the management and utilization of court interpreters, by county and circuit, on a monthly basis. The data captured four critical variables: discrete interpreting events, the entity that requested the interpreting services, language need, and time spent in court. Thus, there is a history of the circuits tracking this type of information. To this day, several circuits are still maintaining these types of records to assist the management of court interpreting resources.

C. Determining the Appropriate Qualifications of Interpreters When Assigning Proceedings

Proposed Standards of Operation

1. Circuits shall establish criteria to determine the appropriate qualifications of an interpreter when assigning proceedings, in accordance with court rules and guidelines.
2. In accordance with court rule, whenever possible, a certified spoken language interpreter, as defined in the Rules for Certification and Regulation of Court Interpreters, shall be appointed. If, after diligent search, a certified interpreter is not available, an interpreter who is otherwise qualified may be appointed if the judge or hearing officer presiding over the proceeding finds that good cause exists for the appointment of an interpreter who is not certified, such as the prevention of burdensome delay, the request or consent of the non-English-speaking or limited English-proficient person, or other unusual circumstance; and the proposed interpreter is competent to interpret in the proceedings and agrees to do so.
3. Whenever possible, an interpreter certified by the Registry of Interpreters for the Deaf /National Association of the Deaf shall be appointed to provide interpreting services to

court participants who are deaf, hard of hearing, late-deafened, or deaf blind. If, after diligent search, a certified interpreter is not available, an interpreter who is otherwise qualified may be appointed if the judge or hearing officer presiding over the proceeding finds that good cause exists for the appointment of an interpreter who is not certified, such as the prevention of burdensome delay, the request or consent of the participant, or other unusual circumstance; and the proposed interpreter is competent to interpret in the proceedings and agrees to do so.

Proposed Best Practice

1. Circuits should require designated court interpreting services coordinators to give certified interpreters priority for assignments.

Discussion

Currently, the only designations given to spoken language court interpreters stating any level of expertise are "duly qualified" and "certified." While the achievement of obtaining certification is an indicator of meeting the minimum qualifications of a court interpreter in the state of Florida, some states have found that creating a tier or band designation, specifically indicating levels of experience, allows courts to choose from among the differing levels of interpreters for their most complex cases. For example, a certain level of interpreter, with many years of court interpreting experience, may be better able to handle a complex criminal trial, over the entry-level interpreter, while an entry-level interpreter with limited experience may be more suitable to handle a short motion hearing. Band specification would assist circuits in determining which interpreters were the most appropriate for their needs. If the rules for spoken language court interpreters are revised to create a band or tier specification, circuits would need to establish assignment criteria that are consistent with the rules.

According to rule 2.560(e), there is no requirement for a judge to appoint a certified spoken language interpreter in lieu of a duly qualified interpreter, even if a certified interpreter is available. The suggested rule amendment, as previously discussed, or statewide best practice adoption would be mutually beneficial to those that need both the services of a sufficiently qualified interpreter, albeit one that is certified, and those individuals that desire to expand their skill set and designated interpreting status but have no real inducement to do so.

In addition, circuits may consider the credential of federally certified as indicative of expert spoken language interpreting skills. Federally certified spoken language interpreters represent an important pool of interpreters that have successfully passed a rigorous set of examinations and should be recognized as qualified professionals. Spoken language interpreters who possess federal certification hold unique skills sets that are difficult to acquire. The performance-based testing is intensely demanding and federally certified interpreters should be deemed aptly qualified in terms of their abilities to interpret in the three modes of interpreting that are utilized in the courts: sight translation, consecutive interpretation, and

simultaneous interpretation. For this very reason, successful completion of the oral component of the federal certification process waives the oral component of the state certification process, pursuant to rule 14.210.

However, with regard to spoken language interpreters, federal certification alone should not count as certification for the Florida courts. The Federal Court Interpreter Certification Examination is a two-phase process that does not include many key factors that have been deemed critical components of the current certification process in Florida, including mandatory attendance at a two-day workshop in which there is lecture and discussion of state and local court structures, relevant interpreting-related Florida state laws and rule requirements, and the interpreter's role and professional responsibilities, among other things. In addition, in order to qualify for state certification in Florida pursuant to rule 14.200(b), all applicants must pass a written exam which includes an ethics component that is not a tested knowledge domain on the Federal Court Interpreter Certification Examination. Moreover, federally certified interpreters are certified for life and are not required to undertake any professional development efforts to maintain certification. Lastly, as required for certified mediators in Florida, the Florida Supreme Court adopted rule provisions which mandate that certified court interpreters must earn a set number of continuing education hours or credits every certification renewal cycle.

The Americans with Disabilities Act requires that interpreters for individuals with hearing loss be "qualified." A qualified interpreter is defined as an interpreter who, via a video remote interpreting service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. At present, certification of sign language interpreters is not addressed by Florida Statute. The Florida court system relies on the Registry of Interpreters for the Deaf/National Association of the Deaf's (RID/NAD) certification process and regulation of professionals who provide interpretation services for court participants who are deaf, hard of hearing, late-deafened, or deaf-blind. RID/NAD also provides a specialty certification in legal interpreting.

In selecting an interpreter for an individual who is deaf or hard of hearing, the preference is that the interpreter be certified by the Registry of Interpreters for the Deaf/National Association of the Deaf (RID/NAD) except in those cases where the unique communication needs of the individual cannot be met by such nationally certified interpreters. The preferred certification level is SC: L (Specialist Certificate: Legal). Individuals holding other certifications issued by RID/NAD may be considered, including: NIC Master (National Interpreter Certification Master), NIC Advanced (National Interpreter Certification Advanced), NIC (National Interpreter Certification), Certified Deaf Interpreter (CDI), or Oral Skills Certification for individuals requiring an oral interpreter. If an interpreter holding the preferred level of certification is unavailable, circuits may consider using interpreters holding older RID/NAD certifications, such as Certificate of Interpretation, Certificate of Transliteration, and Oral Transliteration Certificate, which are nationally recognized but for which testing is no longer

offered. In the case of more unique interpreting needs, certifications such as cued language, oral and trilingual interpreting may be appropriate. An oral interpreter, who has special skill and training to mouth a speaker's words silently for individuals who are deaf or hard of hearing, may be necessary for an individual who was raised orally and taught to read lips or was diagnosed with hearing loss later in life and does not know sign language. A cued-speech interpreter functions in the same manner as an oral interpreter, except that he or she also uses a hand code or cue to represent each speech sound.

A certified deaf interpreter or deaf interpreter (DI) is an example of a relay or intermediary interpreter. CDIs/DIs are individuals who are deaf or hard of hearing and are certified or qualified to interpret as part of a team, to facilitate communication. A CDI is used with any court participant whose communication method is so unique as to require two interpreters working in tandem to ensure comprehension or if the content of the matter would be more easily understood by a deaf party. CDIs are commonly used for individuals with limited language fluency, high visual orientation, international sign languages or those who rely on signs recognized only by the individual's family members and those who communicate with that person regularly (often referred to as "home signs"). CDIs or DIs can also be helpful when working with deaf children, sexual assault victims, victims of other crimes and some deaf/blind individuals.

When individuals holding the preferred certifications are not reasonably available, persons who can document substantial experience as interpreters may be considered. When individuals who do not hold RID/NAD certification are used, the court has a responsibility to ensure that the interpreter clearly understands the role of the interpreter in the judicial setting and to ensure that the communication is effective prior to securing his/her services. Circuits would be well served to create a checklist of questions to be asked when securing the services of an interpreter, which can act as a companion to the contractual terms between the court and the interpreter or agency.

D. Prioritizing Cases When There is Limited Availability of Spoken Language Interpreters

Proposed Standard of Operation

1. When there is limited availability of spoken language interpreters, cases requiring interpreters shall be prioritized according to rule 2.560, Florida Rules of Judicial Administration, and based on when an interpreter is requested, the time sensitive nature of the matter, and whether a fundamental interest is at stake.

Proposed Best Practice

1. When there is limited availability of spoken language interpreters, cases requiring interpreters should be prioritized as follows:

(1) First appearances, detention hearings and reviews, shelter hearings, and final injunction hearings;

(2) Felony trials;

(3) Other felony matters;

(4) Misdemeanor cases;

(5) Delinquency cases;

(6) Dependency cases, except shelter hearings;

(7) Civil commitment hearings;

(8) Civil traffic cases;

(9) Diversion programs operated by the courts; and

(10) Other civil cases.

Discussion

Due to limited resources, competing demands and the lack of qualified and available interpreters, many circuits, at some time or another, may need to determine which proceedings or assignments receive higher priority for interpreting services. Rule 2.560, Florida Rules of Judicial Administration, requires that a spoken language interpreter be appointed in any criminal matter or juvenile delinquency proceeding in which an LEP person is accused. Criminal defendants have a constitutional right to an interpreter as a matter of due process to ensure meaningful participation in all proceedings, and as such, should have priority in the event of limited interpreter resources.

Rule 2.560 further requires a spoken language interpreter in all other proceedings where the court determines that the litigant's inability to comprehend English deprives the litigant of an understanding of the court proceedings, a fundamental interest is at stake (such as in a civil commitment, termination of parental rights, paternity, or dependency proceeding), and no alternative to the appointment of an interpreter exists, thus requiring civil cases such as dependency, shelter, and Baker or Marchman Act cases to receive next priority.

Interpreter services should be available for other court proceedings, including traffic cases, diversion programs, and other civil cases to provide judges with essential information pertinent to their dockets and to provide people with limited English proficiency meaningful access.

E. Assignment of Contract Court Interpreters

Proposed Standard of Operation

1. Each circuit shall establish an assignment system for contract court interpreters with certified interpreters given priority for assignments.

Proposed Best Practice

1. Each circuit should take steps to ensure that any assignment system for contract court interpreters is as fair and balanced as possible.

Discussion

Because of the limited availability of interpreting events in some circuits and without a fair and balanced rotation system, there is disincentive for qualified interpreters to contract with the judiciary, thus leading to a lack of available interpreters. Most circuits have addressed this concern with assignment systems, allowing for interpreters to share among the available court interpreting events. Emphasis should be placed on giving priority to certified interpreters, thereby creating incentive for interpreters to obtain certification which ensures professional interpreters are bound by their respective professional codes of conduct.

F. Multiple Interpreters/Team Interpreting

Proposed Standard of Operation

1. Multiple interpreters shall be scheduled if a spoken or sign language interpreter is needed for more than one participant (e.g., the defendant and a witness).

Proposed Best Practice

1. Team interpreters for both spoken and sign language should be scheduled for proceedings lasting more than one hour, allowing the interpreters to take turns in 20-minute shifts.

Discussion

In order to ensure accuracy and proficiency, interpreters need adequate periods of rest. The task of interpreting is arduous and requires intense concentration. According to the National Center for State Courts *Court Interpretation: Model Guides for Policy and Practice in State Courts*, the United Nations standards for conference interpreting (simultaneous mode interpreting) call for replacing spoken language interpreters with a co-interpreter every 45 minutes. Conference interpreting is arguably a less demanding activity than simultaneous court interpreting. Sign language interpreters usually take turns in 20-30 minute shifts, due to the mental and physical requirements. If an interpreter believes that the quality of interpretation is about to falter due to fatigue, the interpreter should inform the court, and a recess should be taken or a replacement obtained. For any proceeding lasting longer than one

hour of continuous simultaneous interpretation, two interpreters should be assigned so they can relieve each other at periodic intervals to prevent fatigue. A similar standard should be observed for continuous witness interpreting.

In sign language interpreting, unique situations may arise where team interpreting is highly recommended such as when working with individuals who have limited language fluency or high visual orientation, individuals who use international sign language services, individuals who rely on signs recognized by only those who communicate with the individual regularly (known as "home signs"), or when working with children, victims of sexual assault, victims of other crimes, or defendants who are having trouble understanding their legal matter at the requisite level to proceed. In these situations, the team may consist of sign language interpreters with particular skills to serve as an intermediary interpreter, or utilization of interpreter pairs that include both a nationally certified interpreter and an individual with the ability to convey or receive communication in the mode of the person with the disability. Additional interpreters (counsel table interpreters) may also be necessary to ensure that court participants with hearing loss have an opportunity to confer privately with legal counsel during a proceeding. Such interpreter services are the financial obligation of the attorney.

II. CERTIFICATION

Background Information

In 2006, the Florida Supreme Court approved the Rules for Certification and Regulation of Court Interpreters, which established a certification procedure for spoken language interpreters. To attain certification, interpreters would be required to complete the following:

- attend a two-day orientation program administered by the Office of the State Courts Administrator;
- pass a written ethics/general knowledge examination;
- pass an oral proficiency examination;
- undergo a background check;
- take an oath to uphold the Code of Professional Conduct; and
- agree to obtain certain continuing education credits or hours.

The Court Interpreter Certification Program within the Office of the State Courts Administrator currently offers oral qualifications examinations in the following languages: Arabic, Cantonese, French, Haitian Creole, Hmong, Ilocano, Korean, Laotian, Mandarin, Polish, Portuguese, Russian, Somali, Spanish, and Vietnamese. State certification of spoken language interpreters was implemented on May 6, 2008. Currently, 133 interpreters have been certified through the program. Appendix D provides the percentage of employee and contract interpreters who are certified.

The Florida court system relies on the Registry of Interpreters for the Deaf's (RID/NAD) certification process and regulation of professionals who provide interpretation services for court participants who are deaf, hard of hearing, late-deafened, or deaf-blind. The requirements of certification for sign language interpreters include substantial training on the NAD-RID Code of Professional Conduct and ethics, substantial training on the role and function of an interpreter, and a comprehensive combination of written and performance tests. RID/NAD also provides a specialty certification in legal interpreting (SC:L). The requirements for this specialty designation include participation in an approved training program designed for interpreters who work in a legal setting, demonstrated knowledge of legal settings and greater familiarity with the language used in the legal setting. Prior to sitting for the exam for this specialty, interpreters must show certification recognized by RID/NAD, documented training, and legal interpreting experience. Currently, there are 361 RID/NAD certified sign language interpreters in Florida listed on the Registry. Of those 361, only 3 percent hold the specialty SC:L credential.

A. Availability of State Orientation/Testing

Proposed Best Practices

1. The Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program should sponsor orientation workshops, written exam administrations, and oral exam testing at a minimum of three venues per fiscal year, subject to Chief Justice approval and unit workload permitting.
2. The Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program should sponsor back-to-back workshops and written exams when warranted by demand (i.e., registration well exceeds class capacity and workshop expenses for a second orientation/written exam can be covered by the participant registration fees) subject to Chief Justice approval and provided that registration is completed by the slated registration deadline and instructor/proctor and meeting space availability permitting.
3. When warranted by demand, additional proctors or additional days should be added by the Court Interpreter Certification and Regulation Program to the oral exam testing schedule in order to accommodate the maximum number of prospective oral exam candidates. As with the other major training/testing components of the program, expansion of the test cycle should be contingent upon receiving approval from the Chief Justice and securing additional proctor staff.
4. Court Interpreter Certification and Regulation Program venues should be approved by the Court Interpreter Certification Board or Board Chair and should take into account non-English speaking population statistics for the particular jurisdiction, as well as surrounding areas.
5. At the discretion of the Court Interpreter Certification and Regulation Program, additional trainings should be scheduled in areas of the state where recruitment is critical and orientation workshops/written exams/oral exams are not typically held.

Discussion

Although the Office of the State Court Administrator (OSCA) implemented formal spoken language court interpreter training and testing over a decade ago (1998), the demand for statewide court interpreter training and testing has not declined. In fact, the need and desire for expanded qualified court interpreter resources has noticeably increased now that the trial courts are responsible for the scheduling and hiring of both employee and contractual court interpreters. The implementation of spoken language court interpreter certification in May 2008, and the effective date of rule 2.560(e), Florida Rules of Judicial Administration (to appoint a spoken language interpreter for specific cases) in July 2008, have also spurred the need and desire for individuals to undergo the state-sponsored training and testing in order to become certified or duly qualified. In addition, although state testing and certification is not

available in Florida for sign language interpreters, the Court Interpreter Certification and Regulation Program orientation is available to sign language interpreters as a means to obtain additional skills and information on court interpreting.

Currently, the CICRP provides training and testing twice a year at different venues. In order to increase the available pool of certified spoken language court interpreters and to provide opportunities for sign language interpreters to obtain skills and information, a sufficient number of training and testing activities should be offered throughout the fiscal year, in multiple locations throughout the state. Additionally, given the vast geographic expanse of the state, increased venues would allow more individuals easier access to training and testing opportunities, at potentially reduced travel costs. Back-to-back workshops and exam scheduling is an equally needed practice that is presently employed as it allows participation levels to be realized to the extent feasible, while maximizing the state's resources.

From a cost-benefit standpoint, large cities are typically desirable locations to conduct major program activities in order to maximize participation levels. Meeting space availability and easy access to major airports for staff/instructors/participants are also important components that factor into the selected city location. At least two of the three selected venues should comprise a large city in central and south Florida. Venues may be rotated as appropriate each fiscal cycle to encourage participation throughout the state.

B. Orientations Included in Local Educational Programs

General Recommendation to the Court Interpreter Certification Board

1. All related training standards and procedures for the provision of orientations by providers other than the Office of the State Courts Administrator should be established by the Court Interpreter Certification Board.

Proposed Best Practice

1. Court Interpreter orientations should be tagged onto local court interpreter education programs provided that the approved course guidelines of the program are equal or greater to those of the Office of the State Courts Administrator-sponsored workshops.

Discussion

Due to the geographic expanse of the state and the expense involved for program participants to travel to the workshops, as well as the fiscal and staffing limitations that dictate the number of times that OSCA state-sponsored training may be held each fiscal year, consideration should be given to establishing policy that would enable other entities to apply for approval as orientation training vendors. There is an established precedent for this allowance with respect to Florida mediation certification (see Mediation Training Standards & Procedures, *ADR Resource Handbook*, Florida Dispute Resolution Center, January 2010), and

conceivably similar requirements could be mandated for prospective court interpreter orientation workshop providers.

In many jurisdictions, the lack of sufficient demand for interpreting and/or scarcity of qualified presenters may preclude private providers or local educational institutions from planning and holding these workshops or qualifying to become approved training providers. However, should even a few providers be approved, additional workshops would expand both the frequency and the number of jurisdictions in which the training is held in Florida. This is potentially advantageous to the courts and prospective interpreters alike as it may increase the pool of qualified interpreters statewide.

III. NETWORKING/SHARED RESOURCES

Background Information

Some circuits within Florida, in an effort to conserve resources, have reached out to their colleagues in other circuits to obtain interpreter resources such as lists of available contract spoken and sign language interpreters, video remote interpreting services, training and observation assistance, and general assistance in the area of court interpreting. The circuits participating in these activities report that this is a beneficial practice and should be encouraged throughout the state.

Currently, the Court Interpreter Certification and Regulation Program through the Office of the State Courts Administrator maintains an online registry of spoken language interpreters who have passed an approved oral proficiency examination, delineated by language. Additionally, the Registry of Interpreters for the Deaf (RID/NAD) website provides a searchable database of their members, allowing users to access a listing of RID/NAD certified interpreters working within the state of Florida.

A. Interpreters Listing Maintained by the Office of the State Courts Administrator

Proposed Standards of Operation

1. The Office of the State Courts Administrator-maintained online statewide registry of spoken language interpreters shall reflect the official status of each interpreter listed, pursuant to court rule or Court Interpreter Certification Board operating procedures.
2. An overview as to what inclusion on the statewide registry of spoken language interpreters entails shall be posted online by the Office of the State Courts Administrator, clearly indicating the requirement differences for the various listings.
3. A link to the Registry of Interpreters for the Deaf shall be maintained on the Office of the State Courts Administrator's website, to provide access to a database of nationally certified sign language interpreters.

Discussion

The circuits would be well served by having the registry of spoken language interpreters maintained by the Office of the State Courts Administrator (OSCA) expanded to include interpreters who:

- have attended the orientation workshop and passed the written examination but are not yet certified, or

- have attended the orientation workshop and passed the written examination, but interpret in a language or languages currently not available for certification.

Providing listings of interpreters who have participated in the orientation workshop and passed the written examination might aid court interpreter program managers in contracting for interpreter services, particularly due to increased demand as well as requests for less common languages and rare dialects.

The Registry of Interpreters for the Deaf (RID/NAD) online member directory is a one-stop resource for finding an interpreter who is an RID/NAD member. A search can be conducted for a RID/NAD member by name, city, state, zip code, certification status, specialty certifications or other related areas of information. Only Interpreters that are RID/NAD members are listed in this directory.

Providing court interpreter managers with these expanded, centralized resources will increase efficiency as all managers will be able to easily access this information through OSCA's website, reducing the time spent trying to locate appropriate interpreters.

B. Circuits Working Together to Provide Mutual Assistance and Support

Proposed Standards of Operation

1. Circuits shall explore the utilization of certified employee interpreters across circuit lines.
2. Circuits shall explore the prospect of shared training, observation, and mentoring programs across circuit lines.
3. The Office of the State Courts Administrator shall maintain and update a directory of all court interpreting services coordinators for each circuit. The directory shall be uploaded to the Florida Courts' intranet site.
4. The Office of the State Courts Administrator shall maintain a statewide electronic listserv for court ADA coordinators, to facilitate the sharing of information about sign language interpreter services.
5. The Office of the State Courts Administrator shall create and maintain a statewide electronic listserv to facilitate communication and information sharing for all court interpreting services coordinators.

Discussion

The circuits should examine the feasibility of sharing court interpreters across circuit lines, particularly among larger circuits that have employee interpreters in spoken languages not necessarily common among the smaller and medium-sized circuits, such as Haitian Creole. If shorter court events can accommodate telephonic spoken language interpretation, the requesting circuit may only be responsible for the costs incurred due to the long-distance

phone call, if this is acceptable to the other circuit. Videoconference (IP to IP) should not result in any additional costs to the circuits.

Providing managers and coordinators with a listserv allows for increased communication and coordination of services statewide. For example, a program manager in a circuit requiring a Polish interpreter could easily send an e-mail to the listserv, which would then redirect the e-mail to all contacts in the group, effectively canvassing all circuits simultaneously. The listserv could also be utilized for discussion on regional differences, exploration of any issues with contractual interpreters, communication regarding local variations (e.g., changes in administrative orders) and other issues.

IV. TECHNOLOGY/REMOTE INTERPRETING

Background Information

Faced with continuing budget issues, lack of certified interpreters, and the increasing need for "exotic" language interpreting, circuits throughout Florida have been innovative in applying technology to achieve appropriate levels of court interpreting services. Circuits that have implemented remote interpreting using existing technology in courtrooms have found a cost-effective and time-saving strategy for providing necessary court interpreting services. Currently, 13 circuits report using some remote audio or audio/video technology to provide court interpreting services (see Appendix E). With the varied landscape and diverse population of Florida, technologies used in court interpreting services serve to increase the availability of qualified court interpreters throughout the state.

A. The Use of Remote Interpreting Technology

Proposed Standards of Operation

1. Circuits shall move towards incorporating the appropriate use of remote audio/video interpreting technology.
2. Circuits shall identify existing technology that is currently operating in courtrooms to determine the feasibility of establishing remote interpreting capability.
3. Circuits shall comply with all statewide technical requirements and cost standards for remote interpreting technology as developed by the Florida Courts Technology Commission and the Trial Court Budget Commission.
4. Circuits shall comply with all federal regulations and state court guidelines relating to video remote interpreting services for persons with hearing loss.
5. Circuits shall require that any remote interpreting technology utilized within their courts provide a mechanism for attorney-client confidentiality.

Proposed Best Practices

1. Remote interpreting should involve the use of proper equipment with appropriate technical capabilities for both spoken language and sign language court interpreters.
2. Circuits should incorporate video capability into any remote interpreting system.
3. Court interpreters who are providing remote interpreting should be given proper advance notice of the need for interpreter services and an enclosed, quiet environment or noise-controlled courtroom in order to listen and view clearly and interpret adequately.

4. All court participants should receive adequate training regarding the use of remote interpreting prior to introducing a remote system in a courtroom.
5. Circuits should develop and document procedures for the appropriate use of remote interpreting.

Discussion

Remote interpreting is a system of interpreting where the interpreter is remotely connected to the courtroom through (1) telephones or (2) integrated audio/video technology. Remote telephone interpretation, which is discussed further in section C, utilizes a standard telephone line attached to a speaker phone. It is currently used in most circuits, to some degree, to provide spoken language interpreting services for infrequently needed language demands, in which the proceeding is of short duration and limited complexity. Telephone interpreting may be performed by court employees or contractors, but is frequently provided by national vendors such as Language Line Services. Remote telephone interpreting is delivered in consecutive mode.

Remote integrated audio/video interpreting technology utilizes an integrated network system consisting of audio mixers, telephone lines, headsets with attached microphone, and in most cases, cameras to enable interpreters to provide on-demand interpretation services to multiple venues from a remote location. Depending on the technical set up, interpreters may view multiple settings from any location (e.g., office, home) and communicate directly with participants. It is currently utilized by at least three circuits and may be performed by court employees or contractors. Remote integrated audio/video interpreting is delivered in simultaneous mode.

While not always necessary, video capability in an integrated system is extremely beneficial to interpreters as it provides them with a visual of what is occurring in the proceeding including the identification of court participants and their actions, and the processing of documents and other materials such as evidence. Specifically for sign language interpreting, remote integrated audio/video interpreting, also known as video remote interpreting (VRI), can afford effective communication for persons who are deaf or hard of hearing, in certain situations. For example, the person using the service watches the interpreter on a screen in the courtroom, and the interpreter is able to see the court participant via camera.

Generally, remote interpreting systems are better suited for court proceedings of short time duration, such as arraignments, initial appearances, pleas, violations of probation and status hearings. Therefore, the system is suitable for covering satellite courthouses, jails, and external court venues within a circuit. The advantage of this technology is that it allows an interpreter to cover proceedings from a remote location eliminating the need for an interpreter to travel between venues. Remote interpreting also increases the number of events an interpreter may cover daily. This lowers costs and decreases delays. However, remote interpreting is not a substitute for on-site interpreters in certain situations.

Proceedings involving multiple pleas, illustrations, recordings or additional courtroom accessories are most likely not well-suited for remote interpreting. Further, remote interpreting may not be effective in court proceedings when the person receiving the service has a mental illness; has an intellectual or cognitive impairment; is a minor; or is heavily medicated, intoxicated, or injured. Additionally, when communication is needed for persons who are deaf-blind, it may be necessary to summon an in-person interpreter to assist certain individuals.

For these reasons, procedures for the appropriate use of remote interpreting should be developed by each circuit consistent with the standards of operation and best practices enumerated in this section and in compliance with any technical and cost standards developed by the Florida Courts Technology Commission and the Trial Court Budget Commission. Specifically, consideration should be given to: the extent that this technology can be integrated with existing technology in courtrooms in order to contain costs; ensuring that proper advance notice is given to court interpreters providing remote services; providing an enclosed, quiet environment or noise-controlled courtroom for cases in which remote interpreting is utilized; providing a mechanism for attorney-client confidential communication (i.e., privacy line); and ensuring that court participants receive adequate training regarding the use of the technology prior to its introduction to a courtroom.

Procedures for the appropriate use of remote interpreting should also be developed by each circuit in compliance with any federal regulations and state court guidelines related to providing services for persons with hearing loss. According to federal requirements, if a state court chooses to provide qualified interpreters for persons with hearing loss via VRI, the court shall ensure that it provides:

- Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
- A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position;
- A clear, audible transmission of voices; and
- Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

B. Sharing Remote Interpreting Resources

Proposed Best Practices

1. Circuits should explore the possibility of expanding the use of remote interpreting technology in order to promote intra-state interaction and the sharing of interpreter resources.
2. Circuits should maintain close communication with those circuits that currently operate remote interpreting technology in order to avoid duplication of effort and to share the pool of qualified interpreters.

Discussion

Expanding remote interpreting to include additional circuits would allow interpreters in one circuit to provide interpreting services in another circuit. For circuits that have little or no interpreting staff or need access to an exotic language or sign language interpreter who might reside in another circuit, remote interpreting could provide the necessary resources to accomplish certain interpreting tasks. This would save funds through the more efficient use of resources.

C. The Use of Telephonic Spoken Language Interpreting Services

Proposed Best Practices

1. Telephonic spoken language interpreting services provided by outside vendors should only be used when all other options have been exhausted.
2. If the use of telephonic interpreting services is necessary, only "court certified" interpreters should be used, if available.

Discussion

According to the *Court Interpreting: Model Guides for Policy and Practice in the State Courts*, National Center for State Courts, (1995), "… Language Line Services (LLS) [a telephonic spoken language interpreting service provider] is designed to provide very rapid access by customers to interpreting services in more than 140 languages. The service operates 24 hours a day, every day. To access the service, calls are placed on an 800 telephone number to the services operations center in Monterey, California. From there an operator establishes a connection between the client and an interpreter who may be located anywhere in the United States or Canada. In the great majority of cases (about 98 percent), the connection is established within a minute of receiving the service request."

The Model Guides notes deficiencies with the use of telephonic spoken language interpreting services that parallel the experience of many circuits within Florida. While the use

of some telephonic spoken language interpreting services require only the use of a standard telephone line and speaker phone combination, in some circuits the technological quality of the interpretation may be poor depending on equipment. Some court representatives have noted that if a telephonic interpreter cannot hear what is being said in the courtroom, they often do not alert the court to that effect, thus losing the effectiveness of the interpretation. Additionally, both the Model Guides and some circuit courts acknowledge concerns regarding the training and expertise of telephonic spoken language interpreters. While promotional materials advertise differing "certification" levels or specialization testing for interpreters employed by these services, these credentials and testing are solely products of the telephonic interpreting services provider, and are not sanctioned certification programs. The testing generally involves an oral consecutive interpreting exam, administered over the phone by personnel of the telephonic interpreting service. Some circuits within Florida have noted inconsistencies with the quality of telephonic interpretations, even by those claiming legal expertise, to the point where some circuits choose not to use the services. Other circuits have indicated that the services are only used in instances where the language needed is exotic, when a court interpreter is unable to be present such as a weekend hearing, when the matter is less complex, or when the proceeding is of a short duration. Some circuits noted that challenging the qualifications of a telephonic interpreter is not possible, as the interpreters are generally anonymous and only identified by a number. The current use by circuit of LLS, which has contracted with the Florida State Courts system to provide telephonic interpreting services, may be seen in Appendix F.

V. STAFFING

Background Information

Florida currently uses two models for the provision of court interpreting services: 1) a contract model wherein all court interpreting functions are performed by non-court personnel under contract, and 2) a hybrid of the contractual model and a model that uses court employees.

Where there is not a predictable need or volume to justify an employee model, most courts report that maintaining a listing of qualified and willing contract court interpreters has proven to be the most economical and effective solution. All 20 circuits within the Florida State Courts System use contract interpreters. Contract interpreters typically work on an event/assignment basis.

In areas of the state where the need for a given language is frequent and predictable, courts have found it more efficient to develop in-house capacities to provide interpreting services through the use of employees. The advantages of the employee model flow from greater control over the qualifications of the interpreter and the process, including scheduling and courtroom supervision. Twelve circuits have a total of 118.5 FTE employee interpreter positions (see Appendix G). It is not realistic to expect that an employee model will be able to provide services for all possible languages. All courts with interpreter employees also have a need to contract for services in instances where the language demand is infrequent, exotic, or sign language services are needed or scheduling demands cannot be accommodated by employees alone.

A. Preferred Staffing Model

Proposed Standard of Operation

1. Each circuit shall determine a court interpreter staffing model based on the most efficient use of resources.

Discussion

Circuits should be given a certain level of flexibility in the provision of interpreting services. It is not cost effective or practical in some circuits to utilize employee interpreters, while in other circuits it may be. For example, a circuit may only receive one or two requests each year for an "exotic" language such as Urdu. It would not be cost effective in that circuit to have an employee interpreter for that particular language, and it is not realistic to expect an employee interpreter to speak multiple languages with proficiency. A circuit should be able to determine, based on budget, number of interpreting events, and the language population of their area, which staffing model is most appropriate for their jurisdiction.

B. Techniques for Recruiting Interpreters as Employees

Proposed Standards of Operation

1. Recruitment procedures and practices for court interpreting positions shall be in compliance with the Florida State Courts Personnel Regulations and section 25.382(4), Florida Statutes.
2. Pursuant to Section 1.04, Florida State Courts System Personnel Regulations Manual, regarding Recruitment/Applications, job vacancy notices specifying the knowledge, skill, and ability requirements for each vacant court interpreting position shall be posted and distributed to all appropriate court offices. Job vacancies open to the general public shall be advertised by employers using appropriate advertising sources to reach a diverse group of qualified applicants in the available labor market.

Proposed Best Practices

1. Circuits should contact local colleges and universities that offer foreign language or translation and interpretation programs to advertise position vacancies.
2. Circuits should partner with local colleges and universities to participate in internship programs for court interpreters.
3. Circuits should attend local job and career fairs to provide information regarding the court interpreter program and available job opportunities.
4. Circuits should attend interpreter association conferences to provide information about the interpreter program and available positions.
5. Circuits should post notices of vacancies on websites and bulletin boards of relevant national and state interpreting/translation groups.
6. Circuits should request the Office of the State Courts Administrator to disseminate job vacancy announcements through broadcast e-mails to interpreter program participants.
7. Circuits should seek to recruit employee interpreters from other fields of interpretation that are not legally oriented.
8. The Office of the State Courts Administrator should develop a recruitment brochure and other materials that can be accessed electronically by the circuits to aid in recruitment efforts.
9. The Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program should give special recognition to newly certified spoken language court interpreters by disseminating a list periodically via electronic communication to pertinent trial court personnel.

10. Circuits should hold an annual or biannual ceremony presided over by the jurisdiction's chief judge or designee, in which all newly certified sign language and spoken language court interpreters will be recognized.

Discussion

In the state of Florida, circuits report difficulties in finding qualified court interpreters. Because the field of court interpreting is highly skilled and specialized, it is understandable that the pool of available, qualified interpreters is small. Many circuits may need to look "outside the box" in an effort to cull potential interpreters and to ensure an adequate number of qualified applicants are available for position vacancies and contract needs.

While it is understood that resource variances often exist between circuits, making interpreting an attractive career is a statewide issue. One way to help accomplish this is to establish a cadre of employee interpreters by hiring the most highly skilled individuals possible, and creating a group of professionals whose own expertise will attract others who will want to associate and learn from them. This strategy should work equally well for recruiting both employee interpreters and contract interpreters.

Circuits should not limit themselves to targeting outreach efforts solely to those who are currently engaged in the court interpreting profession, and should explore recruitment opportunities from other fields of interpretation such as:

- The International Association of Conference Interpreters (AIIC);
- The American Association of Language Specialists (TAALS);
- Medical interpreters; and
- Other community interpreters.

There are also many persons who possess sophisticated language skills that are not currently working in the translation/interpretation field and may have a high probability of becoming certified with the requisite training and skills building. This includes, but is not limited to:

- Persons in institutions of higher education that are not associated with foreign or sign language or translation/interpretation programs;
- Teachers of English as a Second Language, Bilingual Education (TESOL/BE), or sign language;
- University professors of languages (e.g., American Association of Teachers of German, American Association of Teachers of Slavic and East European Languages, etc.);
- Ethnic/nationality-based and disability-based student organizations;
- University offices/programs that serve foreign students and students with hearing loss;

- Persons enrolled in graduate schools seeking advanced degrees in foreign languages or sign language; and
- Teachers and students at schools and universities for persons with hearing loss (e.g., Gallaudet University, Florida School for the Deaf and the Blind, National Deaf Academy, etc.).

Lastly, in addition to the above-mentioned prospective applicant pools, there are also those persons who possess language skills that are not affiliated with teaching or institutions of higher learning who may prove to be another viable recruitment resource for circuits, including:

- Persons involved with immigrant and refugee services;
- Other groups of linguists (e.g., American Association for Applied Linguistics; Linguistic Society of America; International Association of Forensic Linguists; Inttranews, a global news service for the language industry read by over 20,000 linguists; and official news site for the global network of professional interpreters and translators);
- Other groups of foreign born communities such as private ethnic- or nationality-based organizations delivering social, legal, education, and/or religious services on a local basis;
- Ethnic-based and disability-based Chambers of Commerce;
- Persons in diplomatic professions (e.g., consulates or embassies of foreign governments and U.S. diplomatic corps of employees who have retired);
- Federal, state, and local agencies; non-governmental organizations; and professionals that provide services to persons with hearing loss (e.g., Rehabilitation Services Administration, Florida Coordinating Council for the Deaf and Hard of Hearing, Florida Division of Vocational Rehabilitation, Florida Division of Blind Services, UF Florida Outreach Project for Children and Young Adults Who are Deaf-Blind, Deaf Services Centers, Centers for Independent Living, Helen Keller National Center for Deaf-Blind Youths and Adults, etc.); and
- Organizations comprised of individuals with hearing loss (e.g., Florida Association of the Deaf, Association of Late Deafened Adults, Florida Deaf-Blind Association, etc.).

C. Hiring Requirements for Court Interpreters

Proposed Standards of Operation

1. Applicants selected for a position in the court interpreter series of positions (e.g., supervising court interpreter, assistant supervising court interpreter, and court interpreter)

shall meet the Education and Training Guidelines and Competencies outlined in the class specification for the position.

2. Court interpreter employees shall possess the knowledge, skills and abilities necessary to perform the duties assigned to the position as outlined in their position description. Employees shall agree to abide by the Code of Professional Conduct as promulgated in Part III of the Florida Rules for Certification and Regulation of Court Interpreters.
3. Applicants who are selected as employee interpreters and are not certified shall obtain such status within one year of being employed in a court interpreting position. Interpreters currently employed with the court shall obtain such status within one year upon notification by the court. The one year requirement may be modified, on a case-by-case basis, if necessary, when extenuating circumstances exist.
4. Certified interpreters shall be given priority in hiring decisions for employee interpreter positions.

Discussion

While revised class specifications for the court interpreter series of positions currently exist, those specifications do not include a requirement to be certified or obtain certification within any specified timeframe. Circuits are urged to require employee interpreters to seek certification status within a year of employment as a means to guarantee a minimum skill and knowledge level. For existing court interpreting employees that have not yet achieved certification, the chief judge and/or court administrator should formally notify the employee, as soon as possible, of the requirement to obtain certification within one year. With due process rights and fundamental interests at stake, it is imperative that the courts expect and receive quality interpretations. In some cases, circuits may need to modify the requirement to obtain certification within one year. For example, if the language in which the interpreter specializes is not available as a testable language in the certification program, the certification requirement should be waived. If circumstances warrant deviation from the one year certification requirement, circuits should determine the best course of action for employee interpreters to obtain certification, if possible.

D. Training and Education of Court Interpreters

Proposed Standards of Operation

1. A two-day orientation workshop for court interpreters shall be offered by the Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program to all interested spoken and sign language interpreters.
2. Pursuant to rule 14.390 of the Code of Professional Conduct, spoken language interpreters shall continually improve their skills and knowledge and advance the profession through

activities such as professional training, continuing education, and interaction with colleagues and specialists in related fields.

3. Circuits shall provide a concise review of the spoken language certification process to court interpreters and require the use of seminars and workshops at the local circuit level to build skills and to remain current on interpreting issues.
4. If funding becomes available, the Office of the State Courts Administrator shall organize statewide educational conferences for all court interpreters. Topics shall include:
   - Role of the interpreter in the courtroom;
   - Ethics;
   - Techniques for improving interpreter skills;
   - Specialized vocabulary training;
   - Common difficulties and problems; and
   - Courtroom dynamics – roles of court participants.

Proposed Best Practices

1. Periodic sessions for employee and contract interpreters should be held in each circuit to provide information on timely and relevant job-related topics.
2. Continuing education/training workshops should be offered to employee interpreters and made available to contract interpreters at their own expense.
3. Employee interpreters should be encouraged to join professional associations so they may receive pertinent information and support.
4. Employee interpreters should have the opportunity to attend training at annual conferences of professional associations, contingent on available funding.
5. Appropriate training resources should be made available to employee interpreters in each circuit.
6. An in-house plan should be developed in each circuit to provide on-the-job training to employee interpreters.

Discussion

The Court Interpreter Certification and Regulation Program currently offers court interpreter orientation workshops, as a starting point in the process of increasing the level of professionalism among individuals who are bilingual or are proficient in sign language and may work in courts from time to time but who may not have received formal training in court interpreting. It is also the first step in the state certification process for spoken language interpreters. Some of the goals of the orientation are to improve a court interpreter's understanding of the skills and appropriate conduct required of professional court interpreters

and to offer a basic introduction to courts and the legal environment. These orientation workshops are open to and beneficial for sign language interpreters, as well.

While certification for spoken language interpreters was officially implemented in May 2008, the Court Interpreter Certification Board planned for a short grace period concerning the implementation date for certified spoken language interpreters to attain Continuing Interpreter Education (CIE) hours. Specifically, effective July 1, 2010, continuing education will be phased in and all state certified interpreters of spoken languages must meet the continuing education requirements established by the Board in order to remain certified. Additionally, in order to give certified interpreters ample time to begin planning their continuing education activities, All interpreters certified *prior* to July 1, 2010, will have a grace period of one compliance period (at least two (2) years) before CIE credits must be earned. For interpreters certified on or after July 1, 2010, continuing education will become effective immediately and the interpreter must earn 16 CIE hours during each renewal cycle prior to his or her certification expiration date, including the one immediately after initial certification. While the below list is not exhaustive, the following key CIE-related requisites have been determined by the Board:

- Certified spoken language court interpreters will be required to complete 16 CIE hours within every two-year compliance period;
- An educational unit is equal to 50 minutes in length;
- Spoken language court interpreters holding certifications in multiple languages will **not** be required to earn additional credits as a result of their multiple certifications;
- Of the 16 CIE credits required, two credits must be earned from participation in an ethics-related program or educational activity **each compliance period** in order to emphasize the Code of Professional Conduct;
- No more than four credits earned in excess of the 16-credit requirement may be carried forward to the next compliance period;
- No more than 25 percent of the required CIE credits may be obtained through self-study or group-study; no credits for self-study or group-study may be carried over to the next renewal period; and the self-study/group-study activity is subject to pre-approval by the Court Interpreter Certification and Regulation Program;
- Certified spoken language interpreters shall be responsible for maintaining all records related to verification of continuing education compliance and shall be subject to random audit; and
- The Board shall maintain a list of approved CIE programs/activities which will be made available to certified spoken language interpreters.

In regards to sign language certification, the Registry of Interpreters for the Deaf (RID/NAD) offers relevant testing that measures skills and competence at the time the interpreter was tested. Once certified, members must maintain their certification through continuing education and membership in RID/NAD. This is required of all certified members, including RID/NAD certified interpreters and transliterators, National Interpreter Certification (NIC) interpreters, National Association of the Deaf (NAD) certified interpreters, and certain interpreters from external organizations under contract with RID/NAD.

To maintain RID/NAD certification, interpreters must:

- Pay certified (active) dues and fees every year;
- Meet the continuing education requirements based on certification classification; and
- Pay NAD dues each year if a NAD certified interpreter.

Generalist certificates are those that deal with general interpreting or transliterating. The certified general interpreter must earn a minimum of 8.0 CEUs (80 hours), with at least 6.0 (60 hours) of them in the professional studies category during each four-year certification maintenance cycle. To maintain any specialist certificate, including the Specialist Certificate: Legal, at least 2.0 CEUs (20 hours) must be in the professional studies category and within the field of specialization, effective with the beginning of the next certification maintenance program cycle. These 2.0 CEUs are part of the 6.0 CEUs in the professional studies requirement.

Any active certified RID/NAD member not satisfying the requirements of the certification maintenance program by the end of his/her cycle will cease to be certified. Active certified members holding a specialist certification who do not satisfy the required two (2) CEUs in the field of specialization, but do accrue the required eight (8) CEUs with at least six (6) CEUs in professional studies, will only lose their specialty certification. They will maintain any other certifications held.

Circuits would be well served to offer certification information, local workshops on requirements and practices specific to their circuit, and resources for employee and contract interpreters and recruits (see Appendix H). The information and workshops could encourage local interpreters to pursue certification, thus creating a larger pool of certified interpreters in the area.

E. Mentoring Programs

Proposed Best Practices

1. Circuits should provide mentoring programs for employee interpreters.
2. Circuits should encourage participation in voluntary mentoring programs in collaboration with professional interpreter associations.

Discussion

Simply stated, mentoring is a process in which a more experienced person supports and aids a less experienced person in his/her professional or personal development. Mentoring relationships help new employees "learn the ropes" by pairing them with individuals established in a profession. These professionals guide development, provide resources, and anchor court interpreters in their new roles. It is important to provide support and encouragement to those entering the field of court interpreting.

F. Observation Programs

Proposed Standard of Operation

1. A program or plan to observe employee and contract interpreters shall be established in each circuit to monitor the performance of the interpreters. Court interpreters shall be observed while performing their duties to ensure they are properly and adequately carrying out the responsibilities of their position pursuant to their position description or contract requirements and the Code of Professional Conduct.

Proposed Best Practice

1. A review of digital court recordings, when available, should be utilized to monitor court interpreter performance in cases where a problem was reported or identified and direct observation was not performed during the time in question.

Discussion

By nature, it is difficult for judges, attorneys, and court staff, who may only speak English, to know if there are problems with court interpreter performance. An individual who is deaf, hard of hearing, does not speak English, or has limited English proficiency may have difficulty articulating to the court that an interpreting service was less than satisfactory. As such, it is important to institute a court interpreter observation program. Observation may be performed by the supervising court interpreter, if they are familiar with the interpreted language (see Appendix I, Sample Observation Form). Some circuits may have the ability to assist other circuits with their observation programs.

The current state of the art technology for court reporting services employs digital recording instead of analog tape. Digital court recording is the audio/video recording of a court proceeding using digital technology that may be saved to a CD, DVD, network drive, or server. With most digital court recording technology, microphones are strategically placed in areas of a courtroom where judges, attorneys, parties, witnesses, and juries are located. Video cameras are also installed in order to visually capture the proceedings. To some extent, every circuit in Florida currently uses digital court reporting. When available, digital court reporting is a means by which interpreting services may be reviewed when direct observation cannot be

performed. Although it may not be ideal for determining whether problems exist (i.e., interpreters may whisper to the person for whom they are providing the service and thus be inaudible to microphones), it is a tool that may be useful to the circuits.

G. Procedures for Handling Problems with Interpreter Performance

Proposed Standards of Operation

1. When a problem is identified in interpreter performance, the supervisor shall meet with the interpreter to discuss the problem and develop a plan of action to correct the problem.
2. Pursuant to the Personnel Regulations Manual, Section 2.04(4), an employee interpreter shall be placed on a Performance Improvement Plan at the discretion of the supervisor, if he/she is not performing his/her duties and responsibilities satisfactorily. This Performance Improvement Plan shall specify the duties and responsibilities where the employee interpreter is deficient and corrective actions to be taken.
3. Pursuant to Section 2 of the Personnel Regulations Manual, Performance Planning and Review System, the employee interpreter's duties and responsibilities and mutual performance expectations shall be discussed with the employee interpreter at the start of employment in the position. On-going direction and training shall be made available to the employee during the review period, as well. A position description shall also be prepared.

Proposed Best Practice

1. If the performance problem is not related to the employee interpreter's knowledge, skills, or abilities necessary to perform the duties assigned to their position as outlined in their position description, the supervisor should refer the employee interpreter to the court's Employee Assistance Program, if appropriate.

Discussion

A fundamental goal of court interpreting is to put the person who uses interpreting services on equal footing with persons who do not require interpreting services within the court, in order to comply with the Americans with Disabilities Act and to protect due process rights and fundamental interests. If a problem arises in the performance of a court interpreter, there is a risk to the protection of those rights and interests. It is in the best interest of justice to deal with problems quickly and accurately. Efforts to control performance problems can reduce mistrials and appeals. Established procedures to deal with court interpreter performance problems should be instituted at the earliest signs of an issue.

H. Compensation

General Recommendations to the Trial Court Budget Commission

The Trial Court Budget Commission should review the feasibility of:

1. Establishing a rate differential that would provide a higher rate of pay for those contract spoken language interpreters who have achieved state certification.
2. Establishing a rate differential that would provide a higher rate of pay for those contract sign language interpreters who have achieved national certification.
3. Establishing rates of pay for court employee interpreters which would provide newly hired certified interpreters a higher base rate, and existing employees, who are certified or become certified, a fair and equitable pay increase.
4. Seeking legislation to provide statutory authority to circuits wishing to use existing funds to pay for training and certification expenses for employee interpreters.

Proposed Standards of Operation

1. Contract court interpreters shall be paid rates not to exceed those delineated below. Rates exceeding the maximum may be paid in extenuating circumstances as approved by the chief judge of the circuit.

   Certified Spoken Language Interpreters (per the Florida Rules for Certification and Regulation of Court Interpreters):

   - Spanish $60 per hour (2 hour minimum with ¼ hour increments thereafter)
   - Haitian Creole $90 per hour (2 hour minimum with ¼ hour increments thereafter)
   - Other Spoken Languages $120 per hour (2 hour minimum with ¼ hour increments thereafter)
   - Written Translations $60 per page (8.5" by 11" page)

   Certified American Sign Language interpreters and all other types of interpreters for persons with hearing loss (per the Registry of Interpreters for the Deaf/National Association of the Deaf):

   - Specialist Certificate: Legal $100 per hour
   - Other Certifications $75 per hour

   Non-Certified Interpreters

   - Spanish $45 per hour (2 hour minimum with ¼ hour increments thereafter)
   - Haitian Creole $75 per hour (2 hour minimum with ¼ hour increments thereafter)
   - Other Spoken Languages $90 per hour (2 hour minimum with ¼ hour increments thereafter)
   - American Sign Language and all other types of interpreters

for persons with hearing loss $70 per hour (2 hour minimum with ¼ hour increments thereafter)

- Written Translations $35 per page (8.5" by 11" page)

2. The Office of the State Courts Administrator shall develop standardized language that can be used as a template for circuit court interpreter contracts.

Proposed Best Practice

1. All circuit court interpreter contracts should contain standardized language developed by the Office of the State Courts Administrator for the procurement of court interpreting services.

Discussion

An independent study of the State Courts System's Classification and Pay System conducted by Management Advisory Group, Inc. from June 2005 through December 2005, determined that the pay scale for employee interpreters should be upwardly adjusted. The proposed minimum for a court interpreter position in this study was $37,096 (from $33,076) and $46,250 for the supervising court interpreter position (from $41,267). As the study was made nearly five years ago, careful consideration should be given to establishing new minimum acceptable salaries for certified interpreters so that they are remunerated accordingly. Increases in salary and pay differentials for sign and spoken language interpreters would increase the possibility of hiring employee interpreters who are certified and also provide incentives for existing employees to become certified. Therefore, it is proposed that the Trial Court Budget Commission review the feasibility of establishing rate differentials for contract interpreters who have achieved certification and pay increases for employee interpreters who become certified.

While it is acknowledged that the state courts system continually aims to provide just compensation for employees across all job classes and specifications, the ramifications of hiring a less-than-qualified individual for a due process position can have far greater consequences, including a substantial impact on constitutional rights. Because the available pool of skilled interpreters is so limited, it is imperative that courts do everything reasonably possible to recruit and retain them. It takes years to develop good interpreting skills because of the unique skills set required. Not only does a court interpreter have to master a proficiency in English and a second language, but he/she must be proficient in the specialized terminology encountered in a court environment as well. It is precisely because of the demanding skills set and amount of time it takes to develop into a good interpreter that they are such valuable resources.

At present, the state courts system is not authorized to pay membership or licensing fees for employees, according to section 216.345, Florida Statutes, and by the authority of the Chief Financial Officer for Florida. Unless specifically authorized by law, professional license fees, occupational license fees, other fees for licenses required for an individual to perform his

or her official duties, tuition for examination preparation, tuition for continuing education classes, and examination fees, are not allowable expenditures. However, it has been expressed that the fee for interpreters to become state certified is a disincentive and the ability of circuits to pay those fees on behalf of employee interpreters would increase the availability of certified interpreters for the courts.

Currently, each circuit, and in some instances each county, establishes its own level of compensation for contract court interpreters resulting in significant variation across the state. Appendix J provides contract compensation rates by circuit. In addition to the variation in compensation rates, there is also variation in how the rates are paid. For instance, most circuits pay by hour, while others pay by event. Paying by event leads to another level of variation, as the meaning of the term "event" also significantly differs by circuit. For translations, most circuits pay by page, while others pay by word. There is also variation in the guaranteed minimum time and the segment of time paid thereafter.

A more standardized approach to contract compensation is needed in order for the trial court system to be more accountable and to provide greater equity in how resources are expended in providing court interpreting services statewide, while still maintaining a certain level of circuit flexibility. Compensation for contractual providers should be linked to the language interpreted as this is a significant factor affecting market rates. However, most importantly, compensation for contractual providers should be linked to whether an interpreter is certified. This provides a direct incentive for court interpreters to become certified which will greatly increase the quality of services provided and recognizes the tremendous level of skill that is demanded of certified interpreters, both statewide and locally. This is mutually beneficial to the courts, interpreters, and to those that require equal access to the justice system through an appropriately qualified communication bridge.

In consideration of the current contract rates in each circuit and the rates recommended by the Trial Court Budget Commission for cases in which the court has appointed private counsel or declared a person indigent (see Appendix K), the above maximum compensation rates are proposed as a standard of operation. It should be noted that while the rates are proposed by hour/page, this does not preclude a circuit from contracting and compensating on a per event/word basis as long as the cost for services can be translated into an hourly/page rate that does not exceed the maximum proposed rates. However, a circuit's decision to set rates by event/word as opposed to by hour/page should be weighed carefully if the funding for court interpreting services and the reporting of data in Uniform Data Reporting System becomes directly linked to the number of hours interpreted and the number of pages translated. It should also be noted that the maximum rates may be exceeded under certain extenuating circumstances, such as the need for an interpreter of a very rare language, if approved by the chief judge.

Closely related to standardizing contract rates is the need to bring more uniformity to provider contracts. Accordingly, a standard of operation is proposed for the Office of the State

Courts Administrator to develop language that circuits should use when drafting their court interpreting contractual agreements. This standard language should include both general conditions (i.e., cancellation guidelines) and more specific conditions such as abiding by the Florida Rules for Certification of Court Interpreters. The standard language should also include a provision for cooperative purchasing so that circuits may pursue the possibility of "piggy backing" on court interpreting contracts in other circuits. This will allow for a more streamlined delivery of court interpreting services across circuit lines.

VI. COURTROOM PROCEDURES

Background Information

The U.S. and Florida Constitutions guarantee individuals the right to due process and the right to meaningful participation in the court proceedings in which they are a party. Utilizing the skills of qualified professional interpreters in the courtroom in a courteous manner will allow for the most efficient administration of justice.

A. Swearing In Interpreters

Proposed Standard of Operation

1. A court interpreter shall be sworn in at the beginning of a proceeding or set of proceedings.

Proposed Best Practice

1. Before a proceeding, the judge should require the interpreter to take an oath swearing that he or she will make a true interpretation of the questions asked and the answers given and that the interpreter will make a true translation into English of any writing which he or she is required by his or her duties to decipher or translate.

Discussion

According to section 90.606, Florida Statutes, an interpreter shall take an oath that he or she will make a true interpretation of the questions asked and the answers given and that the interpreter will make a true translation into English of any writing which he or she is required by his or duties to decipher or translate. It is generally acknowledged within the court interpreting profession and by experienced judges that every interpreter used in the court should be required to swear an "oath of true interpretation." The judge is best able to determine when and how often the oath should be required. For the sake of expediency, judges and court administrators have found that for interpreters who are employees of the court or are familiar to the judge, the oath can be administered at the beginning of the day's work in a given courtroom and the oath extends for the duration of the day's services in that courtroom. In the case of trials, however, the oath should always be administered orally to the interpreters in the presence of the jury to reinforce the jury's awareness of the role of the interpreter.

B. Types of Interpreting Used

Proposed Standard of Operation

1. Consecutive interpretation shall be used during witness testimony or when there is questioning of the defendant. Simultaneous interpretation shall be used at all other times.

Discussion

According to *Court Interpretation: Model Guides for Policy and Practice in the State Courts*, National Center for State Courts (1995), consecutive interpreting in spoken language interpreting is rendering statements made in a source language into statements in the target language, intermittently after a pause between each completed statement, in the source language. In other words, the interpreter renders an interpretation after the speaker has stopped speaking. Sign language interpreters may use the consecutive mode when interpreting for witness testimony, questioning the defendant, working in tandem with a Certified Deaf Interpreter (CDI) or Deaf Interpreter (DI), or when the communication needs of the event or the party require.

When using this mode in spoken language interpreting, it may be necessary for the interpreter to signal a speaker to pause to permit a consecutive interpretation when the length of the utterance approaches the outer limits of the interpreter's capacity for recall.

Simultaneous interpreting is rendering an interpretation continuously at the same time someone is speaking, usually when the person receiving the interpreting service is not part of the conversation. Simultaneous interpreting is generally intended to be heard or seen only by the person receiving the interpretation and is usually accomplished by speaking in whispered tones, using equipment specially designed for the purpose in order to be as unobtrusive as possible, or signing close by. A sign language or oral interpreter will need to stand or sit where the speaker can be heard and the person using the interpreting services can see the interpreter and be seen. Usually, sign language and oral interpreters try to position themselves near the speaker so that the person using the service need only shift his or her line of sight slightly to watch either the speaker or the interpreter. Sign language and oral interpreters most times simultaneously interpret what the speaker is saying.

The mode of interpreting to be used at any given time depends on the type of communication to be interpreted within a proceeding and not on the types of proceedings. In fact, both the simultaneous and consecutive modes will often be appropriate within a proceeding using an interpreter. For example, interpreting would be simultaneous when a judge is making a defendant aware of his or her rights and consecutive when the judge begins to question the defendant.

C. Educating Judges, Court Participants, and the Public about Court Interpreting

General Recommendations to the Florida Court Education Council

1. Presentations to judges pertaining to court interpreting services should be included periodically at judicial conferences.

2. Presentations regarding the need for and use of court interpreters should be included in some appropriate way at the Florida Judicial College.

General Recommendation to the Court Interpreter Certification Board, Advisory Committee

1. The Office of the State Courts Administrator should develop a bench card and a chapter on the topic of the need for and use of court interpreters for inclusion in a judicial bench book.

Proposed Standards of Operation

1. The Office of the State Courts Administrator shall prepare brochures and pamphlets to be distributed to court users advising them of the availability of and requirements for using a court interpreter.
2. Circuits shall develop a court interpreter page to be included on their website explaining the basic services provided by the court interpreter program and shall provide contact information.
3. Circuits shall publish information on their websites to inform court participants with disabilities about the rights afforded by the Americans with Disabilities Act, the federal regulations, and the process for requesting a qualified interpreter or other accommodation.
4. All educational materials developed for the circuits by the Office of the State Courts Administrator's Court Interpreter Certification and Regulation Program and by the Court Interpreter Certification Board shall include information on how to request an interpreter, what the role of the interpreter is, and what the interpreter is not allowed to do.

Proposed Best Practices

1. Circuits should provide educational materials on the use and practice of court interpreters for all stakeholders.
2. The Office of the State Courts Administrator should develop signage, in multiple languages, that may be posted by circuits outside of courtrooms providing instructions for those in need of court interpreting services.

Discussion

Most court participants have not been educated on the need for and use of court interpreters. There is a need for education programs to be organized and presented to the various stakeholders in the courtroom in order to understand and utilize the services of a court interpreter in the most effective and efficient way. Court participants should understand the role of the court interpreter in court proceedings, the common difficulties encountered by court interpreters, and how court participants can assist interpreters in working through these difficulties, the logistics in using court interpreters, and the need to coordinate the scheduling of cases involving interpreters in order to make best use of the service.

Local presentations can be made by court interpreters or other appropriate individuals to bailiffs, clerks, state attorneys, public defenders, and other stakeholders as needed. Larger-scale presentations can be made at educational conferences. For example, judges' conferences and judicial colleges can provide presentations that include topics such as:

- The role of the court interpreter in the courtroom;
- The common difficulties encountered by court interpreters and how the court can assist in resolving these difficulties;
- Differences between spoken and sign language interpreting;
- The right to object to or waive an interpreter;
- Use of standard jury instructions relating to interpreters;
- Court interpreting techniques;
- Ethics for using interpreters;
- Techniques for improving interpreter skills;
- Specialized vocabulary; and
- Courtroom dynamics.

The Americans with Disabilities Act requires the state courts, as an entity covered by Title II of the Act, to provide notice of the availability of accommodations for persons with disabilities. The Florida courts have elected to primarily provide such notice through implementation of rule 2.540, Florida Rules of Judicial Administration. Rule 2.540 requires that all notices of court proceedings to be held in a public facility, and all process compelling appearance at such proceedings, shall include the standard language set forth in the rule to advise persons with disabilities about the right and process for requesting a qualified interpreter or other accommodation. The rule also requires that notice of the availability of ADA accommodations be posted on each court's website and in each court facility.

It is essential that persons who require interpreter services in the court environment be able to easily locate information about how to obtain court interpreting services when using the court system. Signage, online information and brochures/pamphlets are convenient ways to provide this information.

D. Participant Responsibilities in Proceedings Involving Court Interpretation

Proposed Standards of Operation

1. The judge shall ensure that all parties are informed an interpreter is being used in the proceeding and ensure that all parties are conscious of the interpreter.

2. The judge shall monitor the proceeding and ensure that the interpretation process is flowing smoothly.
3. The judge shall instruct the participants to adjust their volume, rate of speech, and refrain from extraneous comments or whispering, allowing for the interpreter to fully hear all that is being said.
4. The judge shall give the appropriate jury instructions regarding the use of a court interpreter. Jurors shall be instructed that the interpreter is neutral, impartial, does not represent the interest of any party, and is only there to assist in communication.
5. All parties, including jurors, shall be instructed that if they speak and understand the language being interpreted and perceive a discrepancy as to the interpretation, it should be brought to the attention of the judge.
6. When an interpreter is used for a juror who is deaf or hard of hearing, the presiding judge has the discretion to administer an oath of non-involvement, including language stating that the interpreter will not interfere with the deliberations of the jury or reveal the confidences of the jury.
7. All court personnel shall work toward making the best use of the court interpreter's time and availability by ensuring that those cases involving an interpreter are called and brought to the court's attention as soon as possible.
8. Court interpreters shall advise the court or presiding officer any time during a proceeding whenever they believe they are or may be in violation of any part of the Code of Professional Conduct, including if they discover that they cannot communicate effectively with the person using the service.

Proposed Best Practice

1. At the beginning of a proceeding where court interpreting services are necessary, the presiding judge, magistrate, or hearing officer, should allow the interpreter to converse briefly with the person who will use the service to be certain that they can effectively communicate with each other.

Discussion

Court interpretation is a highly specialized form of interpreting that cannot be effectively performed without commensurate specialized training and skills. Interpreters must be able to interpret with exactitude while accurately reflecting a speaker's nuances and level of formality. The interpreter must interpret the original source material without editing, summarizing, deleting, or adding, all while conserving the language level, style, tone, and intent of the speaker. The interpreter must listen, comprehend, abstract the message from the words and word order, store ideas, search for the conceptual and semantic matches, reconstruct the message in the other language, all while speaking, listening for the next segment of language to process, and monitoring their own output.

As in any proceeding, the judge ensures that proper courtroom decorum is exercised. Judges generally require that the room in which sessions are held be kept as quiet as possible and that only one person is allowed to speak at a time. These rules are especially important in interpreted proceedings. The steps involved in court interpreting require consideration be given to speed of speech, volume level, and allowing only one person to speak at a time. By ensuring that courtroom participants understand and accommodate the needs of the court interpreter, the court is ensuring protection of due process, civil rights, and fundamental interests. Other judicial responsibilities could include providing a general announcement inquiring to the need for an interpreter made at the beginning of each court session; circulating a sign-in sheet in the courtroom to get the names of defendants needing interpreting services; grouping the order in which interpreter cases are heard; placing defendants needing interpreting services under oath prior to approaching the podium; judicial officers or judicial assistants providing the interpreter office a preferred prescheduled time for service; calling only one case at a time; and judicial officers dismissing an interpreter when not in use to allow for services to be provided in other courtrooms.

In recognition of different accents, dialects and regionalisms, to ensure accuracy of interpretation, and because some individuals with hearing loss have unique communication needs due to educational, cultural, or additional disability factors, interpreters should be given the opportunity to acquaint themselves with the individual they will interpret for. This allows the interpreter to determine whether they can communicate effectively and also allows both the interpreter and the person receiving the service to familiarize themselves with each other's language particularities or signing needs. The judge may then establish on the record that the interpreter and the person receiving the service have had an opportunity to converse, and that they are able to understand each other.

With regard to jury deliberation, when a member of the jury is deaf or hard of hearing, according to U.S. v. Dempsey, 830 F.2d 1084, 1090 (10th Cir. 1987); The People v. Guzman, 76 N.Y. 2d 1, a "signor" or sign language interpreter is a neutral figure, associated only with the fellow juror, and the interpreter should not have an adverse impact on jurors. The judge, before the verdict is announced, may inquire whether the interpreter abided by his or her oath to act strictly in the capacity of an auxiliary aid or service to the juror with hearing loss. The judge may also question the jurors to the same effect.

E. Code of Professional Conduct for Interpreters

Proposed Standards of Operation

1. Every spoken language court interpreter shall abide by the Code of Professional Conduct pursuant to Part III of the Florida Rules for Certification and Regulation of Court Interpreters.

2. Every sign language court interpreter shall abide by the National Association of the Deaf-Registry of Interpreters for the Deaf Code of Professional Conduct.

Discussion

According to rule 14.300, Florida Rules for Certification and Regulation of Court Interpreters, "each certified court interpreter shall act in a professional manner in keeping with the Code of Professional Conduct…[f]ailure to adhere to the Code may lead to disciplinary action." Thus, the rule applies only to certified spoken language court interpreters, and as such, sanctions may be applied if the Code is not followed. However, court interpretation represents a necessary and vital function of the court and should be provided with the utmost respect for professional conduct, whether by certified or non-certified interpreters. Many circuits are unable to hire or contract with certified interpreters who are bound by a Code of a Professional Conduct, thus leaving the circuits vulnerable to less-than-professional interpreters.

RID, along with the National Association of the Deaf (NAD), co-authored the ethical code of conduct for sign language and oral interpreters (see Appendix L). Both organizations strive to uphold high standards of professionalism and ethical conduct for interpreters. At the core of this code of conduct are the seven tenets, which are followed by guiding principles and illustrations. According to RID/NAD, the American Deaf community represents a cultural and linguistic group that should be afforded the right to full and equal communication and to participation in all aspects of society. RID/NAD advocates that members of the American Deaf community be provided with informed choice and the highest quality interpreting services. Recognition of the communication rights of America's women, men, and children who are deaf is the foundation of the tenets, principles, and behaviors set forth in the NAD-RID Code of Professional Conduct, and all interpreters certified through RID/NAD agree to adhere to the Code.

As officers of the court, interpreters help assure that all persons with hearing loss or limited English proficiency may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice, and should be held accountable as such.

VII. TRANSLATIONS AND TRANSCRIPTIONS

Background Information

The purpose of a translation is to produce a written document that faithfully and accurately reproduces in the target language the closest natural equivalent of the source language document without embellishment, omission, or explanation. In order to provide equal access to written documents, translations must be neither superior nor inferior to the document being translated in appearance, style, or content. Readers of translations should be able to understand the original author's meaning and draw the same inferences about the author as they would if they were able to read the original document in the source language.

Section 29.004(5), Florida Statutes, provides that "[c]ourt foreign language and sign language interpreters and translators essential to comply with constitutional requirements" are an element of the state courts system to be funded by state appropriation. Based on this statutory requirement, the Trial Court Budget Commission includes translation services as an allowable cost in determining the court interpreting budget.

Transcription, combined with translation, refers to the process of preserving audio or video-taped sound files in written form. First, a complete transcript of the original recording in the source language is created and then the transcript is translated into the target language. Specialized skill, training, and experience are required to produce complete and accurate transcripts.

Proposed Standard of Operation

1. Sound recordings shall not be transcribed or translated live in court.

Proposed Best Practices

1. Audio/Video recordings should first be transcribed from source language to source language, and then translated from source language to target language.
2. Circuits should use and have available in their courtrooms commonly distributed forms such as Felony and Misdemeanor plea forms; Application for Criminal Indigent Status; Drug Court, Mental Health, and any Diversion Program Agreement forms; containing both English and Spanish translations and any other critical language demand in their jurisdiction.
3. Translated forms should not be used in lieu of the use of an interpreter.

Discussion

Due to the difficulty in transcribing and translating sound recordings, the practice of doing so in court should be discouraged at all times. If the presiding judge requests an interpreter to transcribe or translate a recording, the transcription or translation should be made beforehand and then presented in court. Otherwise, the interpreter should provide a

disclaimer stating that he or she cannot certify as to the accuracy of the translation. Additionally, it is important that transcriptions be accomplished by the correct procedure of transcribing a sound recording in the source language and then translating it into the target language. Often, in order to save costs, the transcription step is eliminated, thus the recording is only translated into the target language. This may prove problematic, especially in the criminal court environment, as there is no written document of the source language and therefore, the quality of the transcription or translation cannot be determined.

A number of trial courts in Florida have developed forms, instructional materials and brochures that have been translated into a variety of languages, most notably Spanish, in an effort to accommodate a large segment of the non-English-speaking population and streamline court processes. By having available already-translated commonly used forms, the court eliminates the time and expense required to procure translating services for each case where it is necessary. By providing both the English and translated Spanish versions side by side, concerns regarding accurate translations are reduced. Both languages can be easily compared and all parties are reassured that the person in question has been afforded the same access as an English speaking client. In case of future claims, there is proof that the person has seen a comparable version.

VIII. UNIFORM DATA REPORTING SYSTEM

Background Information

In 2004, the Supreme Court directed the Commission on Trial Court Performance and Accountability to develop a Uniform Data Reporting (UDR) System. The UDR System provides data pertaining to several court elements, including court interpreting, to assist with the management of resources and measurement of performance and accountability of Florida's trial courts. The UDR data only pertain to court events that occur at state expense. The current court interpreting data collection form and instructions may be found in Appendix M.

General Recommendation to the Commission on Trial Court Performance and Accountability, Court Statistics and Workload Committee

1. Court interpreting statistics collected in the Uniform Data Reporting System should be modified to capture the number of court interpreting hours (in quarter hour segments), by proceeding type and language, in addition to the number of events.
2. Court interpreting statistics collected in the Uniform Data Reporting System should be modified in order to be consistent with amendments to s. 29.004, Florida Statutes.

Proposed Standards of Operation

1. The Office of the State Courts Administrator shall sponsor periodic trainings for all individuals involved in the collection and reporting of Uniform Data Reporting System statistics.
2. All circuits shall require attendance at trainings sponsored by the Office of State Courts Administrator for individuals involved in the collection and reporting of Uniform Data Reporting System statistics.

Discussion

Currently, the UDR System requires that each circuit report the number of court interpreting events by proceeding type and by language. "Event" is defined as the number of cases requiring interpreting services. However, the application of this definition varies throughout the state and fails to fully capture the magnitude of the workload involved with interpreting various cases. One event could equate to a fifteen minute hearing, while another event could equate to a two day trial. Collecting the number of interpreting hours captures the workload involved with each language and each proceeding type and leaves less room for confusion. This change in the data reporting will also facilitate the decisions of the Trial Court Budget Commission by allowing for a link to be made between funding and the magnitude of work facing each circuit when delivering court interpreting services.

Statutory changes may occur as a means to accommodate DOJ guidelines requiring the provision of court interpreters for all court proceedings and court managed activities. (See

Appendix A). It is recommended that in the event of amendments to s. 29.004, Florida Statutes, the UDR system be modified to correlate with any new language.

Additionally, standards of operation are offered to further strengthen the quality of the data reported by each circuit. The Office of the State Courts Administrator should be required to provide periodic trainings for individuals involved in the collection and reporting of court interpreting UDR data just as each judicial circuit should require attendance at these trainings.

IX. FUNDING

Background Information

Currently, the legislative budget request for state funding in the court interpreting element, as proposed by the Trial Court Budget Commission and approved by the Supreme Court, is based on a formula that applies an average growth rate in non-English speaking population to prior year contractual expenditures and the cost of existing positions. Since Revision 7, the funding methodology used by the Trial Court Budget Commission to determine actual allocations for each circuit has varied depending on whether the Legislature has appropriated the trial court's entire budget request, part or none of this request, or whether the Legislature reduced funding. However, allocations have been generally based on circuit requests for new positions and prior year contractual expenditures with the growth rate in non-English speaking population applied.

General Recommendations to the Trial Court Budget Commission

1. Funding allocations should take the total need for funding into consideration in order to bring uniformity and equity to the level of services provided across the trial courts.
2. The court interpreting funding formula should be modified as follows:
   - The formula should result in the total number of dollars required to provide court interpreting services with certified interpreters;
   - The formula should be based on a standardized statewide cost for court interpreting services (including document translations), by language type, and applied to projected court interpreting hours and pages from the Uniform Data Reporting System;
   - The formula should incorporate a modifier for non-direct service functions (i.e., supervision, coordination, scheduling); and
   - The formula should incorporate a modifier for multiple counties and/or multiple courthouses.

General Recommendation to the Office of the State Courts Administrator

1. Explore the use of Justice Assistance Grant funds, provided by the Office of Justice Programs, as an additional resource for funding language services in the courts.

Discussion

Although the current funding methodology has been mostly sufficient in addressing circuit court interpreting needs, there have been certain deficiencies in the methodology. Perhaps the most prominent deficiency is that the methodology does not provide any standardized cost controls across the circuits. Presently, contract rates vary across circuits as does the

number and use of employee interpreters. As the methodology currently stands, circuits are actually rewarded for spending more money because their next year allocation is based on prior year expenditures with a growth rate applied. Thus, the more money a circuit spends in the current year, the more money they receive the following year. The opposite is true for circuits that spend less money in the current year as they will receive less money the next year. Consequently, the methodology does not provide an incentive for cost efficiency and also cannot ensure a certain level of spending equity across the circuits. A closely related second deficiency is that the funding methodology is not directly tied to the court interpreting workload of each circuit. Court interpreting UDR data for each circuit are not used in the funding calculations, and thus, do not ensure equity in funding across the circuits in line with the work they perform. Finally, a third deficiency is that the current funding methodology does not directly provide an incentive for the trial courts to use interpreters that have been certified per the Florida Rules for Certification and Regulation of Court Interpreters or the Registry of Interpreters for the Deaf. As may be seen in Appendix N, approximately 50 percent of judicial circuits report that less than half of the proceedings requiring an interpreter use interpreters that are certified.

Due to these deficiencies, a new funding methodology is recommended for the Trial Court Budget Commission's consideration. The new funding methodology is modeled after the funding methodologies utilized by the Trial Court Budget Commission for the court reporting element and the mediation element, the latter of which was recommended by the Commission on Trial Court Performance and Accountability. These methodologies place a ceiling on circuit spending that is calculated using a standardized statewide cost for services which is applied to data collected through the UDR System. Thus, these methodologies factor in the actual workload of each circuit and the actual cost of providing services. Further, these methodologies apply a modifier to increase funding for non-direct service duties such as coordination, scheduling, and supervision and a multi-county/courthouse modifier to increase funding for the additional workload involved in coordinating services across numerous counties or courthouses.

When requesting funding from the legislature, this methodology allows the court system to equate the additional requested funding to a specific increase in court interpreting workload. Therefore, the Legislature will be able to better identify a direct relationship between the additional dollars requested and an increase in services provided. The court system will also be able to provide the specific standardized cost per court interpreting hour/page to bring greater accountability to how funds are expended and to account for the need to use Florida certified interpreters. The funding methodology also provides flexibility to the circuits in how they choose to staff their programs (i.e., employees vs. contractors) but provides for long-term equity in how resources are expended statewide.

It should be noted that a vital component of the recommendations in this report request expansion of court interpreting services. While the TCP&A understands that expansion of

court interpreting services to all court proceedings and court-managed activities will require a significant amount of additional resources in order to implement, the Commission notes that the guidance provided by the Department of Justice (DOJ), in applying Title VI of the Civil Rights Act, requires that interpreting services be provided in all cases, regardless of economic issues. Title VI states that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (See Appendix B). The Florida State Courts System is a recipient of Federal financial assistance. DOJ notes that court systems receiving federal financial assistance, either directly or indirectly, must provide meaningful access to LEP persons in order to comply with Title VI, the Safe Streets Act, and their implementing regulations. The federal requirement to provide language assistance to LEP individuals applies notwithstanding conflicting state or local laws or court rules. DOJ does acknowledge "that most state and local courts are struggling with unusual budgetary constraints" but that "fiscal pressures, however, do not provide an exemption from civil rights requirements." (See Appendix A).

The Commission did consider cost recovery, as delineated in section 29.0195, Florida Statutes, as a possible means to cover some of the additional resources necessary for expansion. Section 20.0195 states in part, "[t]he trial court administrator of each circuit shall recover expenditures for state-funded services when those services have been furnished to a user of the state court system who possesses the present ability to pay…[t]he trial court administrator shall recover the costs of court reporter services and transcription; court interpreter services, including translation; and any other service for which state funds were used to provide a product or service within the circuit." The intent of this statute was to allow circuits to recoup resources expended in providing services that are outside what is required by state law and funded by the State of Florida, as defined during the Revision 7 transition, should a special situation arise where these services are needed. However, DOJ's guidance for providing interpreting services for persons with limited English proficiency states,

> Title VI and its regulations prohibit practices that have the effect of charging parties, impairing their participation in proceedings, or limiting presentation of witnesses based upon national origin. As such, the DOJ Guidance makes clear that court proceedings are among the most important activities conducted by recipients of federal funds, and emphasized the need to provide interpretation free of cost. DOJ expects that, when meaningful access requires interpretation, the courts will provide interpreters at no cost to the person involved.

DOJ does note that in considering a system's compliance with language access standards in light of limited resources, consideration will be given to all the facts and circumstances of a particular court system, including, but not limited to:

- The extent to which current language access deficiencies reflect the impact of the fiscal crisis as determined by previous success in providing meaningful access;
- The extent to which other essential court operations are being restricted or defunded;
- The extent to which the court system has secured additional revenues from fees, fines, grants, or other sources, and has increased efficiency through collaboration, technology, or other means;
- Whether the court system has adopted an implementation plan to move promptly towards full compliance; and
- The nature and significance of the adverse impact on LEP persons affected by the existing language access deficiencies.

Finally, DOJ notes that Justice Assistance Grant funds are available to states to be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and criminal justice information systems that will improve or enhance criminal justice programs including prosecution and court programs. These funds can be used towards funding language services. The Commission suggests that the Office of the State Courts Administrator determine whether pursuing these grant funds is feasible.

Appendix A – Guidance Letter, U.S. Department of Justice

U. S. Department of Justice

Civil Rights Division

Assistant Attorney General

Washington, D.C. 20530

August 16, 2010

Dear Chief Justice/State Court Administrator:

In the past decade, increasing numbers of state court systems have sought to improve their capacity to handle cases and other matters involving parties or witnesses who are limited English proficient (LEP). In some instances the progress has been laudable and reflects increased recognition that language access costs must be treated as essential to sound court management. However, the Department of Justice (DOJ) continues to encounter state court language access policies or practices that are inconsistent with federal civil rights requirements. Through this letter, DOJ intends to provide greater clarity regarding the requirement that courts receiving federal financial assistance provide meaningful access for LEP individuals.

Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary. Policies and practices that deny LEP persons meaningful access to the courts undermine that cornerstone. They may also place state courts in violation of long-standing civil rights requirements. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.* (Title VI), and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d(c) (Safe Streets Act), both prohibit national origin discrimination by recipients of federal financial assistance. Title VI and Safe Streets Act regulations further prohibit recipients from administering programs in a manner that has the effect of subjecting individuals to discrimination based on their national origin. *See* 28 C.F.R. §§ 42.104(b)(2), 42.203(e).

The Supreme Court has held that failing to take reasonable steps to ensure meaningful access for LEP persons is a form of national origin discrimination prohibited by Title VI regulations. *See Lau v. Nichols*, 414 U.S. 563 (1974). Executive Order 13166, which was issued in 2000, further emphasized the point by directing federal agencies to publish LEP guidance for their financial assistance recipients, consistent with initial general guidance from DOJ. *See* 65 Fed. Reg. 50,121 (Aug. 16, 2000). In 2002, DOJ issued final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 67 Fed. Reg. 41,455 (June 18, 2002) (DOJ Guidance). The DOJ Guidance and subsequent technical assistance letters from the Civil Rights Division explained that court systems receiving federal financial assistance, either directly or indirectly, must provide meaningful access to LEP persons in order to comply with Title VI, the Safe Streets Act, and their implementing regulations. The federal requirement to provide language assistance to LEP individuals applies notwithstanding conflicting state or local laws or court rules.

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Despite efforts to bring courts into compliance, some state court system policies and practices significantly and unreasonably impede, hinder, or restrict participation in court proceedings and access to court operations based upon a person's English language ability. Examples of particular concern include the following:

1. Limiting the types of proceedings for which qualified interpreter services are provided by the court. Some courts only provide competent interpreter assistance in limited categories of cases, such as in criminal, termination of parental rights, or domestic violence proceedings. DOJ, however, views access to *all* court proceedings as critical. The DOJ Guidance refers to the importance of meaningful access to courts and courtrooms, without distinguishing among civil, criminal, or administrative matters. *See* DOJ Guidance, 67 Fed. Reg. at 41,462. It states that "every effort should be taken to ensure competent interpretation for LEP individuals during *all* hearings, trials, and motions," *id.* at 41,471 (emphasis added), including administrative court proceedings. *Id.* at 41,459, n.5.

Courts should also provide language assistance to non-party LEP individuals whose presence or participation in a court matter is necessary or appropriate, including parents and guardians of minor victims of crime or of juveniles and family members involved in delinquency proceedings. Proceedings handled by officials such as magistrates, masters, commissioners, hearing officers, arbitrators, mediators, and other decision-makers should also include professional interpreter coverage. DOJ expects that meaningful access will be provided to LEP persons in all court and court-annexed proceedings, whether civil, criminal, or administrative including those presided over by non-judges.

2. Charging interpreter costs to one or more parties. Many courts that ostensibly provide qualified interpreters for covered court proceedings require or authorize one or more of the persons involved in the case to be charged with the cost of the interpreter. Although the rules or practices vary, and may exempt indigent parties, their common impact is either to subject some individuals to a surcharge based upon a party's or witness' English language proficiency, or to discourage parties from requesting or using a competent interpreter. Title VI and its regulations prohibit practices that have the effect of charging parties, impairing their participation in proceedings, or limiting presentation of witnesses based upon national origin. As such, the DOJ Guidance makes clear that court proceedings are among the most important activities conducted by recipients of federal funds, and emphasizes the need to provide interpretation free of cost. Courts that charge interpreter costs to the parties may be arranging for an interpreter's presence, but they are not "providing" the interpreter. DOJ expects that, when meaningful access requires interpretation, courts will provide interpreters at no cost to the persons involved.

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3. Restricting language services to courtrooms. Some states provide language assistance only for courtroom proceedings, but the meaningful access requirement extends to court functions that are conducted outside the courtroom as well. Examples of such court-managed offices, operations, and programs can include information counters; intake or filing offices; cashiers; records rooms; sheriff's offices; probation and parole offices; alternative dispute resolution programs; *pro se* clinics; criminal diversion programs; anger management classes; detention facilities; and other similar offices, operations, and programs. Access to these points of public contact is essential to the fair administration of justice, especially for unrepresented LEP persons. DOJ expects courts to provide meaningful access for LEP persons to such court operated or managed points of public contact in the judicial process, whether the contact at issue occurs inside or outside the courtroom.

4. Failing to ensure effective communication with court-appointed or supervised personnel. Some recipient court systems have failed to ensure that LEP persons are able to communicate effectively with a variety of individuals involved in a case under a court appointment or order. Criminal defense counsel, child advocates or guardians *ad litem*, court psychologists, probation officers, doctors, trustees, and other such individuals who are employed, paid, or supervised by the courts, and who are required to communicate with LEP parties or other individuals as part of their case-related functions, must possess demonstrated bilingual skills or have support from professional interpreters. In order for a court to provide meaningful access to LEP persons, it must ensure language access in all such operations and encounters with professionals.

DOJ continues to interpret Title VI and the Title VI regulations to prohibit, in most circumstances, the practices described above. Nevertheless, DOJ has observed that some court systems continue to operate in apparent violation of federal law. Most court systems have long accepted their legal duty under the Americans with Disabilities Act (ADA) to provide auxiliary aids and services to persons with disabilities, and would not consciously engage in the practices highlighted in this letter in providing an accommodation to a person with a disability. While ADA and Title VI requirements are not the same, existing ADA plans and policy for sign language interpreting may provide an effective template for managing interpreting and translating needs for some state courts.

Language services expenses should be treated as a basic and essential operating expense, not as an ancillary cost. Court systems have many operating expenses – judges and staff, buildings, utilities, security, filing, data and records systems, insurance, research, and printing costs, to name a few. Court systems in every part of the country serve populations of LEP individuals and most jurisdictions, if not all, have encountered substantial increases in the number of LEP parties and witnesses and the diversity of languages they speak. Budgeting adequate funds to ensure language access is fundamental to the business of the courts.

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We recognize that most state and local courts are struggling with unusual budgetary constraints that have slowed the pace of progress in this area. The DOJ Guidance acknowledges that recipients can consider the costs of the services and the resources available to the court as part of the determination of what language assistance is reasonably required in order to provide meaningful LEP access. *See id.* at 41,460. Fiscal pressures, however, do not provide an exemption from civil rights requirements. In considering a system's compliance with language access standards in light of limited resources, DOJ will consider all of the facts and circumstances of a particular court system. Factors to review may include, but are not limited to, the following:

- The extent to which current language access deficiencies reflect the impact of the fiscal crisis as demonstrated by previous success in providing meaningful access;
- The extent to which other essential court operations are being restricted or defunded;
- The extent to which the court system has secured additional revenues from fees, fines, grants, or other sources, and has increased efficiency through collaboration, technology, or other means;
- Whether the court system has adopted an implementation plan to move promptly towards full compliance; and
- The nature and significance of the adverse impact on LEP persons affected by the existing language access deficiencies.

DOJ acknowledges that it takes time to create systems that ensure competent interpretation in all court proceedings and to build a qualified interpreter corps. Yet nearly a decade has passed since the issuance of Executive Order 13166 and publication of initial general guidance clarifying language access requirements for recipients. Reasonable efforts by now should have resulted in significant and continuing improvements for all recipients. With this passage of time, the need to show progress in providing all LEP persons with meaningful access has increased. DOJ expects that courts that have done well will continue to make progress toward full compliance in policy and practice. At the same time, we expect that court recipients that are furthest behind will take significant steps in order to move promptly toward compliance.

The DOJ guidance encourages recipients to develop and maintain a periodically-updated written plan on language assistance for LEP persons as an appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Such written plans can provide additional benefits to recipients' managers in the areas of training, administrating, planning, and budgeting. The DOJ Guidance goes on to note that these benefits should lead most recipients to document in a written LEP plan their language assistance services, and how staff and LEP persons can access those services. In court systems, we have found that meaningful access inside the courtroom is most effectively implemented in states that have adopted a court rule, statute, or administrative order providing for universal, free, and qualified court interpreting. In addition, state court systems that have strong leadership and a designated coordinator of language services in the office of the court administrator, and that have identified personnel in charge of ensuring language access in each courthouse, will more likely be able to provide effective and consistent language access for LEP

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individuals. Enclosed, for illustrative purposes only, are copies of Administrative Order JB-06-3 of the Supreme Judicial Court of Maine, together with the September 2008 Memorandum of Understanding between that court and DOJ. Also enclosed for your information is a copy of "Chapter 5: Tips and Tools Specific to Courts" from DOJ, *Executive Order 13166 Limited English Proficiency Document: Tips and Tools from the Field* (2004).

The Office of Justice Programs provides Justice Assistance Grant funds to the states to be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and criminal justice information systems that will improve or enhance criminal justice programs including prosecution and court programs. Funding language services in the courts is a permissible use of these funds.

DOJ has an abiding interest in securing state and local court system compliance with the language access requirements of Title VI and the Safe Streets Act and will continue to review courts for compliance and to investigate complaints. The Civil Rights Division also welcomes requests for technical assistance from state courts and can provide training for court personnel. Should you have any questions, please contact Mark J. Kappelhoff, Acting Chief, Federal Coordination and Compliance Section (formally known as Coordination and Review Section) at (202) 307-2222.

Sincerely,

Thomas E. Perez
Assistant Attorney General

Enclosures

Appendix B – Title VI of the 1964 Civil Rights Act

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

42 U.S.C §§ 2000d - 2000d-7

TITLE 42 - The Public Health and Welfare

SUBCHAPTER V - FEDERALLY ASSISTED PROGRAMS

Sec. 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Sec. 2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected.

(1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or

(2) by any other means authorized by law:

Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to

grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

Sec. 2000d-2. Judicial review; administrative procedure provisions

Any department or agency action taken pursuant to section 2000d-1 of this title shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 2000d-1 of this title, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that chapter.

Sec. 2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment

Nothing contained in this subchapter shall be construed to authorize action under this subchapter by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

Sec. 2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

Sec. 2000d-4a. "Program or activity" and "program" defined

For the purposes of this subchapter, the term "program or activity" and the term "program" mean all of the operations of -

(1)

(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)
(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

(3)
(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship -

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance.

Sec. 2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act

The Secretary of Education shall not defer action or order action deferred on any application by a local educational agency for funds authorized to be appropriated by this Act, by the Elementary and Secondary Education Act of 1965 [20 U.S.C. 2701 et seq.], by the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) [20 U.S.C. 236 et seq.], by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) [20 U.S.C. 631 et seq.], or by the Cooperative Research Act [20 U.S.C. 331 et seq.], on the basis of alleged noncompliance with the provisions of this subchapter for more than sixty days after notice is given to such local agency of such deferral unless such local agency is given the opportunity for a hearing as provided in section 2000d-1 of this title, such hearing to be held within sixty days of such notice, unless the time for such hearing is extended by mutual consent of such local agency and the Secretary, and such deferral shall not continue for more than thirty days after the close of any such hearing unless there has been an express finding on the record of such hearing that such local educational agency has failed to comply with the provisions of this subchapter:

Provided, That, for the purpose of determining whether a local educational agency is in compliance with this subchapter, compliance by such agency with a final order or judgment of a Federal court for the desegregation of the school or school system operated by such agency shall be deemed to be compliance with this subchapter, insofar as the matters covered in the order or judgment are concerned.

Sec. 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies

(a) Declaration of uniform policy

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] and section 182 of the Elementary and Secondary Education Amendments of 1966 [42 U.S.C. 2000d-5] dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

(b) Nature of uniformity

Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

(c) Prohibition of construction for diminution of obligation for enforcement or compliance with nondiscrimination requirements

Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.].

(d) Additional funds

It is the sense of the Congress that the Department of Justice and the Secretary of Education should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

Sec. 2000d-7. Civil rights remedies equalization

(a) General provision

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(b) Effective date

The provisions of subsection (a) of this section shall take effect with respect to violations that occur in whole or in part after October 21, 1986.

Appendix C - Guidelines for the Provision of Interpreters for Persons who are Deaf or Hard of Hearing

Title II Guidelines for the State Courts System of Florida
Guidelines for the Provision of Interpreters for Persons
Who Are Deaf or Hard of Hearing
Revised: January 2009

Standard

The court will ensure that communications in judicial proceedings, court services, programs, and activities involving persons who are deaf or hard of hearing are as effective as communications with other participants. This requirement applies to defendants, litigants, witnesses, jurors, attorneys, and observers. In those proceedings requiring an interpreter, the services of a qualified interpreter shall be secured. Qualified interpreter is defined as an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In judicial settings, court programs, services and activities, this may mean that the interpreter will need to interpret complex legal terminology.

Obtaining Interpreter Services

Upon becoming aware of the need of such a participant for an interpreter, the court or its designated representative will take the necessary steps to obtain a qualified interpreter. Before determining the type of interpreter services to be secured, the court or its designated representative will confer with the individual with a disability or the individual's legal counsel regarding his or her mode of communication in order to determine the type of interpreter services required. Types to be considered include, but are not limited to, American Sign Language, signed English, fingerspelling, oral, tactile, and cued speech. Some individuals may have unique needs due to educational, cultural, or additional disability factors which may require creative solutions; examples include an individual who uses "home signs" because of a lack of significant exposure to standard communication modes used by individuals who are deaf; individuals who use a foreign sign language; and individuals with physical disabilities which affect their expressive language.

The court or its designee will then determine the date, time, and place where such services will be required. The court will then secure an interpreter who is capable of providing these services and negotiate payment terms from appropriate budgeted funds.

In selecting the interpreter, the preference is that the interpreter be certified by the National Registry of Interpreters for the Deaf (RID) except in those cases where the unique communication needs of the individual cannot be met by such nationally certified interpreters. The preferred certification level is SC: L (Specialist Certificate: Legal). Individuals holding other

certifications issued by RID may be considered, including: NIC Master (National Interpreter Certification Master), NIC Advanced (National Interpreter Certification Advanced), NIC (National Interpreter Certification), or Oral Skills Certification for individuals requiring an oral interpreter. The court should be aware that it may be necessary to pay travel expenses when such certified interpreters are not locally available. When individuals holding the preferred certifications are not reasonably available, persons who can document substantial experience as interpreters may be considered. When individuals who do not hold RID certification are used, the court has a responsibility to ensure that the interpreter clearly understands the role of the interpreter in the judicial setting and to ensure that the communication is effective prior to securing his/her services.

For individuals with unique communication needs (cued speech, "home signs," foreign sign language, physical disabilities which affect expressive communication, etc.), solutions may include recruitment of individuals with those particular skills to serve as interpreters; utilization of interpreter pairs which include both a nationally certified interpreter and an individual with the ability to convey or receive communication in the mode of the person with the disabilities; and consideration of alternate means such as real-time transcription. In all cases, the court has the responsibility to ensure that effective communication can occur.

The court may not require an individual to bring his or her own family member or friends to interpret. If a person who has a hearing impairment brings his or her own interpreter, the procedure for determining whether that individual is a qualified interpreter is described in the next section.

The court should be aware that interpreting requires intense mental concentration. In situations that involve more than two hours of interpreting without significant breaks, two interpreters, who take turns (usually in 20-minute shifts), may be necessary to assure effective communication. Additional interpreters may also be necessary to ensure that participants have an opportunity to confer with legal counsel during a proceeding.

Verification of Qualifications

Upon the date, place, and time noted, and prior to continuing with any proceeding, the court or other designated official will inquire of the person with hearing impairment, through the interpreter, whether the individual is confident that the interpreter's skills will ensure an adequate and accurate interpretation of the proceedings, and whether or not the individual feels that the interpreter is impartial. If either of those questions is answered in the negative, further efforts will be made by the court or its designee to determine if there is a reasonable basis to the objection. The court should exercise caution in evaluating the potential for a conflict of interest or for bias when determining whether a family member, friend, or acquaintance is a qualified interpreter as defined in the standard. If there is such a reasonable basis, the court shall take whatever steps are necessary to acquire a qualified interpreter.

The court will inquire of each interpreter whether he or she will be able to interpret the proceedings. The court may wish to ascertain that the interpreter is qualified through further questions about the interpreter's awareness of the responsibility of the interpreter to accept the assignment using discretion with regard to personal skill, the setting, and the consumers involved. The court may also inquire of the interpreter whether, in his or her best judgment feels that he or she will be able to interpret effectively, accurately, and impartially in the proceedings.

When a question remains or a question arises as to whether the interpreter is qualified, the court may consider enlisting assistance from one or more persons qualified to evaluate interpreting skills and situations. The proceedings will continue unless the interpreter is unable to satisfy the criteria for a qualified interpreter, at which time a qualified interpreter will be obtained.

In the event the individual brings his or her own interpreter to any proceedings, the court or its designee will ask the individual if the interpreter's skills will ensure an adequate and accurate interpretation of the communication of the proceeding, and whether or not the individual feels the interpreter is impartial. The court will also make inquiries of the interpreter as described in the previous paragraph. Again, the court should exercise caution in evaluating the potential for a conflict of interest or for bias when determining whether a family member or friend is a qualified interpreter. If the court is satisfied that the interpreter is qualified, the court will cover the reasonable cost of interpreting services and the proceedings will continue. Otherwise, the court or its designee will obtain a qualified interpreter.

Florida Statutory Provisions

Section 90.606, Florida Statutes, provides that:

> (1)(a) When a judge determines that a witness cannot hear or understand the English language, or cannot express himself or herself in English sufficiently to be understood, an interpreter who is duly qualified to interpret for the witness shall be sworn to do so.
>
> (b) This section is not limited to persons who speak a language other than English, but applies also to the language and descriptions of any person, such as a child or a person who is mentally or developmentally disabled, who cannot be reasonably understood, or who cannot understand questioning, without the aid of an interpreter.
>
> (2) A person who serves in the role of interpreter or translator in any action or proceeding is subject to all the provisions of this chapter relating to witnesses.
>
> (3) An interpreter shall take an oath that he or she will make a true interpretation of the questions asked and the answers given and that the interpreter will make a true translation into English of any writing which he or she is required by his or her duties to decipher or translate.

Further, section 90.6063(7), Florida Statutes, relating to interpreter services for deaf persons, provides that:

> (7) Before a qualified interpreter may participate in any proceedings subsequent to an

appointment under the provisions of this act, such interpreter shall make an oath or affirmation that he or she will make a true interpretation in an understandable manner to the deaf person for whom the interpreter is appointed and that he or she will repeat the statements of the deaf person in the English language to the best of his or her skill and judgment. Whenever a deaf person communicates through an interpreter to any person under such circumstances that the communication would be privileged, and the recipient of the communication could not be compelled to testify as to the communication, this privilege shall apply to the interpreter.

Appendix D – Type of Certification

Circuit Profiles
November 2009

Circuits	State Certification			Duly Qualified*			Federal Certification
	Court Employees	Freelance Contractors	Other Agency Contractors	Court Employees	Freelance Contractors	Other Agency Contractors	
1	NA	0.0% - 4.0%	NA	NA	0.0% - 16.0%	NA	0.0% - 4.0%
2	NA	0.0%	NA - 0.0%	NA	0.0% - 75.0%	NA - 0.0%	0.0% - 25.0%
3	NA	75.0%	NA	NA	25.0%	NA	0.0%
4	NA	0.0% - 40.0%	0.0% - 50.0%	NA	60.0% - 100.0%	40.0% - 100.0%	0.0% - 8.0%
5	NA	0.0% - 99.0%	NA	NA	1.0% - 34.0%	NA - 95.0%*	0.0%
6	NA	0.0%	5.0%	NA	100.0%	15.0%	100.0%
7	0.0%	40.0% - 50.0%	0.0%	100%**	50.0% - 67.0%	0.0% - 100.0%	50.0%
8	100.0%	0.0%	0.0%	0.0%	90%***	0.0%	0.0%
9	71.4% - 100.0%	24.1%	NA	0.0% - 14.3%	16.5%	NA	3.8%
10	16.7%	16.6%	0.0%	83.3%	23.3%	0.0%	0.0%
11	8.0%****	0.0%	0.0%	90.0%****	100.0%	0.0%	7.1%
12	NA	0.0% - 50.0%	0.0%	NA	50.0% - 100.0%	0.0%	0.0%
13	29.0%	46.0%	Unknown	71.0%	54.0%	Unknown	0.0%
14	NA	0.0%	0.0%	NA	22.0%	0.0%	6.0%
15	77.0%	21.0%	7.0%	8.0%	7.0%	0.0%	8.0%
16	0.0%	0.0%	NA	50.0%	0.0%	NA	0.0%
17	14.0%	26.0%	0.0%	55.0%	0.0%	0.0%	5.0%
18	NA - 0.0%	0.0% - 50.0%	9.0% - 10.0%	NA - 100.0%	0.0% - 100.0%	70.0% - 100.0%	0.0% - 5.0%
19	100.0%	33.0% - 60.0%	0.0%	0.0%	0.0% - 66.0%	0.0%	0.0%
20	0.0% - 27.8%	0.0% - 25.0%	NA	72.3% - 100.0%	0.0% - 100.0%	NA	0.0%

* Citrus and Hernando Counties make extensive use of language line. Judges ask interpreters about their certification status.

** One additional employee (Court Operations Manager) is not paid from cost center 131 or 730.

*** Most of our contract interpreters have attended the OSCA workshop, taken (and passed) the oral and written exams, but have not applied to be certified. Our ASL interpreters are RID certified.

****It should be noted that 73% of the Duly Qualified staff interpreters are "poised" for certification. This means that these employees have met all the requirements for certification, i.e., passing of the Consortium oral exam, written ethics exam and have attended a two-day orientation workshop. The only remaining requirement for full certification is the certification application and $200 bi annual fee. The Court Operations Manager and Supervising Court Interpreter are included in the Duly Qualified figure (also poised for certification, pending application and $200 bi-annual fee). A total of 98% of staff interpreters are either Certified or Duly Qualified. The remaining 2% includes (1) FTE who is in the process of becoming Duly Qualified.

Appendix E – Use of Remote Interpreting

Circuit Profiles
November 2009

Circuit	Which method of remote interpreting is utilized for First Appearance?	Which method of remote interpreting is utilized for all other proceeding types?
1	None	None
2	None	Audio Only & Audio/Video
3	Audio Only	Audio Only
4	None	None
5	None	None
6	Audio/Video	Audio/Video
7	None	None
8	Audio Only & Audio/Video or in person at jail*	Audio Only
9	Audio/Video	Audio/Video
10	Audio/Video	None
11	None	None
12	None**	None & Audio Only
13	Audio/Video	None
14	Audio/Video	Audio/Video
15	None	None
16	Audio/Video	Audio Only
17	None	None
18	None & Audio Only	None & Audio/Video
19	Audio/Video	None & Audio/Video
20	Audio/Video	Audio Only

* Last minute ASL requests (from court, day of) usually result in continuance. Also sometimes languages rare to 8th Circuit required for weekend/holiday First Appearance.

** A Spanish interpreter is present at First Appearances. If another language is needed, Language Line (audio only) is used.

Appendix F – Usage Scale – Use of Language Line

Circuit Profiles
November 2009

Circuit	Court Employees	Language Line	Freelance Contractors	Other Agency Contractors
1	NA	None - Low	Low - High	None
2	NA	Low	High	None - Low
3	NA	Low	Medium	None
4	NA	NA - Low	Low - High	Medium - High
5	NA	Low - High	Low - High	None
6	NA	Low	Low - High	Medium - High
7	Low - High	None - Low	Medium - High	Low - Medium
8	Low - High*	Low	Low - High	Low
9	High	Low	Medium	None
10	Medium - High	None	Low - Medium	Low - Medium
11	High	Low	High	Low
12	NA	None - Medium	High	Low
13	High	None	High	Medium
14	NA	None	Low - High	Low
15	High	Low	Medium	Low
16	High	Low	Medium	None
17	High	None	Medium	Medium
18	NA - High	Low - Medium	None - Medium	Low - Medium
19	Low - High	Low	High	Low
20	None - High	Low - High	Medium - High	None

* Employee Interpreter works mostly in Alachua County, but does interpret for other counties (in person and telephonically).

Appendix G – Direct Service Staffing Models

Circuit Profiles
November 2009

Circuit	Circuit Criminal	County Criminal	Family Court - Dependency CINS/FINS	Family Court - Delinquency	Baker/ Marchman/ Guardianship	Domestic Violence Injunctions	GM/CSEHO for Family Court - All Other or Title IV-D	Other Case Types
1	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual
2	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual
3	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual
4	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual
5	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual
6	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual
7	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid
8	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid
9	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Contractual	Hybrid
10	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid
11	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid
12	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual
13	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Contractual*
14	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual	Contractual
15	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid
16	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid
17	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid
18	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid
19	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid
20	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid	Hybrid

*Sign Language Interpretation

Appendix H - Interpreter Resource Materials

Court Interpreting Certification and Regulation Program

SOME ESSENTIAL DICTIONARIES AND OTHER REFERENCE MATERIALS FOR SPOKEN LANGUAGE COURT INTERPRETERS

Interpreters should have one each of the following kinds of dictionaries (for each language in which the interpreters works):

1. A comprehensive monolingual dictionary in each of the other languages
2. A bilingual dictionary, English-Foreign Language and Foreign Language – English
3. A standard legal dictionary in each of the other languages
4. A bilingual English-Foreign Language, Foreign Language – English legal dictionary

English monolingual dictionaries

American Heritage Dictionary of the English Language, 4th Edition
Format: Hardcover, 4th ed., 2116pp.
ISBN: 035825172
Publisher: Houghton Mifflin Company
Pub. Date: September 2000
Edition Desc: 4th

Random House Webster's Unabridged Dictionary
Format: Hardcover, 3rd ed., 2256pp.
ISBN: 0375425667
Publisher: Random House Information Group
Pub. Date: September 2001
Edition Desc: 2nd

Black's Law Dictionary (American and English Jurisprudence)
Format: Textbook Hardcover, 7th ed., 1776pp.
ISBN: 0314228640
Publisher: West Group
Pub. Date: August 1999

Dictionaries for languages other than English

ARABIC

Al Mawrid (English-Arabic/Arabic-English dictionary)
Format: Hardcover, 3rd ed., 2376pp.
ASIN: 1894412974
Publisher: Dar El Ilm Lilmalayin
Pub. Date: March 1998

Al Mawrid 2002: A Modern English-Arabic Dictionary
Format: Hardcover
ISBN: 9953900426

Publisher: Librarie Du Moyen-Orient
Pub. Date: 2001

Arabic-English Faruqi's Law Dictionary
Format: Hardcover, 3rd ed., 380pp.
ISBN: 0884310728
Publisher: I B D Ltd
Pub. Date: December 1986
(This dictionary is also available in English-Arabic)

CHINESE

Chinese-English Dictionary
Format: Hardcover, 1401pp.
ISBN: 962-04-0398-3
Pub. Date: 1991

English-Chinese Dictionary
Format: Hardcover, 1769pp.
ISBN: 962-04-0201-4
Pub. Date: 1991

Chinese-English New Practical Dictionary
Format: Paperback, 1418pp.
ISBN: 0-88431-193-7
Pub. Date: 1987

Chinese-English (Mandarin) Dictionary
Format: Hardcover, 660pp.
ISBN: 0-88431-261-5
Pub. Date: 1967

English-Chinese Glossary of American Criminal Law
Format: Paperback, 246pp.
ISBN: 0-88727-111-1
Pub. Date: 1989

English-Cantonese Glossary
Format: Looseleaf
ISBN: N/A
Publisher: ACEBO
Pub. Date: N/A

Glossary of Selected Legal Terms English-Cantonese
Office of the Administrator of the Courts, State of Washington
Distributed by ACEBO, P.O. Box 7485, CA 93962

FRENCH

Dictionnaire Encyclopedique, 2 vols
Format: Hardcover, 2124 pp.
ISBN: 2-03-301806-1
Pub. Date: 1994

Le Nouveau Petit Robert: Dictionnaire De La Langue Francaise
Format: Hardcover
ISBN: 2850368261
Publisher: Le Robert
Pub. Date: 2002

Harper Collins Robert French Unabridged Dictionary
Format: Hardcover, 6th ed., 2142 pp.
ISBN: 0060084502
Publisher: Harper Resource
Pub. Date: 2002

English-French Lexicon of Legal Terms

ISBN: 928712313-6

GREEK

Greek-English Dictionary, 2 vols
Format: Hardcover, 1318 pp.
ISBN: 0-88431-922-9
Pub. Date: 1961

English-Greek Dictionary
Format: Hardcover, 1102 pp.
ISBN: 0-88431-125-2
Pub. Date: 1961

HAITIAN CREOLE

Haitian Creole-English-French Dictionary
Deslan Rincher & Associates
22-11 Church Ave
Brooklyn, NY 11226
(718) 693-0461

Haitian Creole-English-French Dictionary
1981, Bloomington Indiana-Creole Institute
Haitiana Publications
170-08 Hillside Ave.
Jamaica, NY 11432
(718) 523-0135

Haitian Creole-English Dictionary

Targetej, Dunwoody Press
ISBN 0-93174575-6

ITALIAN

Italian Encyclopedia Universal Dictionary
Format: Hardcover, 1860 pp.
ISBN: 88-7166-174-5

Italian-English English-Italian Dictionary (Sansoni)
ISBN: 88-3831437-3

English-Italian Law Dictionary
ISBN: 88-1400316-5
Pub. Date: 1994

Italian-English Law Dictionary
ISBN: 88-1405001-5
Pub. Date: 1996

KOREAN

Korean-English Dictionary

Format: Flex, 2182 pp.
ISBN: 89-387-04020-5
Publisher: Minjungseorim
Pub. Date: 1994

English-Korean Dictionary
Format: Flex; 2687 pp.
ISBN: 89-387-0401-7
Publisher: Minjung
Pub. Date: 1994

English-Korean Glossary
Format: Looseleaf
ISBN: N/A
Publisher: ACEBO
Pub. Date: N/A

POLISH

The Great Polish/English Dictionary (2 Volume set)
Format: Hardcover; 1728 pp.
ISBN: 83-214-0956-3
Pub. Date: 1992

The Great English/Polish Dictionary
Format: Hardcover; 1404 pp.
ISBN: 83-214-0955-5

Pub. Date: 1992

Polish/English Dictionary of Legal Terms
ISBN: H3-04-01897-7

English/Polish Dictionary of Legal and Economic Terms
Format: Hardcover; 724 pp.
ISBN: 83-214-0533-9
Pub. Date: 1991

Kodeks Karny – Postepowania Karnego
ISBN: 83-85330-30-5

Kodeks Cywilny – Kodeks Postepowania Cywilnego
ISBN: 83-9004443-3-1

PORTUGUESE

Portuguese Dictionary-Novo
ISBN: 85-209-0411-4

Pequeno Dicionário Enciclopédico Koogan Larousse
Editoria Larousse do Brasil, Rio de Janeiro
Imported Books. P.O. Box 4414, Dallas Texas
(214) 941-6497

Dictionary Portuguese-English (2 volumes)
Format: Hardcover; 1328 pp.
ISBN: 85-06-01598-7

English-Portuguese Dictionary
Format: Hardcover; 1151 pp.
ISBN: 85-06-01599-5

Dicionário Jurídico, 3rd edition
Maria Chaves de Mello. Rio de Janeiro: Barrister's Editors, 1987

Noronha's Legal Dictionary

Durval de Noronha Goyos, Jr.
Sao Paulo: Editora Observador Legal, 1993

RUSSIAN

Russian Encyclopedic Dictionary
Format: Hardcover; 1632 pp.
ISBN: 5-85270-001-0

English-Russian Dictionary 2 Volumes
Format: Hardcover; 2108 pp.

ISBN: 0-88431-168-6
Pub. Date: 1988

Russian-English Translator's Dictionary
Format: Hardcover; 735 pp.
ISBN: 0-471-93316-3
Pub. Date: 1991

Russian-English Legal Dictionary
ISBN: 5-88746-004-0

English-Russian Dictionary of American Criminal Law

ISBN: 0-313-30455-6
Available from Greenwood Publishing Group
P.O. Box 5007, Westport, CT 06881-5007

SPANISH

Diccionario de la Lengua Española

ISBN: 84-239-4399-2

Diccionario de Uso del Español (2 volumes)

ISBN: 84-249-1344-2

Larousse Gran Diccionario

Español-Ingles/Ingles-Español
ISBN: 970-607-023-0

Simon and Schuster International Dictionary

English-Spanish/Spanish-English
ISBN: 0-671-21507-8 plain edition
ISBN: 0-671-21267-2 thumb-indexed

Unabridged Spanish Dictionary

Harper Collins

Diccionario Jurídico Español-Inglés

Guillermo Cabanellas de las Cuevas and Eleanor C. Hoague.
Editorial Heliasta, 1998

Diccionario De Términos Jurídicos Inglés-Español, Spanish-English

Format: Hardcover; 688 pp.
ISBN: 84-344-0506-7
Pub. Date: 1995

Bilingual Dictionary of Criminal Justice Terms (English-Spanish)

ISBN: 0-87526-379-8

The Interpreter's Companion, 4th Edition

ACEBO, P.O. Box 7485, Spreckels, CA 93962
(Contains six separate Spanish-English, English-Spanish glossaries: Legal Terms, Traffic and Automotive Terms, Drug Terms, Weapons Terms, Medical Terms, and Slang Terms)

VIETNAMESE

Vietnamese-English/English-Vietnamese Dictionary

Format: Hardcover; 826 pp.
ISBN: 0-88431-113-9
Pub. Date: 1992

English-Vietnamese Glossary

Format: Looseleaf
ISBN: N/A
Publisher: ACEBO
Pub. Date: N/A

ENGLISH SLANG AND IDIOMS REFERENCES

Cassidy, F. and Hall, J. (eds.) **DICTIONARY OF REGIONAL AMERICAN ENGLISH VOLS. I-IV**. Harvard University Press

Chapman, Robert L. **DICTIONARY OF AMERICAN SLANG**. Harper Resource, 1998. ISBN 006270107X

Green, Jonathan. **THE BIG BOOK OF FILTH: 6500 SEX SLANG WORDS AND PHRASES**. Sterling Publishing, 2000. ISBN 0304353507

Johnson, Sterling. **ENGLISH AS A SECOND F*CKING LANGUAGE**. ESFL University Press, 1995. ISBN 0-9644545-0-5

Novobatzky, Peter and Shea, Ammon. **DEPRAVED AND INSULTING ENGLISH**. Harvest Books, 2002. ISBN 0156011492

Philbin, Tom. **COP SPEAK: THE LINGO OF LAW ENFORCEMENT AND CRIME**. John Wiley & Sons, 1996. ISBN 0-471-04304-4

Spears, Richard A. **NTC'S AMERICAN IDIOMS DICTIONARY.** National Textbook Co., 1988. Library of Congress Number: 86-63996

Spears, Richard A. **SLANG AND EUPHEMISM: A DICTIONARY OF OATHS, CURSES, INSULTS, SEXUAL SLANG AND METAPHOR, RACIAL SLURS, DRUG TALK, HOMOSEXUAL LINGO, AND RELATED MATTERS.** Jonathan David, 1981. ASIN 0824602595

Spears, Richard A. **FORBIDDEN AMERICAN ENGLISH**. McGraw-Hill/Contemporary Books, 1990. ISBN 0844251496

Online Slang Dictionaries

The Alternative English Dictionary
http://www.notam02.no/~hcholm/altlang/ht/English.html

Commonly-Used American Slang
http://www.manythings.org/slang/

Cool Western Slang
http://www.bibble.org/western_slang.html

Gay Slang Dictionary
http://www.hurricane.net/~wizard/19a.html

Online Dictionary of Street Drug Slang
http://www.drugs.indiana.edu/slang/home.html

Recent Slang
http://www.slangsite.com/

Slang Dictionary
http://members.tripod.com/~jaguarpage/slang.htm

Tru Dat
http://members.tripod.com/~mara_juarez/slang.htm

Vox Dictionary of Contemporary Slang
http://www.lexscripta.com/desktop/dictionaries/slang.html

Sign Language Interpreter Resources

Advancement Seminars, Inc. "Interpreting in the American Legal System". Videotape. Sign Media, Inc. 1995

Black, Henry Campbell. Black's Law Dictionary. St. Paul, MN: West Publishing Co., 1983.

Florida Coordinating Council for the Deaf and Hard of Hearing (FCCDHH). Legal Corner. http://fccdhh.org/legal_corner

Frishberg, Nancy. Interpreting: An Introduction. Washington D.C.: RID Publications, 1990.

Gonzales, R.; Mikkelson, H.; and Vasquez, V. Fundamentals of Court Interpreting. Durham, NC: Carolina Academic Press, 1994.

Joos, Martin. The Five Clocks. New York, NY: Harcourt Brace Jovanovich, 1967.

National Center for Law and the Deaf. Legal Rights: The Guide for Deaf and Hard of Hearing People. 4th Edition. Washington D.C.: Gallaudet University Press, 1992.

National Center for State Courts. Court Interpretation: Model Guides for Policy and Practice in the State Courts. 1995.

National Consortium of Interpreter Education Centers. An Annotated Bibliography of Resources of Interest to ASL Legal Interpreters. http://nciec.org/projects/docs/Legal_Interpreting_Bibliography_Final.pdf

National Consortium of Interpreter Education Centers. Best Practices: American Sign Language and English Interpretation Within Legal Settings. http://nciec.org/projects/docs/Legal_Best_Practices_Document_4-17-09.pdf

National Consortium of Interpreter Education Centers. Tips for Sign Language Interpreted Proceedings. http://nciec.org/projects/docs/Legal-FactsheetTipsInterpretedProceedings.pdf

O'Barr, William. Linguistic Evidence: Language, Power and Strategy in the Courtroom. New York, NY: Academic Press, 1982.

O'Barr, William and John Conley. "When a Juror Watches a Lawyer". Barrister. Vol. 3, Number 2 1978.

Pokorny, Daniel. "Cultural and Psychological Dynamics in Court Interpreting". Interpreting: The Art of Cross Cultural Mediation RID 1985 Convention Proceedings, RID Publications. Marina McIntire, ed.

Seligson, S. The Bilingual Courtroom. Chicago, IL: University of Chicago Press, 1995.

Seleskovitch, Danica. Interpreting for International Conferences. Washington D.C.: Pen and Booth Publisher. Available through RID Publications, 1978.

Sign Media, Inc. "Interpreting the Miranda Warnings". Videotape. 1992.

Appendix I – Sample Interpreter Observation Form

INTERPRETER OBSERVATION

Name of Interpreter_____ Language Observed_____

Date_____ Time_____ Courtroom number_____

Case Name_____ Case Number_____ Case Type_____

EVALUATION

Language proficiency.

Was the interpreter easily understandable in both languages?

Significant problems		*Some problems, but overall did not appear to interfere significantly with communication*							*No problems noted*	*Not Observed*
1	2	3	4	5	6	7	8	9	10	N/A

Were there any problems with vocabulary, grammar, or rendering of idiomatic speech?

Significant problems		*Some problems, but overall did not appear to interfere significantly with communication*							*No problems noted*	*Not Observed*
1	2	3	4	5	6	7	8	9	10	N/A

Notes & Examples: _____

Interpreting skills.

Was the appropriate mode of interpreting used?

Significant problems		*Some problems, but overall did not appear to interfere significantly with communication*							*No problems noted*	*Not Observed*
1	2	3	4	5	6	7	8	9	10	N/A

Could the interpreter keep up without omitting or summarizing what was said?

Significant problems		*Some problems, but overall did not appear to interfere significantly with communication*							*No problems noted*	*Not Observed*
1	2	3	4	5	6	7	8	9	10	N/A

Was the register of speech preserved?

Significant problems		*Some problems, but overall did not appear to interfere significantly with communication*							*No problems noted*	*Not Observed*
1	2	3	4	5	6	7	8	9	10	N/A

Were names and numbers accurately conserved?

Significant problems		*Some problems, but overall did not appear to interfere significantly with communication*							*No problems noted*	*Not Observed*
1	2	3	4	5	6	7	8	9	10	N/A

Notes & Examples: _____

Professional conduct.

Were verbal exchanges between the interpreter and the party or witness restricted to interpretation?

Significant problems		*Some problems, but overall did not appear to interfere significantly with communication*							*No problems noted*	*Not Observed*
1	2	3	4	5	6	7	8	9	10	N/A

Did the interpreter refrain from giving advice?

Significant problems *Some problems, but overall did not appear to interfere significantly with communication* *No problems noted* *Not Observed*

1 2 3 4 5 6 7 8 9 10 N/A

Did the interpreter refrain from adding or modifying anything that was said?

Significant problems *Some problems, but overall did not appear to interfere significantly with communication* *No problems noted* *Not Observed*

1 2 3 4 5 6 7 8 9 10 N/A

Did the interpreter refer to herself or himself properly in the third person when addressing the court?

Significant problems *Some problems, but overall did not appear to interfere significantly with communication* *No problems noted* *Not Observed*

1 2 3 4 5 6 7 8 9 10 N/A

Notes & Examples: _____

Demeanor and Rapport.

Does the interpreter work well with other interpreters? ☐ Yes ☐ No

Does the interpreter work well in a team interpreting environment? ☐ Yes ☐ No

Does the interpreter communicate appropriately with court staff? ☐ Yes ☐ No

Notes & Examples: _____

Overall evaluation.

☐ Appears to be a skilled interpreter.

☐ Appears to be an adequate interpreter, but additional study and practice is indicated. Some caution should be exercised when assigning this interpreter.

☐ Problems appear to be severe. The Court Interpreter Program should further evaluate this interpreter's language knowledge and skills with structured testing.

Additional Observations…

_____

_____

_____

Observation completed by_____

Date discussed with interpreter_____

Notes about discussion_____

_____

_____

Follow-up_

_____

_____ _____

Signature of Interpreter (after discussion) *Signature of Managing Interpreter/Observer*

Appendix J – Contractual Fee Ranges

Circuit Profiles
November 2009
Contractual Fee Ranges: Interpreting Per Hour

	Freelance Contractors			Agency Contractors	
Circuit	Spanish	Haitian-Creole	Other	All Languages	Sign
1	$35-$50	NA	$35-$50	$35-$50	$100
2	$40	NA	NA	NA	$60-$65
3	$32-$55	NA	$50-$80	NA	$56
4	$50-$60	$50-$60	$50-$60	$50-$80	$60
5	$35-$50	$80	$80	NA	$60-$75
6	$38	$65	$65	$65	$85
7	$35-$48	$65-$85	$50-$85	$70-$95	$60-$75
8	$50-$60	NA	$60-$120	NA*	$55
9	$45	$50	$55	NA	$55
10	$45	$45	$65	$85	$60
11	$25	$30	$50-$75	$90-$115	$80
12	$45-$55**	$55-$65	$25-$75	NA	$60
13	$35	$40	$40	$85	$50
14	$30-$50	$30-$50	$35-$65	NA	$25-$60
15	$35	$35	$35-$100	$35-$100	$75-$100
16	$45	$50	$50	NA	NA
17	$35	$35	$95	$95	$75
18	$40-$45	$75-$90	$75-$100	$75-$100	$60
19	$20-$35	$20-$35	$40-$60	$75-$120	$100
20	$25-$35	$45	$40-$70	NA	$80-$120

***** Not currently using any agency contractors other than ASL
****** Applies to holidays, weekends, and after 5:00 pm

Circuit Profiles
November 2009
Contractual Fee Ranges: Interpreting Per Event

Circuit	Freelance Contractors			Agency Contractors	Sign
	Spanish	Haitian-Creole	Other	All Languages	
1	NA	NA	NA	NA	NA
2	$80	$195	$195	NA	$120-$130
3	NA	NA	NA	NA	NA
4	$100-$120	$100-$120	$100-$120	$100-$160	$120
5	NA	NA	NA	NA	NA
6	$38	$65	$65	$65	$85
7	NA	NA	NA	NA	NA
8	NA	NA	NA	NA*	NA
9	$90	$100	$110	NA	$110
10	NA	NA	NA	NA	NA
11	NA	NA	NA	NA	$160
12	NA	NA	NA	NA	NA
13	$70	$80	$80	$170	$100
14	NA	NA	NA	NA	NA
15	NA	NA	NA	NA	NA
16	NA	NA	NA	NA	NA
17	NA	NA	NA	NA	NA
18	NA	NA	NA	NA	NA
19	NA	NA	NA	NA	NA
20	NA	NA	NA	NA	NA

* Not currently using any agency contractors other than ASL.

Circuit Profiles
November 2009
Contractual Fee Ranges: Translations Per Word and/or Per Page

	Freelance Contractors			Agency Contractors	
Circuit	Spanish	Haitian-Creole	Other	All Languages	Sign
1	NA	NA	NA	NA	NA
2	NA	NA	NA	NA	NA
3	$35/page	NA	NA	NA	NA
4	$30/page	$30/page	$30/page	$30/page	NA
5	NA	NA	NA	NA	NA
6	$45/page	$60/page	$60/page	$60/page	NA
7	NA	NA	NA	NA	NA
8	$15-$25*	NA	NA	NA**	NA
9	$45/page	$50/page	$55/page	NA	$55/page
10	NA	NA	NA	NA	NA
11	$0.14-$0.16/ word	0.17/word	$0.14-$0.17/ word	$0.18-$0.20/ word	NA
12	$0.28/word***	$0.16/word****	$0.16/word****	NA	NA
13	$20/$17*****	$20/$17*****	$20/$17*****	$20/$17*****	NA
14	NA	NA	NA	NA	NA
15	NA	NA	NA	NA	NA
16	NA	NA	NA	NA	NA
17	NA	NA	NA	NA	NA
18	$40/hour	NA	NA	NA	NA
19	NA	NA	NA	NA	NA
20	$25/page	$25/page	$25/page	NA	NA

* $15/page (>10 pg) or $25/page (<10 pg). Translation requests are rarely received. Dependency case plans are the exception. Staff Interpreter has translated correspondence from defendants in the past.

** Not currently using any agency contractors other than ASL.

*** Capped at $50 per page.

**** Capped at $40 per page.

***** Per tape/document per hour.

Appendix K - Due Process Compensation Rates

DUE PROCESS COMPENSATION RATES
Trial Court Budget Commission

INTERPRETERS			
LANGUAGE	**STATUTORY AUTHORITY**	**RATE MAXIMUMS and MINIMUMS**	**COMMENTS**
Spanish, Haitian Creole-Freelance Contractors *		$50.00 per hour maximum for 2 hour minimum	*Freelance Contractors: A single individual who is contracted to personally provided language interpretation in one or more languages; may have one contract with addendum for multiple languages or individual contracts per language depending on circuit's policies.
Other Spoken Languages – Freelance Contractors*		$75.00 per hour ** maximum for 2 hour minimum ¼ hour increments thereafter	** Depending on the availability for these languages in various circuits, higher rates may be applicable. Higher rates will require the authorization of the Chief Judge or designee.
All Spoken Languages – Freelance Contractors***		$100.00 per hour** maximum for 2 hour minimum ¼ hour increments thereafter	*** Agency Contractors: Provides language interpretation for multiple languages using employees or subcontractors.
Sign Language		$80.00 per hour** maximum for 2 hour minimum ¼ hour increments thereafter	
Written Translations – Spanish		$.10 to $.15 per word	
Written Translations – Other Languages		$.15 to $.30 per word	

Appendix L – NAD-RID Code of Professional Conduct

SCOPE

The National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) uphold high standards of professionalism and ethical conduct for interpreters. Embodied in this Code of Professional Conduct (formerly known as the Code of Ethics) are seven tenets setting forth guiding principles, followed by illustrative behaviors.

The tenets of this Code of Professional Conduct are to be viewed holistically and as a guide to professional behavior. This document provides assistance in complying with the code. The guiding principles offer the basis upon which the tenets are articulated. The illustrative behaviors are not exhaustive, but are indicative of the conduct that may either conform to or violate a specific tenet or the code as a whole.

When in doubt, the reader should refer to the explicit language of the tenet. If further clarification is needed, questions may be directed to the national office of the Registry of Interpreters for the Deaf, Inc.

This Code of Professional Conduct is sufficient to encompass interpreter roles and responsibilities in every type of situation (e.g., educational, legal, medical). A separate code for each area of interpreting is neither necessary nor advisable.

PHILOSOPHY

The American Deaf community represents a cultural and linguistic group having the inalienable right to full and equal communication and to participation in all aspects of society. Members of the American Deaf community have the right to informed choice and the highest quality interpreting services. Recognition of the communication rights of America's women, men, and children who are deaf is the foundation of the tenets, principles, and behaviors set forth in this Code of Professional Conduct.

VOTING PROTOCOL

This Code of Professional Conduct was presented through mail referendum to certified interpreters who are members in good standing with the Registry of Interpreters for the Deaf, Inc. and the National Association of the Deaf. The vote was to adopt or to reject.

ADOPTION OF THIS CODE OF PROFESSIONAL CONDUCT

Interpreters who are members in good standing with the Registry of Interpreters for the Deaf, Inc. and the National Association of the Deaf voted to adopt this Code of Professional Conduct, effective July 1, 2005. This Code of Professional Conduct is a working document that is expected to change over time. The aforementioned members may be called upon to vote, as may be needed from time to time, on the tenets of the code.

The guiding principles and the illustrative behaviors may change periodically to meet the needs and requirements of the RID Ethical Practices System. These sections of the Code of

Professional Conduct will not require a vote of the members. However, members are encouraged to recommend changes for future updates.

FUNCTION OF THE GUIDING PRINCIPLES

It is the obligation of every interpreter to exercise judgment, employ critical thinking, apply the benefits of practical experience, and reflect on past actions in the practice of their profession. The guiding principles in this document represent the concepts of confidentiality, linguistic and professional competence, impartiality, professional growth and development, ethical business practices, and the rights of participants in interpreted situations to informed choice. The driving force behind the guiding principles is the notion that the interpreter will do no harm.

When applying these principles to their conduct, interpreters remember that their choices are governed by a "reasonable interpreter" standard. This standard represents the hypothetical interpreter who is appropriately educated, informed, capable, aware of professional standards, and fair-minded.

CODE OF PROFESSIONAL CONDUCT

Tenets

1. Interpreters adhere to standards of confidential communication.
2. Interpreters possess the professional skills and knowledge required for the specific interpreting situation.
3. Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.
4. Interpreters demonstrate respect for consumers.
5. Interpreters demonstrate respect for colleagues, interns, and students of the profession.
6. Interpreters maintain ethical business practices.
7. Interpreters engage in professional development.

APPLICABILITY

A. This Code of Professional Conduct applies to certified and associate members of the Registry of Interpreters for the Deaf, Inc., Certified members of the National Association of the Deaf, interns, and students of the profession.

B. Federal, state or other statutes or regulations may supersede this Code of Professional Conduct. When there is a conflict between this code and local, state, or federal laws and regulations, the interpreter obeys the rule of law.

C. This Code of Professional Conduct applies to interpreted situations that are performed either face-to-face or remotely.

DEFINITIONS

For the purpose of this document, the following terms are used:

Colleagues: Other interpreters.

Conflict of Interest: A conflict between the private interests (personal, financial, or professional) and the official or professional responsibilities of an interpreter in a position of trust, whether actual or perceived, deriving from a specific interpreting situation.

Consumers: Individuals and entities who are part of the interpreted situation. This includes individuals who are deaf, deaf-blind, hard of hearing, and hearing.

1.0 CONFIDENTIALITY

Tenet: Interpreters adhere to standards of confidential communication.

Guiding Principle: Interpreters hold a position of trust in their role as linguistic and cultural facilitators of communication. Confidentiality is highly valued by consumers and is essential to protecting all involved.

Each interpreting situation (e.g., elementary, secondary, and post-secondary education, legal, medical, mental health) has a standard of confidentiality. Under the reasonable interpreter standard, professional interpreters are expected to know the general requirements and applicability of various levels of confidentiality. Exceptions include, for example, federal and state laws requiring mandatory reporting of abuse or threats of suicide, or responding to subpoenas.

Illustrative Behavior - Interpreters:

1.1 Share assignment-related information only on a confidential and "as needed" basis (e.g., supervisors, interpreter team members, members of the educational team, hiring entities).

1.2 Manage data, invoices, records, or other situational or consumer-specific information in a manner consistent with maintaining consumer confidentiality (e.g., shredding, locked files).

1.3 Inform consumers when federal or state mandates require disclosure of confidential information.

2.0 PROFESSIONALISM

Tenet: Interpreters possess the professional skills and knowledge required for the specific interpreting situation.

Guiding Principle: Interpreters are expected to stay abreast of evolving language use and trends in the profession of interpreting as well as in the American Deaf community. Interpreters accept assignments using discretion with regard to skill, communication mode,

setting, and consumer needs. Interpreters possess knowledge of American Deaf culture and deafness-related resources.

Illustrative Behavior - Interpreters:

2.1 Provide service delivery regardless of race, color, national origin, gender, religion, age, disability, sexual orientation, or any other factor.

2.2 Assess consumer needs and the interpreting situation before and during the assignment and make adjustments as needed.

2.3 Render the message faithfully by conveying the content and spirit of what is being communicated, using language most readily understood by consumers, and correcting errors discreetly and expeditiously.

2.4 Request support (e.g., certified deaf interpreters, team members, language facilitators) when needed to fully convey the message or to address exceptional communication challenges (e.g. cognitive disabilities, foreign sign language, emerging language ability, or lack of formal instruction or language).

2.5 Refrain from providing counsel, advice, or personal opinions.

2.6 Judiciously provide information or referral regarding available interpreting or community resources without infringing upon consumers' rights.

3.0 CONDUCT

Tenet: Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.

Guiding Principle: Interpreters are expected to present themselves appropriately in demeanor and appearance. They avoid situations that result in conflicting roles or perceived or actual conflicts of interest.

Illustrative Behavior - Interpreters:

3.1 Consult with appropriate persons regarding the interpreting situation to determine issues such as placement and adaptations necessary to interpret effectively.

3.2 Decline assignments or withdraw from the interpreting profession when not competent due to physical, mental, or emotional factors.

3.3 Avoid performing dual or conflicting roles in interdisciplinary (e.g. educational or mental health teams) or other settings.

3.4 Comply with established workplace codes of conduct, notify appropriate personnel if there is a conflict with this Code of Professional Conduct, and actively seek resolution where warranted.

3.5 Conduct and present themselves in an unobtrusive manner and exercise care in choice of attire.

3.6 Refrain from the use of mind-altering substances before or during the performance of duties.

3.7 Disclose to parties involved any actual or perceived conflicts of interest.

3.8 Avoid actual or perceived conflicts of interest that might cause harm or interfere with the effectiveness of interpreting services.

3.9 Refrain from using confidential interpreted information for personal, monetary, or professional gain.

3.10 Refrain from using confidential interpreted information for the benefit of personal or professional affiliations or entities.

4.0 RESPECT FOR CONSUMERS

Tenet: Interpreters demonstrate respect for consumers.

Guiding Principle: Interpreters are expected to honor consumer preferences in selection of interpreters and interpreting dynamics, while recognizing the realities of qualifications, availability, and situation.

Illustrative Behavior - Interpreters:

4.1 Consider consumer requests or needs regarding language preferences, and render the message accordingly (interpreted or transliterated).

4.2 Approach consumers with a professional demeanor at all times.

4.3 Obtain the consent of consumers before bringing an intern to an assignment.

4.4 Facilitate communication access and equality, and support the full interaction and independence of consumers.

5.0 RESPECT FOR COLLEAGUES

Tenet: Interpreters demonstrate respect for colleagues, interns and students of the profession.

Guiding Principle: Interpreters are expected to collaborate with colleagues to foster the delivery of effective interpreting services. They also understand that the manner in which they relate to colleagues reflects upon the profession in general.

Illustrative Behavior - Interpreters:

5.1 Maintain civility toward colleagues, interns, and students.

5.2 Work cooperatively with team members through consultation before assignments regarding logistics, providing professional and courteous assistance when asked

and monitoring the accuracy of the message while functioning in the role of the support interpreter.

5.3 Approach colleagues privately to discuss and resolve breaches of ethical or professional conduct through standard conflict resolution methods; file a formal grievance only after such attempts have been unsuccessful or the breaches are harmful or habitual.

5.4 Assist and encourage colleagues by sharing information and serving as mentors when appropriate.

5.5 Obtain the consent of colleagues before bringing an intern to an assignment.

6.0 BUSINESS PRACTICES

Tenet: Interpreters maintain ethical business practices.

Guiding Principle: Interpreters are expected to conduct their business in a professional manner whether in private practice or in the employ of an agency or other entity. Professional interpreters are entitled to a living wage based on their qualifications and expertise. Interpreters are also entitled to working conditions conducive to effective service delivery.

Illustrative Behavior - Interpreters:

6.1 Accurately represent qualifications, such as certification, educational background, and experience, and provide documentation when requested.

6.2 Honor professional commitments and terminate assignments only when fair and justifiable grounds exist.

6.3 Promote conditions that are conducive to effective communication, inform the parties involved if such conditions do not exist, and seek appropriate remedies.

6.4 Inform appropriate parties in a timely manner when delayed or unable to fulfill assignments.

6.5 Reserve the option to decline or discontinue assignments if working conditions are not safe, healthy, or conducive to interpreting.

6.6 Refrain from harassment or coercion before, during, or after the provision of interpreting services.

6.7 Render *pro bono* services in a fair and reasonable manner.

6.8 Charge fair and reasonable fees for the performance of interpreting services and arrange for payment in a professional and judicious manner.

7.0 PROFESSIONAL DEVELOPMENT

Tenet: Interpreters engage in professional development.

Guiding Principle: Interpreters are expected to foster and maintain interpreting competence and the stature of the profession through ongoing development of knowledge and skills.

Illustrative Behavior - Interpreters:

7.1 Increase knowledge and strengthen skills through activities such as:

· pursuing higher education;
· attending workshops and conferences;
· seeking mentoring and supervision opportunities;
· participating in community events; and
· engaging in independent studies.

7.2 Keep abreast of laws, policies, rules, and regulations that affect the profession.

Appendix M – Uniform Data Reporting Instructions

Court Interpreting

Type of Proceeding

- ✓ For **Circuit Criminal**, report the number of events involving felony proceedings. This includes, but is not limited to, bail hearings, first appearance hearings, arraignment, trials, sentencing, and contempt. [Note: Also report events for contempt that arise from a civil case.]
- ✓ For **County Criminal**, report the number of events involving misdemeanor, county ordinance, and municipal ordinance proceedings. This includes, but is not limited to, bail hearings, first appearance hearings, arraignment, trials, sentencing, and contempt. [Note: Also report events for contempt that arise from a civil case.]
- ✓ If you cannot distinguish the type of proceeding for a first appearance hearing, report the number of events in **Circuit Criminal**.
- ✓ For **Family Court - Dependency/CINS/FINS**, report the number of events involving dependent children, children in need of services (CINS), and families in need of services (FINS).
- ✓ For **Family Court - Delinquency**, report the number of events involving delinquent children.
- ✓ For **Baker/Marchman/Guardianship**, report the number of events involving Baker Act, Marchman Act, and guardianship. This includes, but is not limited to, the care and treatment of individuals with mental, emotional, or behavioral disorders, the involuntary assessment/stabilization/treatment of substance abuse, and the appointment and removal of guardians.
- ✓ For **Domestic Violence Injunctions**, report the number of events involving injunction for protection petitions against domestic violence pursuant to section 741.30, Florida Statutes.
- ✓ Proceedings presided by a General Magistrate should be reported in the type of proceeding which it occurred. For example, if a General Magistrate hears a **Family Court – Dependency/CINS/FINS** proceeding, report the number of events in **Family Court – Dependency/CINS/FINS**.
- ✓ For **General Magistrate/Child Support Enforcement Hearing Officer for Family Court – All Other or Title IV-D**, report the number of events in Family Court that involve a general magistrate or Child Support Enforcement Hearing Officer.
- ✓ For **Other Case Types**, report the number of events not included in the types of proceedings described above.

Number of Events

- ✓ Number of events refers to the number of cases requiring interpreting services.
- ✓ Report the number of events for **Spanish**, **Haitian-Creole**, **Other**, and **Sign**.
- ✓ Report the total number of events, regardless of whether they are provided by a court interpreter employee, a contractor, or with language line.
- ✓ If multiple parties involved in the same case at the same proceeding require interpreting services, report as one event (e.g., report interpreting services provided to four defendants involved in the same case at the same proceeding as one event).
- ✓ If multiple cases require interpreting services from the same interpreter, report each case as one event (e.g., report interpreting services provided to four separate cases as four interpreter events).

The following item identifies a common reporting error. Please check to ensure that the UDR data **does not** include this reporting error.

- ✗ **DO NOT** report an event if an interpreter covers a hearing, arraignment, etc. and interprets for no one.

Number of Translation Pages

- ✓ Report the number of **Translation Pages** completed

Uniform Data Reporting for Court Interpreting

Circuit XX

Note: *The purpose of this data is to identify the number of interpreter events and translation pages. This data is not designed to identify how the service was provided (employee or contract) or correspond to employees' time sheets or to contractors' invoices, as the reality of providing these services can included scheduling and coverage requirements, travel time and waiting time. For additional instructions* ***click here****.*

Type of Proceeding	Number of Events				Translation Pages
	Spanish	Haitian-Creole	Other	Sign	
Circuit Criminal					
County Criminal					
Family Court - Dependency/CINS/FINS					
Family Court – Delinquency					
Baker/Marchman/Guardianship					
Domestic Violence Injunctions					
General Magistrate/Child Support Enforcement Hearing Officer for Family Court- All Other or Title IV-D					
Other Case Types					
Total	**0**	**0**	**0**	**0**	**0**
					Submit Data

(In order to review totals and transmit data, please select the Submit Data button.)

Appendix N – Percentage of Proceedings Using State Certified Interpreters

Circuit Profiles
November 2009

Circuit	Average Percentage
1	0.0% - 31.0%
2	0.0%
3	50.0% - 95.0%
4	0.0% - 43.0%
5	0.0% - 99.0%
6	10.0%
7	15.0% - 90.0%
8	75.0% - 85.0%
9	88.0%
10	0.0% - 50.0%
11	2.6%
12	0.0% - 50.0%
13	29.0%
14	0.0%
15	95.0%
16	0.0%
17	23.0%
18	10.0% - 75.0%
19	5.0% - 75.0%
20	0.0% - 50.0%