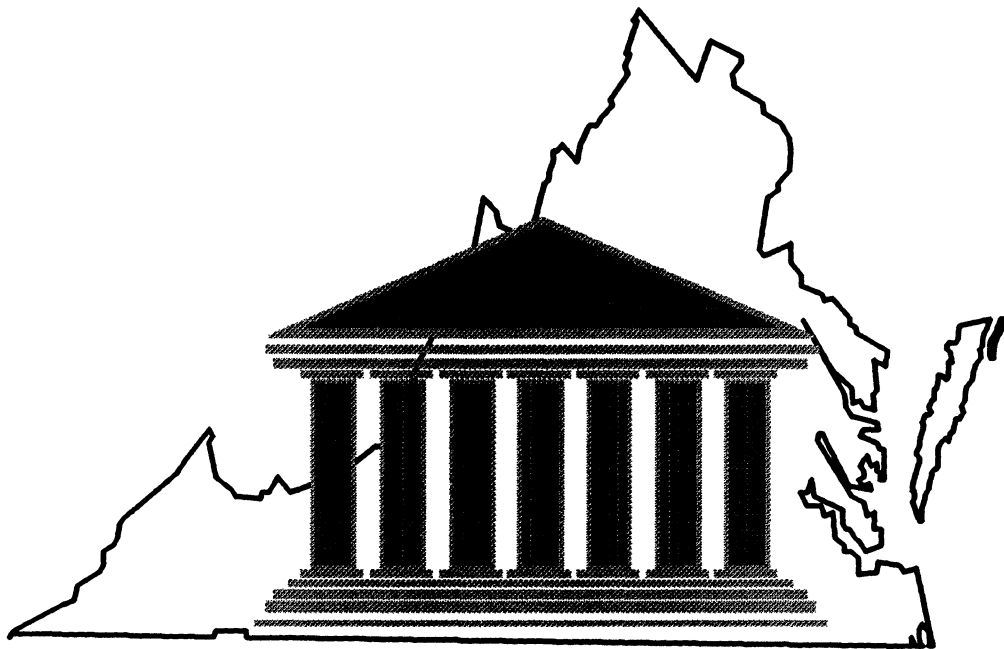


**Presentation to the Members of the
Joint Subcommittee Studying the Needs
of Foreign-Born Individuals in the
Commonwealth
on the
Voluntary Certification Process for
Spanish Language Interpreters Serving
Virginia's Courts**

FD 75, 1995



*Briefing by the
Office of the Executive Secretary
Supreme Court of Virginia
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Introduction

The 1994 General Assembly adopted Senate Joint Resolution No. 93 requesting that the Judicial Council of Virginia evaluate several policy issues relating to the use of foreign language interpreters in judicial proceedings in the Commonwealth. As a result, a two-phased effort was undertaken. The first phase involved the completion of a comprehensive examination of (1) the need for such interpreters in civil matters; (2) training and certification requirements of interpreters; (3) courtroom training for interpreters, judges, personnel of clerks' offices and attorneys; (4) the legal issues which may arise from the use of interpreters; and (5) the fiscal impact of such a program. A study of these issues was prepared under the auspices of the Council's Judicial Administration Committee and presented to Council during its December, 1994 meeting. Council approved the transmittal of the report to the Governor and 1995 General Assembly.

During the 1995 Session, the Joint Legislative Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth met to consider the Council's report. While the Joint Subcommittee did not pursue funding for expansion of interpreter services in civil cases, it did urge Council to continue with the second phase of the effort. In addition, the legislature adopted House Joint Resolution No. 599, which continued the life of the Joint Subcommittee in 1995 in part so that members could oversee the completion of the two second phase activities. They are (1) developing a testing and certification program for interpreters to better ensure their competence to perform such services; and (2) providing training to judges and court system personnel in the handling of interpreted proceedings. A sum of \$50,000 was appropriated under the original resolution for the implementation of these activities.

In March, 1995 the Council met and adopted a plan for the development and implementation of the certification process. In so doing the Council decided to begin with the Spanish language because it is the most frequently spoken language in cases involving non-English speaking persons in court proceedings in Virginia. Further, given that the current statute provides for the determination of competency for foreign language interpreters to be in the discretion of the judge, the Council decided to initiate the certification process as voluntary for participants. The end product of this process will be the distribution of a list of Spanish language interpreters who have satisfied the certification requirements. All courts will be encouraged to utilize certified interpreters but there will be no requirement that they do so.

This document describes (1) the requirements for certification; (2) the steps taken to implement the process statewide; and (3) the results to date. Training programs for judges and court personnel have been developed and offered in 1995 and will be continued in 1996.

Background

Among the state's most notable trends for the 1990's and beyond are those related to immigration and cultural diversity. These trends amplify the significance of court interpretation as a management issue for the courts, which are increasingly compelled to use language interpreters in court proceedings.

Studies conducted in recent years by state judicial systems and the National Center for State Courts have concluded that often interpreters used in the courts are not properly qualified for interpreting in courts and justice system settings. A 1995 report by the Center concluded that "language barriers and barriers erected by cultural misunderstanding can render criminal defendants virtually absent from their own court proceedings, can result in misinterpretation of witness statements made to police or triers of fact during court proceedings, and can deter civil linguistic minority litigants from the justice system as a forum for redress of grievances."

The Center's study concluded that the causes of these problems are fourfold:

- underestimation and misunderstanding by the legal community of the skills required for court interpreting;
- absence of standards for court and legal interpreter qualifications;
- lack of effective and efficient mechanisms for locating qualified interpreters; and
- a shortage of qualified court interpreters.

To address the causes and problems with court interpreting, both the Center and the reports of individual state court systems have recommended that comprehensive, statewide mechanisms and procedures be formalized by statute and implemented in order to ensure that interpreters who possess the appropriate minimum skills for interpreting in court settings are available and used when they are required. Thus, in the Council's December, 1994 report, the Judicial Administration Committee recommended the development and implementation of a statewide interpreter testing and certification program for Spanish language interpreters serving

Virginia's courts. As previously stated, the Joint Legislative Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth similarly favored the establishment of such a process and providing funding for this purpose.

It is important to note that, at present, no specific statutory authority exists to require interpreters to be certified. Section 19.2-164 of the *Code of Virginia* prescribes that, in criminal cases, English speaking persons fluent in the language of the accused or victim may be appointed as interpreters by the trial judge. If the accused or a crime victim obtains an interpreter of his/her own choosing, such interpreter must be approved by the court as being "competent". However, the determination of competence is entirely within the discretion of the judge. At present, there are no statewide guidelines available to judges to assist them in making determinations of interpreter competence.

General Principles Guiding the Development of the Certification Process

Three assumptions guided the establishment of the Council's voluntary certification process for Spanish language interpreters in Virginia's courts:

1. Optimally, all interpreters assigned to a court should be screened for their qualifications prior to sending them to a courtroom.
2. Determination of interpreter qualifications should be conducted by individuals who are trained in language and interpreting proficiency screening techniques.
3. Formalized testing of language and interpreting proficiency (certification testing) is recognized as the best way to assess interpreter qualifications.

These assumptions are based on the premise that it is unreasonable to expect judges to be the sole determiners of an interpreter's qualifications, based on the limited information they can obtain in the context of a specific court proceeding. Further, the development of a statewide testing and certification program helps to assure uniformity in the procedures used to select and compensate foreign language interpreters in courts.

The following goals were adopted by the Council for the program:

1. To ensure that all interpreted proceedings in court are accurately and completely rendered;

2. To identify individuals who are ready to work in courts as qualified court interpreters and certify their competence through a testing program;
3. To maintain a pool of certified interpreters that is large enough to provide qualified interpreters to the courts in a timely manner;
4. To establish standards for the minimum acceptable level of competence for court interpreting; and
5. To establish and maintain an effective program at the lowest possible cost to the public.

Requirements for Certification

Following a review of certification processes used in other states and the federal courts, the Council adopted three basic requirements for persons who wish to become court-certified Spanish language interpreters. They must:

1. agree to adhere to a *Code of Professional Responsibility for Interpreters in the Judiciary*;
2. complete training requirements as established by the Council; and
3. successfully complete a Spanish language certification test.

The first requirement is agreement by the interpreter to adhere to a Council-approved *Code of Professional Responsibility for Interpreters in the Judiciary*. Particularly in a court setting, interpreters must adhere to strict codes of appropriate behavior. At times, they may face unusual problems of law and ethics. For example, interpreters may be asked for legal or behavioral advice, which they must decline to give; they may overhear private conversations between foreign language speaking defendants that contain evidence; defendants may even "confess" to an interpreter during private moments. Thus, the articulation of a code of professional conduct for court interpreters was regarded as an essential component of the certification process. Until now, no guidance regarding professional conduct was provided for court interpreters in Virginia.

A copy of the suggested *Code* is included in this document as Appendix A. It was developed by a ten person advisory committee of judges, court officials and certified interpreters working under the auspices of the National Center for State

Courts. The black letter principles of the *Code* are principles of general application and are recommended as appropriate for use in Virginia's courts.

Secondly, the Council required that, in order to be certified, interpreters must attend periodic training sessions in order to:

1. receive basic training about the profession of court interpreting and its unique demands;
2. receive instruction and study materials to improve the interpreter's understanding of courts and the legal environment; and
3. receive information about how they can improve their language proficiency and what techniques they can use to develop the specific skills required for interpreting.

Additional information about the training schedule and contents offered to participants appears later in this report.

The third requirement for certification is successfully passing an examination in which candidates must demonstrate proficiency in three modes of interpretation:

- sight interpretation of English documents into Spanish;
- consecutive interpretation, English to Spanish and Spanish to English; and
- simultaneous interpretation from English to Spanish.

Formalized testing of interpreting proficiency in all three modes is a prerequisite in each of the state court systems reviewed as well as in the federal courts. More state court systems are in the process of developing such tests.

Getting Started

Following Council's action in March, 1995, two key decisions were made regarding the implementation of the voluntary certification process. Early on, it was determined that the \$50,000 appropriation would be insufficient to (1) employ a full-time staff member to oversee the implementation process; (2) conduct the training sessions required of all candidates for certification; and (3) develop "from scratch" a Spanish language certification test instrument. Regarding the latter, court officials in

other states estimated the costs for developing a single interpreter examination at \$25,000.

Thus, the first decision was to employ a part-time consultant to guide the effort. The administrative office was very fortunate to secure a national expert in the field of foreign language court interpreters, Ms. Patricia Michelsen, who lives in Richmond. Ms. Michelsen is the former Chief of Interpreter Services for the Southern District of New York, is federally certified, has developed and delivered numerous training programs both for interpreters and judges and court personnel throughout the country, and has authored numerous articles dealing in the requirements for court interpretation. She also serves as a member of and a consultant to the National Center for State Court's Advisory Council on Foreign Language Interpreters. Her duties included the following:

- providing policy guidance and technical assistance to staff in the conduct of implementing the certification process;
- developing and delivering the four training sessions for candidates for certification;
- developing and delivering training sessions for judges and court personnel in the handling of interpreted proceedings; and
- establishing the procedures for administering the tests (including securing qualified personnel to administer and to score the tests) and reporting the results to interpreters.

The second decision was related to the selection of a certification test instrument that would be relevant to the Spanish-speaking population in Virginia. As stated above, the development of such tests are considered to be extremely time-consuming and expensive for individual judicial systems. In addition, the creation of another such test for Spanish was considered unnecessary due to the fact that such test instruments already had been developed and are in use in the federal court system. Each of these tests is considered by experts to be "dialect neutral;" that is, it does not favor the vocabulary, slang or idioms used in Puerto Rico or Spain over that used in Central or South America.

In 1995, the National Center for State Courts established the State Court Interpreter Consortium in order to pool resources between judicial systems for developing and administering court interpreter testing and training programs. Thus, Virginia was fortunate to be able to avoid the substantial costs for test development

by joining the Consortium. The Consortium establishes court interpretation test development and administration standards, and provides testing materials in order that individual states and jurisdictions may have the necessary tools and guidance to implement certification programs.

Under the Consortium rules, each member state contributes a one-time fee of \$25,000. Thus, one-half of the appropriation by the General Assembly went towards payment of this fee to secure Virginia's participation in the Consortium. In return, each state receives Consortium developed and approved tests for Spanish (two versions), Haitian (Creole), Portuguese, Vietnamese and Korean. Tests for additional languages are under development and will be provided to the state court administrator's office at no further charge. In addition, membership in the Consortium entitles each state court system to assistance from the National Center in numerous other ways, including providing computerized scoring and evaluation of the test results for increased accuracy. As a result of this move, it is doubtful that Virginia will ever need to pay for development of a language test for use with the certification of court interpreters.

Notification of the Certification Process to Spanish Language Interpreters

In early summer, the Office of the Executive Secretary circulated information on the new voluntary certification process for Spanish language interpreters (see Appendix B). Circuit and district judges, circuit and district clerks, chief magistrates, interpreters who had previously served in courts and were reimbursed through the Office of the Executive Secretary for whom addressees through payroll records were available, and foreign language departments at colleges and universities throughout the state were notified regarding the upcoming process. In addition, the administrative office responded to numerous requests for information from interested individuals as a result of media coverage concerning the new certification process.

The Training Sessions for Candidates for Voluntary Certification

Between July 27 and August 31, 1995, approximately 200 persons attended one of four 1½ day training workshops, free of charge to participants, in locations throughout the state (Richmond, Hampton, Fairfax or Blacksburg). The workshops' curriculum provided candidates with training regarding the role of the interpreter, the different modes of interpreting, an overview of the criminal justice process and the requirements of the job. In further preparation for testing, candidates also received instruction on self-study techniques and available resources and take-home materials, including a glossary, to improve their understanding of the courts and legal

procedures. All training sessions were conducted by nationally known experts on court interpretation for Spanish speakers and Supreme Court personnel (see Appendix C).

Further, during the training sessions, candidates were able to register to take the certification examination on selected days in October and November at one of four locations throughout the state (Richmond, Hampton, Arlington or Blacksburg). By September 20, 1995, every candidate registered for an examination had been mailed the necessary information for proceeding with the voluntary certification process. Each candidate received (see Appendix D):

- a letter confirming their appointed test time;
- a candidate information packet containing basic information describing the purpose and general nature of the test, an explanation and rationale for determining test scores and detailing the procedures to be followed during testing so candidates would know in advance what to expect the day of the test;
- a copy of the *Code of Professional Responsibility for Interpreters in the Judiciary*;
- two forms for candidates to sign, one ensuring each candidate had received and reviewed a copy of the *Code of Professional Responsibility*, and one an agreement not to divulge information about test items after completion of the examination; and
- a list of addresses for the test sites.

The Certification Test

The Spanish language interpreting proficiency test used in Virginia is an oral test designed to determine whether candidates possess the *minimum* levels of language knowledge and interpreting proficiency required to perform competently during court proceedings. It measures what a court interpreter *should and must be able to do to meet minimum professional requirements*. The test was developed by the National Center for State Courts in cooperation with judges, court administrators and interpreters from around the United States. The test is substantially similar in structure and content to examinations which have been developed and used extensively in other states and federal courts. The tests are designed and developed by teams of experts throughout the country who have extensive knowledge of courts and court proceedings, the job requirements for court interpreters, and advanced training or high levels of fluency in

English and Spanish. These experts include federally certified court interpreters, judges, lawyers, academics and legal professionals.

The test measured a candidate's demonstrated ability to:

- speak Spanish and English fluently and without hesitation;
- transfer all meaning faithfully from English to Spanish and from Spanish to English, while interpreting in both the consecutive and simultaneous modes, and while sight translating (sometimes called sight interpreting); and
- pronounce Spanish and English in a way that does not systematically interfere with meaning and understanding.

The test is constructed so each of the four portions can be graded *objectively* by test raters. This is accomplished by building "scoring units" into the text of the test. Scoring units are particular words and phrases selected to represent various features of language that interpreters encounter in their work and that they must render accurately and completely, without altering any of the meaning or style of speech. The examiners determine whether those scoring units are interpreted correctly or incorrectly. Only these parts of the test are actually graded. In order to be included in the test, all of the language, especially the scoring units, have been confirmed by professional interpreters and knowledgeable court professionals to be "dialect neutral" (see Appendix E).

All test examiners, themselves professional trained and certified, received detailed instructions for administering the Virginia certification examination for court interpreters. On October 9, 1995 the examiners each participated in a day of comprehensive training (see Appendix F).

Test Results and Notification to Candidates

On November 20, 1995, each candidate who took the examination was mailed a letter regarding notification of test results. Included in this mailing was a copy of the test raters' scoring sheet, and, if the candidate passed the examination, a certificate and forms requesting information for the list of certified Spanish language interpreters to be distributed to courts throughout the state (see Appendix G).

The *minimum* acceptable overall score on all four parts of the test (average score) was 70%. Qualifying candidates who scored less than 70% on any one part of

the test must do well enough on another part to raise their overall score. Of 91 candidates who took the test, 24 passed and 67 failed. The breakdown of scores is as follows:

	Scores on Individual Test Components					Total Score	Result
	Pass Rate	Sight-Spanish	Sight-English	Consecutive	Simultaneous		
Average - Richmond	31%	67%	69%	64%	43%	58%	P=4 F=9
Average - Arlington	31%	67%	69%	66%	49%	61%	P=17 F=37
Average - Hampton	30%	60%	64%	67%	42%	57%	P=3 F=7
Average - Blacksburg	0%	57%	61%	58%	33%	49%	P=0 F=14
Average - Statewide	26%	65%	67%	65%	45%	58%	P=24 F=67

Interestingly, these figures compare favorably to the national average for passage of Spanish language certification tests, reported to be approximately 5%. However, comparisons between states and with federal court examinations are difficult due to differences in test procedures and scoring systems. For example, in some other states, candidates must pass each section of the test with a 70% accuracy rate. In Virginia, candidates were required to score 70% correct overall.

Developing and Distributing Lists of Certified Interpreters to Courts

The final step will be distribution to the courts of the names, addresses and telephone numbers of all certified Spanish language interpreters. In addition, upon request and with proof, the names of any individuals who have passed the federal courts certification test also will be included on the list, as they were deemed presumptively eligible under the program.

Again, the certification process recommended herein is voluntary. While the Council may encourage the use of certified interpreters, there will be no requirement that only certified interpreters be used for providing Spanish language translation services in courts. Nonetheless, the list of certified interpreters should be of

substantial assistance to judges and court personnel. Given the expected increases in the number of interpreted proceedings, the development of this process provides the opportunity for the Council to assist the judiciary in improving the accuracy and completeness of interpreted proceedings as well as enhancing professionalism among foreign language interpreters working in the court system.

Evaluation of the Certification Process

The establishment of the certification, training, and testing program has been heralded universally by judges, justice system officials, and interpreters themselves. The evaluation forms submitted by interpreters attending the training were uniformly positive. Regarding the latter, the only recommendation offered regarding improvement of the training was that it be more extensive.

The conduct of the initial study and the experience gained to date through the certification and training effort has revealed that:

1. the skills and abilities of some persons providing foreign language interpreter services in courts today do not meet minimum standards;
2. there is a need for the establishment of procedures for the recruitment, testing, evaluation, and certification of foreign language interpreters consistent with the proficiency standards established by the Council;
3. there is a need to develop, adopt, and disseminate to each court guidelines regarding the fees to be paid for interpreter services;
4. assistance must be provided to the trial courts in assessing the need for establishing interpreter positions on a contract basis or as full-time court employees, where significant cost savings may be achieved; and
5. educational programs on cross-cultural communications and on working with interpreters must be presented to all newly elected judges and at mandatory conferences for judges, clerks of court, and magistrates.

The exercise of developing the certification process has helped to identify the magnitude of the existing problems and the need for improvement in court interpreter skills. As previously noted, an increasing number of non-English speakers are utilizing the services of the courts as victims, witnesses, defendants, and parties. The initial results of the Spanish language voluntary certification program have

demonstrated in dramatic fashion the immediate need to continue and expand this program. Absent such an effort, judges will be at a distinct disadvantage in evaluating the competency of interpreters in criminal proceedings.

These facts suggest the need for state funding to maintain the Spanish language certification and expand the program to other languages in the upcoming biennium. Due to membership in the Consortium, there will be no additional costs for securing tests in other languages. However, maintenance and continuation of the process will require the establishment of a permanent position (Court Interpreter Certification Program Manager) within the state court administrator's office and funding for additional training to be conducted on a statewide basis. The position is required due to the fact that there are no personnel available in the Office of the Executive Secretary to carry out these activities. To date, the effort has been carried out through the use of part-time consultant services.

The Court Interpreter Certification Program Manager will carry out the following responsibilities:

Work Performed	Percent of Time
1. Managing all aspects of the program including developing and recommending policy on foreign language interpreter issues to the Judicial Council and to the Executive Secretary of the Supreme Court of Virginia, including making recommendations on (1) the languages for which certification programs should exist, and (2) uniform fees schedules for court interpreters;	40%
2. Designing, coordinating, delivering, and evaluating (1) initial training programs for new participants in the voluntary certification programs, and (2) training programs for enhancing professional skills of existing court interpreters;	30%
3. Supervising all aspects of certification testing on a statewide basis including determining the schedule for same, securing and training examiners, and providing on-site observation of examiners to ensure proper administration of the test procedures;	10%
4. Providing expert training and technical assistance to judges and court system personnel in the area of court interpreting; assisting	10%

the courts in developing contracts for court interpreter services, where cost savings might be achieved as a result of such contracts; and

5. Advising personnel in the state court administrator's office on the development of multi-lingual forms, pamphlets, and other public information materials in order to assist non-English speakers in understanding the procedures and services of the courts; and serving as a liaison on behalf of the judiciary to the linguistic minority community of the Commonwealth and related government offices. 10%

Additional Recommendation

The information learned through the establishment of this process is equally applicable to civil litigation and demonstrates that renewed attention should be given to the provision of foreign language interpreters in civil cases. Thus, a review of the proposal made by the Judicial Administration Committee in the Judicial Council's December, 1995 report regarding the extension of such services to civil cases is recommended.

Under that proposal, the *Code of Virginia* would be amended to provide that in any civil case in which a non-English speaking person is a party or witness, an interpreter for the non-English speaking person may be appointed by the court. It was further recommended that payment for such interpreters be made from the general fund of the state treasury, and that the court be given the discretion to assess the amount paid to the interpreter as costs against either party to the case. (See Appendix H for a copy of the draft of this proposed statute.)

In proposing such a change, the Judicial Administration Committee concluded that there were compelling arguments favoring the provision of interpreters for non-English speaking citizens of the Commonwealth who are parties to or witnesses in civil proceedings. The Committee further stated that the legitimacy of the legal system is a function of the opportunity which citizens have for meaningful, effective access to the system, whether to vindicate rights allegedly violated or to defend against claims directed against them. The mission of the court is undercut if, for a significant number of people, there is no effective access to the courts as a forum for resolving disputes. Basic to effective access is the ability to communicate with the court and for the court, in turn, to be able to communicate with citizens in all types of disputes.

Such a legislative change would demonstrate the commitment both of the judiciary and the General Assembly in providing an accessible, responsive, and fair justice system for all Virginians, according to the Committee.

Appendix A

CODE OF PROFESSIONAL RESPONSIBILITY FOR INTERPRETERS IN THE JUDICIARY

CANON 1: ACCURACY AND COMPLETENESS

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

Commentary:

The interpreter has a twofold duty: 1) to ensure that the proceedings in English reflect precisely what was said by a non-English speaking person, and 2) to place the non-English speaking person on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style or register of speech. Verbatim, "word for word," or literal oral interpretations are not appropriate when they distort the meaning of the source language, but *every spoken statement, even if it appears non-responsive, obscene, rambling, or incoherent should be interpreted.* This includes apparent misstatements.

Interpreters should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (e.g. a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court's permission to provide an explanation. Interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions, or dramatic gestures.

Sign language interpreters, however, *must* employ all of the visual cues that the language they are interpreting for requires – including facial expressions, body language, and hand gestures. Sign language interpreters, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Commentary:

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It

is therefore essential that interpreters present a complete and truthful account of their training, certification and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Commentary:

The interpreter serves as an officer of the court and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

The interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. The interpreter should discourage a non-English speaking party's personal dependence.

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their official functions. It is especially important that interpreters, who are often familiar with attorneys or other members of the courtroom work group, including law

enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Should an interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing services in a matter, court interpreters must disclose to all parties and presiding officials any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information.

The following are circumstances that are presumed to create actual or apparent conflicts of interest for interpreters where interpreters should not serve:

- 1. The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceedings;**
- 2. The interpreter has served in an investigative capacity for any party involved in the case;**
- 3. The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;**
- 4. The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case;**

5. The interpreter has been involved in the choice of counsel or law firm for that case.

Interpreters should disclose to the court and other parties when they have previously been retained for private employment by one of the parties in the case.

Interpreters should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

An interpreter who is also an attorney should not serve in both capacities in the same matter.

CANON 4. PROFESSIONAL Demeanor

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Commentary:

Interpreters should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enables them to be heard and understood throughout the courtroom, but the interpreter's presence should otherwise be as unobtrusive as possible. Interpreters should work without drawing undue or inappropriate attention to themselves. Interpreters should dress in a manner that is consistent with the dignity of the proceedings of the court.

Interpreters should avoid obstructing the view of any of the individuals involved in the proceedings. Interpreters who use sign language or other visual modes of communication

must, however, be positioned so that hand gestures, facial expressions, and whole body movement are visible to the person for whom they are interpreting.

Interpreters are encouraged to avoid personal or professional conduct that could discredit the court.

CANON 5: CONFIDENTIALITY

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Commentary:

The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of her or his duties. It is especially important that the interpreter understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communications.

Interpreters must also refrain from repeating or disclosing confidential information obtained by them in the course of their employment.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who is not involved in the proceeding and seek advice in regard to the potential conflict in professional responsibility.

CANON 6: RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

CANON 7: SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or translating and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Commentary:

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating only. Interpreters should refrain from initiating communications while interpreting unless it is necessary for assuring an accurate and faithful interpretation.

Interpreters may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy

an assignment competently. In such instances they should make it clear that they are speaking for themselves.

An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose of forms, services, or otherwise act as counselors or advisors unless they are interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person.

The interpreter should not personally serve to perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators or interviewers, or probation counselors.

CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

Commentary:

If the communication mode or language of the non-English-speaking person cannot be readily interpreted, the interpreter should notify the appropriate judicial authority.

Interpreters should notify the appropriate judicial authority of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately e.g., the court room is not quiet enough for the interpreter to hear or be heard by the non-English speaker,

more than one person at a time is speaking, or principals or witnesses of the court are speaking at a rate of speed that is too rapid for the interpreter to adequately interpret. Sign language interpreters must ensure that they can both see and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movement, as well as hand gestures.

Interpreters should notify the presiding officer of the need to take periodic breaks to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should recommend and encourage the use of team interpreting whenever necessary.

Interpreters are encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables interpreters to match more closely their professional qualifications, skills, and experience to potential assignments and more accurately assess their ability to satisfy those assignments competently.

Even competent and experienced interpreters may encounter cases where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter, e.g., the unscheduled testimony of an expert witness. When such instances occur, interpreters should request a brief recess to familiarize themselves with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the presiding officer.

Interpreters should refrain from accepting a case if they feel the language and subject matter of that case is likely to exceed their skills or capacities. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with

terminology, preparation, or difficulty in understanding a witness or defendant.

Interpreters should notify the presiding officer of any personal bias they may have involving any aspect of the proceedings. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and legal translating.

Commentary:

Because the users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this code or other laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should turn to a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

CANON 10: PROFESSIONAL DEVELOPMENT

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues, and specialists in related fields.

Commentary:

Interpreters must continually strive to increase their knowledge of the languages they work in professionally, including past and current trends in technical, vernacular, and regional terminology as well as their application within court proceedings.

Interpreters should keep informed of all statutes, rules of courts and policies of the judiciary that relate to the performance of their professional duties.

An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field.

Appendix B

EXECUTIVE SECRETARY
ROBERT N. BALDWIN

ASST. EXECUTIVE SECRETARY
FREDERICK A. HODNETT, JR.

SUPREME COURT OF VIRGINIA
ADMINISTRATIVE OFFICE
THIRD FLOOR
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-6455

DIR., DISPUTE RESOLUTION SERVICES
BARBARA L. HULBURT
DIR., EDUCATIONAL SERVICES
THOMAS N. LANGHORNE, III
DIR., FISCAL SERVICES
CHARLES P. WORD, JR.
DIR., JUDICIAL PLANNING
KATHY L. MAYS
DIR., LEGAL RESEARCH
STEVEN L. DALLE MURA
DIR., MGMT. INFORMATION SYSTEMS
KENNETH L. MITTENDORFF
DIR., PERSONNEL
CATHERINE F. AGEE
DIR., TECHNICAL ASSISTANCE
DONALD R. LUCIDO

July 10, 1995

NOTICE

VOLUNTARY CERTIFICATION PROCESS FOR SPANISH LANGUAGE INTERPRETERS SERVING VIRGINIA'S COURTS

BACKGROUND

At the request of the Virginia General Assembly, the Judicial Council of Virginia, a policy body of the judicial branch of government, has developed a process to certify persons who serve as Spanish language interpreters in court proceedings in the Commonwealth. The certification process is voluntary for participants. Its purpose is to better ensure that language interpreters are competent to perform such services in a court environment. The Council also has developed training opportunities for judges and court personnel on the effective use of foreign language interpreters. Certification for Spanish language interpreters was chosen first because Spanish is the most frequently spoken language in cases involving non-English speaking persons in court proceedings.

The Three Components of the Voluntary Certification

In order to be certified, candidates must meet three criteria:

1) They must agree to adhere to a *Code of Professional Responsibility for Interpreters in the Judiciary*.

A copy of this Code of Ethics will be available in the training packet sent to candidates interested in certification.

2) They must complete minimum training requirements as established by the Council.

The training requirements established by the Council require that all candidates attend a 1½ day workshop to be held in this summer in four locations throughout the state. **The training will be offered free of charge to participants but the administrative office of the courts will not be able to reimburse participants for lodging, transportation or meals.** Candidates for certification will receive training regarding the role of the interpreter, the specific skills needed for the different modes of interpreting, and do's and don'ts on the job. Candidates also will receive instruction and materials, including a glossary to improve their understanding of the courts and legal procedures. The training will

include an overview of self-study techniques and available resources.

The training for certification will take place in July and August, 1995 and the testing will follow in the early fall. Four areas throughout the state have been selected for the testing and training: Fairfax (Northern Virginia), Richmond and vicinity, Blacksburg (Southwest Virginia), and Hampton (Tidewater).

Hotel	Address	Telephone	Date
Radisson Hotel	555 East Canal Street, Richmond	804/788-0900	July 27-28, 1995
Radisson Hotel	700 Settler's Landing Road, Hampton	804/727-9700	August 14-15, 1995
Courtyard Marriott/ Fair Oaks	11220 Lee Jackson Highway, Fairfax	703/273-6161	August 28-29, 1995
Marriott Inn	900 Prices Fork Road, Blacksburg	703/552-7001	August 30-31, 1995

The training sessions will be conducted by a nationally known expert on court interpretation for Spanish speakers. It will begin promptly at 1:00 p.m. on the first day of the session and will conclude at 5:00 p.m. The second day of each session will be held from 9:00 a.m. and will conclude at 5:00 p.m. Candidates must attend the full one and one-half day session in order to meet the training requirements aspect of the certification process.

3) They must successfully complete a Spanish language certification test.

Candidates must demonstrate proficiency in three modes of interpretation:

- a) simultaneous interpretation from English to Spanish;
- b) consecutive interpretation, English to Spanish and Spanish to English; and
- c) sight translation of an English document into Spanish and Spanish into English.

An objective test is recognized as the only reliable way to assess interpreter qualifications. The certification test to be administered was developed under the auspices of the National Center for State Courts in Williamsburg, Virginia and the administrative office of the courts, in order to ensure its reliability and suitability for use in the Commonwealth.

Use of Certified Spanish Language Interpreter Lists

The end result of the certification process will be distribution of a list of Spanish language interpreters who have satisfied the three certification requirements to all courts in Virginia. All courts will be encouraged to utilize certified interpreters since they will have proven their competency and professionalism.

Note: Any person who has successfully completed the requirements for federal court certification in the Spanish language presumptively will be considered certified in Virginia. Their names will be included on the list to be distributed to all courts.

If You Are Interested in Becoming Certified

If you are interested in becoming certified or if you currently are federally certified and wish to be included on the Virginia Certified Spanish Language Interpreter List (no additional training required as noted above), please fill out the attached form and return it to the Supreme Court of Virginia.

**VOLUNTARY CERTIFICATION PROCESS
FOR SPANISH LANGUAGE INTERPRETERS
SERVING VIRGINIA'S COURTS**

Check one box:

Richmond

Radisson Hotel, 555 East Canal Street, Richmond, Virginia, 804/788-0900
July 27-28, 1995

Hampton

Radisson Hotel, 700 Settler's Landing Road, Hampton, Virginia, 804/727-9700
August 14-15, 1995

Fairfax

Courtyard Marriott/Fair Oaks, 11220 Lee Jackson Highway, Fairfax, Virginia, 703/273-6161
August 28-29, 1995

Blacksburg

Marriott Inn, 900 Prices Fork Road, NW, Blacksburg, Virginia, 703/552-7001
August 30-31, 1995

NAME

ADDRESS

.....

.....

TELEPHONE NUMBER

ARE YOU FEDERALLY CERTIFIED AS A SPANISH INTERPRETER? YES NO

* Reminder: participants must call the hotel directly for directions and room reservations. *

Return this form to:

Supreme Court of Virginia, Office of the Executive Secretary, Judicial Planning Dept., 100
North Ninth Street, Third Floor, Richmond, VA 23219

EXECUTIVE SECRETARY
ROBERT N. BALDWIN

ASST. EXECUTIVE SECRETARY
FREDERICK A. HOONETT, JR.

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DIR., TECHNICAL ASSISTANCE
DONALD R. LUCIDO

July 10, 1995

MEMORANDUM

TO: Circuit Court Judges
District Court Judges
Circuit Court Clerks
District Court Clerks
Chief Magistrates

FROM: Robert N. Baldwin *RNB*

RE: Voluntary Certification Process for Spanish Language Interpreters Serving Virginia's Courts

At the request of the Virginia General Assembly, the Judicial Council of Virginia has developed a process to certify persons who serve as Spanish language interpreters in court proceedings in the Commonwealth. The certification process is voluntary for participants. Its purpose is to better ensure that language interpreters are competent to perform such services in a court environment. Certification for Spanish language interpreters was chosen first because Spanish is the most frequently spoken language in cases involving non-English speaking persons in court proceedings.

The following information describes the process for becoming a certified Spanish language interpreter in Virginia's courts. In addition to apprising you of this new process, we would appreciate the posting of this notice so the interpreters in your court may know about it as well. While we have sought through several other means to reach such interpreters, this notice should help us to better inform others.

The Three Components of the Voluntary Certification

In order to be certified, candidates must meet three criteria:

- 1) They must agree to adhere to a *Code of Professional Responsibility for Interpreters in the Judiciary*.

A copy of this Code of Ethics will be available in the training packet sent to candidates interested in certification.

- 2) They must complete minimum training requirements as established by the Council.

The training requirements established by the Council require that all candidates attend a 1½ day workshop to be held in mid-1995 in four locations throughout the state (Richmond, Hampton, Fairfax and Blacksburg). The training will be offered free of charge to participants but the administrative office of the courts will not be able to reimburse participants for lodging, transportation or meals. Candidates for certification will receive training regarding the role of the interpreter, the different modes of interpreting, and the requirements of the job. Candidates also will receive instruction and materials, including a glossary to improve their understanding of the courts and legal procedures. The training will include an overview of self-study techniques and available resources. The training will be held as follows:

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The training sessions will be conducted by a nationally known expert on court interpretation for Spanish speakers. It will begin promptly at 1:00 p.m. on the first day of the session and will conclude at 5:00 p.m. The second day of each session will be held from 9:00 a.m. and will conclude at 5:00 p.m. Candidates must attend the full one and one-half day session in order to meet the training requirements aspect of the certification process.

3) They must successfully complete a Spanish language certification test.

Candidates must demonstrate proficiency in three modes of interpretation:

- a) simultaneous interpretation from English to Spanish;
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- c) sight translation of an English document into Spanish and Spanish into English.

An objective test is recognized as the only reliable way to assess interpreter qualifications. The certification test to be administered was developed under the auspices of the National Center for State Courts in Williamsburg, Virginia and the administrative office of the courts, in order to ensure its reliability and suitability for use in the Commonwealth.

Use of Certified Spanish Language Interpreter Lists

The end result of the certification process will be distribution of a list of Spanish language interpreters who have satisfied the three certification requirements to all courts in Virginia. All courts will be encouraged to utilize certified interpreters since they will have proven their competency and professionalism.

Note: Any person who has successfully completed the requirements for federal court certification in the Spanish language presumptively will be considered certified in Virginia. Their names will be included on the list to be distributed to all courts.

For Those Interested in Becoming Certified

Any person interested in becoming certified or anyone who is already federally certified and wishes to be on the Virginia Certified Spanish Language Interpreter List (no additional training required as noted above), should fill out the attached form and return it to: Supreme Court of Virginia, Office of the Executive Secretary, 100 North Ninth Street, Third Floor, Richmond, Virginia 23219.

**VOLUNTARY CERTIFICATION PROCESS
FOR SPANISH LANGUAGE INTERPRETERS
SERVING VIRGINIA'S COURTS**

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Blacksburg

Marriott Inn, 900 Prices Fork Road, NW, Blacksburg, Virginia, 703/552-7001
August 30-31, 1995

NAME

ADDRESS

.....

.....

TELEPHONE NUMBER

ARE YOU FEDERALLY CERTIFIED AS A SPANISH INTERPRETER? YES NO

* Reminder: participants must call the hotel directly for directions and room reservations. *

Return this form to:

Supreme Court of Virginia, Office of the Executive Secretary, Judicial Planning Dept., 100
North Ninth Street, Third Floor, Richmond, VA 23219

Appendix C

Voluntary Certification Process for Spanish Language Interpreters Serving Virginia's Courts

Agenda Training Session - Day One

- 1:00 P.M. **Welcome**
 - *Introduction*
 - *Overview*
 - *Goals*
- 1:15 P.M. **Self-Assessment Exercise**
- 1:30 P.M. **Review and Discussion of Self-Assessment Instrument**
- 2:00 P.M. **Break**
- 2:10 P.M. **Overview of Court Interpretation**
 - *History of Court Interpretation*
 - *Skills and Modes of Interpretation*
 - *Use of Legal Language in Courts*
- 3:00 P.M. **Skills and Modes of Interpretation**
 - *Demonstration*
 - *Group Exercise*
- 3:30 P.M. **Break**
- 3:40 P.M.
- 5:00 P.M. **The Role of the Interpreter and Introduction to Ethics**
 - *Video*
 - *Code of Professional Responsibility*

Voluntary Certification Process for Spanish Language Interpreters Serving Virginia's Courts

Agenda Training Session - Day Two

- 9:00 A.M. **The Role of the Interpreter and Introduction to Ethics (continued)**
 - *Video*
 - *Discussion*
- 10:00 A.M. **Small Group Exercises on Interpreter Ethics**
- 11:00 A.M. **Break**
- 11:10 A.M. **Overview of Virginia Courts**
 - *The Structure of the Courts*
 - *Criminal Case Processing*
 - *Terminology: Introduction to Common Court Terms*
- 12:30 P.M. **Lunch**
- 1:30 P.M. **Basic Legal Terminology: Some English-Spanish Equivalents**
 - *Memory Exercises*
 - *Note-taking Techniques*
- 2:30 P.M. **Break**
- 2:40 P.M. **Group Exercises in Consecutive Interpreting and Sight Translation**
- 3:45 P.M. **Certification Examination: Explanation of Test Procedures**
- 4:45 P.M.
- 5:00 P.M. **Overview of Self-study Techniques and Additional Resources/Wrap-up**

Workshop Faculty

Patricia Michelsen, originally from Colombia, presently serves as a consultant to judiciaries throughout the country, including the administrative office of Virginia's courts, in the development of foreign language interpretation services in the state and federal courts. Certified by the federal courts and the New York state court system, she currently is working with the National Center for State Courts on the development of the Spanish language certification test that will be administered in numerous states, including Virginia, in 1995. She has extensive experience in providing training sessions for court interpreters and has been a featured speaker at state and national judicial conferences in providing training for judges and court system personnel to assist them in properly handling interpreted proceedings. She formerly has served both as a staff interpreter and the chief interpreter for the United States District Court, Southern District of New York. In the latter position, she was responsible for supervising Spanish and other language interpreters, providing interpreter training and orientation, and dealing extensively with the court, bar, public, and the interpreter community on issues of concern. Further, she has served as an examiner for the New York and New Jersey screening and certification tests for court interpreters. Ms. Michelsen holds an undergraduate degree in English literature and secondary education from Boston University, a Master's Degree in education and psychology from the University of Aberdeen in Scotland, and has completed post-graduate work in advanced simultaneous interpretation techniques at Marymount Manhattan College. She resides in Richmond, Virginia.

M. Eta Trabing was born in Argentina and obtained her degree in Fine Arts and Languages from Cambridge University (England) in 1956. She lived in Brazil in the early 1960s, migrated to Houston, Texas in late 1963 and is now a U.S. citizen. Her working languages are Spanish, Portuguese and English but she is also fluent in German and French. She is active in both local and national translator/interpreter associations. She has been interpreting in the U.S. courts since 1972, and received her Federal Certification as a Spanish Court Interpreter in 1980. She was part of the very first team of examiners that gave the federal exam around the country. Since then she has taught court interpreting and legal translation courses both privately and at the now defunct Institute of Translation and Interpretation at Rice University. Ms. Trabing developed and taught bilingual training programs for Pre-Trial Services employees of Harris County, Texas; for the Office of Immigration Review for INS interpreters in Texas and Louisiana; and for the Texas Employment Commission. In 1979 she wrote and published the *Manual for Judiciary Interpreters, English/Spanish*, which is now sold out. She was a member of the National Advisory Committee for the National Center for State Courts on the Court Interpretation project that led to these state training courses and examining sessions, and is one of the contracted training group for the National Center for State Courts. She is a free-lance conference and court interpreter and technical translator out of North Carolina from where she travels extensively.

Myriam C. Sigler received her B.A. from the University of Panama and studied interpretation and translation in Switzerland, following the program of the University of Geneva. She is a contract conference interpreter with the U.S. Department of State and the Organization of American States in Washington, D.C. As an interpreter for the Department of State, she interpreted during the

negotiations for the North American Free Trade Agreement and the Summit of the Americas held in Miami, Florida in 1994. She was certified as a Court Interpreter by the U.S. Department of Justice in 1980 and has interpreted in over 1,000 proceedings in the federal and state courts. Mrs. Sigler was the official interpreter and translator of the Embassy of Spain in Nairobi, Kenya from 1974 to 1978 and a Language Consultant for the Agency for International Development in Washington, D.C. from 1985 to 1995. She was co-author of the written tests and a member of the panels for certification of federal court interpreters, a consultant in the preparation of the Bilingual Dictionary of Criminal Justice Terms (English/Spanish), faculty member of training programs for court interpreters at Montclair State College, Montclair, New Jersey and President of the American Society of Interpreters.

Thomas N. Langhorne, III received his B.A. degree in Political Science from Virginia Polytechnic Institute and State University. He was selected as a graduate Fellow to Drake University's Institute of Public Policy and Administration where he earned a Master's Degree in Public Administration. Mr. Langhorne earned a Juris Doctorate degree from the University of Richmond, T. C. Williams School of Law. After completing a clerkship with the Chief Staff Attorney's Office of the Supreme Court of Virginia, he entered private practice and specialized in civil litigation. Mr. Langhorne is currently Director of Educational Services for the Supreme Court of Virginia. In this capacity, he is responsible for developing and executing continuing legal education for Virginia's judges and court personnel.

Kathy L. Mays has served as the Director of Judicial Planning for the Supreme Court of Virginia since 1980. Her responsibilities include directing the judiciary's comprehensive planning system through which both short and long range strategic plans for court reform and improvements are designed, developed, and implemented. In addition, she directs the Virginia court system's projects on foreign language interpreters, calendar management and delay reduction, and consumer research and service development. Ms. Mays earned a B.A. in Sociology (Major) and Political Science (Minor) from Old Dominion University.

Appendix D

EXECUTIVE SECRETARY
ROBERT N. BALDWIN

ASST. EXECUTIVE SECRETARY
FREDERICK A. HODNETT, JR.

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KENNETH L. MITTENDORFF
DIR., PERSONNEL
CATHERINE F. AGEY
DIR., TECHNICAL ASSISTANCE
DONALD R. LUCIDO

September 20, 1995

Dear

This letter confirms your appointment to take the certification examination for Spanish language interpreters serving Virginia's courts on **Tuesday, October 10, 1995, 3:30 p.m.** at the **Arlington testing site**. You must appear 30 minutes before your scheduled test time at the test site, with photo identification and this confirmation letter in order to be admitted to the examination.

Enclosed is a copy of the *Certification Examination - Candidate Information Packet*. This packet has been prepared for the benefit of candidates taking Virginia's voluntary court interpreter certification examination. It contains basic information describing the purpose and general nature of the test. It also details the procedures that will be followed during testing so candidates will know in advance what to expect the day of the test.


Also enclosed is a copy of the *Code of Professional Responsibility for Interpreters in the Judiciary*. (A copy is also located in Tab 3 of your training session notebook). One of the testing requirements is that you certify you have received, read and agree to all the canons contained in this *Code*. The form is enclosed for your advance review. Bring this form with you to the test site, and return it to the test administrator.

An additional testing requirement is that you complete an Agreement agreeing not to divulge any information about specific language or test items to any other person after you complete the examination. This is also enclosed for your advance review. Bring this Agreement with you to the test site, and return it to the test administrator.

If you have any additional questions, please do not hesitate to call.

With kind regards,

Sincerely,


Kathy L. Mays

Enclosures (5):

Candidate Information Packet
Agreement
Code of Professional Responsibility for Interpreters in the Judiciary and Form
List of Addresses of Test Sites

**Voluntary Certification Process for Spanish Language
Interpreters Serving Virginia's Courts**

Certification Examination
- Candidate Information Packet -

Introduction

This packet has been prepared for the benefit of candidates taking Virginia's Voluntary Court Interpreter Certification examination. It contains basic information describing the purpose and general nature of the test. It also describes the procedures that will be followed during testing so candidates will know what to expect when they appear at the testing site.

Background

Court interpreters play a vital role in court proceedings involving non-English speaking individuals as litigants or witnesses. In order to fulfill their responsibilities, court interpreters must possess high levels of knowledge and fluency both in English and Spanish, a level generally equivalent to that of an educated native speaker of the language. Court interpreters also must: possess specialized cognitive and motor skills; understand court procedures and basic justice system concepts and terminology; and be thoroughly familiar with and strictly adhere to the requirements of appropriate professional conduct, as set forth in the *Code of Professional Responsibility for Interpreters in the Judiciary*.

Thus, in 1995, the Judicial Council of Virginia, a policy body of the judicial branch of government, established a voluntary certification process for Spanish language interpreters serving in Virginia's courts. The goals of this process are:

- to ensure that interpreted proceedings are accurately and completely rendered;
- to identify individuals who possess the required knowledge and skills; and
- to expand the pool of qualified interpreters who are available to assist the courts in the conduct of interpreted proceedings.

Test Design and Structure -- Spanish Test

The Spanish language interpreting proficiency test used in Virginia is an oral test designed to determine whether candidates possess the *minimum* levels of language knowledge and interpreting proficiency required to perform competently during court proceedings. The test was developed by the National Center for State Courts in cooperation with judges, court administrators and interpreters from around the United States. The test is substantially similar in structure and content to examinations which have been developed and used extensively in other states and federal courts. The tests are designed and developed by teams of experts

throughout the country who have extensive knowledge of courts and court proceedings, the job requirements for court interpreters, and advanced training or high levels of fluency in English and Spanish. These experts include federally certified court interpreters, judges, lawyers, academics and legal professionals.

What Does the Test Measure?

The test measures knowledge and fluency in both languages and the ability to successfully render meaning from the target to the source language in each of the three *modes* of interpreting that are required of court interpreters:

- simultaneous interpreting;
- consecutive interpreting; and,
- sight translation of documents.

In short, the test measures what a court interpreter *should and must be able to do to meet minimum professional requirements*.¹ In all three modes of interpreting, the interpreter must demonstrate the following abilities:

- ability to speak Spanish and English fluently and without hesitation;
- ability to transfer all meaning faithfully from English to Spanish and from Spanish to English, while interpreting in both the consecutive and simultaneous modes, and while sight translating (sometimes called sight interpreting); and,
- ability to pronounce Spanish and English in a way that does not systematically interfere with meaning and understanding.

What is the Structure of the Test?

The entire test consists of four parts which are based on actual transcripts or other court documents and simulate the real world of court interpreting. The four parts of the test are:

1. Sight translation of a document written in Spanish into oral English;
2. Sight translation of a document written in English into oral Spanish;
3. Consecutive interpreting; and,
4. Simultaneous interpreting.

¹ See Court Interpreters: Model Guidelines for Policy and Practice in the State Courts, Chapter 3, "Job Analysis and Position Descriptions for Professional Court Interpreters." National Center for State Courts, 1995.

1. Sight Translation: Spanish to English.

This is reading and translating a Spanish document aloud to English speaking persons. For the certification test, this document is about 200 words in length.

2. Sight Translation: English to Spanish.

This is reading and translating an English document aloud to a Spanish speaking person. For the test, the document also is about 200 words in length.

3. Consecutive Interpreting.

During this portion of the test, professional interpreters who serve as test administrators and test raters will read aloud from a transcript representing witness testimony. The examinees must interpret the testimony, acting exactly as they would if they were in court.

4. Simultaneous Interpreting.

This part of the exam consists of an audio tape recording of a passage based on an attorney's opening or closing statement to judge or jury. It is approximately 800 words in length and is recorded at an approximate speed of 120 words per minute. This is *slower* than most ordinary courtroom speech. *Most* of the passage is monologue speech by one voice, representing an attorney. A brief section of colloquy by voices representing the judge, other attorneys or a witness is included at the beginning of the recorded passage.

Test Scoring and Rating

Scoring units. The test is constructed so each of the four portions can be graded *objectively* by the test raters. This is accomplished by building "scoring units" into the text of the test. Scoring units are particular words and phrases selected to represent various features of language that interpreters encounter in their work, and that they must render accurately and completely, without altering any of the meaning or style of speech. The examiners determine whether those scoring units are interpreted correctly or incorrectly. Only these parts of the test are actually graded.

It is important for examinees to understand that when the test is prepared, test reviewers from many different parts of the United States and different Spanish-speaking countries throughout the world review it to make sure the test does not include words or phrases used in a way that is peculiar to a particular country or region. In order to be included in the test, all of the language, especially the scoring units, have been confirmed by professional interpreters and knowledgeable court professionals to be "dialect neutral."

The types of scoring units scattered throughout the test include the following:

- Grammar - a word or phrases that might be interpreted incorrectly due to inadequate command of grammar;

- False cognates - words that sound or look alike in both languages, but that have different meanings;
- General vocabulary;
- Special terminology frequently encountered in court contexts - *common* “legal” terms;
- Idioms and expressions - words or phrases in the source language which will usually result in lost meaning or nonsense if they are interpreted word-for-word into the target language;
- Numbers, names, dates - these must be accurately preserved during the interpretation;
- Modifiers, emphasis - adjectives, adverbs, exclamations, etc. in the source language that must be accurately preserved in the target language;
- Register/style - words or phrases characteristic of a style of speech (formal, casual, informal) that must be preserved in the interpretation (e.g., “yeah” and “yes” mean the same, but make a different impression on the listener); and,
- Position and special function - words or phrases that might be overlooked or left out because of their position in the sentence (embedded phrases or tag-ons), or because they are “fillers” (false starts, stalls, etc.).

What score must a candidate achieve overall to become certified? The *minimum* acceptable overall score on all four parts of the test (average score) must be at least 70%. Qualifying candidates who get a score of less than 70% on any one part of the test must do well enough on another part to raise their overall score.

How do the test raters determine if a scoring unit is rated correct or incorrect? Each candidate’s test is reviewed by a *minimum* of two expert raters. The raters independently score each scoring unit, and then compare their scores. When there is disagreement that cannot be resolved through discussion, a third opinion may be sought. The benefit of any doubt always goes to the candidate. In other words, if just *one* rater believes a scoring unit is interpreted correctly, the unit is marked as “correct.”

Procedural and Mechanical Aspects of the Test

To take the test, candidates *must be on time for the examination and be prepared to confirm your identity with photo identification. If you do not have photo identification, you should make advance arrangements with the test coordinator from whom you received your test information form to agree on some other form of acceptable positive identification.*

Test Day

You must appear half an hour (30 minutes) before your test time at the test site, with your photo identification and test information letter. Someone will greet you in the waiting room and confirm your identity. You will be asked to take a seat in the waiting area until a

test administrator calls your name. Please wait patiently at the designated waiting area until you are escorted to the testing room. ***NEVER ENTER THE TESTING ROOM WITHOUT AN ESCORT OR WITHOUT EXPLICIT INSTRUCTIONS TO DO SO FROM AN AUTHORIZED PERSON.*** If you do, you may interrupt someone else's test or the examiners as they are grading the previous candidate.

When your name is called, you will be escorted to the test room by the test administrator. *You will not be allowed to bring any purses, handbags, or other similar personal belongings into the test room that have not been opened and examined.* Tape recorders or any other mechanical devices brought by the examinees will not be allowed inside the test room. After you are seated in the test room, the test administrator will give you further detailed instructions before the test begins.

After the Test

After the test, you will be asked not to discuss the test with any other candidates. One of the requirements is that you complete an oath and affidavit agreeing not to divulge any information about specific language or test items to any other person after you complete the examination.

Notification of Test Results

You will be notified by mail of your test results within 30 days of taking the examination. Your test tapes (see following page), test scores, and test rating sheet will be strictly confidential. Only the test administrators and test examiners will have access to these materials. *Whether you passed or did not pass the test are matters of public record and may be reported in response to any inquiry.*

What Will the Test Room Look Like?

The test is normally given in a room such as a courtroom, a jury room, or a conference room. No one is normally present in the testing room except yourself, the test administrator, and examiners. Your consent would be required if for some reason another observer might be present.

The examiner will have a binder containing a list of individuals to be tested that day and a "script" that he or she will follow to read you your instructions. All candidates are given exactly the same instructions. There will be a water pitcher, paper cups, steno pad and pencils or pens and two audio cassette tape recorders on the table. One of the recorders is to tape your test and will be turned on as you enter the room (the entire test is tape recorded). The other is for you to hear the pre-recorded simultaneous portion of the test.

Who Scores the Test?

The test is scored by teams of two to three federally certified interpreters who have specific training and experience in test administration and test scoring. All members of the teams are evaluated carefully to assure that they follow the testing standards established for the certification test in Virginia.

What Happens Once I'm in the Testing Room?

The examiners have a copy of the test in front of them and will be making notes of what you said on it. They will be writing down such things as scoring units you answered correctly or missed. We strongly suggest you avoid watching them (except as may be desirable when doing the consecutive), as seeing them write might distract your attention. Remember that any activity on their part can be a reaction to something you did correctly or something you did incorrectly. The test is highly structured and was developed so as to be administered consistently and objectively to every examinee.

Test Components

Here is the sequence you can expect the administration of the test to follow:

1. The test administrator will come find you wherever you are waiting.
2. The test administrator will escort you into the testing room and introduce you to the examiners. You will be asked to present proof of your identity (e.g., drivers license, birth certificate, social security card).
3. The examiners will talk with you briefly in English and in Spanish.
4. The test administrator will read general test instructions and then instructions for the sight portion and ask if you have any questions.
5. The Spanish-to-English portion of the test will be administered.
6. After a brief pause, the English-to-Spanish portion of the test will be administered.
7. The test administrator will read instructions for the consecutive portion, point out supplies available to you, and ask if you have any questions.
8. The consecutive portion of the test will be administered.
9. The test administrator will read instructions for the simultaneous portion, an examiner will assist you with putting on and adjusting the earphones, and these test administrators will ask if you have any questions.
10. The simultaneous portion of the test will be administered.
11. You will leave the room.

Component A: Introduction to the Test: The test administrator will come find you at the designated place for waiting. Then she will introduce the examiner(s) to you, and they will speak briefly with you in Spanish and in English. This brief conversation is to help acclimate you to the room and put you at ease as much as possible. This usually takes two to three minutes.

SPECIAL NOTE: You may take notes during the oral portions for the purposes of assisting you while interpreting, but you may not take any of those notes with you when you leave the examination. Paper and pencils or pens will be provided.

Once any portion of the oral test has begun, you may not stop to ask questions or request clarification (with one exception noted below in the consecutive portion). Be sure you stay in the role of a court interpreter during each of the three testing segments.

Component B: Sight Interpretation: An examiner will give you a text in Spanish. You will have a maximum of two minutes to study it before you have to start interpreting, and a maximum of four minutes to render a sight translation of the entire text. You *may* begin translating at any time, but you *must* begin once two minutes have passed (the test administrator will tell you when this happens) and *must* stop four minutes later. The process repeats itself with an English document. The total amount of time for this segment is up to twelve minutes.

Component C: Consecutive Interpretation: This portion simulates part of a criminal trial. One of the examiners will play the part of an attorney asking questions, and another examiner will play the part of a witness. You will interpret the questions from English to Spanish and the answers from Spanish to English. It is in your best interest to interpret right after each speaker has finished speaking as there is a time limit of 20 minutes for this portion of the test. That is ample time to finish without having to rush through or without your feeling as though you have to rush through.

SPECIAL NOTE: Once the consecutive portion begins, you may not interrupt the test or use a dictionary. You may ask for *two* passages to be repeated, but may not ask for clarification of a word or phrase. In the case of a repeat, the entire passage must be repeated and interpreted, not only part of it. Be aware of the fact that passages in the consecutive portion may be more than one sentence long. Many contain two or more sentences. You may not stop the witness, but must wait until the entire passage is finished before beginning to interrupt.

Component D: Simultaneous Interpretation: Audio cassette tapes have been produced of an attorney's final argument and of an attorney addressing a judge in a criminal trial. You will listen to one of the tapes via earphones and interpret simultaneously everything said into Spanish. This portion of the test takes 8 to 10 minutes.

After a brief introduction by the examiners, you put on the earphones. Before the simultaneous portion begins, you will have the chance to adjust the volume and be sure the earphones fit comfortably. The words "Test begins" will signal the start of the test.

If you choose to stand and turn your back to the examiners during the simultaneous portion of the test, be aware of the fact that the examiners might have problems hearing what you are saying unless you speak loudly and clearly.

SPECIAL NOTE: Once the test portion of the tape begins, you may not turn off the tape or stop to ask questions. If you do, that will end the test, and all scoring units that follow the point at which you stop the test will be counted wrong.

Do's and Don'ts During the Test

There are several tips that will be helpful to you if you keep them in mind while you are taking the test. Please study carefully the following suggestions as to what you should do and what you should not do.

DO

- Perform throughout all parts of the test as though you were interpreting in a courtroom. The only times you may go out of this role is between test sections.
- Concentrate on the source language and interpretation as you go through the various parts of the test.
- Attempt to interpret any words or phrases which may be unfamiliar to you if you can make an *educated* guess about their meaning from the context given to you in the passage. If you cannot make an educated guess, say something like this: "The interpreter does not know the meaning of (*insert word or phrase*)," and proceed with the rest of your interpretation, or skip the word if you are rushed for time.
- *Stick with it* during the simultaneous interpretation portion of the test. If you find yourself getting frustrated, stop for a second or two to regain your composure and then keep trying!
- Use the same "person" that is employed by a speaker or writer. For example, if the witness were to say in Spanish the equivalent of "My name is Teresita Salazar," the proper interpretation into English would be, "My name is Teresita Salazar," NOT, "She says her name is Teresita Salazar."
- Conserve the intent, tone, and language level of the source messages you interpret. *If you encounter any impolite words or phrases, or other slang, interpret them as closely as possible in the target language as they are in the source language.* Do not attempt to "dress up" the language of any speaker.

DON'T

- Guess wildly the meaning of a word or phrase that you don't know.
- Allow yourself to get frustrated when you don't know how to interpret a word or phrase. Skip it and keep going.
- Give a string of synonyms for a given word or several interpretations for a particular phrase. If you do this, the *last* synonym or phrase you render will be graded and this practice will be counted off on the subjective evaluation of your professionalism.

Suggestions for Preparing for the Simultaneous Portion of the Test²

Before you come to take the test, practice your ability to listen through earphones and interpret at the same time as you listen.

Attend as many different kinds of court proceedings as possible. While you listen, render them *silently* to yourself simultaneously with the speaker.

Use television and radio broadcasts as interpreting materials. Interpret them aloud simultaneously.

Shadowing

Shadowing is a basic exercise that may be helpful to strengthen simultaneous techniques. This exercise familiarizes the interpreter with performing two tasks simultaneously.

1. Have someone record varied paragraph-length passages in English into a tape recorder, some in Spanish and some in English.
2. Listen to the passage. Then play it again and repeat everything you hear in the same language, staying as close to the speaker as possible.
3. Listen to the passage again, repeating it in the source language. While you are focused on this activity, write number 1-100 at the same time.
4. Repeat the exercise and simultaneously write numbers 100-1 backwards.
5. Repeat the exercise and simultaneously write 1-100 by 5's.
6. Repeat the exercise and simultaneously write 1-100 by 3's.
7. Repeat the exercise and simultaneously write out a poem you know from memory.

² Most of the information in this section is from "The Federal Court Interpreter Certification Examination Manual" prepared for the Administrative Office of the United States Courts by the University of Arizona Federal Court Interpreter Certification Project. Additional suggestions can be found in FUNDAMENTALS OF COURT INTERPRETATION: THEORY, POLICY, AND PRACTICE by Roseann Duenas Gonzalez, Victoria Vasquez, and Holly Mikkelson. It is available for \$65.00 from Carolina Academic Press, 700 Kent Street, Durham, NC 27701; 919/489-7486 Fax 919/493-5668.

8. Repeat the exercise and simultaneously write anything committed to memory such as the Pledge of Allegiance or the Preamble to the Constitution.
9. Repeat the exercise and simultaneously write out the names and addresses of relatives and friends.

Other Exercises

Since effective court interpreting requires accuracy and speed, it is essential that you enhance your listening and concentration abilities.

- A. Listening: practice your ability to listen through earphones and other mechanical devices and to render the meaning of the communication rather than the separate words.
- B. Concentration: learn to concentrate on what is being communicated by the person for whom you are interpreting. Only concentrate on the actual communication without being distracted by external factors such as physical appearance, gestures, etc.

Interpretation relies on how well the interpreter understands a message. Understanding a messages requires *intellectual listening*, that is, *listening for ideas*. An interpreter must listen to a message and simultaneously classify the information in the message into a *hierarchy*. That is, an interpreter makes instantaneous decisions about which ideas are central and which are supporting or minor. The following is an exercise that may help build this skill:

- A. Have someone record several passages of approximately 15 words in English. Choose texts representing a variety of areas. Then listen to each passage without taking notes. Turn off the recorder. Write down the main idea of the passage. Continue this procedure with all the passages. Then listen to each passage again, confirming the main idea you had recorded earlier.
- B. Listen to the passage again. Turn off the recorder. Note additional specific information to support the main idea you had originally taken down.
- C. Continue procedure (B.), taking notes and adding to the information until you have written a complete summary for each passage.

You may practice skills exercises with another person or a group of people in order to receive immediate and constant feedback. In fact, all of the exercises mentioned in this section would be more beneficial with some supervision.

**Voluntary Certification Process for Spanish Language
Interpreters Serving Virginia's Courts**

**Code of Professional Responsibility
for Interpreters in the Judiciary**

I have received and reviewed a copy of the *Code of Professional Responsibility for Interpreters in the Judiciary* and agree to adhere to all canons and provisions contained therein.

Candidate's Signature

Candidate's Printed Name

This form must be turned in to the test administrator at the test site.

**Voluntary Certification Process for Spanish Language
Interpreters Serving Virginia's Courts**

Agreement

I agree not to divulge any information, now or in the future, about any test items on the certification examination for Spanish language interpreters serving Virginia's courts to any other person, candidate or otherwise, after I have completed this examination.

Candidate's Signature

Candidate's Printed Name

This form must be turned in to the test administrator at the test site.

**Voluntary Certification Process for Spanish Language
Interpreters Serving Virginia's Courts**

Test Sites

Richmond/Central Virginia

October 17 - 20, 1995

Supreme Court Building, 3rd Floor, 100 North 9th Street, Richmond, Virginia
804/786-6455

(Directions enclosed.)

Hampton Roads/Tidewater

October 23 - 25, 1995

Radisson Hotel, 700 Settler's Landing Road, Hampton, Virginia
804/727-9700

(Call hotel directly for directions or room reservations.)

Arlington/Northern Virginia

October 10 - 13, 1995

Arlington County Circuit Court, 11th Floor, 1425 North Courthouse Road, Arlington,
Virginia

703/358-7010

(Directions enclosed.)

Blacksburg/Southwest Virginia

November 6 - 8, 1995

Marriott Inn, 900 Prices Fork Road, NW, Blacksburg, Virginia
703/552-7001

(Call hotel directly for directions or room reservations.)

Appendix E

STRUCTURE OF EACH PART OF THE CONSORTIUM TEST

Sight Translation: (each part)

- **225 words (approx)**
- **25 scoring units**
- **12.5 % of total score**

Consecutive

- **806 words (approx)**
- **75 scoring units**
- **37.5 % of total score**

Simultaneous

- **865 words (approx)**
- **75 scoring units**
- **37.5 % of total score**

TEST SCORING UNITS

What are they?

- 1. Underlined words or phrases in the text**
- 2. Preselected items representing special linguistic characteristics**
- 3. The language characteristics interpreters must know and render accurately and completely**

WHAT DO SCORING UNITS LOOK LIKE ON A TEST?

On July 7, 1995¹, the defendant² in
this case was observed^{5,6} walking
quickly⁴ away from a convenience
store⁵, shortly before⁴ it began to
rain. He appeared to be
intoxicated^{5,7}.

1. Numbers / names

2. "Legal" terminology

3. General vocabulary

4. Modifiers / emphasis

5. "Register" (style)

6. Grammar/verbs

7. False cognates

STATE COURT INTERPRETER CERTIFICATION CONSORTIUM

Oral Interpreter Exam

Name:	ID#:	Date:
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SIGHT TRANSLATION	
<i>SPANISH</i>	<i>ENGLISH</i>
OBJECTIVE SCORE #correct ____ /25 units	OBJECTIVE SCORE #correct ____ /25 units
SUBJECTIVE SCORING and comments <input type="checkbox"/> translation too literal <input type="checkbox"/> poor delivery <input type="checkbox"/> awkward syntax <input type="checkbox"/> changes level of language <input type="checkbox"/> paraphrases <input type="checkbox"/> minor changes in meaning <input type="checkbox"/> major changes in meaning <input type="checkbox"/> other (see comments)	SUBJECTIVE SCORING and comments <input type="checkbox"/> translation too literal <input type="checkbox"/> poor delivery <input type="checkbox"/> awkward syntax <input type="checkbox"/> changes level of language <input type="checkbox"/> paraphrases <input type="checkbox"/> minor changes in meaning <input type="checkbox"/> major changes in meaning <input type="checkbox"/> other (see comments)
Comments: 	Comments:

CONSECUTIVE		
OBJECTIVE SCORE (based on units)	#correct ____ / 75 units	%
SUBJECTIVE SCORING and comments <input type="checkbox"/> poor retention <input type="checkbox"/> slow response time <input type="checkbox"/> uses third person <input type="checkbox"/> omits testimony <input type="checkbox"/> embellishes <input type="checkbox"/> minor changes in meaning <input type="checkbox"/> major changes in meaning <input type="checkbox"/> other (see comments)	Comments 	

STATE COURT INTERPRETER CERTIFICATION CONSORTIUM
Oral Interpreter Exam

SIMULTANEOUS		
OBJECTIVE SCORE (based on units)	#correct ____ / 75 units	%
SUBJECTIVE SCORING and comments		
<input type="checkbox"/> delivery sounds rushed and choppy <input type="checkbox"/> difficulty keeping pace with speaker <input type="checkbox"/> poor enunciation <input type="checkbox"/> inaccurate with numbers <input type="checkbox"/> omits information <input type="checkbox"/> embellishes <input type="checkbox"/> paraphrases <input type="checkbox"/> minor changes in meaning <input type="checkbox"/> major changes in meaning <input type="checkbox"/> other (see comments)	Comments	

OVERALL COMMENTS AND SUMMARY		
	ENGLISH	SPANISH
improve basic vocabulary	<input type="checkbox"/>	<input type="checkbox"/>
improve legal vocabulary	<input type="checkbox"/>	<input type="checkbox"/>
improve accent/pronunciation	<input type="checkbox"/>	<input type="checkbox"/>
improve grammar/syntax	<input type="checkbox"/>	<input type="checkbox"/>
SUBJECTIVE RECOMMENDATIONS		
	PASS	FAIL
Sight-Spanish	<input type="checkbox"/>	<input type="checkbox"/>
Sight-English	<input type="checkbox"/>	<input type="checkbox"/>
Consecutive	<input type="checkbox"/>	<input type="checkbox"/>
Simultaneous	<input type="checkbox"/>	<input type="checkbox"/>
ADDITIONAL COMMENTS		
Raters		
_____	_____	_____
Signature	Signature	Signature

Appendix F

**Voluntary Certification Process for Spanish Language
Interpreters Serving Virginia's Courts**

**Instructions for Administering
the Virginia Certification Examination
for Court Interpreters**

Introduction

These instructions are prepared on the assumption that there will be three examiners (the test administrator and two examiners) in most, if not all, instances with this round of testing. For situations where there are only two examiners, the responsibilities of the test administrator, the English reader, and the Spanish reader will be assigned by the test administrator.

General Guidelines

For Test Examiners

1. Above all else, evaluators must strive for complete neutrality, fairness and objectivity.
2. If an examiner has formed an opinion about a particular candidate, the examiner must withdraw and leave the examination room before the candidate enters the room.
3. All testing experiences shall be confidential. No information about how any candidate performed may be given to anyone other than examiners and staff of the Office of the Executive Secretary, Supreme Court of Virginia.
4. Avoid showing reactions to a candidate. Do not laugh at mistakes, do not attempt to express sympathy for a candidate's inability, raise your eyebrows or express any other reaction. Your facial expressions/words may be misinterpreted. Attempt to maintain a "poker face" as each component of the test is in process.
5. Hold your test materials in such a way that the candidate cannot see them. Be as unobtrusive as possible while scoring.
6. Do not show the test materials or your grading notations to any candidate.

On Evaluating Scoring Units

1. Develop your own marking system. Make sure it is a system you can apply consistently and will not be confusing for you. You may wish to put an "x" next to each missed scoring unit or you may wish to circle the units you think were omitted, and then put an "x" through the omitted unit.

2. We recommend writing down near the scoring unit what you heard candidates say, if you are in doubt as to whether the candidate answered correctly or incorrectly, or if it is something new which you need to discuss, or wish to include in the dictionary.
3. A scoring unit shall be considered incorrect if:
 - A. It is omitted completely or partially;
 - B. The precise meaning is not preserved within the limits of the target language;
 - C. The grammatical precision, especially with respect to verbs, is not preserved within the limits of the target language; or
 - D. The rendering appears among the unacceptable renderings on the list of acceptable and unacceptable renderings.

SPECIAL NOTE: If it appears a scoring unit is ambiguous in the source text and someone interprets it well but differently from what is expected, the benefit of the doubt should be given to the candidate. While the test developers tried to select only unambiguous scoring units, some scoring units may be discovered to be ambiguous during the administration of the test and, if the evaluators agree the source test is ambiguous and does, in fact, include the meaning reflected in the candidate's interpretation, the scoring unit should be considered correct.

For Deterring Subjective Evaluations

1. When evaluating the PRONUNCIATION and FLUENCY variables, consider the candidate's overall performance (i.e., the introductory discussion and all portions of the test) in terms of the following:
 - A. Accent:
 - Degree to which accent (1) interferes with comprehension of the meaning; or (2) requires substantial effort on the part of the listener to be able to understand fully what is being said.
 - B. Diction:
 - Degree to which the candidate articulates words clearly and precisely; "lazy" vs. crisp pronunciation.
 - C. Voice quality and tone:
 - Examples of positive attributes:
 - Easy to listen to, even attractive, sonorous
 - Exhibits versatility in modulating volume
 - Exhibits versatility in modulating pitch
 - Examples of negative attributes:
 - Soft-spoken, not able to project
 - Sing-songy
 - Shrill, hard to listen to
 - Consistently loud (inappropriately so) and overbearing

Mumbles

D. Fluency of expression (as described below; not knowledge of language generally):

Examples of positive attributes:

Speaks in natural rhythms of the target language

Appropriate intonation, inflection, etc.

Examples of negative attributes:

Hesitates frequently

Uses "ums," "ahs" frequently

2. The PROFESSIONALISM variable is aimed to assess the degree to which the candidate conducts him/herself in a manner consistent with the *Code of Professional Responsibility for Interpreters in the Judiciary*. When evaluating the professionalism variable, consider everything you observed about the candidate throughout the test, especially--

A. Faithful and accurate conveyance of message:

Degree to which candidate makes up or leaves out material, tends to summarize

Degree to which candidate changes material

Degree to which candidate preserves style and level of language

Degree to which candidate offers alternative interpretations to what the interpretation could be (i.e., three synonyms) and does not just get on with it

Excessive literalness

Uses appropriate person (e.g., Usted, not tu; I, not he)

B. Unobtrusiveness:

Degree to which candidates make their own remarks during the test (e.g., "Oh, I'm so nervous" or "I just don't remember that" during the consecutive portion). This does not apply to breaks between portions of the test, but only when an actual interpreting component is in progress.

Making excuses for what candidates perceive to be a poor performance while an actual interpreting component is in progress.

But asking for permitted repeats during the consecutive should not be counted against the examinee.

C. Improving skills and knowledge:

Degree to which candidates demonstrate openness and positive attitude to learning and improving their skills (e.g., a negative example would be someone who gives the examiners a lecture on why simultaneous interpretation is never done, makes remarks such as, "we never have to do this stuff in our court," and does so belligerently and in a close-minded way).

D. General considerations not necessarily tied to a specific Canon:

Professional demeanor as exhibited by body language, statements made in the introduction, during breaks or even during segments of the test.

Degree to which the candidates come prepared, i.e., have read the description of the test and understood the procedures and the *Code of Professional Responsibility*

for Interpreters in the Judiciary (e.g., a candidate knows there will be a sight interpretation, needs glasses to read but doesn't bring them).
Familiarity with the various interpreting modes.
Appropriate use of note-taking in the consecutive.

For Distinguishing Between Superior, Good, Minimally Acceptable and Unacceptable Scores

Unacceptable means the candidate failed in this area. Had it been numerically scored, the score would have been below 70%.

Minimally acceptable means the candidate barely passed in this area. Had it been numerically scored, the score would have been right around 70%.

Good means the candidate passed in this area, but did not do so in any distinguishing way. Had it been numerically scored, the score would have been in the range of 73-80%.

Superior means the candidate passed with distinction, which, had it been numerically scored, could mean earning a score over 80%.

Responsibilities of the Test Administrator

1. Find the candidate at the designated waiting area, welcome candidate, bring candidate into the testing room (other rater should start the tape recorder as soon as the examinee enters the room), introduce yourself, the other examiner(s) and any observer(s) present. Try to make the candidate comfortable. Draw candidates into conversation both in English and in Spanish so as to "warm them up" in both languages and to begin to form an impression about their competence in both languages. Ask if candidate has any objection to the presence of an observer(s). If so, the observer(s) should leave the room.

AFTER THE CONVERSATIONAL WARM-UP, READ VERBATIM:

"We assume you are ready, so let's begin! Before we begin the exam, if any (either) of the examiners has realized that he or she knows you and therefore prefers to withdraw from the grading, this should be done now. [Addressing the candidate if this situation occurs] If you feel this knowledge might interfere with objective grading, you need to tell us that now. You also need to tell us now if the nature of your prior contact with an examiner would make you uncomfortable if that person remains in the room. If it does, that examiner will leave the room. Any examiner who chooses to withdraw, but

does not need to leave the room, will participate in administering the exam, but will not be involved in grading.”

“As you know, the test is about 40 minutes long and has three parts. Water has been provided for you; please help yourself at any time. You may choose to sit or stand during the examination, or during any of its parts. As you are interpreting the various parts of the exam, you should behave as though you were actually interpreting in a courtroom with a judge, lawyers and a jury.”

“Your interpretation must be accurate and complete. When you interpret, you must not edit, summarize, delete or add. If you give us synonyms of words or two versions of phrases, only the last thing you say will be counted.”

“Your interpretation should be faithful to the language level, style, tone, register and intent of the speaker. Use appropriate grammar, vocabulary and idioms. Feel free to use the regional expressions with which you are familiar.”

“You will see that we each will be doing a lot of writing during the test. That is because we each will independently mark both your correct and incorrect answers. Do you have any questions in general about the test?”

[The entire introductory portion should last approximately 4 minutes.]

2. READ VERBATIM:

“We will now begin the oral exam with the sight translation. You have as long as six minutes for each sight translation. As you know, there are two documents. The first document to be translated is from English-to-Spanish. We suggest you read through each document before beginning your oral translation. If you have not begun to translate, out loud, by the end of two minutes, I will tell you to begin so you have a full four minutes in which to complete your translation. Translate everything you see on the page. Do you have any questions?”

3. Administer English-to-Spanish sight translation. The administrator hands the candidate the text. Start timing for 2 minutes as soon as the candidate has a given text in hand. Tell the candidate to begin as soon as 2 minutes have passed if he/she has not already begun. Once candidates begin rendering a sight translation, time them and stop them if they have not finished after 4 minutes.
4. Administrator should always say “thank you” when retrieving the sight document.
5. Administer Spanish-to-English sight translation.

READ VERBATIM:

“This time you will go the other way, from Spanish into English. Remember to translate everything you see on the page. Again, I will tell you to start to translate out loud after two minutes if you have not already begun.”

6. Thank candidate after rendering of Spanish sight.
7. Give instructions for consecutive.

READ VERBATIM:

“We will now go on to the consecutive portion of the exam. In this part, one of us will play the part of the attorney and one of us will play the part of the witness. You, of course, will play the part of the interpreter for each of those people.”

“Begin your interpretation when the speaker has finished speaking. You may not stop the speaker. There are many passages consisting of more than one sentence. Remember to interpret in the proper person.”

“You may ask for two passages to be repeated during this consecutive part of the exam, either two questions asked by the attorney, two answers given by the witness or one of each. Otherwise, you may not interrupt the test or ask for clarification. If one of us makes a mistake, we will tell you right away that we have made a mistake, and we will read the passage again.”

“Since you will have 18 minutes to complete this portion of the exam, it is in your best interest to maintain the pace. Again, feel free to use the regional expressions with which you are familiar.”

“We have provided you with a pad and pens to take notes, if you’d like. Do you have any questions?”

8. Administer consecutive (the test administrator times the consecutive with a stopwatch and stops the test in 18 minutes, if the consecutive portion has not already been completed.) If it is necessary to stop the test,

READ VERBATIM:

“This is the end of the consecutive portion of the test.”

9. Give instructions for simultaneous.

READ VERBATIM:

“We will now administer the simultaneous test. It has been tape recorded. There are a few sentences at the beginning of the tape to allow you to adjust the earphone or the volume. Then you will hear ‘test begins.’” The simultaneous portion of the exam begins with “welcome back from the afternoon break.”

“You will interpret only from English into Spanish. If you get lost, you may want to stop interpreting, collect yourself, and then start again as soon as you can. By that we simply mean that if you get behind, forget what you’ve missed and go on from where the speaker is at that point. We encourage you not to give up.”

“If you would feel more comfortable standing or turning your back to us, feel free to do so. However, if you are facing away from us, be aware that we could have difficulty hearing you if you don’t speak loudly and clearly. Do you have any questions?”

10. Administer simultaneous.

When the examinee finishes doing the simultaneous,

READ VERBATIM:

“That’s it! The test results will be ready within a few weeks. The Office of the Executive Secretary will send the results directly to you. If you have any feedback about your test experience, we would welcome your sending us your comments.”

11. Make sure candidate has signed the Agreement not to divulge information about the test and promise to adhere to the Code of Professional Responsibility.
12. Chair discussion of subjective evaluations with the testing team and arrive at final scores and text of comments based on consensus.
13. Secure examiners’ signatures on the assessment sheet for this particular examinee.
14. Chair discussion of the scoring units. Assure consensus on every item counted wrong. Anything that cannot be scored wrong by consensus shall be counted correct. Mark with an “x” every scoring unit determined to be incorrect. Any scoring unit marked incorrect and then after discussion decided to be correct shall have an “ok” written next to it.

15. The test administrator is responsible for updating the dictionary if any new additions have come up after the test.

Instructions for Readers

1. Read the test expressively. Make it sound alive and real as if a real attorney or real witness were speaking.
2. As far as is possible, read the text the same way for every candidate.
3. Read verbatim. Do not insert or omit any words.
4. If you make a mistake, cough, etc.

READ VERBATIM:

"I'll read that again."

Responsibilities of the Non-Administrator (Rater B)

1. Write the examinee's name on the blank cassette tape, write the examinee's name and the date on the cassette box line, and prepare the tape recorder to record the testing session.
2. Start the tape recorder as soon as the candidate enters the testing room.
3. At the conclusion of the simultaneous test, turn recorder off, remove cassette (or turn it over if just recorded on the first side) and prepare for next candidate. This will require rewinding the tape to the beginning of side two when following a candidate whose test was recorded on side one.
4. As far as is possible, periodically monitor tape recorder to assure that it is functioning.

Responsibilities of the Administrator (or Rater C)

1. Assist the examinee with the cassette player and earphones in preparation for the simultaneous portion of the test.

2. Rewind the simultaneous test once the candidate has left so the tape is ready for the next examinee.
3. Get fresh cup of water for each new candidate.
4. Make sure there is enough paper and pens for the candidate and the previous candidate's notes are destroyed. No candidate should be allowed to leave the room with any notes.

Appendix G

EXECUTIVE SECRETARY
ROBERT N. BALDWIN

ASST. EXECUTIVE SECRETARY
FREDERICK A. HODNETT, JR.

SUPREME COURT OF VIRGINIA
ADMINISTRATIVE OFFICE
THIRD FLOOR
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-6455

DIR., DISPUTE RESOLUTION SERVICES
BARBARA L. HULBURT
DIR., EDUCATIONAL SERVICES
THOMAS N. LANGHORNE, III
DIR., FISCAL SERVICES
CHARLES P. WORD, JR.
DIR., JUDICIAL PLANNING
KATHY L. MAYS
DIR., LEGAL RESEARCH
STEVEN L. DALLE MURA
DIR., MGMT. INFORMATION SYSTEMS
KENNETH L. MITTENDORFF
DIR., PERSONNEL
CATHERINE F. AGEE
DIR., TECHNICAL ASSISTANCE
DONALD R. LUCIDO

November 20, 1995

Dear

I am writing to report to you the results of the voluntary certification process for Spanish language interpreters established by the Judicial Council of Virginia. As stated in the candidate information packet which you received in September, the minimum acceptable score on all four parts of the test (average score) *must* be at least 70%. Your average total score, as noted on the enclosed scoring sheet, was below this level. Thus, we will not be able to include your name on the list of certified Spanish language interpreters which will be sent to courts throughout the state.

This office has filed your name and mailing address, and we will notify you if further training and tests are scheduled. If you have any questions and/or comments regarding this voluntary certification process, please contact Kathy L. Mays at the above address and telephone number.

Thank you for participating in the voluntary certification process for Spanish language interpreters serving Virginia's courts.

With kind regards and best wishes,

Sincerely,



Robert N. Baldwin

Enclosure (1)

EXECUTIVE SECRETARY
ROBERT N. BALDWIN

ASST. EXECUTIVE SECRETARY
FREDERICK A. HODNETT, JR.

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DONALD R. LUCIDO

November 20, 1995

Dear

I am writing to report to you the results of the voluntary certification process for Spanish language interpreters established by the Judicial Council of Virginia. As stated in the candidate information packet which you received in September, the minimum acceptable score on all four parts of the test (average score) *must* be at least 70%. As noted on the enclosed scoring sheet, you met or exceeded this level. Thus, your name will appear on the list of individuals who have met the requirements for voluntary certification. This list will be distributed to courts throughout the state.

Also enclosed is a form listing your name, address and telephone number(s). Unless you indicate any changes or additions, the information contained on this form is exactly as it will appear on the list to be distributed. We also request you list by circuit number the jurisdictions in which you are willing to work. Please return this form by December 15, 1995.

Thank you for participating in the voluntary certification process for Spanish language interpreters serving Virginia's courts.

With kind regards and best wishes,

Sincerely,



Robert N. Baldwin

Enclosures (4)

This is to certify that

*has met the requirements established by the
Judicial Council of Virginia for certification as
a Spanish language interpreter for the courts of
the Commonwealth of Virginia.*

November 20, 1995

Date

Robert N. Baldwin

*Robert N. Baldwin
Executive Secretary*

The following is exactly as your name and telephone number(s) will appear on the list of certified Spanish language interpreters to be distributed to courts throughout the state. Please make any changes or additions directly on this form and indicate by circuit number the jurisdictions in which you are willing to work. Please return this form by December 15, 1995 to:

Tricia Muller
Office of the Executive Secretary
Judicial Planning Department
100 North Ninth Street, Third Floor
Richmond, VA 23219

CIRCUIT NUMBERS:

Appendix H

**Proposed Language for Additional Section of the Code of Virginia relating
to the Provision of Interpreters for Non-English Speaking Persons in Civil Cases**

In any civil case in which a non-English speaking person is a party or witness, an interpreter for the non-English speaking person may be appointed by the court. A qualified English-speaking person fluent in the language of the non-English-speaking person shall be appointed by the judge of the court in which the case is to be heard unless the non-English-speaking person shall obtain a qualified interpreter of his own choosing who is approved by the court as being competent. In either event the compensation of such interpreter shall be fixed by the court and shall be paid from the general fund of the state treasury as part of the expense of trial. The amount allowed by the court to the interpreter may, in the discretion of the court, be assessed against either party as a part of the cost of the case and, if collected, the same shall be paid to the Commonwealth. Whenever a person communicates through an interpreter to any person under such circumstances that the communications would be privileged, and such persons could not be compelled to testify as to the communications, this privilege shall also apply to the interpreter. The provisions of this section shall apply in both circuit and district courts.

