



Judicial Council of California

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-176

For business meeting on November 15, 2024

Title

Court Interpreters: Designation of Languages
for Certified or Registered Status

Report Type

Action Required

Rules, Forms, Standards, or Statutes Affected

None

Effective Date

January 1, 2025

Recommended by

Hon. Brian L. McCabe, Chair
Hon. Maurice Sanchez, Vice-Chair
Court Interpreters Advisory Panel

Date of Report

November 1, 2024

Contact

Douglas G. Denton, Principal Manager
415-865-7870
douglas.denton@jud.ca.gov

Executive Summary

The Court Interpreters Advisory Panel recommends that the Judicial Council change the certified status designation of Armenian (Western), Japanese, and Khmer (Cambodian) to registered status because of low interpreting language usage, low testing demand, and the court interpreter testing program lacking examinations for the certified status or being unable to administer the examination owing to insufficient rater availability. Interpreters who are currently certified in California in these languages would retain their certified status for as long as they remain in good standing with the council. Aspiring interpreters in these languages may take the existing written and oral proficiency examinations to become registered interpreters, and this will expand the pool of interpreters available to the courts.

Recommendation

The Court Interpreters Advisory Panel recommends that the Judicial Council, effective January 1, 2025:

1. Change the certified status designation of Armenian (Western), Japanese, and Khmer (Cambodian) to registered status; and

2. Continue monitoring the language usage of Hmong (registered) and Portuguese (certified).

Relevant Previous Council Action

Government Code section 68562 provides that the council “shall designate the languages for which certification programs shall be established.” The council or Administrative Director has periodically updated the list of certified languages. Most recently, in November 2010, based on the recommendations of the *2010 Language Need and Interpreter Use in California Superior Courts* study,¹ and under a delegation of authority from the council, the Administrative Director approved a Court Interpreters Advisory Panel (CIAP) recommendation to designate Farsi as a language for certification.

Analysis/Rationale

The California judicial branch designates 15 major non-English languages as certified for spoken language interpretation. Only interpreters who pass the Bilingual Interpreting Examination (BIE) for spoken language and fulfill the corresponding Judicial Council requirements are certified court interpreters.

The 15 certified spoken languages for court interpreters (see Link A) in California are:

- Arabic (Egyptian/Levantine)
- Armenian (Eastern)
- Armenian (Western)
- Cantonese
- Farsi (Persian)
- Filipino (Tagalog)
- Japanese
- Khmer (Cambodian)
- Korean
- Mandarin
- Portuguese
- Punjabi (India)
- Russian
- Spanish
- Vietnamese

Although Armenian (Western) and Japanese are certified languages, the BIE is not available for them.

Interpreters of other spoken languages for which there is no state-certifying exam are required to pass the written exam in English, the Oral Proficiency Exam (OPE) in English, and the OPE in their non-English language, if available, and fulfill the corresponding Judicial Council requirements to become registered court interpreters.

Bilingual Interpreting Examinations in California use, for the most part, examinations developed by the National Center for State Courts (NCSC). The council has also developed examinations for Spanish, Armenian (Eastern), Farsi (Persian), and Punjabi (Indian) for California use. Neither California nor NCSC currently has a certification examination for Armenian (Western) or

¹ See <https://languageaccess.courts.ca.gov/sites/default/files/partners/default/2024-01/language-interpreterneed-10.pdf>.

Japanese. Developing certification examinations generally requires one to two years, including the time needed to develop and pilot the new exam. The total cost for each examination instrument is approximately \$120,000. Because of these substantial costs, the council has refrained from developing new certification examinations for languages with low testing demand.

In the case of Khmer (Cambodian), although an examination for certified status exists, since 2019, the council has not been able to secure enough qualified raters to score the examination. Each exam requires a minimum of three qualified raters to review and score. Unfortunately, this has not been feasible for Khmer (Cambodian) over the past five years.

The table below shows the top languages by usage for fiscal year 2022–23 and whether there is a BIE or OPE available for the language. California’s certified languages are in bold.

Fiscal Year 2022–23 Language Usage by Number of Interpretations for California

Language and Number of Credentialed Interpreters	Rank	Number of Interpretations	BIE Available	OPE Available
Spanish (1,318)	1	592,408	Yes	Yes
Mandarin (84)	2	12,650	Yes	Yes
Vietnamese (56)	3	9,931	Yes	Yes
American Sign Language (40)	4	5,473	Texas BEI	NA
Cantonese (27)	5	5,431	Yes	Yes
Punjabi (India) (3)	6	3,992	Yes	Yes
Arabic (8)	7	3,880	Yes	Yes
Korean (56)	8	3,770	Yes	Yes
Farsi (Persian) (12)	9	2,982	Yes	Yes (Persian)
Armenian (Eastern) (16)	10	2,795	Yes	Yes (Armenian)
Russian (44)	11	2,735	Yes	Yes
Filipino (Tagalog) (6)	12	2,379	Yes	Yes
Armenian (Western) (3)	13	2,294	No	Yes (Armenian)
Hmong (8)	14	1,257	Yes (NCSC)	Yes
Romanian (7)	15	1,238	No	Yes
Hindi (25)	16	1,237	No	Yes
Mixteco (3)	17	1,171	No	No
Portuguese (6)	18	1,076	Yes	Yes
Mam (0)*	19	1,003	No	No
Dari (23)	20	984	No	Yes
Mixteco-Bajo (2)	21	905	No	No
Mixteco-Alto (2)	22	882	No	No
Lao (15)	23	852	Yes (NCSC)	Yes
Khmer (Cambodian) (8)	24	760	Yes	Yes (Cambodian)
Japanese (8)	NA	481	No	Yes

Note: BEI = Board for Evaluation of Interpreters examination; NA = not applicable.

* Mam is a Mayan language spoken by the Mam people, who are indigenous to the highlands of western Guatemala and eastern Chiapas, Mexico. There are currently no registered interpreters in Mam, but courts use provisionally qualified, nonregistered relay interpreters (who interpret between Spanish and Mam) to assist limited-English-proficient court users who speak Mam.

CIAP discussed several benefits to courts and court users of the recommendation to reclassify Armenian (Western), Japanese, and Khmer (Cambodian) as registered, including:

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

CIAP also determined that it would be advisable to continue monitoring the language usage of Hmong (registered) and Portuguese (certified).

Policy implications

Interpreters who are currently certified in Armenian (Western), Japanese, and Khmer (Cambodian) would retain their certified status if these languages are reclassified to registered status for as long as they remain in good standing with the council. Aspiring interpreters will be able to take the written examination in English, the OPE in English, and the OPE in the target language—all of which are administered year-round in several locations across the state—to become registered interpreters.

Comments

This proposal circulated for comment from April 23 to June 4, 2024. Two comments were received, from the Superior Courts of Orange and Ventura Counties. The Orange court agreed with the proposal and asked whether there would be a hiring or usage preference between certified or registered interpreters in Armenian (Western), Japanese, or Khmer (Cambodian), once these changes go into effect. To allow flexibility for courts, the committee recommends that there be no preference in hiring order or whether courts must first use a certified or registered interpreter in Armenian (Western), Japanese, or Khmer (Cambodian). The Ventura court agreed with the proposal but asked whether Armenian (Eastern) could also become a registered language, owing to difficulty in finding certified interpreters in this language. The committee does not recommend making Armenian (Eastern) a registered language currently because this language is ranked among the top 10 most used languages in the state (see table above). Additionally, there is a BIE available for this language. The court may provisionally qualify interpreters as needed in Armenian (Eastern) if a certified interpreter is not available.

Alternatives considered

Staff cannot identify alternatives to the proposed recommendations. Under the current designation of spoken languages, the Court Interpreters Program is unable to add interpreters for

the Armenian (Western), Japanese, and Khmer (Cambodian) languages because of the lack of an examination or because of an insufficient pool of raters. These limitations have essentially removed any pathway for aspiring interpreters to become credentialed, and it has restricted the interpreter pool for these languages as the council has no mechanism to enroll and add them to the Judicial Council’s Master List of Certified Court and Registered Interpreters (see Link B).

Fiscal and Operational Impacts

There is no cost or grace period associated with changing the designation of languages when the change is from certified to registered status. Once the change is effective, both existing certified and newly registered interpreters for Armenian (Western), Japanese, and Khmer (Cambodian) who successfully enroll with the council will be eligible for available court employee positions. An increase in court interpreters in these languages across the state will help courts to address the language access needs of court users with limited English proficiency.

Compensation rates for certified and registered contract interpreters are the same under the council’s Payment Policies for Independent Contractor Interpreters.² Changes will be required for the Court Interpreter Data Collection System and the Language Access Services website to indicate whether a language has been changed to certified or registered. Cost savings may be realized over time because the testing program will not have to develop California-only certifying examinations for those languages for which NCSC does not have a certifying examination.

Attachments and Links

1. Chart of comments, at pages 6–8
2. Link A: Court Interpreters Program: Certified Languages (May 6, 2022), www.courts.ca.gov/documents/CIP-Certified-Languages.pdf
3. Link B: Judicial Council’s Master List of Certified Court and Registered Interpreters, <https://languageaccess.courts.ca.gov/court-interpreters-resources/search-interpreter>

² See www.courts.ca.gov/documents/CIP-Payment-Policies-for-Independent-Contractor-Interpreters.pdf.

SP24-04

Court Interpreters: Designation of Languages for Certified or Registered Status

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Superior Court of Orange County by Sean Lillywhite	A	<p>The Proposal appropriately addresses the stated purpose of expanding the court interpreter pool to the extent test candidates register to take the OPE and become registered. Furthermore, as interpreters in these languages become registered, this will gradually reduce the need to provisionally qualify those who have been unsuccessful at passing the Khmer exam and for those for whom there is no exam to take.</p> <p>The proposal does not clarify whether a certified court interpreter has priority over a registered court interpreter in these languages when the certified status designation changes to registered. Will they be treated equally for assignment purposes? Or does employment status take priority over designation status – certified/registered? If there is a priority, this would need to be tracked and might complicate assignment coordination and potentially lead to violations of MOU provisions.</p> <p>For Orange, a large court, there are three different case management systems and an interpreter tracking system. Prior to status designation change, system updates will be needed to allow for the use of registered in addition to certified for these languages once the change becomes effective.</p> <p>Updates will be needed in the interpreter maintenance tables, docket codes, and anywhere else interpreter information is captured or displayed in the system. The level of effort to</p>	<p>The committee thanks the commenter for their comment.</p> <p>If approved by the council, and to allow flexibility for courts, it is recommended that there be no preference in hiring order or whether courts must first use a certified or registered interpreter in Armenian (Western), Japanese, or Khmer (Cambodian).</p>

SP24-04

Court Interpreters: Designation of Languages for Certified or Registered Status

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>update these systems is not insignificant, but it is not entirely known without a more detailed assessment.</p> <p>Procedure updates will be needed as well as communication for staff awareness.</p>	
2.	Superior Court of Ventura County by Rebecca L. O’Hanna, Manager, Court Interpreter Services	AM	<p>Request that the Registration be also extended to East Armenian Interpreters</p> <p>Ventura County Superior Court has been experiencing a dramatic increased need for East Armenian Interpreters. We have been experiencing a serious problem with some of the Contract Court Interpreters in this language. Some of the certified interpreters accept assignments with our court and then either, simply do not show up. One in particular has stood our court up 4 times when she has been booked for a court appearance. We will not contract that interpreter again. We do bring an East Armenian interpreter from Central California who is very responsible and responsive to our court.</p> <p>We have other interpreters for East Armenian who have previously been registered but were not included in the certification when the switch happened, but are very competent interpreters who have US State Department Experience as well as Federal Court Experience and have previously worked for this court for as long as 30 years.</p>	<p>The committee thanks the commenter for their comment.</p> <p>The committee does not recommend making Armenian (Eastern) a registered language at this time because this language is currently ranked among the top 10 most used languages in the state. Additionally, there is a Bilingual Interpreting Examination (BIE) available for this language.</p> <p>The court may provisionally qualify interpreters in Armenian (Eastern) if a certified interpreter is not available.</p>

SP24-04**Court Interpreters: Designation of Languages for Certified or Registered Status**

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			I would like to be able to provisionally qualify those interpreters in East Armenian or allow registration in East Armenian so that we can have them work in our court with our ever increasing East Armenian needs.	