

RULES RELATING TO COURT INTERPRETERS

SCOPE AND EFFECTIVE DATE

These rules become effective on September 20, 2000, and will govern the use of interpreters in all courts of the State of Nebraska.

RULE 1. INTERPRETER REGISTER

The State Court Administrator will publish and maintain a statewide register of interpreters which will consist of the following:

A. Certified Court Interpreters: Court interpreters who have satisfied all certification requirements pursuant to the Rules Relating to Court Interpreters.

B. Registered Court Interpreters. Noncertified court interpreters, not including sign language interpreters, who have not satisfied the requirements of Rule 3 of the Rules Relating to Court Interpreters, but have agreed to accomplish the following by January 1, 2002:

1. Complete an interpreter orientation program sponsored by the State Court Administrator,
2. Receive a passing score on a written ethics examination, and
3. File with the State Court Administrator prior to being placed on the register a written affidavit agreeing to be bound by the Code of Professional Responsibility for Interpreters.

See Appendix 1 for Code and Interpreter Oath.

C. Sign Language Court Interpreters. Sign language interpreters who possess at a minimum, Level 4, Quality Assurance Screening Test (QAST - Level 4) awarded by the Nebraska Commission for the Deaf and Hard of Hearing.

RULE 2. APPOINTMENT OF INTERPRETERS

A. Use of Certified Court Interpreter. Whenever an interpreter is required to be appointed by a court, the court will first attempt to appoint a certified court interpreter who is listed on the statewide register of interpreters if one is reasonably available.

B. Use of Registered Court Interpreter on Statewide Register. If the court has made diligent efforts to obtain a certified court interpreter as required by Rule 2A of the Rules Relating to Court Interpreters and found none to be available, the court may appoint a registered noncertified court interpreter who is otherwise competent to interpret in the courts and is also listed on the statewide register of interpreters.

C. Use of Interpreter Not on Statewide Register. Only after the court has exhausted the requirements of Rules 2A and 2B of the Rules Relating to Court Interpreters may the court appoint a nonregistered, noncertified interpreter who is not listed on the statewide register but who is otherwise competent.

### RULE 3. CERTIFIED COURT INTERPRETER REQUIREMENTS

A certified court interpreter will be able to interpret simultaneously and consecutively and provide sight translation from English to the language of the non-English-speaking person or from the language of that person into English. An interpreter will be eligible for certification upon establishing to the satisfaction of the State Court Administrator that he or she has:

- A. Reached the age of 18;
- B. No past convictions or pending criminal charges, either felony or misdemeanor, which are deemed by the Supreme Court to evidence moral turpitude, dishonesty, fraud, deceit, or misrepresentation;
- C. Achieved a passing score on a written ethics examination administered by the State Court Administrator; and
- D. Achieved a passing score on legal interpreting competency examination (certification examination) administered or approved by the State Court Administrator.

In addition, any interpreter possessing a Federal Court Certified Certificate or a Legal Specialist Certificate in Sign Language (SC:L) is recognized as a certified court interpreter.

### RULE 4. EXAMINATION FOR INTERPRETER CERTIFICATION

A. Complete Application. An applicant desiring certification in a particular language will file with the State Court Administrator an approved application form and pay the applicable exam fee established by the State Court Administrator.

B. Evaluation of Application. The State Court Administrator will evaluate the application and determine if the applicant meets the initial qualification requirements of Rule 3 of the Rules Relating to Court Interpreters.

C. Examination. Examinations for interpreter certification in specific languages will be administered at such times and places as the State Court Administrator may designate.

D. Scope of Examination. Applicants for interpreter certification in a spoken or sign language may be tested on any combination of the following:

- 1. Sight interpretation,
- 2. Consecutive interpretation, and
- 3. Simultaneous interpretation.

E. Results of Examination. The results of the examination will be mailed by regular mail to the applicant's most recent address.

F. Confidentiality. All information relating to the examination is treated as confidential by the State Court Administrator and test administrators except that statistical information relating to the examinations and applicants may be released at the discretion of the State Court Administrator.

RULE 5. SUSPENSION OR REVOCATION OF CERTIFICATION

A. Grounds for Revocation or Suspension of Certification. Unprofessional or unethical conduct that violates the Code of Professional Responsibility for Interpreters or a conviction of a criminal misdemeanor or felony may be grounds for suspension or revocation of certification and removal from the statewide register of interpreters. A disposition other than acquittal, e.g., pretrial diversion, of any criminal charge filed will not preclude an action by the State Court Administrator with respect to the interpreter's certification.

See Appendix 1 for Code and Interpreter Oath.

B. Incompetency. The State Court Administrator may remove any interpreter from the statewide register of interpreters for incompetency provided the interpreter is allowed an opportunity to be heard to dispute such finding.

C. Complaints. All complaints of alleged unprofessional and unethical conduct by interpreters shall be in writing and will be investigated by the State Court Administrator or a person appointed by the State Court Administrator. Each complaint will be reviewed to determine if there is sufficient cause to believe that the interpreter has engaged in unprofessional or unethical conduct. If sufficient cause exists, the State Court Administrator may suspend or revoke the certification of an interpreter and remove the interpreter's name from the statewide register of interpreters. If a violation is by a registered, noncertified interpreter, the State Court Administrator may suspend or remove the interpreter's name from the statewide register of interpreters.

APPENDIX 1

CODE OF PROFESSIONAL RESPONSIBILITY FOR INTERPRETERS

PREAMBLE

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier. As officers of the court, interpreters help ensure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

APPLICABILITY

This code shall guide and be binding upon all persons, agencies, and organizations who administer, supervise use of, or deliver interpreting services to 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.

CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent what their training and pertinent experience is and any certification they may have.

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.

CANON 4: PROFESSIONAL DEMEANOR

Interpreters shall conduct themselves in a manner consistent with the formality and civility of the court and shall draw as little attention to themselves as possible.

CANON 5: CONFIDENTIALITY

Interpreters shall keep confidential all privileged and other confidential information.

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.

CANON 8: ASSESSING AND REPORTING INABILITIES TO PERFORM

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

CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

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

CANON 10: PROFESSIONAL DEVELOPMENT

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

INTERPRETER OATH

I, \_\_\_\_\_, swear or affirm that I will, to the best of my skill and judgment, after my appointment as interpreter, make a true \_\_\_\_\_ (Language) \_\_\_\_\_ interpretation of all court proceedings, probation activities, or any other proceeding into a language which the party understands and that I will in the English language repeat the party's statements to the court or jury.