



**MINNESOTA
JUDICIAL BRANCH**
FIFTH JUDICIAL DISTRICT

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Court Interpretation

- Fundamental to Access to Justice and Equal Protection for:
 - Criminal defendants
 - Victims
 - Parents of juveniles
 - Civil litigants
 - Witnesses



Federal and State Law Provides Expanded Protection for Hearing Impaired Court Users:

Sign language interpreters, when requested, must be provided to:

- Litigants, witnesses, participants
- Court observers
- Jurors



What is the Minnesota Court Interpreter Program?

An administrative program that supports the goal of placing non-English speakers on equal footing with English speakers in court proceedings.



Court Interpreter Program

- Maintains a statewide roster of court interpreters.
- Evaluates applicants for inclusion on the roster.
- Coordinates and administers court interpreter ethics and spoken language certification testing.
- Develops and delivers court interpreter training.
- Monitors compliance with the Code of Professional Responsibility for Court Interpreters.
- Educates judges and attorneys about the proper use of court interpreters.
- Develops policy governing court interpretation.



MN Court Interpreter Program's

Developments to Date



Minnesota as Model

- One of the first State Court's in the Country to establish a Court Interpreter Program in 1994
- The Consortium for State Court Interpreter Certification (Consortium) – Minnesota one of four founding states (along with New Jersey, Oregon and Washington)
- Best Practice Manual developed by Minnesota
- MN law entitles defendants/litigants and witnesses to interpreter in criminal and civil proceedings, at state court expense

Certification Exam

Consortium for State Court Interpreter Certification

- National Center for State Courts, Virginia
- 4 states originally, now 40 members
- Possibility of reciprocity with member states
- Chooses the languages for certification test
- Handles the **development** of certification exams and **rating** of completed exams.

Minnesota Statutes

- Minn. Stat. § 480.175 establishes the court interpreter program;
- Minn. Stat. § 480.182 requires the state courts to pay court interpreter program costs, including the costs of hiring court interpreters;
- Interpreter is included in the definition of "mandated court services" in Minn. Stat. § 480.183, subd. 4.

Certified Spoken Language Interpreters

Have passed a rigorous testing process of their:

- foreign and English language skills
- interpreting skills
- knowledge of legal terminology words tested

In addition

Skills beyond the ability to speak and understand two languages required for court interpreting:

- Concentration
- Mental flexibility
- Excellent short-term and long-term memory
- Note-taking skills
- Wide-ranging vocabulary in both languages
- Understanding of subtle nuances in both languages
- Understanding of court process and legal terminology

Why is Court Interpreting Difficult?

- Range of vocabulary
- Varying degrees of language formality
- Speed of the process

Court Interpreters are Professionals governed by a Code of Responsibility

<ol style="list-style-type: none"> 1. Accuracy and completeness 2. Representation of qualifications 3. Impartiality and avoidance of conflict of interest 4. Professional demeanor 5. Confidentiality 	<ol style="list-style-type: none"> 6. Restriction of public comment 7. Scope of practice 8. Assessing and reporting impediments to performance 9. Duty to report ethical violations 10. Professional development
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Certification Exam

Minnesota Testing Standard:
Must Score 70% In All Three Parts of Exam In The Same Setting

- Simultaneous
- Consecutive
- Sight Translation

Entire exam is audio tape recorded. Tapes are sent to Consortium, who then sends them to raters.



Minnesota Established Court Interpreter Levels

<p>Rostered Interpreters</p> <ul style="list-style-type: none"> ■ Pass Ethics Test ■ Sign Notarized Affidavit ■ Attend 2-Day Orientation ■ Demonstrate Language Proficiency 	<p>Certified Interpreters</p> <ul style="list-style-type: none"> ■ Complete All Roster Requirements ■ Pass Certification Exam ■ Pass Criminal Background Check
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Preference for Certified Interpreters

Rule 8.02 of the General Rules of Practice for Minnesota District Courts requires the following:

- Courts must make diligent efforts to appoint a certified interpreter.
- If none is available, the court must appoint one from the Court Interpreter Roster.
- If none is available from the Roster, the court may appoint an otherwise qualified interpreter.



Code of Professional Responsibility for Court Interpreters

<ol style="list-style-type: none"> 1. Accuracy and completeness 2. Representation of qualifications 3. Impartiality and avoidance of conflict of interest 4. Professional demeanor 5. Confidentiality 	<ol style="list-style-type: none"> 6. Restriction of public comment 7. Scope of practice 8. Assessing and reporting impediments to performance 9. Duty to report ethical violations 10. Professional development
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Enforcement of Prof. Code of Responsibility

- Written signed complaints sent to:

**Minnesota Court Interpreter Program
 105 Minnesota Judicial Center
 25 Rev. Dr. Martin Luther King Jr. Blvd.
 St. Paul, MN 55155**



MN Court Interpreter Program

Current Status



Certification Exams have been developed and are available in:

- Spanish
- Mandarin
- Somali
- Cantonese
- Hmong
- Korean
- Vietnamese
- Laotian
- Russian
- Haitian-Creole
- Arabic
- French
- Portuguese



Minnesota Certified Court Interpreters

- Spanish 57
- Russian 6
- American Sign Lang. 7
- Vietnamese 1
- Hmong 4
- Laotian 1
- French 1
- Somali 1



Minnesota Court Interpreter Payment Policy

- 2-Hour Minimum Payment Required
 - ASL - Certified (legal) \$70/hr
 - ASL - Certified (generalist) \$55/hr
 - Foreign Language - Certified (legal) \$50/hr
 - Foreign language -- Non-Certified \$30-\$40/hr
 - Not on Minnesota Court Roster \$25/hr
- Telephone Interpreting \$2.25 -\$2.00/minute
- Travel Time (more than 35-miles rule)
- Cancellation Policy (24-48/hr advance notice)



Twenty Most Commonly Interpreted Languages in the Minnesota Courts 2009 (Percentages based on total of all languages)

1. Spanish (66%)	11. Khmer (.6%)
2. Somali (10%)	12. Chinese, Mandarin (.3%)
3. Hmong (9%)	13. Nuer (.3%)
4. American Sign Lang. (3%)	14. Anuak (.3%)
5. Vietnamese (2%)	15. French (.3%)
6. Russian (2%)	16. Bosnian (.3%)
7. Oromo (1%)	17. Karen, S'gaw (.3%)
8. Lao (1%)	18. Korean (.2%)
9. Arabic (1%)	19. Chinese, Cantonese (.2%)
10. Amharic (1%)	20. Tigrinya (.1%)



MN Court Interpreter Program's

Future Plans



Test Language Proficiency

- Improve the quality of rostered interpreters through the development of additional standards and training.
- Recruit interpreters for the languages needed in specific geographic locations.
- Develop remote interpreting policies and instructional materials for interpreters, court clerks and judges.



Minnesota's Court Interpreter Program

Remote Interpreting



Standards and Procedures

- Minnesota Judicial Branch Council Policy 513
- State Court Administrator Policy 513(b)



Remote Interpreting

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|---|---|
| <ul style="list-style-type: none"> ■ On-Site <ul style="list-style-type: none"> ■ Interpreter travels to the courthouse or other designated area. | <ul style="list-style-type: none"> ■ Off-Site <ul style="list-style-type: none"> ■ Interpreter provides interpreting services remotely from a location of the interpreter's choosing. |
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Spoken Language Remote Interpreting

- Urgent or unexpected situations where no in-person staff or freelance interpreter is reasonably available; or
- Non-emergent matters when it is more fiscally responsible to obtain the service by remote than by bringing in an in-person interpreter and the quality of the interpretation is not unduly compromised.



Remote Interpreting

- Remote interpreting should not be used in proceedings where lengthy testimony is expected.



Remote Interpreting



- The judge has discretion to determine if remote interpreting is appropriate.



Equipment



Appointment of Interpreters

- General Rules of Practice – Rule 8
- Order for hiring remote interpreters is:
 - 1. Staff interpreters, where available;
 - 2. Certified interpreters on the MN statewide roster;
 - 3. Rostered interpreters on the MN statewide roster;
 - 4. Non-rostered interpreters.



Length of Proceedings:

- Proceedings should be about 30 minutes or less in duration.
- When longer, the court should have adequate breaks for the interpreter.



Attorney-Client

- "The court is not bound to provide the services of an interpreter to interpret meetings between the attorney and client when the court has provided an interpreter for the proceeding. However, if the court determines that, as part of the proceeding, the attorney and client require a brief conference, the technology used for this purpose or the setting of the communication between attorney and client must afford confidentiality."



QUESTIONS

