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FACT SHEET

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Court Interpreters

The California Constitution mandates that “[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.”¹ Courts must provide specially trained language interpreters for witnesses, victims, and defendants who understand little or no English. This mandate includes criminal, misdemeanor, and delinquency matters, as well as certain civil matters such as divorce or separation involving a protective order, and child custody and visitation proceedings. Persons who are deaf or hard of hearing are entitled to an interpreter for all court proceedings, whether criminal or civil. The cost of legally mandated court interpreters is funded by the state.

History

Effective January 1, 1993, the Judicial Council assumed responsibility for certifying and registering court interpreters and for developing a comprehensive program to ensure an available, competent pool of qualified interpreters. (Sen. Bill 1304; Stats. 1992, ch. 770.) In 1994 then-Chief Justice Malcolm M. Lucas appointed the Court Interpreters Advisory Panel to help the council implement the program. Senate Bill 1304 requires the council to:

- Designate the languages for which certification programs will be established;
- Approve one or more entities to certify Spanish-language interpreters and interpreters of as many other languages as the council designates;
- Adopt and publish guidelines, standards, and procedures to determine which certification entities will be approved;
- Adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, discipline, and professional conduct;
- Adopt programs for recruitment, training, continuing education, and evaluation to ensure that adequate numbers of interpreters are available and that they interpret competently; and

¹ Cal. Const., art. I, § 14.

- Set fees or establish fee guidelines for applications to take the interpreter examination, for certification or renewal of certification, and for certain other functions.

In addition, the Judicial Council maintains a public database of currently certified and registered California court interpreters that can be searched by language and county, or by the name or badge number of an interpreter. This database is accessible via the Web site of the Court Interpreters Program:

www.courtinfo.ca.gov/programs/courtinterpreters.

Languages

Currently, court interpreters can be certified in 13 languages: Arabic, Eastern Armenian, Western Armenian, Cantonese, Japanese, Korean, Mandarin, Portuguese, Russian, Spanish, Tagalog, Vietnamese, and American Sign Language. Certifications may change periodically, depending on the results of studies of language use in the courts.

Certified Court Interpreters

Only interpreters who pass the Court Interpreter Certification Examination and register with the Judicial Council are referred to as “certified court interpreters.” The Administrative Office of the Courts has contracted with Prometric to administer certification examinations.

The certification examination consists of written and oral components. In the written portion, candidates are tested on their knowledge of both English and the target language in the areas of vocabulary, reading comprehension, and grammar. If they pass the written component, they go on to the oral component, which tests their skills in simultaneous and consecutive interpreting and in sight translation. Sight translation differs from written translation, in that sight translation is the oral translation of a written document.

Written translation differs from interpretation as well. Translation is the general process of converting the written message from one language to another while maintaining equal language equivalency. Essentially, translation is written-to-written, while interpretation is oral-to-oral.

After passing the certification examination, a court interpreter must submit an application to register with the Judicial Council. To maintain certification, the interpreter must attend a Code of Ethics workshop during his or her first two-year compliance period, as well as submit proof of 30 hours of continuing education and 40 recent court interpreting assignments during every two-year compliance period.

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

Registered Interpreters

Interpreters of spoken languages for which there is no state certifying examination are called "registered interpreters of nondesignated languages." They must pass the oral and written components of an English proficiency examination. The written component covers vocabulary, grammar, and reading comprehension. The oral component tests English oral fluency.

After passing the English proficiency examination, the interpreter must submit an application to register with the Judicial Council. To maintain registration, the interpreter must attend both an orientation and a Code of Ethics workshop during his or her first two-year compliance period, as well as submit proof of 30 hours of continuing education and 40 recent court interpreting assignments during every two-year compliance period.

Information about becoming a court interpreter or a continuing education provider is available at 866-310-0689 (a toll-free, 24-hour number) and at www.courtinfo.ca.gov/programs/courtinterpreters/becoming.htm.

Compensation

Legislation effective on January 1, 1998, gave the Judicial Council authority to set statewide pay rates for interpreter services in criminal proceedings. Previously, each trial court had authority to establish per diem rates; as a result, interpreting rates varied from \$114 to \$210 per full day. Effective September 1, 2007, the council increased the daily compensation for certified court and registered independent contract interpreters to \$282.23 per full day and \$156.56 per half day – the fourth increase since January 1999. The per diem for noncertified and nonregistered contract interpreters is less.

In 2002, the Trial Court Interpreter Employment and Labor Relations Act (Sen. Bill 371) was enacted. Prior to this bill, all court interpreters were independent contractors. SB 371 established an employment model for court interpreters, and more than 750 certified and registered interpreters have become employees of the trial courts. The result of SB 371 is that approximately half the certified or registered interpreters

used by the courts are staff interpreters. Compensation for staff interpreters is subject to negotiation by four regional bargaining units.

Multilingual California

According to the 2005 publication, *Language Barriers to Justice in California: A Report of the California Commission on Access to Justice*:²

- The 2000 U.S. Census counted over 200 languages and many dialects in California—the most linguistically diverse state in the nation.
- Twenty-six percent of Californians were foreign born.
- Forty percent of California’s population of 34 million (2000 Census), or 13.6 million Californians, spoke a language other than English in the home.
- Roughly 20 percent of Californians spoke English less than “very well,” which precludes meaningful participation in a judicial proceeding without substantial language assistance.
- Over 8 million Californians spoke Spanish at home; more than half of these spoke English less than “very well.”

Interpreter Usage

SB 1304 requires the Judicial Council to conduct a study of language and interpreter use and need in court proceedings, and to report its findings to the Governor and the Legislature every five years. The most recent study³ reported that, during fiscal year 2004–2005, a total of 185,118 court interpreter service days were provided in the California courts for the 12 designated spoken languages. Over 86 percent of these service days were for Spanish, followed by Vietnamese, a very distant second, at 4.6 percent. The remaining languages each represented 2 percent or less of the court interpreter service days. They were, in order of decreasing frequency, Korean, Eastern and Western Armenian, Mandarin, Cantonese, Russian, Tagalog, Arabic, Japanese, and Portuguese.

Contact:

Court Interpreters Program, 866-310-0689

Additional resources:

Reports and publications, www.courtinfo.ca.gov/reference/4_19interp.htm

² California Commission on Access to Justice, *Language Barriers to Justice in California: A Report of the California Commission on Access to Justice* (State Bar of California, Office of Legal Services, Access & Fairness Programs, Sept. 2005), available at www.calbar.ca.gov.

³ Judicial Council of California, *2005 Language Need and Interpreter Use Study: Report to the Legislature* (Feb. 2006), available at www.courtinfo.ca.gov/reference/4_19interp.htm.