



Standards for Sign Language Interpreters in Washington Courts



Courts shall make every effort to hire Level I Sign Language Interpreters and determine whether an Intermediary Interpreter is necessary. If Level I interpreters are not available, courts may hire Level II interpreters.

To qualify for these designations, interpreters must satisfy the following standards in the order provided:

SIGN LANGUAGE INTERPRETERS

Level I

1. SC:L certification
2. Criminal Background Check
3. Pre-training: *Washington Court System Training*
4. Experience working with deaf interpreters or attend pre-training on working with deaf interpreters
5. Execute the Oath of interpreter
6. Ongoing requirement: Maintenance of RID certification.

Level II

1. CI/CT, NAD IV-V, CSC, NIC, NIC Advanced, or NIC Master
2. At least five years interpreting experience post-certification
3. Criminal Background Check
4. Pre-training: *Washington Court System Training and Washington Court Sign Language Interpreter Training*
5. Execute the Oath of interpreter
6. Ongoing requirement: Maintenance of RID certification and twenty hours of legal continuing education (2.0 CEUs) every four years (in accordance with the interpreters' certification maintenance cycle).

INTERMEDIARY INTERPRETERS

Level I

1. CDI
2. At least five years legal interpreting experience post-certification
3. Criminal Background Check
4. Pre-training: *Washington Court System Training and Washington Court Sign Language Interpreter Training*

5. Execute the Oath of interpreter
6. Ongoing requirement: Maintenance of RID certification and twenty hours of legal continuing education (2.0 CEUs) every four years (in accordance with the interpreters' certification maintenance cycle).

Level II

1. At least five years interpreting experience
2. Criminal Background Check
3. Pre-training: *Washington Court System Training* **and** *Washington Court Sign Language Interpreter Training*
4. Execute the Oath of interpreter
5. Ongoing requirement: Report twenty hours of legal continuing education (2.0 CEUs) every four years.

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Suggested Trainings

Washington Court System Training may include:

- WA court system
- Legal terminology and procedure
- Courtroom protocol
- Court interpreting ethics
- Interpreter's responsibility to obtain needed materials for assignment

Washington Court Sign Language Interpreter Training may include:

- Interpreting in an adversarial setting (where all parties do *not* have the same objective)
- Advanced interpreting skills
- Various interpreter roles in the legal setting (e.g. proceedings interpreter, witness interpreter, etc.)
- Navigating issues unique to court interpreting
- Deaf culture in the legal setting
- Team interpreting
- Working with a deaf interpreter

In future years, the group developing the Washington State Court Sign Language Interpreter Training should explore possibilities for exit interviews and/or student evaluations by faculty, so that participants receive personalized feedback on areas for improvement.

COMMENTS

When should a court appoint a Level I or Level II Sign Language Interpreter?

Through the testing and certification process, Level I sign language interpreters have demonstrated a higher capacity to accurately interpret in legal settings. (See more information below about the SC:L certification.) For that reason, it is strongly recommended the courts make every effort to appoint Level I interpreters.

However, there are a limited number of interpreters who meet the Level I designation and, at this time, it is unrealistic to assume that Level I interpreters can be used for every court proceeding requiring sign language. It is recommended that judges and court administrators look at a variety of factors in determining whether it is more appropriate to reschedule a proceeding to a date when a Level I interpreter is available, or to proceed with a Level II interpreter. Factors to consider include the complexity of the hearing (e.g. whether the proceeding will include testimony and or technical terminology), the severity level of the offense, and the unique linguistic needs of the deaf person.

What is embedded in the SC:L (Specialist Certificate: Legal) Certification?

Holders of this specialist certificate have passed exams requiring specialized knowledge of legal settings and greater familiarity with language used in the legal system. Certification recognized by RID, documented training and legal interpreting experience are required prior to sitting for this exam. Holders of the SC:L are recommended for all assignments in the legal setting.

To become an SC:L certified interpreter, an interpreter must be currently certified with RID, have a minimum of five years of general interpreting experience post certification, and meet one of the following criteria: 1) successful completion of a bachelor's degree in any field or an associate's degree in interpreting and documentation of at least 50 hours of legal interpreting/mentoring experience and 30 hours of formal legal training; 2) successful completion of an associate's degree in any field and documentation of at least 75 hours of legal interpreting/mentoring experience and 50 hours of formal legal training; or 3) documentation of at least 100 hours of legal interpreting/mentoring experience and 70 hours of legal training.

Certified interpreters are required to earn a minimum of 8.0 Continuing Education Units (CEUs) (80 hours) during each four year certification maintenance cycle. Interpreters holding an SC:L are required to earn a minimum of 2.0 CEUs (20 hours) within their field of specialization.

What is the difference between “Sign Language Interpreter” and “Intermediary Interpreter?”

An Intermediary Interpreter (also may be referred to as a Deaf Interpreter, or DI) is often an individual who is deaf or hard of hearing and acts as an interpreter between the deaf person and the Sign Language Interpreter. Intermediary Interpreters may or may not be nationally certified (Certified Deaf Interpreter, or CDI).

An Intermediary Interpreter may be needed when the communication mode of a deaf consumer is so unique that it cannot be adequately accessed by interpreters who are hearing. Some such situations may involve individuals who:

- *Use idiosyncratic non-standard signs or gestures such as those commonly referred to as “home signs” which are unique to a family*
- *Use a foreign sign language*
- *Have minimal or limited communication skills*
- *Are deaf-blind or deaf with limited vision*
- *Use signs particular to a given region, ethnic or age group*
- *Have characteristics reflective of Deaf Culture not familiar to hearing interpreters.*

In addition to excellent general communication skills and general interpreter training, the Intermediary Interpreter may also have specialized training and/or experience in use of gesture, mime, props, drawings and other tools to enhance communication. The Intermediary Interpreter has an extensive knowledge and understanding of deafness, the deaf community, and/or Deaf culture which combined with excellent communication skills, can bring added expertise into both routine and uniquely difficult interpreting situations.

Adapted from RID Standard Practice Paper, “Use of a Certified Deaf Interpreter,”
http://www.rid.org/UserFiles/File/pdfs/Standard_Pactice_Papers/CDISPP.pdf

Can a deaf individual request an Intermediary Interpreter?

To ensure accurate communication, a deaf individual has the right under Federal and State law to request and be provided with an Intermediary Interpreter or Deaf Interpreter (DI) in addition to any Sign Language Interpreters already provided. Because of the complex nature of legal proceedings, it may benefit the deaf individual to have such a specialized interpreter available for his/her full comprehension. In addition, a DI may be needed in a situation similar to those described in “What is the difference between ‘Sign Language Interpreter’ and ‘Deaf Interpreter?’” above.

In all sign language situations, it is recommended that judges ask the deaf persons whether they can effectively communicate with the court-appointed sign language interpreter(s), and whether an intermediary interpreter is needed.

How does a judge make a record to verify that an interpreter is qualified?

There will occasionally be situations when a court cannot obtain the services of a Level I or Level II interpreter. This may be due to the emergency nature of a hearing, the geographical location of the court, or the unique linguistic needs of the deaf individual. In such cases, the judge should make an inquiry on the record of the interpreter's skills and experience, to determine whether he/she is qualified to interpret. Example qualification questions include:

- *Are you, or have you ever been certified by RID (Registry for Interpreters of the Deaf) or another national certification system?*
- *Describe your experience interpreting in legal settings.*
- *Describe training you've received in legal interpretation.*
- *Are you familiar with the RID Code of Conduct and its tenets?*
- *Have you determined whether you and Mr./Ms. _____ can effectively communicate with each other?*
- *How did you reach this conclusion?*
- *How do you plan to inform the court if you are experiencing difficulty communicating with Mr./Ms. _____?*
- *Do you have any personal or professional conflicts of interest with the parties or the subject matter of this case?*
- *Do you have any concerns or reservations about interpreting in this matter?*

To the deaf person(s):

- *Are you able to effectively communicate through this interpreter?*

Are interpreters bound by an ethical standard?

Court interpreters are exposed to highly personal and sensitive information, and as gatekeepers for communication, they have the ethical duty to convey information accurately. As such, one of the fundamentals of the interpreting community is adherence to a Code of Conduct. All interpreters in court are required to follow the Code of Conduct in General Rule 11.2, and sign language interpreters are also bound by the NAD-RID Code of Professional Conduct (full text can be found here:

http://www.rid.org/UserFiles/File/NAD_RID_ETHICS.pdf). Some of the principals embodied by these Codes of Conduct include:

- 1. Maintain confidentiality;*
- 2. Refrain from providing legal advice;*
- 3. Interpret thoroughly and precisely;*
- 4. Avoid interpreting in matters where there is, or is an appearance of, a conflict of interest;*
- 5. Possess the professional skills and knowledge required for the specific interpreting situation, and immediately report to the court when the interpreter is unable to satisfy an assignment completely;*

6. *Maintain high standards of professional conduct;*
7. *Demonstrate respect for consumers and colleagues;*
8. *Maintain ethical business practices; and*
9. *Engage in professional development.*

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