



COURT SIGN LANGUAGE INTERPRETING STANDARDS

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Executive Summary

RCW 2.42 states that the Office of the Deaf and Hard of Hearing (ODHH) will maintain a list of sign language interpreters for the courts in Washington and will have established standards for fees for interpreting services provided by those interpreters. Currently, no such list or standards exist. As a result, Washington Courts have no common or reliable resource for finding interpreters or understanding standards in the profession of interpreting.

ODHH and the Administrative Office of the Courts (AOC) established a team of individuals representing stakeholders affected by RCW 2.42. ODHH, AOC, and the workgroup researched other states' laws to evaluate their methods of procuring sign language interpreters. The group developed *Standards for Sign Language Interpreters in Washington Courts*, a document that provides the criteria for sign language interpreters and intermediary (deaf) interpreters to work in court, training requirements for those interpreters, and a comments section for educating courts. *Standards for Fee Considerations for Sign Language Interpreters in Washington Courts* was developed, highlighting common professional billing practices of interpreters (hourly minimums, hourly rates, travel, etc.) and the reasoning for those practices. The workgroup prepared a revised statutory definition of "Qualified Interpreter" to remove some ambiguity and have more control over which interpreters are permitted, by law, to work in the courts. The group also identified several areas that need further attention, but were beyond the scope of its charge.

Introduction

Historically, hiring sign language interpreters for court proceedings in Washington State has tended to be a difficult process. While a statute is in place (RCW 2.42) directing Washington Courts to use “qualified interpreters,” the statutory definition of qualified interpreter has remained ambiguous since the writing of the statute about 25 years ago. Court staff do not have a resource available to identify and contact sign language interpreters with the appropriate level of training and experience for the complex task of court interpretation. Like the general population, most court staff do not have the linguistic or cultural knowledge to make qualification assessments themselves.

RCW 2.42 states that the Office of the Deaf and Hard of Hearing (ODHH), Department of Social and Health Services (DSHS), will maintain a list of sign language interpreters for Washington Courts and will have established standards for fees for interpreting services provided by those interpreters. If such a list existed, Washington Courts would be better prepared to provide appropriate language services to the deaf, deaf-blind, and hard of hearing communities. Unfortunately, no such list or standards actually exist.

The Administrative Office of the Courts (AOC) Court Interpreter Program is a resource to Washington courts to provide support in regard to hiring interpreters, certifying spoken language interpreters, and general knowledge about interpreter needs. However, the Court Interpreter Program has historically focused on spoken language interpreters. As a result, neither AOC nor ODHH have been able to support Washington Courts in an area that is severely lacking guidance on hiring sign language interpreters.

As mentioned previously, in most courts, the staff who select and hire interpreters have little to no expertise in the nuances of language and cultural access, and rely heavily on qualifications and lists to identify interpreters appropriate for court proceedings. They do not have the convenience of having a court system that is unified either in its administration or finances. The result is that each court acts as

its own entity, which means that communication and information sharing between requesters is not a common practice. As a consequence of these issues and the lack of a list of court interpreters, courts in Washington have no common or reliable resource for finding sign language interpreters.

In practice, there is a clear lack of consistency in the qualifications of sign language interpreters hired for court proceedings, and what they are paid. Based on data collected from a cross-section of 39 courts¹ representing various geographic areas of the state, from October 2008 through April 2009, 98 different sign language interpreters were used for court appearances. (See Appendix A.) These interpreters ranged from legally certified (SC:L)² to non-certified. Courts paid anywhere from \$40 to \$100 per hour, with no regard to certification. In fact, the interpreters with lower (or no) certifications often earned more than those with SC:L's. The lack of consistency of sign language interpreters can easily lead to poorer quality of interpretation. Without guidance and a list of interpreters available to the courts, court staff will continue to request only sign language interpreters that they are familiar with or who have been recommended, whether those interpreters are qualified for courtroom interpreting or not. As a result, the quality of interpreter services is diminished and individuals needing those services suffer. They may not have an equal access to justice, hearings and court appearances may be delayed, there may continue to be no balance of payment, and highly certified interpreters (such as SC:L's) may often continue to be uninterested in court work.

Despite the lack of standards in hiring and paying court interpreters, Washington has a relatively high number of SC:L's compared to other states (see Appendix B). Behind only California (42), Maryland

¹ Thirty-nine of the approximately 250 Washington Courts receive state funds as partial reimbursement for their payment of interpreters. As recipients of state funds, these courts are required to report their interpreting activity to the Administrative Office of the Courts. This data is pulled from a summary of these courts' sign language interpreting activity from October 2008 through April 2009. The summary can be found in Appendix A.

² Specialist Certificate: Legal. To earn an SC:L an interpreter must already be certified, complete a specified number of hours of legal training and observation, and pass a specialized test. To maintain the SC:L certification, interpreters must complete 2.0 legal Continuing Education Units (CEUs) for every four-year CEU cycle.

(14), and Colorado (13), Washington tied with Florida by having eleven SC:L's living in the state.³ While eleven legally certified interpreters is nowhere near enough to cover the courts' needs statewide, it was encouraging to know that interpreters in Washington are actively pursuing the challenging legal certificate. It also indicated that there could be support from the legally certified community of interpreters for higher standards in court—providing a base of qualified interpreters to work in courtrooms and also to provide observation hours for those seeking legal certification.

ODHH, AOC, and the Washington State Registry of Interpreters for the Deaf (WSRID) Legal Interpreting Liaison developed a survey which was sent to all certified sign language interpreters in the state of Washington addressing interpreters' legal and court interpreting experience, barriers, interest, and history. The results of the survey (Appendix C) were conclusive: of the 60 certified interpreters who answered, 43 (71.7%) stated that they were interested in obtaining an SC:L. Of the obstacles listed that prevent interpreters from getting their SC:L (including lack of mentors, cost, and lack of experience), most interpreters cited lack of training as their primary barrier. There is very little legal or court training available in Washington for sign language interpreters, therefore, it is difficult for interpreters to either become legally certified, or maintain that certification. The interpreters surveyed emphasized that problem when asked, "Why do you interpret in legal/court settings less often than you want to?" 35.3% answered that they were rarely contacted; the same percentage said that they were often unavailable; and 47.1% recognized that they need more training and/or experience with interpreting in legal/court settings.⁴

³ All data was gathered in August 2009. As of the writing of this report, some numbers have changed, but remain similar to the original data.

⁴ Total percentages do not add up to 100. Interpreters could check all answers that applied.

The Workgroup

To move forward and begin addressing these concerns, ODHH and the AOC developed a team of individuals who represented the diverse stakeholders affected by the issue of sign language interpreting in Washington Courts.

Team participants were selected based on their unique knowledge and experience in their fields, and as representatives of their community of stakeholders. The Washington State Association of the Deaf (WSAD) sent their Secretary, John Evans, to represent their interest in the workgroup. Jan Humphrey, President of the Washington State Registry of Interpreters for the Deaf (WSRID), and Theresa Smith, Legal Interpreting Liaison for WSRID, both legally certified sign language interpreters with many years of interpreting and training experience, represented the sign language interpreting community. Martha Cohen, Court Interpreter Coordinator and Court Certified Spanish Interpreter of King County Superior Court, brought the perspective of a court interpreter scheduler who regularly seeks, hires and works with interpreters. Frank Maiocco, Kitsap County Superior Court Administrator, brought the perspective of the administrative and financial reality of Washington Courts. Kitsap County District Court Judge James Riehl, brought a unique perspective regarding the needs and practices of judges. ODHH had three representatives on the team: Robert Lichtenberg, Assistant Director who is a licensed attorney and deaf, Emily Hill, Sign Language Interpreter Management Program Manager, and Patricia Moed, Program Support. The Administrative Office of the Courts was represented by Shirley Bondon, Manager of Court Access Programs, and Katrin Johnson, the Court Interpreter Program Coordinator.

Six three-hour meetings occurred in July through October, 2009. The initial meetings contained a high volume of introductory materials; those working in the courts educated the rest of the team about Washington Courts, those working with the deaf community educated the court representatives about interpreting (including an overview of national certifications). The group carefully reviewed the

current court sign language interpreter statutes, the certification levels, data from the courts, the results of the interpreter survey, and other background information prepared by ODHH and AOC.

The group was presented with four main goals:

1. Show findings from evidence-based research of other states' laws and practices regarding court interpreting.
2. Develop criteria and fields required to implement an up-to-date list of interpreters who are appropriate for use in court interpreting situations (RCW 2.42.130).
3. Establish standards for fees for services for sign language interpreters providing interpreter services for court (RCW 2.42.170).
4. Draft a proposal for the possible change of the definition for "Qualified Interpreter" in RCW 2.42.110.

Qualification Standards

RCW 2.42.130 refers to a list of sign language interpreters who are appropriate for use in court settings. In order to establish such a list, criteria needed to be developed to guide which interpreters should be on the list, and which should not be included. While there is a broad range of sign language interpreters, they generally fall into two categories: 1) "sign language interpreters" who are hearing and interpret between English and sign language, and 2) "intermediary interpreters" who are able to communicate with deaf individuals whose mode of communication is so unique that it may not be adequately accessed by interpreters who are hearing.

Preliminary discussions regarding the criteria for sign language and intermediary interpreters centered around the idea of an "ideal" interpreter. The workgroup brainstormed its desired qualifications for an interpreter in court:

1. Adherence to a code of ethics and understanding the interpreter's role.
2. Professionalism: conduct, integrity, attire, punctuality, interpersonal skills, and business practices.

3. Training: Court 101 – legal procedure, legal terminology, types of hearings and their context in the broader process, general knowledge about the Washington courts, knowledge of court-related programs/agencies.
4. Interpreters in legal settings should be certified (including CDI or Deaf Interpreter (DI) + legal training).
5. Possessing appropriate mastery of English, especially at high register speech.
6. Ability to match a deaf person's communication needs.
7. Ability to think critically and comprehend what is being said.
8. Ability to look through the signs/words to the intentions and meaning via active listening skills and convey meaning and concepts (versus word for word).
9. Exposure to and experience with deaf culture and sign language.
10. Interpret accurately and appropriately both expressively and receptively.
11. Experience working with a deaf interpreter.
12. Experience working with deaf individuals with additional disabilities (such as deaf-blind, deaf with Cerebral Palsy, etc.).
13. Continuing education in legal matters and ethics.
14. Subject to monitoring or evaluation. Accountable.
15. Trained on navigating social boundaries with recipients of interpretation services.

These qualifications were referenced throughout the process of developing standards for court interpreters. After identifying and cataloging these attributes, they were used as the basis in the development of standards.

Washington is not alone in its need for quality sign language interpretation in its courts. Each state faces challenges in legal and court interpreting. At the beginning of this process, research was done on what other states' statutes and rules are, in the hopes that the workgroup could either build on something that already exists, or learn from models that would not fit the needs in Washington.

Statutes, rules and policies collected from 19 other states (Appendix D) relating to court interpreting was shared with the group, and the workgroup specifically looked at the qualifications

required by other states for sign language interpreters to work in court. The various states' requirements ranged from being too strict to not strict enough for the needs in Washington. In Massachusetts, for example, only SC:L interpreters are approved to interpret in courts. This means that, for the entire state, only ten interpreters are available. Because of this stringency, the fill rate for court cases requiring sign language interpreters is only 60%. Forty per-cent of hearings requiring sign language interpreters must be rescheduled to future dates when SC:L interpreters are available.

Some states, however, like Kentucky, have no SC:L interpreters and have to modify their requirements to accommodate that population. States like Nevada have very basic requirements. The interpreters in Nevada must be 18 years old with a high school diploma, be certified (though no mention is made to the current NIC certifications), and "be capable of providing the type of interpreting services required for the person who is deaf or who is hearing impaired."

In recognition of the broad range of skills and experiences of sign language interpreters, some states create tiered qualification categories as a means to recognize who is most appropriately qualified to interpret in courts. After looking at all of the examples from other states, it was determined that Colorado's approach could be adapted for Washington, would fit the needs of the state, and could provide some much needed guidance for Washington Courts. Colorado categorizes their court interpreters as Status I and Status II, requiring specific certification and training requirements of each status. The workgroup reviewed Colorado's model in the light of the desired qualifications that were brainstormed for Washington interpreters. The workgroup decided to create Level I and Level II interpreters for both sign language and intermediary interpreters. Level I Interpreters have higher certifications, and would tend to represent more experience and training in legal and court interpreting situations. Therefore, courts will be encouraged to make every effort to hire Level I Sign Language Interpreters before hiring Level II Interpreters.

The full *Standards for Sign Language Interpreters in Courts* document can be found in Appendix

E. However, the list below shows all recommended standards for sign language and intermediary interpreters in Washington Courts:

SIGN LANGUAGE INTERPRETERS

Level I

1. Have an SC:L certification
2. Pass a criminal background check
3. Attend a pre-training: *Washington Court System Training*
4. Have 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. Have at least one of the following certifications: CI/CT, NAD IV-V, CSC, NIC, NIC Advanced, or NIC Master
2. Have at least five years interpreting experience post-certification
3. Pass a criminal background check
4. Attend a 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 INTERPRETERS⁵

Level I

1. Have a CDI (Certified Deaf Interpreter) certification
2. Have at least five years legal interpreting experience post-certification
3. Pass a criminal background check
4. Attend a 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. Have at least five years interpreting experience

⁵ As of the date of this report, several Intermediary Interpreters have been consulted on these requirements. However, none of the consulted interpreters have submitted their feedback yet. If the Intermediary Interpreter requirements need modification to meet their needs, ODHHS and AOC will work together to ensure that the requirements are satisfactory.

2. Pass a criminal background check
3. Attend a 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.

When discussing requirements for interpreters, the workgroup kept emphasizing that all court interpreters should have a specific knowledge base. That knowledge base was split into two different training modules: Washington Court System Training (specific to understanding the nuances of working in Washington Courts) and Washington Court Sign Language Interpreter Training (specific to interpreting skills that are unique to the court environment).

To be on the list of court interpreters, every interpreter is required to take Washington Court System Training. Because this training focuses on the courts, and because some of this information may be transferrable from current spoken language training, it is to be developed by AOC. Washington Court System Training may include:

- Understanding the Washington court system and the roles of various court levels
- Washington legal terminology and procedure
- Courtroom protocol and procedure
- Ethical challenges unique to court interpreting
- Preparing for court assignments

All Level II Sign Language Interpreters and all Intermediary Interpreters are also required to take Washington Court Sign Language Interpreter Training. This training focuses on the interpreting aspect of working in courts, and therefore will be developed by ODHH. 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

These topics are suggestions by the workgroup for each of the trainings; AOC and ODHH may decide to include additional information in either module.

Case/Hearing Type Designations

The courts preside over a wide variety of cases which have a broad array of consequences for court customers. Case types can range from speeding tickets to capital murder cases, and hearing types can range from simple thirty-second hearings to lengthy trials with technical testimony. Over several meetings the workgroup discussed whether specific qualifications levels should be designated for certain case or hearing types. Missouri and Illinois, for example, only allow their interpreters to interpret in certain situations, depending on their certification level. In Illinois, a CI may interpret for a Criminal Misdemeanor (non-trial), but may not interpret in Juvenile/Family Court. For that, Illinois requires a higher level of certification, such as a CI/CT or SC:L.

The discussion for this group, however, kept coming back to the fact that while certain court events may appear to be less difficult to interpret than others, the outcome of those “simple” events could drastically impact an individual’s life. (For example, a misdemeanor driving case may appear to be “easy” to interpret, but the loss of one’s driver’s license could result in that individual losing his/her job because of no transportation, being unable to provide basic necessities because of no income, etc.) It is almost impossible to pigeonhole which case or hearing types will categorically be appropriate for certain qualifications. In addition, when a case is appealed, the Court of Appeals looks at the entire record, including all hearings occurring within the case. Permitting inconsistent levels of interpreting quality for each hearing within the case should not be endorsed.

For these reasons, the majority of the group agreed that it should not require specific qualification levels for certain hearing or case types. It is hoped that with these standards acting as an educational tool, court administrators and judges will more readily understand that there are different degrees of expertise, and will choose to use the higher level when appropriate. Both the Washington State Association of the Deaf (WSAD) and the Washington State Registry of Interpreters for the Deaf (WSRID) wanted to include, however, that they feel there may be some situations where a Level I Interpreter should be used, no matter what.

The Comments to the Qualification Standards

In applying these qualification standards judges and court administrators will likely have questions about interpreters, the interpreting process, certifications, intermediary interpreters, etc. The Standards alone will not answer the questions that may be raised, so additional explanations are needed.

A reference format common to judges is a “comments” section, which typically appear in statutes and rules. While a statute may articulate what to do, the comments provide guidance on *how* to apply it. Because this model is already well established in the legal community, the workgroup decided to take advantage of the tool to educate and provide guidance to anyone using the qualification standards. The full text of the comments can be found in the *Standards for Sign Language Interpreters in Courts* document in Appendix E. Below, however, are the six topics that the workgroup addressed in the comments:

- When should a court appoint a Level I or Level II Sign Language Interpreter?
- What is embedded in the SC:L (Specialist Certificate: Legal) Certification?
- What is the difference between “Sign Language Interpreter” and “Intermediary Interpreter?”
- Can a deaf individual request an Intermediary Interpreter?
- How does a judge make a record to verify that an interpreter is qualified?
- Are interpreters bound by an ethical standard?

Hopefully, these comments will provide quick education for judges and court administrators about using sign language interpreters so that they can best serve the linguistic needs of the deaf community.

Standards for Fees

The courts do not have any statewide rules or policies that govern the payment of interpreters, and, as stated previously, there is a wide disparity in how much interpreters receive for court interpreting. When drafted in 1991, RCW 2.42.170 assigned ODHH to address the fee for service for sign language interpreters in court:

A qualified and/or intermediary interpreter appointed under this chapter is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services.

The workgroup had a lengthy discussion about whether it should propose actual hourly fees for court interpreting. There was resistance to do so, for a variety of reasons including: payment rates typically vary in rural versus urban areas, making standardized rates difficult to achieve; the lack of presence of county or city representatives, who ultimately pay for court interpreter services; and the complexity in quantifying the dollar value of services from Level I versus Level II interpreters.

However, the workgroup is committed to helping ensure that sign language interpreters are paid appropriately in terms of hourly minimums, reimbursement for travel, cancellations, and are hired in teams. The appropriate payment of interpreters greatly influences the caliber of interpreters who chose to work in courts, and who ultimately provide communication access for the deaf community. Instead of recommending specific rates or payment scales, the group developed a document (*Standards for Fee Considerations for Sign language Interpreters in Washington Courts*, Appendix F) addressing the many topics that arise with the payment of sign language interpreters. This guide will give the courts

background information to assist them in their budgeting and discussions with interpreters about rates. It provides basic guidance to the courts to understand how professional sign language interpreters charge fees, and why they do so. The document educates courts about the value of the expense of interpreters, and helps courts to identify when interpreters are charging within market norms.

The Statutory Definition of Qualified Interpreter

The definition of Qualified Interpreter as it currently reads in RCW 2.42.110 (2) is:

“Qualified interpreter” means a visual language interpreter who is certified by the state or is certified by the registry of interpreters for the deaf to hold the comprehensive skills certificate or both certificates of interpretation and transliteration, or an interpreter who can readily translate statements of speech impaired persons into spoken language.

This definition causes many difficulties for the courts. First, by including specific certifications (Comprehensive Skills Certificate, or CSC, and Certificates of Interpretation and Transliteration, or CI/CT), readers are limited to outdated certification requirements. Neither the CSC nor the CI or CT tests are offered through the national Registry of Interpreters for the Deaf (RID) any longer. Also, there are newer certifications more applicable to court interpreting, such as the SC:L, which aren’t included in the definition. Because of potential future changes to national certifications, the group was hesitant to include specific certification requirements in statute.

The statement “certified by the state” causes similar difficulties because Washington does not have a state certification or licensure program, neither at the time the statute was written nor now. Keeping that statement in the statute allows people to assume that such a state certification or licensure does exist.

The phrase “or an interpreter who can readily translate statements of speech impaired persons into spoken language” is the root of many problems. This opens the door to having interpreters with no certification or experience in court, because often the individual who decides that someone can “readily translate” is a judge who has no knowledge of sign language, nor the specific requirements or challenges

of interpreting. Furthermore, a broad and vague statutory provision such as this takes credibility away from the qualification standards proposed via RCW 2.42.130(1). If “qualified” interpreters are any of those of this broad category, what purpose is served by having strict requirements to be included on a court interpreters list? There may be times when the use of an interpreter not satisfying the criteria of either Levels I or II is the most appropriate and qualified interpreter for the situation. For example, in 2008 a Washington court required services of an interpreter who could communicate with a deaf Mexican immigrant who used home sign. The court was able to hire a deaf interpreter from Los Angeles who is a nationally known expert at communicating with this population, and she successfully established communication with the defendant. Obviously individuals like this will not be on the list, yet are qualified to interpret because they fit the unique linguistic needs of the situation. However, because of the infrequency of this type of occurrence, the group wanted to remove as much of that leniency as possible from the statutory definition of qualified interpreter.

The proposed change to the definition is as follows: “‘Qualified interpreter’ means a visual language interpreter listed by the Department of Social and Health Services, Office of the Deaf and Hard of Hearing, as identified in RCW 2.42.130.”⁶

Changing the definition of Qualified Interpreter to reference the list to be maintained by ODHH in RCW 2.42.130 connects the two sections of the RCW. Citing the list and removing specific requirements related to certifications, etc., allows experts in the field to help identify who is a Qualified Interpreter, and who is not. The list of interpreters will be based on the *Standards for Sign Language Interpreters in Courts* document, which is much easier to modify if new certifications are available, new training needs to be required, or standards should be added or changed. By looping the definition back

⁶ RCW 2.42.130 (1): (1) If a qualified interpreter for a hearing impaired person is required, the appointing authority shall request a qualified interpreter and/or an intermediary interpreter through the department of social and health services, office of deaf services, or through any community center for hearing impaired persons which operates an interpreter referral service. The office of deaf services and these community centers shall maintain an up-to-date list or lists of interpreters that are certified by the state and/or by the registry of interpreters for the deaf.

to the requirement in 2.42.130, judges have stronger guidance on selecting interpreters who truly are appropriate for court settings.

One concern raised about the proposed definition of Qualified Interpreter was that the definition is too limited in its scope. As mentioned before, undoubtedly there will be situations where the courts must use interpreters who are not on the list so that they can meet the unique linguistic needs of their customers. It was explained that if a court decision were to be appealed because an interpreter was used who was not on this list, the question would likely be whether there was effective communication, not whether the interpreter was listed. Judges make determinations on individuals' qualifications on a daily basis. For example, court-appointed attorneys present a similar scenario. While attorneys meet the statutory definitions to practice law, judges must still make the determination of whether they are providing effective legal representation. The advantages of the proposed narrow definition of Qualified Interpreter far outweighs the disadvantages of watering down the statute with language allowing for exceptions.

The workgroup recommends that ODHH take this statutory proposal to the Washington Legislature in the 2011 session. At this time, the infrastructure is not yet in place to train interpreters and track requirements. But it is projected that such a system will be in place in 2010, so that Level I and Level II interpreters will be identified by early 2011.

“Parking Lot” / Future Issues

Because the scope of this group was narrowed down to four main goals, a “parking lot” was maintained: a list of issues beyond the group’s scope, but still deemed important enough to be addressed in future discussions. These issues are presented as recommendations for future consideration by ODHH and AOC. Some are issues that should be addressed prior to approaching the Washington State Legislature with proposed statute changes.

Develop Guideline Papers

Handouts should be developed to share with court staff, judges, etc., at conferences and other events. These papers could deal with issues such as: working effectively with interpreters; deaf immigrants; deaf individuals who have little to no language or speak another language; etc.

Screening Interpreter Candidates after Washington Court Sign Language Interpreter Training

There were discussions about having a type of exit interview or evaluation of each of the interpreters at the close of the Washington State Court Sign Language Interpreter Training. This was brought up as a way to further analyze the skills needed by interpreters to work in the courtroom. The instructor(s) of the training would provide a screening/assessment for each interpreter before he/she completes the training. This would provide an opportunity for faculty to give personalized feedback on the interpreters' strengths, weaknesses, and how to improve for courtroom work. Concerns were raised that this could be too subjective of a process. Another idea raised was having a post-training interview with the interpreter and instructor(s). This concept was well-received within the group, but logistically may not be a feasible option. The group would still like to explore the idea of having final evaluations completed by the faculty in the future.

Audience Interpreting

There was discussion regarding whether Level I Interpreters should be the preference for both proceedings interpreting *and* audience interpreting. There was a split of opinion on this topic. On one hand, the highest caliber of interpretation should be provided to the deaf community, whether they are included in the proceeding or are simply watching. However, with the short supply of SC:L interpreters, the risk is that those highly qualified Level I Interpreters could be used for audience interpreting when other courts may need them at the same time for court litigants who are deaf.

Continued Committee

Over the next several years, ODHH, WSRID, and AOC should continue working together to establish the necessary training, increase the number of qualified interpreters available, provide more continuing education, etc.

RCW Review

There is a need to review the rest of RCW 2.42 to ensure that it is cohesive and that the new definition of Qualified Interpreter matches the rest of the statute.

Analysis of Interpreter Supply and Demand

The supply of qualified court interpreters does not always match the needs of the courts and deaf community, in that areas of the state simply have few, if any, certified sign language interpreters. These courts are then required to pay high travel costs if they hire qualified interpreters, and with today's financial situation, there is little fiscal incentive to do so.

To address the mismatch of interpreter supply and demand, there should be further discussion of other possible interpreter hiring models. For example, would it make sense for a county to hire an "on call" interpreter, so that the interpreter is paid a regular amount, and in return can be available to local agencies.

Timeline

Implementation of these standards will take time, funding, careful planning, preparation, and staff time. AOC and ODHH will collaborate on a work plan to develop the programmatic components that are necessary to administer the process of identifying qualified court interpreters. At a minimum, this will include program and policy development, budget analysis, curriculum development, education of court administrators and judges, and recruitment of and communication with certified interpreters. Once the program planning components are in place, certified interpreters will be invited to submit

applications and attend trainings. The earliest that interpreters would finalize the requirements for the qualification standards is late 2010.

Appendix A. ASL INTERPRETERS IN WA COURTS, OCT. 2008 – APRIL 2009

Interpreter ID #	Certification	# of Court Events	Hourly Payment Rates		
			Low	High	Average

Legally Certified Interpreters

39	CSC, SC:L	106	\$60.00	\$78.00	\$60.17
56	CSC, SC:L	48	\$50.00	\$85.00	\$64.52
75	CSC, SC:L	48	\$50.00	\$70.00	\$51.98
89	CI, CT, SC:L	38	\$40.00	\$65.00	\$45.26
10	CSC, SC:L	29	\$40.00	\$90.00	\$68.10
48	CI, CT, SC:L	27	\$50.00	\$65.00	\$50.55
62	CI, CT, NAD V, NIC Adv., SC:L	25	\$50.00	\$90.00	\$70.00
72	NAD IV, CI, SC:L, CT	24	\$50.00	\$68.00	\$60.67
40	CSC, NIC Adv., SC:L	21	\$40.00	\$70.00	\$65.76
57	CI, CT, SC:L	19	\$50.00	\$90.00	\$68.68
35	CI, CT, SC:L	7	\$65.00	\$75.00	\$73.57
51	CI, CT, SC:L	4	\$50.00	\$82.50	\$59.38
6	CI, CT, NAD V, SC:L	1	\$78.00	\$78.00	\$78.00
58	CI, CT, SC:L	1	\$90.00	\$90.00	\$90.00
83	CI, CT, SC:L	1	\$78.00	\$78.00	\$78.00

"Highly" Certified

80	NIC Master	9	\$70.00	\$70.00	\$70.00
79	NAD V, NIC Master	5	\$65.00	\$70.00	\$66.00
12	NAD V, NIC Master	5	\$70.00	\$77.00	\$72.80
64	NAD IV, NIC Master	3	\$50.00	\$50.00	\$50.00
25	NIC Advanced, NAD IV	15	\$50.00	\$60.00	\$58.00
61	NIC Advanced	4	\$41.88	\$96.25	\$79.53

Certified Deaf Interpreters

76	QDI	6	\$50.00	\$65.00	\$52.50
88	RSC	5	\$50.00	\$50.00	\$50.00
23	IC/TC, RSC	2	\$74.11	\$100.00	\$87.06
67	CDI	1	\$70.00	\$70.00	\$70.00

Generalist Certifications					
71	NIC	13	\$70.00	\$70.00	\$70.00
53	NIC	11	\$70.00	\$70.00	\$70.00
7	NIC	5	\$65.00	\$65.00	\$65.00
44	NIC	2	\$70.00	\$83.75	\$76.88
8	NIC	2	\$70.00	\$70.00	\$70.00
24	NIC	1	\$70.00	\$70.00	\$70.00
49	NIC	1	\$48.00	\$48.00	\$48.00
91	NIC	1	\$70.00	\$70.00	\$70.00
78	NIC	1	\$70.00	\$70.00	\$70.00
14	CI, CT, IC/TC, RSC	137	\$60.00	\$60.00	\$60.00
86	NAD IV, NIC	8	\$65.00	\$65.00	\$65.00
41	CI, CT, NAD III	3	\$65.00	\$65.00	\$65.00
77	NAD V, CI, CT	2	\$50.00	\$70.00	\$60.00
55	NIC, NAD III	1	\$70.00	\$70.00	\$70.00
34	CI, CT, IC/TC	1	\$50.00	\$50.00	\$50.00
59	CI, CT, NAD IV	1	\$65.00	\$65.00	\$65.00
70	CSC	14	\$68.00	\$70.00	\$69.29
52	CSC	10	\$50.00	\$50.00	\$50.00
87	CSC	1	\$50.00	\$50.00	\$50.00
94	CI, CT	38	\$50.00	\$65.00	\$63.68
4	CI, CT	30	\$50.00	\$75.00	\$50.83
2	CI, CT	25	\$50.00	\$65.00	\$52.40
69	CI, CT	21	\$50.00	\$50.00	\$50.00
19	CI, CT	9	\$55.00	\$100.00	\$68.81
65	CI, CT	9	\$40.00	\$40.00	\$40.00
60	CI, CT	8	\$70.00	\$70.00	\$70.00
26	CI, CT	7	\$50.00	\$50.00	\$50.00
43	CI, CT	7	\$50.00	\$50.00	\$50.00
20	CI, CT	6	\$70.00	\$78.00	\$75.00
85	CI, CT	5	\$50.00	\$65.00	\$53.00
3	CI, CT	4	\$50.00	\$50.00	\$50.00
95	CI, CT	4	\$65.00	\$65.00	\$65.00
90	CI, CT	3	\$65.00	\$65.00	\$65.00
5	CI, CT	2	\$65.00	\$70.00	\$67.50
16	CI, CT	2	\$65.00	\$70.00	\$67.50
18	CI, CT	2	\$40.00	\$40.00	\$40.00
38	CI, CT	2	\$70.00	\$77.00	\$73.50

42	CI, CT	2	\$65.00	\$65.00	\$65.00
54	CI, CT	2	\$70.00	\$70.00	\$70.00
74	CI, CT	2	\$50.00	\$65.00	\$57.50
1	CI, CT	1	\$56.25	\$56.25	\$56.25
21	CI, CT	1	\$96.25	\$96.25	\$96.25
29	CI, CT	1	\$90.00	\$90.00	\$90.00
36	CI, CT	1	\$65.00	\$65.00	\$65.00
37	CI, CT	1	\$50.00	\$50.00	\$50.00
45	CI, CT	1	\$70.00	\$70.00	\$70.00
63	CI, CT	1	\$74.11	\$74.11	\$74.11
66	CI, CT	1	\$77.00	\$77.00	\$77.00

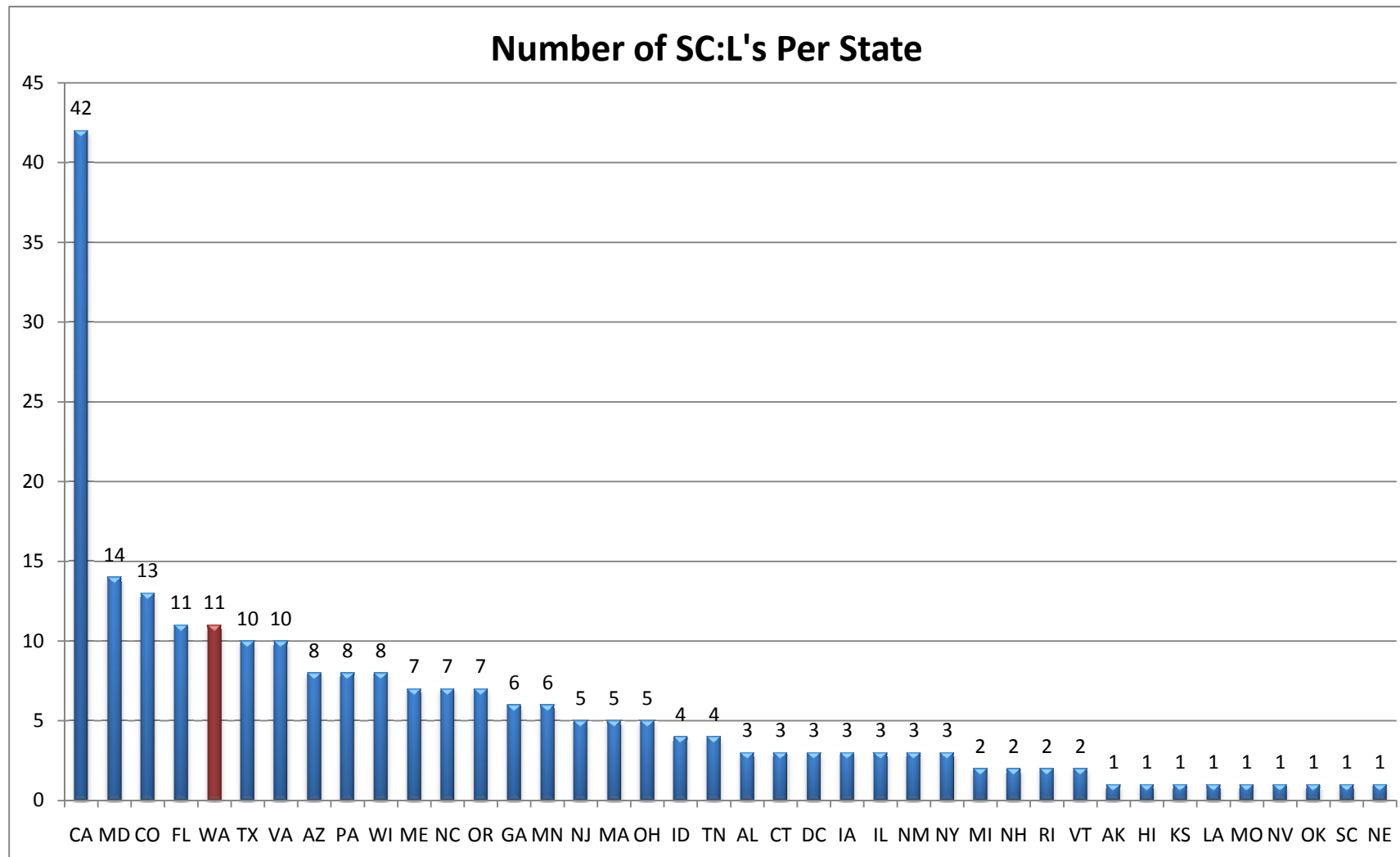
"Lower" Certifications					
82	CI, NAD IV	17	\$70.00	\$90.00	\$72.35
28	NAD III	4	\$50.00	\$74.11	\$56.03
47	NAD IV	3	\$50.00	\$50.00	\$50.00
27	CI	1	\$65.00	\$65.00	\$65.00
50	CI	1	\$70.00	\$70.00	\$70.00
30	NAD IV, CT	1	\$96.25	\$96.25	\$96.25

Not Certified RID Members					
81	Non-certified	4	\$45.00	\$45.00	\$45.00
22	non-certified, deaf interpreter	4	\$50.00	\$70.00	\$55.00
68	none	4	\$65.00	\$65.00	\$65.00
31	non-certified, deaf interpreter	2	\$50.00	\$50.00	\$50.00
46	non-certified	1	\$70.00	\$70.00	\$70.00
9	none	1	\$68.00	\$68.00	\$68.00

Non-RID Members, Certifications Unknown					
13	???	4	\$41.88	\$83.75	\$71.60
11	???	3	\$75.00	\$75.00	\$75.00
17	????	2	\$50.00	\$50.00	\$50.00
33	???	2	\$50.00	\$100.00	\$75.00
84	???	2	\$77.00	\$96.25	\$86.63
15	???	1	\$50.00	\$50.00	\$50.00
32	???	1	\$78.00	\$78.00	\$78.00
73	???	1	\$70.00	\$70.00	\$70.00
92	???	1	\$90.00	\$90.00	\$90.00
93	???	1	\$70.00	\$70.00	\$70.00

Average Hourly Rate:	\$60.46
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APPENDIX B. SC:L'S BY STATE



The following states have no SC:L's: AR, DE, IN, KY, MS, MT, ND, SD, UT, WV, WY

Data gathered in August 2009.

APPENDIX C. SURVEY SENT TO CERTIFIED INTERPRETERS IN WASHINGTON

Survey of Certified ASL interpreters in Washington, Spring 2009

1. Are you a certified sign language interpreter?			
	answered question		69
	skipped question		1
Yes		100.0%	69
No		0.0%	0

2. What are your current certifications? (Check all that apply.)			
	answered question		70
	skipped question		0
CDI		2.9%	2
CI		27.1%	19
CLIP		0.0%	0
CLIP-R		0.0%	0
CSC		12.9%	9
CT		25.7%	18
CI/CT		30.0%	21
ETC		0.0%	0
IC		2.9%	2
IC/TC		1.4%	1
MCSC		1.4%	1
NAD III		7.1%	5
NAD IV		5.7%	4
NAD V		0.0%	0
NAD V		1.4%	1
NIC		22.9%	16
NIC Advanced		5.7%	4

2. What are your current certifications? (Check all that apply.)			
NIC Master		1.4%	1
OIC: C		0.0%	0
OIC: S/V		0.0%	0
OIC: V/S		0.0%	0
RSC		1.4%	1
SC: L		11.4%	8
SC: PA		0.0%	0
TC		1.4%	1

3. Are you interested in obtaining an SC: L certification (the certification specific to interpreting in legal/court settings)?			
	answered question		60
	skipped question		10
Yes		71.7%	43
No		28.3%	17

4. What obstacles are preventing you from getting SC: L certification?			
	answered question		45
	skipped question		25

1.	Cost, and whether it's worth the training and time due to the court low hourly rate
2.	time to study , lack of area workshops
3.	I have other career related goals that are higher priority.
4.	\$\$ and time to study for it.
5.	time - not enough hours in the day to observe working interpreters & limited opportunities to see qualified Deaf and hearing interpreters in action. Most of the legal work is given to a small handful of interpreters, most of whom work for an agency that is not very friendly to "outsiders"
6.	I am scheduled to take the SC:L written June 6, 2009. Obstacles have been access to training materials from the RID suggested resource list for SC:L testing. Other obstacles have been access to mentors in my rural area/ lack of observation of working legal interpreters.
7.	There is a lack of legal interpreting/ SC:L study resources and training opportunities in Eastern Washington. To my knowledge, no legal

interpreting workshops have been offered in Eastern Washington in the 8 years I've lived here. I've purchased my own study resources and and have traveled to Seattle WA, Portland OR, Salem OR, and Albuquerque NM to attend legal workshops.

8. experience/time in court and someone to mentor
9. experience, mentoring, where are the classes and workshops?
10. time limitations and available workshops to prepare me for the exam
11. Currently I do have the hours in for the legal observation requirement or the training needed.
12. time, a team to study with
13. have not had enough training in legal settings...lack of mentors.
14. The ever persistent lack of mentors in my local area keep me from gaining the skills I need to pass the performance test. While I recognize I am responsible to obtain these skills, the distance required to travel to do so, is almost too much with the other responsibilities I have in my life.
15. Lack of legal workshops to help me get there
16. Not enough time currently to focus on the required work and hours to acquire the certification.
17. time, training, money
18. Don't know where to start??
19. Lack of training in legal procedures and terminology
20. The requirements set to take the test i.e. a bachelor's degree, or 100 hours of CEU's related to legal interpreting.
21. lack of training in the Northwest. I don't want to travel to the east coast.
22. I am currently enrolled in the DO-IT center's program for legal interpreting and will graduate in the spring 2010. I currently do "light" legal interpreting.
23. time. Interpreting for 21 years, but recently obtaining my NIC, I am advised i have to wait for 5 years post certification before i can start getting my SC:L
24. The fact that although I have been interpreting for 15 years, I only recently went for the certification, and I need to wait until I have been certified for 5 years before I can do it. The cost is also a consideration, as I need to take courses and workshops.
25. Right now, I have young children. I don't anticipate doing this until I have returned to full time interpreting for a while.
26. Lack of study opportunities with other interpreters planning to take the legal interpreting exam, and the challenge of finding time to study for the test with my current full time position.
27. I have not had any experience in legal interpreting and would like some education before becoming certified
28. I live too far from training and don't have access to other interpreters with SC:L to mentor me.
29. training in the legal field of interpreting and experience in this area also legal terminology
30. practicum experience, mentor to ask questions
31. Access to training, Money,
32. I do not have native fluency in ASL; that is, I learned it as an adult. So I would probably be best placed with a Deaf interpreter as a team. I do not know how one can interpret in an adversarial interaction and within the strict legal and deliberate language used in legal setting; while at the same time making clear the full meaning and intent to a client who is very likely unsophisticated regarding "hearing" culture or legal matters.

- I do not yet have legal training.
33. I haven't really wanted to do it yet
 34. Time and location....My schedule is usually too heavy to leave for a long training. I have attended a good number of legal workshops, the most recent being in Sacramento, CA with Carla Mathers as presenter about two years ago.
 35. money for school and time to take such an intensive course.
 36. Experience and training.
 37. I need to inquire on the steps to make this happen, study, and take the test....
 38. time and money
 39. The required mentored experience of 70 hours or more
 40. none
 41. I don't have enough experience as a certified interpreter to take on legal interpreting just yet. I need to gain more experience first.
 42. time, money, lack of information
 43. Lack of local training, expense of training, finding available mentoring hours, RID BA requirements.
 44. Daytime employment commitment. Did freelance and educational interpreting for years and then found myself accepting a supervisor role, that has taken me out of daily interpreting duties and now provide 1-1 interpreting in office and departmental situations daily, and office admin. duties.
 45. I am currently awaiting notification.. I took the SC:L performance March 15.

5. How long have you worked as an interpreter?			
	answered question		69
	skipped question		1
Less than 1 year		1.4%	1
1 year		0.0%	0
2 years		2.9%	2
3-5 years		4.3%	3
More than 5 years		91.3%	63

6. Have you ever interpreted in a legal/court setting?		
	answered question	68
	skipped question	2

6. Have you ever interpreted in a legal/court setting?			
Yes		70.6%	48
No		29.4%	20

7. Are you interested in interpreting in a legal/court setting?			
	answered question		20
	skipped question		50
Yes		70.0%	14
No		30.0%	6

Page:

8. Please answer each of the following questions:			
	answered question		15
	skipped question		55
	Yes	No	Response Count
Do you have knowledge about interpreting in a legal/court setting?	46.7% (7)	53.3% (8)	15
Are you comfortable interpreting in a legal/court setting?	28.6% (4)	71.4% (10)	14
Are you interested in training for legal/court interpreting?	100.0% (15)	0.0% (0)	15

9. What obstacles prevent you from getting further training or working in a legal/court setting?		
	answered question	12
	skipped question	58

1. where is the training? being able to pay for it....that's a problem
2. time, money, connections, support
3. It would be great if there were more workshops or training available for interpreters interested in Legal interpreting as opposed to trainings for those who already do legal interpreting. Perhaps a mentor program set up for those interested in interpreting in this field.
4. Again, time has been a constraint.
5. I don't know where to go to obtain the training.
6. I anticipate doing it at a future time, but not until I return to interpreting full time.
7. I have just completed an ITP, I have very little exposure to legal settings. I think being in college full time is the first obstacle, secondly I am just starting as an interpreter so my level of experience is another obstacle.
8. Money, access to a program, I will set aside the time if the money and program was easily accessible.
9. Time and money. As I already stated. I am NOT interested in interpreting in a court room setting WITHOUT legal certification.
10. Availability in my schedule.
11. I am a full time teacher and freelance interpret at night. Once done with my Masters degree, I would love to pursue this.
12. Not enough time, I suppose. Also, I am just recently certified. I am not sure that training for legal includes interpreting as a certified interpreter for a certain number of years.

10. Have you interpreted in a legal/court setting in the past two years?

	answered question	48
	skipped question	22
Yes	66.7%	32
No	33.3%	16

11. Why haven't you interpreted in a legal/court setting in the past two years?

	answered question	16
	skipped question	54

1. Did not seek out this type of work. I am not qualified for court. I have in the past interpreted in attorney offices for minor legal matters.
2. I used to interpret in Portland Oregon but when I relocated to Seattle, WA. I have not been called to interpret in courts here in Seattle. The one or two times they asked for me, it conflicted with my regular fulltime teaching job.
3. I work in another setting full-time; it would be considered "double dipping" for me to interpret during my working day.
4. full interpreting schedule and I am not SC:L Certified

5. Not certified.
6. Lack of legal certification/knowledge
7. The opportunity did not present itself, or I was unqualified to accept the assignment.
8. My freelance interpreting schedule has been full with other assignments. I have no time to interpret for legal/court situations.
9. I interpreted in court before I was certified, not knowing any better. Now that I know you must have your SC:L I won't accept a job interpreting in court.
10. I am not usually available for the court times needed.
Fear of making an unrepairable error.
11. There are other interpreters in our community who have a legal skills certificate and I believe they are better equipped to interpret in legal settings.
12. Hasn't come up
13. I find legal interpreting boring so I don't do it.
14. I don't have a SC:L, and I am busy interpreting other type of jobs
15. I am not interested in doing legal/court interpreting. I have in the past, but it stresses me out due to the jargon. If I truly wanted to interpret those situations I would learn the vocabulary, but currently I have no interest.
16. Daytime employment...Found myself in court/legal situations as a newbie interpreter years ago, but as I became more aware of the rights and need for advance interpreters at this level, I quickly pulled myself from these types of assignments.

12. How often do you interpret in a legal setting? (Check one.)

Legal settings include interpreting during courtroom proceedings, attorney-client conferences, investigations by law enforcement, depositions, witness interviews, real estate settlements, court-ordered treatment and education programs, and administrative or legislative hearings.

	answered question	32
	skipped question	38
2 or more times per week	21.9%	7
1 time per week	3.1%	1
2-3 times per month	18.8%	6
1 time per month	12.5%	4
2-11 times per year	37.5%	12
1 time per year	0.0%	0
Less than 1 time per year	6.3%	2
Never	0.0%	0

13. How often do you work as a court interpreter? (Check one.)

Court interpreting is a highly specialized type of legal interpreting where you work directly for the court.

	answered question		32
	skipped question		38
2 or more times per week		15.6%	5
1 time per week		3.1%	1
2-3 times per month		6.3%	2
1 time per month		0.0%	0
2-11 times per year		31.3%	10
1 time per year		15.6%	5
Less than 1 time per year		6.3%	2
Never		21.9%	7

14. Overall, has your experience with legal/court interpreting been:

	answered question		32
	skipped question		38
Positive		59.4%	19
Mixed		40.6%	13
Negative		0.0%	0

15. Are you comfortable interpreting in a legal/court setting?

	answered question		29
	skipped question		41
Yes!		72.4%	21
No!		27.6%	8

16. Do you interpret in legal/court settings as often as you want to?			
	answered question		32
	skipped question		38
Yes - As much as, or more than, I want to		46.9%	15
No - I interpret less than I want to		53.1%	17

17. Why do you interpret in legal/court settings less often than you want to?			
	answered question		17
	skipped question		53
I am rarely contacted to interpret		35.3%	6
I am often unavailable to interpret when contacted		35.3%	6
I need more training and/or experience with interpreting in legal/court settings		47.1%	8
Other (please explain)		41.2%	7

1. I limit myself to situations which are "safe" and in which I can team with a more qualified interpreter, preferably a Deaf team
2. I live in Central Washington so I am assuming it is due to lack of need. It could also be that some courts are unaware of myself as a resource.
3. There is competition for certain legal and quasi-legal assignments (DASA IOP groups, for example) because the DSHS rate is higher than that of non-DSHS assignments and the schedule is more predictable and consistent.
4. I mostly work in Thurston, Mason, and Lewis counties--not much legal interpreting
5. I only take jobs that are appropriate for me...i.e. light legal. Not in the courtroom yet.
6. my schedule does not permit and most agencies will not permit me to interpret court settings
7. I am not well networked to receive legal interpreting requests.

18. What challenges do you currently face with legal/court interpreting?		
	answered question	32
	skipped question	38

1. Lack of court formal training, Legal terms, Court and Lawyer attitude, lack of hearing/ deaf interpreting training.
 2. most large court systems are very accommodating
 3. The ability to work with qualified Deaf and hearing team interpreters. Having to "re-learn" the legal system and protocols each time, because I do the work so rarely. Pay is not commensurate with the amount of work or skills required.
 4. Not having feedback on my performance, some resistance to using deaf interpreters (and lack of any local deaf interpreters).
- Some challenges I face with legal interpreting include limited local resources: limited educational opportunities for interpreters, limited financial resources of those who request interpreters, and limited number of available interpreters who are qualified and willing to accept court interpreting assignments; the lack of education of some court systems about best practices for legal/ court interpreters (appropriate teaming to minimize conflict of interest, for example), making jury duty accessible to deaf/ hard of hearing jurors, and understanding the qualifications and skills interpreters need to properly interpret in a legal setting (this concern is regarding direct hires by the courts and not interpreters contracted through an interpreter service where there is a vetting process); appropriate compensation for the inherent liability/ risk involved in court and legal interpreting; and the lack of legal interpreter training and educational resources in Eastern Washington.
- 5.
 6. not enough experience, unqualified team members, proper setup/ how to handle situations from court personnel inexperience
 7. getting information before assignment about the specific case. It would be helpful to know where to obtain resources online to help prepare me for the specific type of proceeding (arraignment, review, sentencing...)
 8. I currently feel I don't have the needed training to be successful in a legal/court setting. I work as a full time educational interpreter and would not have business hours free during the school year. I would only be available during the summer months.
 9. have taken legal training courses, need to retake and review
 10. the unfamiliarity of the setting is intimidating for me
 11. Now that I have moved south (and before when I lived in a rural area) the major problem was lack of interpreters and lack of awareness. (Especially if they needed a CDI)
 12. Pay and last minute scheduling
 13. Legal words are sometimes a problem
 14. There seems to be little consistency and coordination among courts. As part of an agency we have been able to advocate for client and interpreter needs, including use of Deaf interpreters.
 15. lack of experience. lack of mentors who's work I trust.
 16. Needing more experience.
 17. Receiving information in advance to determine if I am appropriate for the situation.
 18. time, and one particular agency will not allow me to take ANY legal interpreting.
 19. Challenging deaf clients ... language often nonstandard or challenging, foreign born, or have mental/mental health issues.
 20. enough continuing education workshops
 21. I need to become more comfortable with the legal processes and jargon so that I can more accurately interpret the concepts instead of getting caught up in the words.
 22. Working full time, sometimes my schedule does not allow flexibility to accept legal assignments. I also do not receive these requests frequently. One of my professional goals is to become legally certified, since I enjoy this aspect of interpreting and realize this skill set is in high demand.
 23. Rural courts in Eastern Washington who are reluctant to compensate for the time on the road. I am passionate about legal work and willingly take a one hour job out of town instead of taking three or four medical or other assignments in town.

24. training, experience, education

The Courts and their Administration do not understand what is needed in Courts, trials and related hearings and so basically accept anyone that meets minimum standards, i.e. generalist certification. And they RARELY Voir Dire or qualify an interpreter, as a result I am paired with improperly trained & unprepared interpreters and the Courts/ Admin. sees us all the same (I have and SC:L). There is no RCW recognition for the SC:L so to them it is superfluous. Documented and verifiable training must be a REQUIRED facet of the RCW in order to qualify to interpret with preference given to those that hold an SC:L. Training is costly and hard to find, WA State trails the nation in this regard. And given that there is no recognition for it in the RCW or in terms of pay, its an expense that most interpreters cannot afford. Also because of the infrequent incidence SL Interpreters are at the bottom of the list compared to the demand for other spoken language interpreters, those rates are set and the courts consider us all under the same rubric. There is a HUGE difference in the training, education, certification and ethical performance of ASL Interpreters and Spoken Language Interpreters.

25. Last time I interpreted for a local juvenile facility they did not want to provide two interpreters for what became a two hour assignment. In my usual business in medical interpreting the goal is to make everything as clear as possible. I do not see that same goal in legal settings.

26. Resources for QDI. Juvenile and adult courts using non certified.

27. No challenges really, other than time constraints.

28. Mentor recently moved. Need new mentor. Also, want to see more workshops for legal

29. availability, certification

Lack of legal advocates for the clients/people in custody. Lack of easily accessible mentoring/training. Lack of understanding on the part of judges/court staff/attorneys on working with deaf clients, MLS clients, interpreters, and the issues of pacing, challenges getting services, etc.. etc... would really like to see training for jails and court personnel, especially judges (how to work with a sign interpreter, pacing, talking one at a time, cueing the defendant on when it is their turn to speak, using "friends" to interpret etc... etc... Would like a video phone in every jail. Many jails have no phone access (broken TTY etc...) Would also like to see a jail visitation program where if a Deaf/HH person becomes incarcerated, there is notification and a community advocate/legal advocate could come and make contact with the person and visit them etc.. I could go on and on ;o) Also would like more DIs for legal settings. Would like to see training for all CA/DI's at the Deaf centers in legal interpreting so they could be used as needed.... many CA's don't have any legal training and are used as legal advocates or DI's as needed.

30. lack of training

19. How much are you paid for legal/court interpreting (minimums, hourly rate, etc.)?

answered question

32

skipped question

38

1. 45.00 per hour

2. it depends if I go through an agency or if I directly contract with the court. I think the pay is about \$50 per hour

3. Hourly rate = \$50/hour (less than I am paid for community work) and no minimum allowed; parking is not covered

4. I charge minimum \$150/half day, \$300/full day for interpreter time for actual court hearings (to pay for me to be available for the full morning and/or afternoon docket since they don't give me a specific time period), plus I charge travel time at \$25/hour (half the \$50/hour rate), plus mileage. Those rates are for when I leave my county. Within my own county I charge a 2 hour minimum at \$50/hour and I charge mileage/travel time for jobs in neighboring towns that are still within my county but not my city. For legal jobs outside my county that aren't within the courtroom on a docket, I charge a 2 hour minimum (\$100) plus travel (\$25/hour), plus mileage.

5. I receive the same rate for legal/ court interpreting as I do for non-legal assignments. The rate depends on the service agreement held between the interpreter service with which I am contracted and client/ requester: between \$40/ hour (one hour minimum) and \$50/ hour (one hour minimum with the first hour at a 1.5 hour base rate).

6. 75/hour

2 hr min
24/48 hr cancellation policies

7. I follow the DSHS contract at \$50/hr with a 2 hour minimum. (no admin fee) I believe it should be more, \$60/hr with a 2 hr minimum.
8. I have only interpreted legal situations that have occurred within the parameters of an educational setting and was paid my regular staff rate for education. Currently \$24.98 per hour.
9. I think the rate went up to \$50 with 2 hour minimum. previously it was \$5 with one hour minimum, I couldn't afford to do legal work.
10. \$100 per hour, no min
11. \$55- \$65 an hour ... if a great distance .. then travel is portal to portal.
12. \$225.00 minimum
13. \$50 per hour, 2 hour minimum, 48 hours advanced notice with business hours
14. I work exclusively through my agency and legal work is part of my staff position. The agency negotiates and bills on my behalf.
15. For court system work, I'm paid according to the court's pay schedule, although I think their rates should be higher. Outside the courtroom, I charge my regular hourly fee.
16. 50 and hour with a 2 hour minimum
17. NA- agency bills.
18. My current rate at 45.00+ an hour, mileage
19. 60 to 75 per hour /2 hr min
20. varies: \$50 per hour w/ no 2 hour minimum - \$60 per hour w/2 hour minimum
21. My normal employee hourly rate: \$26.92.
22. \$55 - 60/hour; 2 hour minimum. Approved team interpreter for specific settings or extended assignments.
23. \$45 to \$55 per hour
24. \$50 hourly \$100 minimum-only have interpreted for legal counseling and one time for traffic court but it was dismissed...very little exposure
25. It varies from court to court and county to county. In those counties where there has been an ADA complaint or lawsuit (Duval v Kitsap Co.) I am paid better aprox \$55/hr (which is low in comparison to the cost of the training & test fees). In other courts that go for the lowest bidder I've been offered as low as \$40/hr. Few of the courts pay for travel, mileage or trial preparation. NONE of them adhere to AOC guidelines or the RCW for determining rates & fees in my area Kitsap, Pierce, Thurston.
26. \$50/hr first hour \$75/hr. That is for court ordered treatment or DOC through the DSHS contract. My private rate is \$40/hr with a two hour min. I do not do court interpreting except for juvenile meeting for redirecting plan and no possibility of incarceration.
27. Depends
28. 2 Hour minimum at \$60. per hour.
29. 50.00/hr, 100.00 minimum and travel time.
30. legal: going rate. Court: not applicable
31. At the moment, the same as my hourly community rate \$50/hr per the DSHS fee schedule and SEWSCDHH contracted ammts. One hour minimum.

I'd like to note, on the question above regarding frequency of legal interpreting, sometimes it is 2-3 times a week and sometimes less. Demand varies.

32. municipal court- \$50 hr, 2 hour minimum, plus mileage

20. County of residence:			
	answered question	68	
	skipped question	2	
Adams		0.0%	0
Asotin		0.0%	0
Benton		2.9%	2
Chelan		0.0%	0
Clallam		0.0%	0
Clark		10.3%	7
Columbia		0.0%	0
Cowlitz		0.0%	0
Douglas		1.5%	1
Ferry		0.0%	0
Franklin		0.0%	0
Garfield		0.0%	0
Grant		0.0%	0
Grays Harbor		0.0%	0
Island		0.0%	0
Jefferson		0.0%	0
King		38.2%	26
Kitsap		1.5%	1
Kittitas		1.5%	1
Klickitat		1.5%	1
Lewis		1.5%	1
Lincoln		0.0%	0
Mason		0.0%	0

20. County of residence:			
Okanogan		0.0%	0
Pacific		0.0%	0
Pend Oreille		0.0%	0
Pierce		19.1%	13
San Juan		0.0%	0
Skagit		1.5%	1
Skamania		0.0%	0
Snohomish		7.4%	5
Spokane		7.4%	5
Stevens		0.0%	0
Thurston		4.4%	3
Wahkiakum		0.0%	0
Walla Walla		0.0%	0
Whatcom		1.5%	1
Whitman		0.0%	0
Yakima		0.0%	0

21. Hearing Status:			
	answered question		69
	skipped question		1
Hearing		97.1%	67
Hard of Hearing		0.0%	0
Deaf		2.9%	2

22. Gender:

22. Gender:			
	answered question		69
	skipped question		1
Male		13.0%	9
Female		87.0%	60

23. Highest level of education: (Check one.)			
	answered question		69
	skipped question		1
High school or equivalent		0.0%	0
Some college		18.8%	13
2 year college degree		29.0%	20
4 year college degree		39.1%	27
Graduate/professional degree (MA, MS, JD, PhD, etc.)		13.0%	9

24. Are you interested in placing your name on a list of legal/court interpreters in Washington (as defined in RCW 2.42.130)?			
	answered question		64
	skipped question		6
Yes		45.3%	29
No		54.7%	35

APPENDIX D. HIGHLIGHTS FROM OTHER STATES

Alaska

- ASL interpreters are paid \$81 (eighty-one dollars) for the first hour, and \$70 for additional hours.
- For court matters, ASL interpreters are scheduled by the Center for Deaf Adults. They hire interpreters with RID/NAD certifications, but no policies are in place as to which specific certifications qualify.

Arkansas

- “Qualified interpreter” means interpreter certified by RID, Arkansas Registry of Interpreters for the deaf, or an interpreter who is otherwise qualified.
- Efforts to obtain the services of a qualified interpreter certified with a Legal Skills Certificate or a Comprehensive Skills Certificate will be made prior to accepting services of an interpreter with lesser certification.
- The AOC has a full-time on staff ASL interpreter who is NIC Master, and is sent out to interpret as needed. When she isn’t available, contractors are paid \$40.00 per/hour minimum 2 hours; \$30.00 per/hour travel time (if the interpreter travels outside their county of residence).

California

- Per state policy, spoken and sign language court certified interpreters are paid the same rate: \$282.33 per full day, or \$156.56 per half-day.
- Only SC:L interpreters are deemed to be “court certified.” Interpreters with generalist certification may be hired to work in court if SC:L interpreters are not available. However, there is no formal lower category of certification for ASL interpreters. The court determines on a case-by-case basis whether those interpreters’ qualifications are sufficient.
- The state payment policy provides that non-court-certified interpreters earn no more than \$175 per day or \$92 per half-day. However, in reality, contract ASL interpreters negotiate rates with the courts that are often higher than the state payment policy.

Colorado

- A law was passed in 2006 to create and fund the “Legal Auxiliary Services Program” under the CO Commission for the Deaf and Hard of Hearing. This program funds the payment of ASL interpreters or CART (computer aided real-time captioning) for state courts, probation, and court ordered treatment and therapy.
- Standard payment rates of ASL interpreters is \$51-\$55 per hour plus travel.
- All court interpreter appointments are coordinated by the Commission.
- Interpreters are categorized as Status I and Status II.
- Status I interpreters either (1) hold an SC:L and attain twenty hours of legal continuing education each four year period; or (2) hold a CDI and have sixty five hours of legal interpreting training and attain twenty hours of legal continuing education every four years.

- Status II interpreters meet the following requirements: (1) hold any of the following certifications: CI/CT, CSC, MCSC, NIC Master, NAD V, RID OTC, OIC:C ; (2) have had sixty-five hours of training specific to legal interpreting, and thirty-five hours of supervised experience, and (3) attain forty hours of legal continuing education in each four year period. Status II Deaf Interpreters are required to have a minimum of eight hours of training related to the RID Code of Professional Conduct, eight hours of general interpreting theory, sixty-five hours of training specific to legal interpreting, thirty-five hours of supervised experience, and must attain forty hours of legal continuing education each four year period.

Hawaii

- Foreign language interpreters are designated into six tiers. Three of those tiers apply to sign language interpreters:
Tier 6 (Certified Master): SC:L. Paid \$55/hr
Tier 4 (Certified): NAD 5, HWAS 5, CDI, CSC, RSC, or CI/CT. Paid \$45/hr
Tier 3 (Approved): NAD 4, HQAS 4, CI or CT. Paid \$40/hr.
- In addition to the certifications, to work in court all interpreters must also (1) pass a criminal background check, (2) pass the Consortium written exam, (3) pass the Hawaii basic ethics exam, and (4) attend a two day orientation workshop.

Illinois

- Advanced Proficiency Level Interpreters have any of the following national certifications: ISAS, CI, CT, NIC, or NAD 3 or 4.
- Master Proficiency Level Interpreters have any of the following national certifications: CI/CT, CSC, MCSC, RSC, CDI, SC:L, or NAD 5.
- Advanced Proficiency Level Interpreters are deemed appropriate to interpret in:
 - Administrative Proceedings/Hearings
 - Criminal Misdemeanor (non-trial)
 - Civil (minor)
 - Correctional institutions
 - Attorney-client meetings
- Master Level interpreters are deemed appropriate to interpret in any of the above and:
 - Trials
 - Criminal (Felony)
 - Civil (Major)
 - Juvenile/Family Court
 - Law Enforcement

Iowa

- Iowa has standard pay rates for ASL court interpreters. Class A interpreters are paid \$75/hr, and Class B are paid \$45/h4. Class A interpreters hold the SC:L certification, and Class B interpreters hold any of the following certifications: CSC, MCSC, or CI/CT.

- Iowa Court Rule 47.6 states that whenever the court requires an interpreter, the court shall appoint an interpreter with the highest classification among those who are reasonably available.

Kentucky

- The state policy for ASL interpreter payment is \$40/hr, plus travel time and mileage.
- No tiered system of appointing interpreters for court jobs is in place, as there are no SC:L interpreters. Earlier this year the AOC started a series of workshops in collaboration with ECU Interpreter training Program to offer ASL interpreters the necessary credits and training to qualify to sit for the SC:L exam.

Maryland

- The “certified” payment rate for ASL interpreters is \$55/hr with a two hour minimum. More often than not, ASL interpreters request higher fees.
- ASL interpreters are deemed certified for court if they have an RID certification, and they have attended a Maryland Court Interpreter Workshop.
- There is no obligation by statute or rule to first seek interpreters of certain certifications over others.

Massachusetts

- Payment rates are calculated by MCDHH using experience and level of certification. Rates typically range from \$58 to \$67 per hour.
- MCDHH does all the scheduling for ASL interpreters in court, and they select the interpreters to work in the courts. The courts they receive a bill for service from MCDHH.
- MCDHH will only dispatch SC:L or “MCDHH approved” interpreters to do court work. Only ten interpreters statewide are approved to work in the courts. The fill rate for court cases requiring ASL interpreters is only 60%.

Minnesota

- Courts are required by rule to make diligent efforts to obtain a “court certified interpreter.” Interpreters qualify for this category if they (1) have an SC:L certification, (2) are at least 18 years old, (3) meet requirements of good character and fitness, (4) pass an ethics exam, and (5) attend a two-day orientation program sponsored by the courts. These interpreters are paid \$70/hr.
- If “court certified” interpreters are not available, sign language interpreters from the roster may be hired for court proceedings. They meet all the same requirements as above, with the exception that their certification is CI/CT, CSC, NAD 5, CDI, or another equivalent approved by the State Court Administrator. These interpreters are paid \$55/hr.

Missouri

- Certifications are categorized into various levels, for all types of interpreting. For legal purposes, two main categories apply: Comprehensive Certification (NIC Master, NIC Advanced, CI/CT, or NAD 5) and Advanced Certification (NIC, CSC, or NAD 4).
- The MO Commission for the Deaf and Hard of Hearing publishes guidance for appointing interpreters in legal settings. Among those legal activities, Advanced Certification is only appropriate in (1) criminal misdemeanor matters ranging from arraignment to trial, (2) major and minor civil matters ranging from attorney conference to trial, (3) legal consultation, and law enforcement education. Comprehensive Certification and Certified Deaf Interpreters are appropriate for any of the aforementioned, as well as felony criminal matters, juvenile and family court matters, and law enforcement (e.g. arrest, interrogations, interviews).

Nebraska

- Level I classified interpreters are paid \$50/hr, and Level II are paid \$35/hr.
- Level I interpreters hold at least one of the following certificates: SC:L, NIC Master, NIC Advanced, CI/CT, CSC, CLIP-R or CDI.
- Level II Interpreters hold NIC, CI, CT, NAD 4, NAD 5 or QAST 4/4 or higher. Also includes deaf interpreters who hold the Nebraska Specialist Intermediary License.

Nevada

- There are no standard payment rates for sign language interpreters.
- To interpret in court, a person must:
 1. Be at least 18
 2. Have at least a high school diploma
 3. "Be capable of providing the type of interpreting services required for the person who is deaf or who is hearing impaired
 4. Have either a MCSC, CSC, CI, CT, SC:L, Oral Interpreting Certified, NAD 3-5, or passed the cued language Transliterator National Certification Examination with a Transliteration Skills Certificate.
- There is no tiered approach. A person can be equally eligible to interpret in court with any of the aforementioned certifications.

New Jersey

- To work in courts, ASL interpreters must be certified by RID and attend an orientation seminar.
- Level 2 Court Interpreters must possess one of the following RID certifications: CSC, CI/CT, or NIC Advanced.
- Level 3 Court Interpreters must possess: (1) CSC or CI/CT or NIC Master and forty hours of legal training; or (2) SC:L.
- (There is no Level 1 designation for sign language interpreters.)
- Contract interpreters are paid at half day and full day rates. For Level 2, the rates are \$152.50 and \$266.00. For Level 3, the rates are \$194.00 and \$331.50.

New York

- The state payment rate is \$140 per half day, and \$250 per full day. Starting salary of an ASL staff interpreter is approximately \$50,000.
- The minimum certification credential for working in the courts is the NIC. There is no tiered approach, but attempts are made to provide RIC certified interpreters regardless of case type.

Oregon

- Statewide payment rates are as follows:
 - SC:L – up to \$55/hr
 - RID Certified (CI/CT, CSC, CDI, NIC Master, or NIC Advanced) with training, or passed the SC:L written exam, up to \$50/hr
 - RID Certified with no training, up to \$45/hr
- While state statute doesn't mandate appointment of SC:L interpreters over other certifications, the state scheduling office prioritizes interpreters in the order as listed above.

Pennsylvania

- To work in courts, interpreters must have an RID certification (see below), attend an orientation workshop, and pass the multiple-choice written examination (CDI's instead must pass the CDI knowledge test).
- To be classified as certified, interpreters must possess an SC:L, CI/CT, CSC, CDI, CLIP-R, or NIC. To be classified as qualified, interpreters must possess CI, or CT, or NAD 4. Interpreters holding any other relevant RID or NAD certificate will be classified as registered.

Wisconsin

- Statutory definition of 'qualified interpreter' is a person who is able to do all of the following:
 1. Readily communicate with a person who has limited English proficiency.
 2. Orally transfer the meaning of statements to and from English and the language spoken by a person who has limited English proficiency in the context of a court proceeding.
 3. Readily and accurately interpret for a person who has limited English proficiency, without omissions or additions, in a manner that conserves the meaning, tone, and style of the original statement, including dialect, slang, and specialized vocabulary.
- There are no standard pay rates, they vary from court to court. Hourly rates range from \$55 - \$75 per hour.
- While not mandated by statute or rule, the AOC recommends that that courts seek the most highly qualified interpreters whenever available.
- Borrowing the terminology used in foreign language interpreter credentialing, ASL interpreters are categorized as "Certified or Provisional." Certified interpreters hold the SC:L, CLIP or CLIP-R certifications. Provisional interpreters hold certifications such as CSC, CI/CT, NIC or NAD 4 or 5.

APPENDIX E. STANDARDS FOR SIGN LANGUAGE INTERPRETERS IN WASHINGTON COURTS



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.

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.*

APPENDIX F. STANDARDS FOR FEE CONSIDERATIONS FOR SIGN LANGUAGE INTERPRETERS IN WASHINGTON COURTS



Standards for Fee Considerations for Sign Language Interpreters in Washington Courts



Sign Language Interpreters are independent contractors and there are no statewide rules or statutes requiring specific payment rates in Washington Courts. However, the following items may be taken into consideration when paying interpreters.

Payment

Interpreters generally charge an hourly rate for their services. The rate is based on many factors, including certification level, years of experience, specific content knowledge, and/or education and training. Specialized fields (like legal and court interpreting) often have higher rates than general interpreting assignments.

The high demand and low supply of qualified sign language interpreters often drives the price of this service. Many external factors affect the supply and demand of interpreters in Washington, often increasing the difficulty of finding a quality interpreter at short notice.

Hourly Minimums

Interpreters generally bill for a minimum number of hours, regardless of how long the actual appointment is. Often, a court may see an interpreter charging a two-hour or half-day minimum. Some interpreters may also charge a higher rate for the first hour of the appointment. Anything over that initial minimum time would be charged at an hourly rate.

Charging at least a two-hour minimum is a local and national industry standard, for both sign and spoken language interpreters. Courts face unpredictable needs with interpreters, whether it's hearings starting later than scheduled, lasting longer than expected, or requesting interpreters for other court-related matters following a hearing. Experienced interpreters schedule wide blocks of time on their calendars to accommodate these needs, and, by doing so, forfeit other work opportunities. Charging at least a two hour minimum ensures that interpreters are available to fully complete their assignments and earn a living wage.

Travel/Mileage Costs

Interpreters may bill for travel or mileage costs, especially if they had to travel a long distance to arrive at the court. This could be billed as travel time (often a portion of the hourly rate), or mileage (often at state or federal Privately Owned Vehicle mileage rates). They may also bill for parking expenses, tolls, ferries, etc. that were incurred on the trip to or from the appointment. If interpreters have to travel an extended distance for a long case, interpreters may request reimbursement for lodging, usually at federal per diem rates.

Multiple Interpreters

A variety of situations require hiring more than one interpreter for the same hearing in order to achieve quality communication. One common reason is the duration of the hearing. Court interpreting requires intense concentration and physical movement, and the industry standard is to hire two interpreters for longer hearings such as trials or complex evidentiary proceedings. Multiple interpreters are also necessary when multiple parties/participants are deaf because each must have a clear line of sight to effectively communicate. Also, an intermediary interpreter, or deaf interpreter, is necessary in addition to a sign language interpreter when a deaf person is not able to effectively communicate using ASL.

Cancellations/No Shows

When jobs are cancelled at the last minute, interpreters tend to charge a cancellation fee because it is often too late to schedule other assignments in that time frame, and/or they have foregone other work opportunities. Cancellation fees typically apply when the appointment is cancelled within a certain number of hours or days (often within 48 hours) before the appointment. In addition, if the interpreter arrives for the appointment, but another party does not arrive and the appointment is postponed or cancelled, the interpreter will still bill for that time.

Interpreters' Responsibilities

By accepting jobs for the courts, professional interpreters are expected to appear on time and stay for the full duration of the scheduled assignment. When accepting an assignment from the court, an interpreter warrants having the proper training and skills to perform interpreting services in a professional and competent manner. It is appropriate to expect that interpreters will abide by applicable rules of decorum, to dress in appropriate professional attire, and to abide by the NAD-RID Code of Professional Conduct and the Code of Conduct for Court Interpreters (GR 11).