

Evaluation Survey Report

Court Interpreter Services in Nevada Courts

NEVADA SUPREME COURT, ADMINISTRATIVE OFFICE OF THE COURTS

May 2011

Andrea Krlickova, Certified Court Interpreter Program Coordinator

Evaluation Survey Report

Court Interpreter Services in Nevada Courts

Introductory Note

At the Judicial Council of the State of Nevada (JCSN) meeting in September 2009, the Advisory Committee for Certified Court Interpreter Program was tasked to canvas Nevada judges of all jurisdictions on issues relevant to court interpreter services. The intent of this effort was to:

- Identify those areas where equal access to justice may be hindered due to linguistic barriers.
- Document the extent of any current linguistic barriers and evaluate present policies and practices concerning interpreting and translating services.
- Recommend new policies and/or modifications of already existing policies as appropriate.
- Develop plans to implement these policies.

The preparations associated with the creation of this survey were initiated in February 2010. The Certified Court Interpreter Program coordinator, in collaboration with the members of the Advisory Committee group as well as the employees of the Administrative Office of the Courts, Judicial Programs and Services Division in particular, finalized the survey's layout at the end of October 2010.

The survey was opened on November 8, 2010, to all Nevada judges. It consisted of three sections:

1. **Introduction**, in which the respondent was asked to state the court's name and background information;
2. **The respondent's experience with court interpreter services;**
3. **The respondent's knowledge and preferences with regards to court interpreter services.**

The survey was closed 2 weeks after its official launch date on November 22, 2010. Seventy-three (73) survey participants provided their feedback completely or partially. Data obtained was confidentially collected and analyzed.

REPORT

The following report integrates the responses given and is structured according to the organization of the survey, hence divided into the following parts:

1. Introduction *(page 4)*

- 1.1. Court and County's Name

2. Background information *(page 5)*

- 2.1. Amount of time on the bench

3. Respondents' experience with court interpreter services *(page 6-12)*

- 3.1. Frequency of court interpreter services in the past 3 months
- 3.2. Frequency of court interpreter services overall
- 3.3. Data collection on court interpreter usage
- 3.4. Difficulties associated with locating competent interpreters
- 3.5. Who makes arrangements to contract court interpreters
- 3.6. Statement of court interpreter credentials for the record
- 3.7. Usage of court interpreter services other than in-person
- 3.8. Supply of any case-relevant information to the court interpreter beforehand
- 3.9. Sources to secure translation of court documents written in languages other than English
- 3.10. Reminder to the court interpreter about his/her role
- 3.11. Frequency of documents' translation requests

4. Respondents' knowledge and preferences with regard to court interpreter services *(page 13-18)*

- 4.1. Knowledge concerning remote telephonic and/or video distance interpreting technology
- 4.2. Knowledge about the amount of time a court interpreter should be allowed to provide continuous simultaneous interpretation
- 4.3. Team-interpreting requirement for all lengthy legal proceedings
- 4.4. Knowledge of the federal, and state laws/mandates pertaining to court interpreter services

- 4.5. Assessment of quality in interpreting between Spanish language court interpreters and interpreters of languages other than Spanish (LOTS)
- 4.6. Knowledge of disciplinary provisions within the State Court Administrator Guidelines for the Nevada Certified Court Interpreter Program
- 4.7. Interest in obtaining a bench card containing the Nevada Court Interpreters Code of Professional Ethics canons, sample interpreter oath, sample voir dire, or other related information
- 4.8. Frequency of training for judges and other court personnel on court interpreter related topics

5. Additional Comments and feedback *(page 19)*

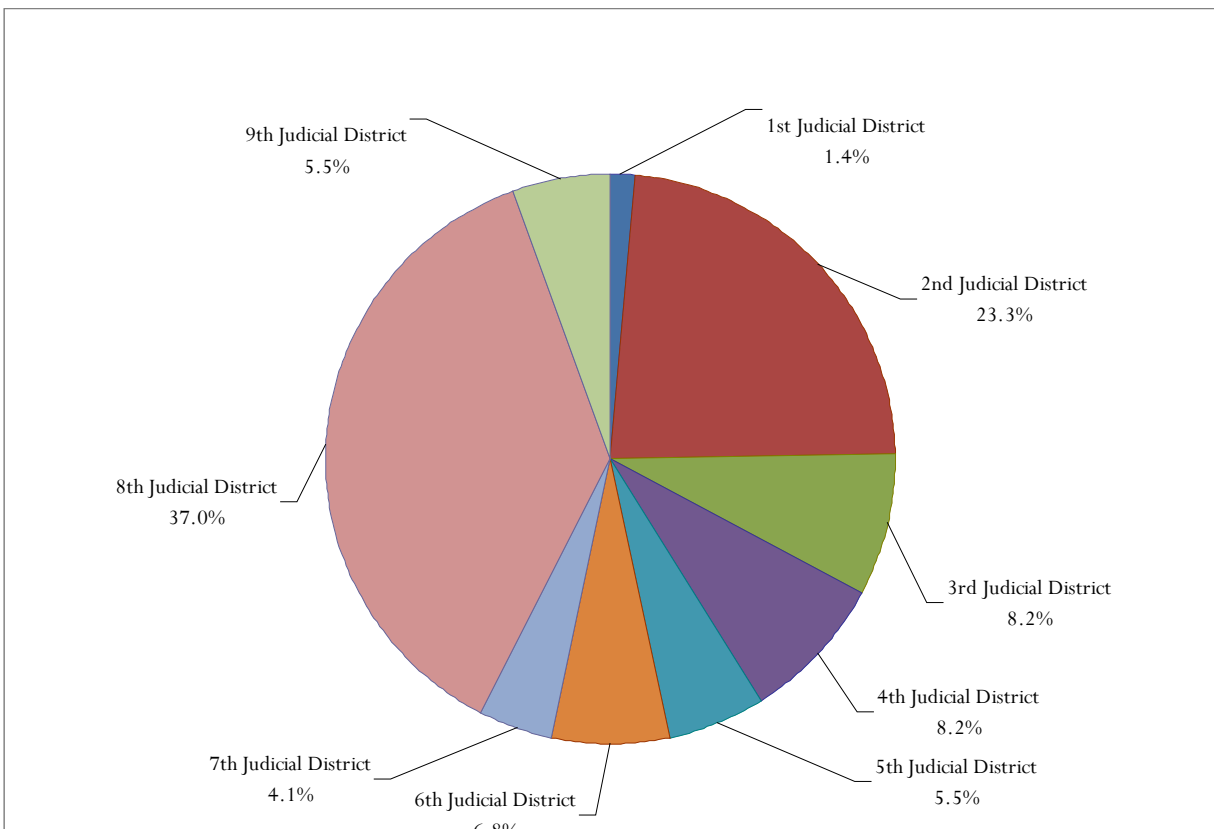
6. Conclusion *(page 20)*

1. INTRODUCTION

All the participating respondents, 73 in total, provided their court's and county's name information as follows:

- 1st Judicial District – 1 respondent
- 2nd Judicial District – 17 respondents
- 3rd Judicial District – 6 respondents
- 4th Judicial District – 6 respondents
- 5th Judicial District – 4 respondents
- 6th Judicial District – 5 respondents
- 7th Judicial District – 3 respondents
- 8th Judicial District – 27 respondents
- 9th Judicial District – 4 respondents

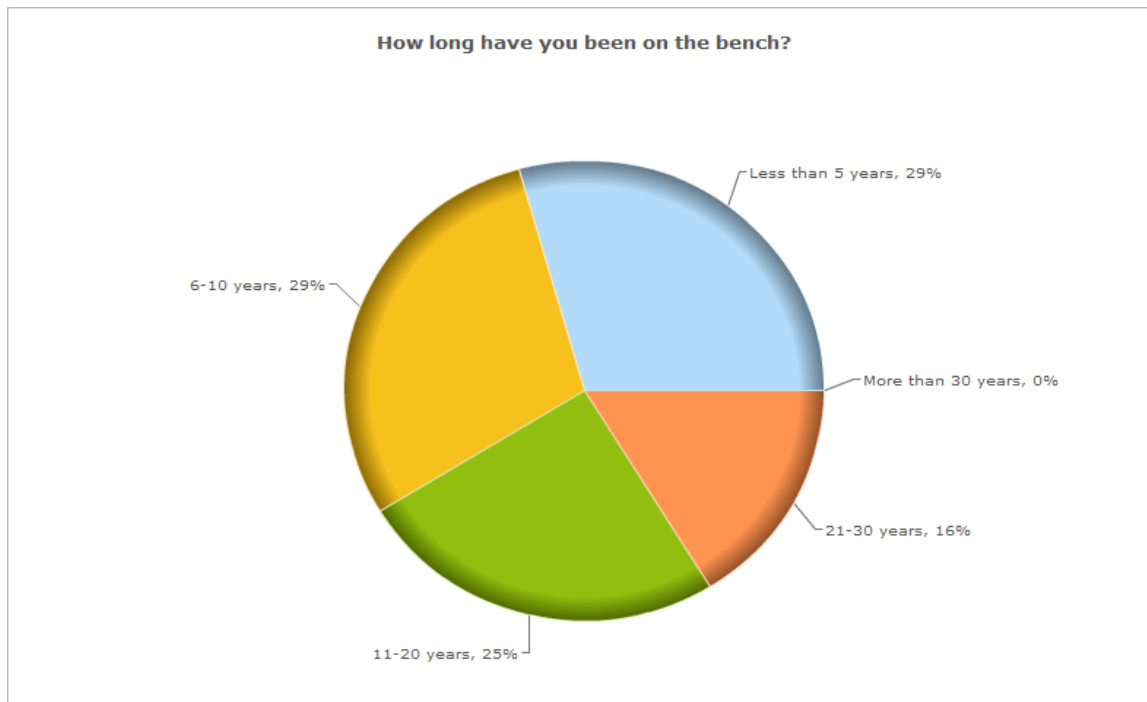
1.1. Respondents' representation per Judicial District



2. BACKGROUND INFORMATION

Questions pertaining to the judges' background information provided a better understanding of the scope of respondents' length of their judicial service in Nevada (almost 60% of respondents say they have been on the bench between 0 and 10 years), their court's jurisdiction (more than 50% are in urban setting) as well as their foreign language sophistication and ability to professionally assess the performance of court interpreters who practice in their courts. Although not presented in the graph, according to the survey's responses 53 judges out of 73 total respondents provided their feedback, which revealed that 13 judges speak Spanish, 5 judges speak French, 1 judge speaks Russian, and 1 judge speaks Portuguese. Several judges, however, emphasized that their knowledge is not sufficient to adequately evaluate services rendered by the interpreters.

2.1. How long have you been on the bench?



3. RESPONDENTS' EXPERIENCES

The responses collected from this particular section offer information on a variety of relevant language access issues. About 94% of all respondents worked with a court interpreter in their courtroom at least once in the past 3 months (see **Figure 3.1**). This high percentage implies that a large majority of Nevada judges have practical experience in working with court interpreters. Strong symbiotic relation between the court and court interpreter, as well as the critical importance of the court interpreter's role in a court setting is suggested. Failure to secure services of a competent court interpreter when the limited English proficient (LEP) person is summoned to appear in a court may hinder his/her constitutional rights.

The survey indicates that the services of interpreters in our state are regularly necessary. As seen in **Figure 3.2**, almost 60% of all respondents state that they need an interpreter to appear either daily or weekly in their courtrooms. Though services of interpreters are common and repeated, only about one-quarter of all respondents (26%) track the types and frequency of court interpreter usage.

Figure 3.3 shows that when we asked about challenges and difficulties associated in locating competent interpreters, 40% of judges said that there was an occasional issue, mostly due to a specific language request. About 17% of judges indicated that they experienced difficulties in locating competent interpreters (see **Figure 3.4**). Spanish language court interpreter services are solicited most often, followed by some Asian languages (i.e., Mandarin, Vietnamese, and Tagalog), Middle-Eastern languages (i.e., Arabic, Farsi, Urdu), the languages of India (Punjabi, Hindi), and Russian Federation's languages, for instance. About 65% of respondents, as seen in **Figure 3.5**, communicated that arrangements concerning contracting court interpreter services is made by court staff.

As to the issue of a court interpreter's credential statement for the record, approximately 45% of judges never ask an interpreter to do so (see **Figure 3.6**).

Remote technology, telephonic or video, occupies a place in the court interpreter services nationwide. As can be seen in **Figure 3.7**, the survey sought to determine knowledge the judges have about this technology, and what, if any, practical experience they possess. The responses indicate that a majority of NV judges (69%) exclusively use in-person interpreter services, 14% of respondents stated that they use the remote technology. **Figure 4.1** shows that 62% of respondents know of remote distance interpreting technology availability.

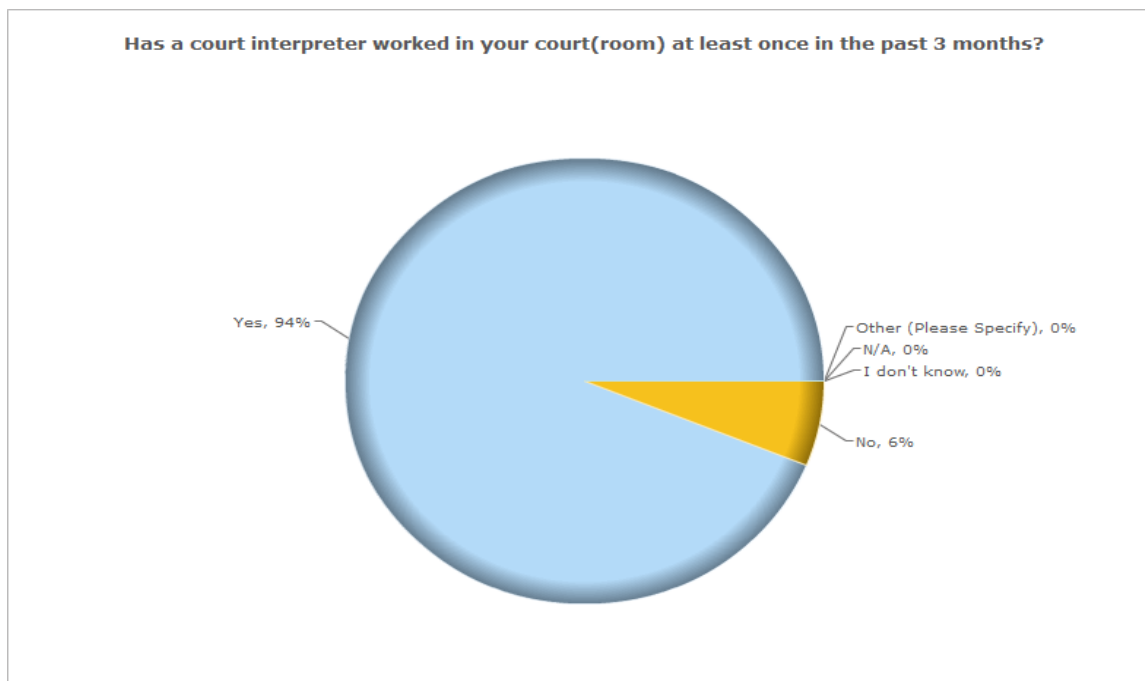
About 52% of participants responded that they do not provide any case-relevant information to the interpreter beforehand (see **Figure 3.8**).

Translation of the documents was another area of concern of this survey. As seen in **Figure 3.9**, those courts that deal with translation of written documents acknowledge that they seek services of the AOC Credentialed Court Interpreter (32%), followed by a bilingual court staff (16%) and a recommended bilingual person (15%). A total of 8% of respondents solicit services of a translator credentialed by the professional entity such as American Translators Association (ATA) and National Association of Judiciary Interpreters and Translators (NAJIT).

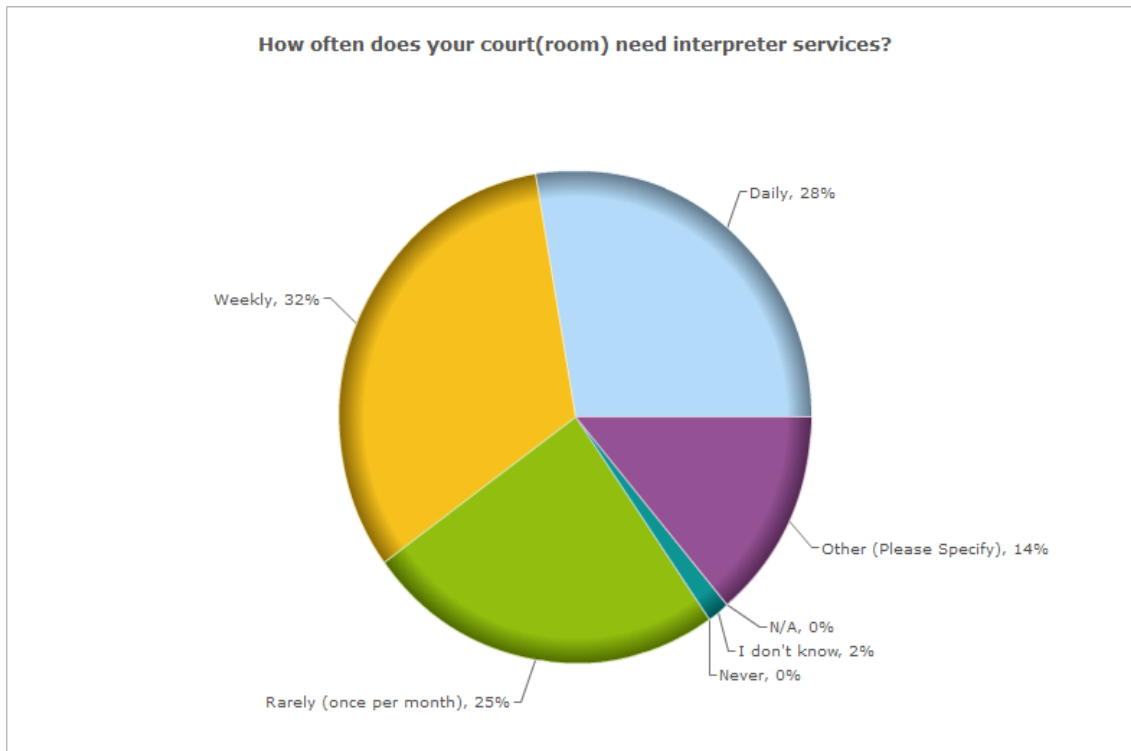
Frequency of translation requests is not as high as of the frequency of interpreter requests. Approximately 29% of all respondents stated that they never receive documents that require translation (see **Figure 3.11**).

According to the survey's results, 69% of judges did not have to remind an interpreter of his/her role due to unsatisfactory interpreting performance in their courtrooms (see **Figure 3.10**).

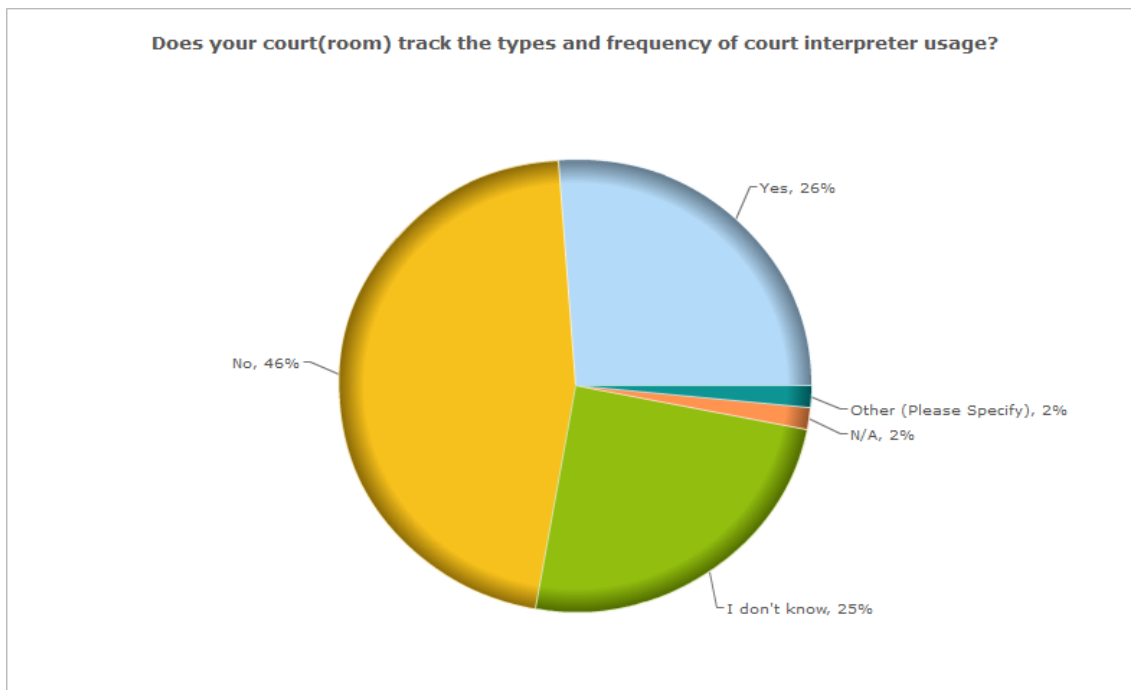
3.1. Has a court interpreter worked in your court (room) at least once in the past 3 months?



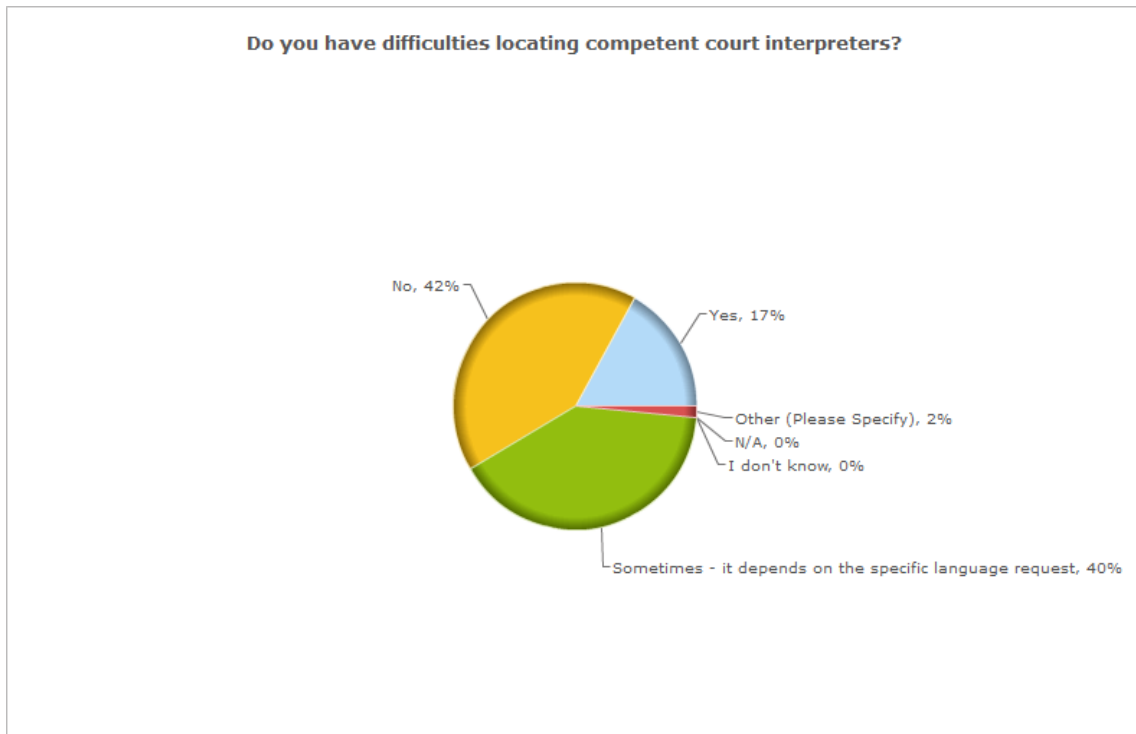
3.2. How often does your court (room) need court interpreter services?



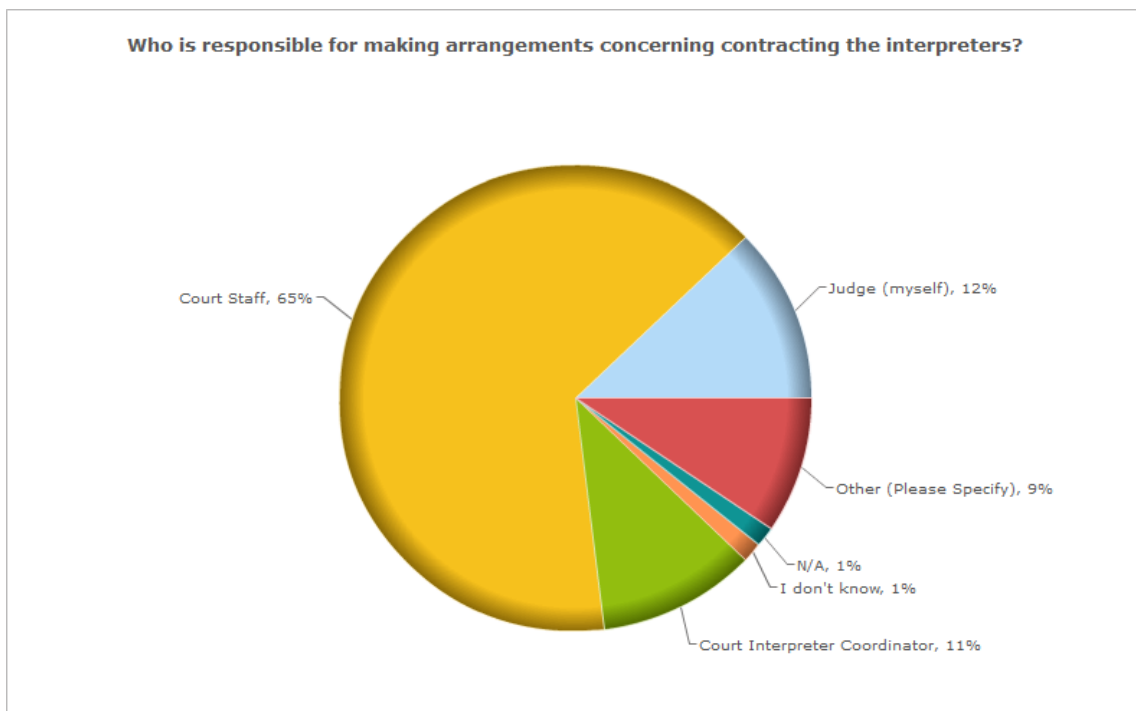
3.3. Does your court (room) track the types and frequency of court interpreter usage?



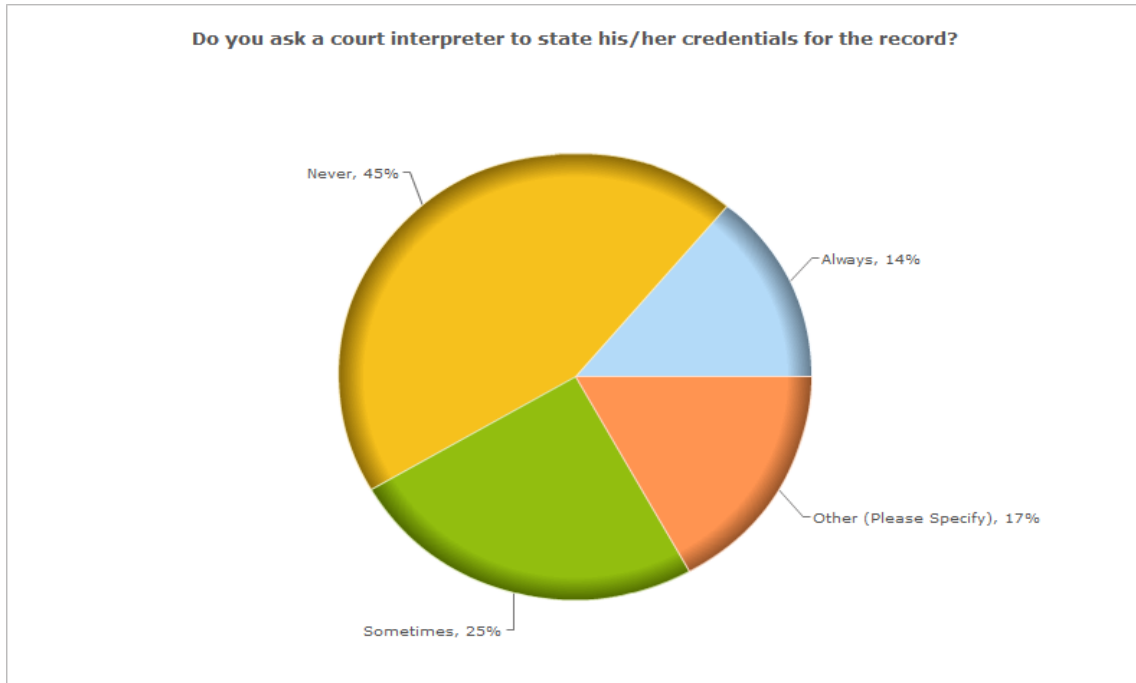
3.4. Do you have difficulties locating competent court interpreters?



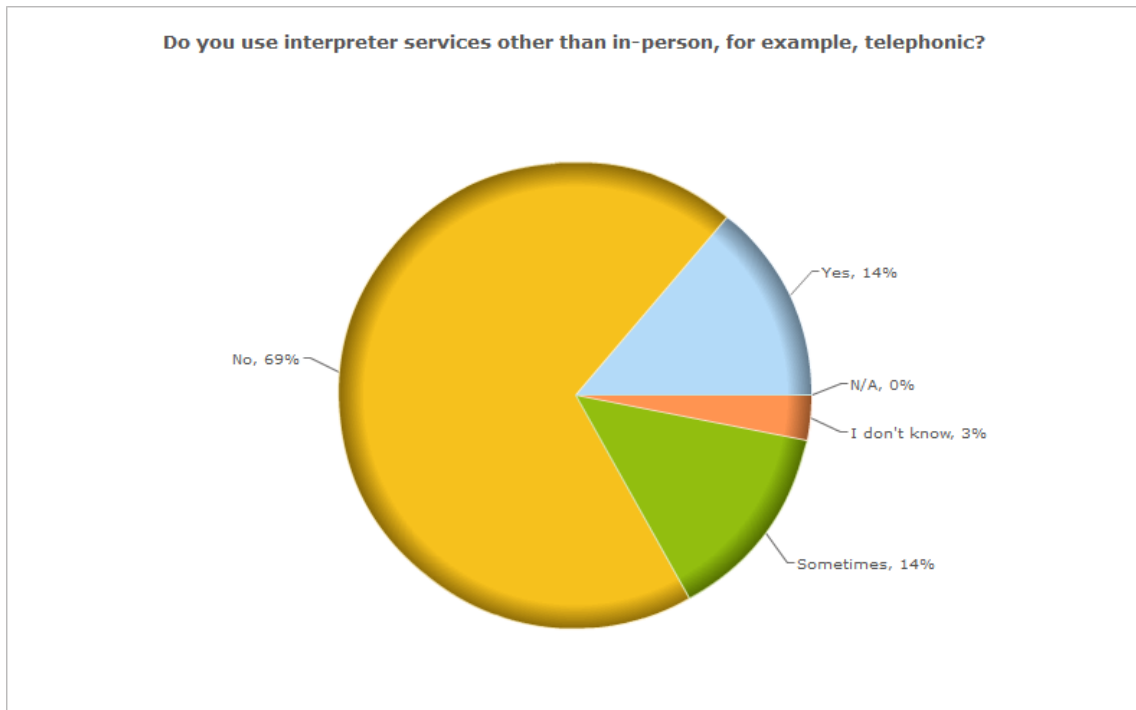
3.5. Who is responsible for making arrangements concerning contracting interpreters?



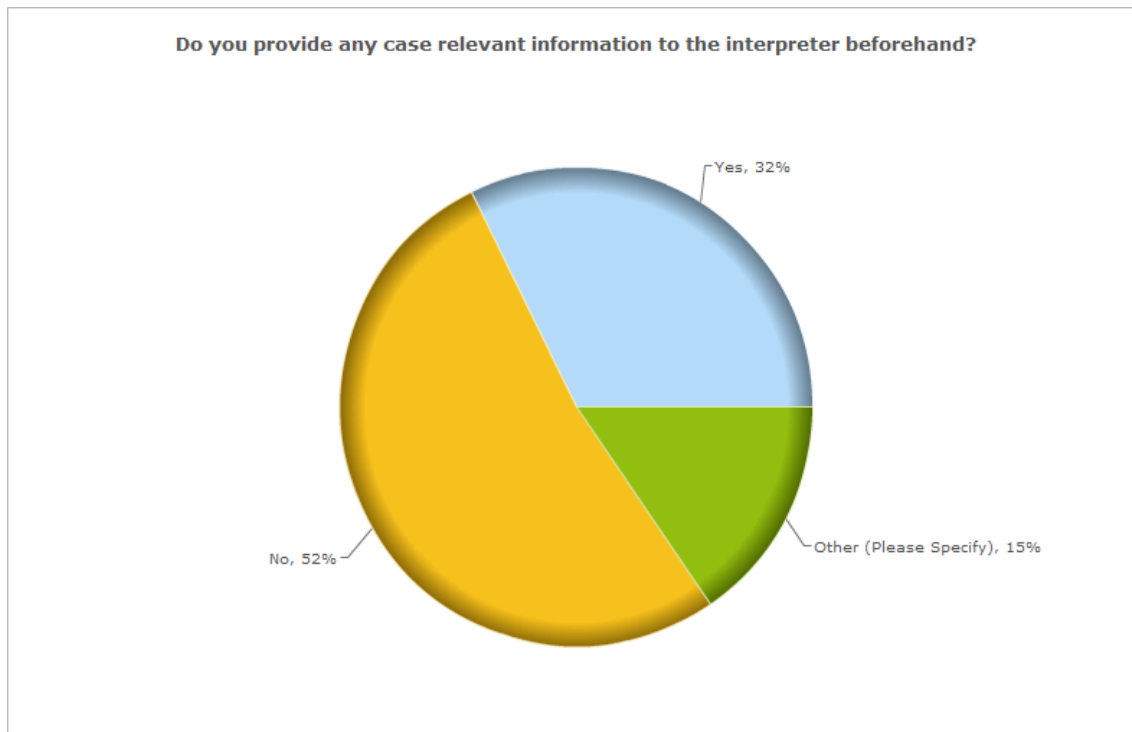
3.6. Do you ask a court interpreter to state his/her credentials for the record?



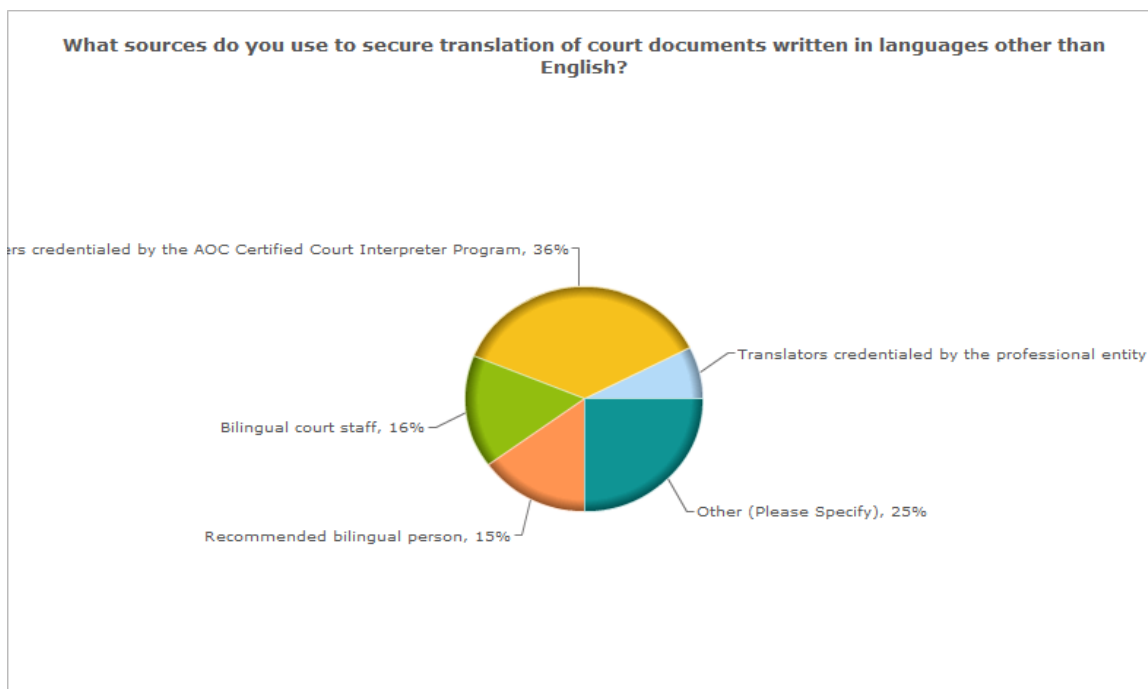
3.7. Do you use interpreter services other than in person, for example, telephonic?



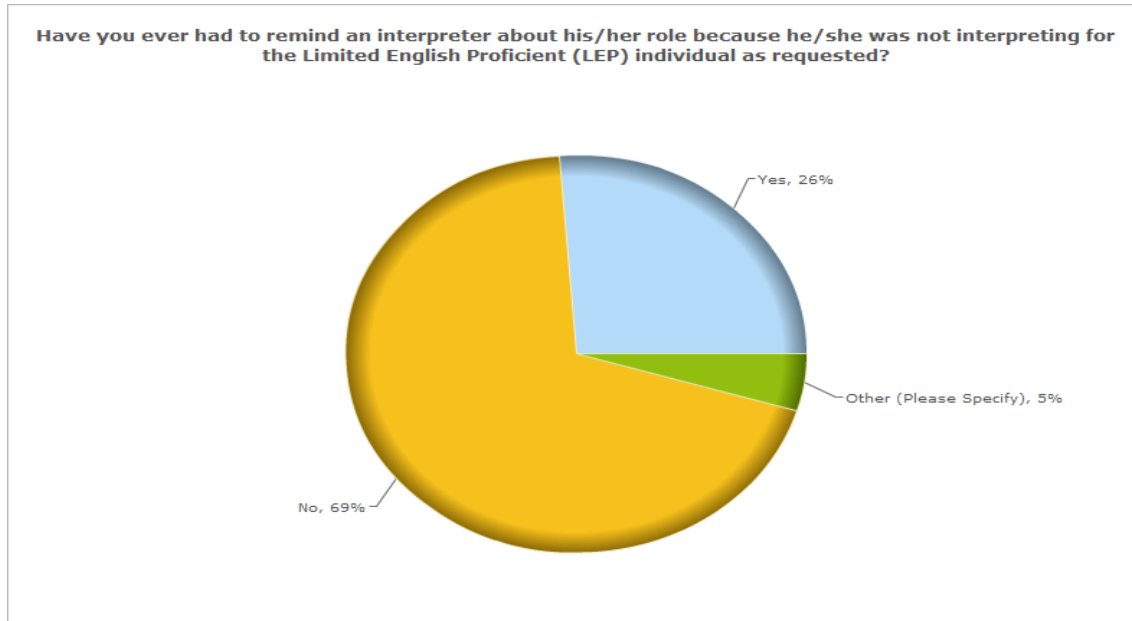
3.8. Do you provide any case-relevant information to the interpreters beforehand?



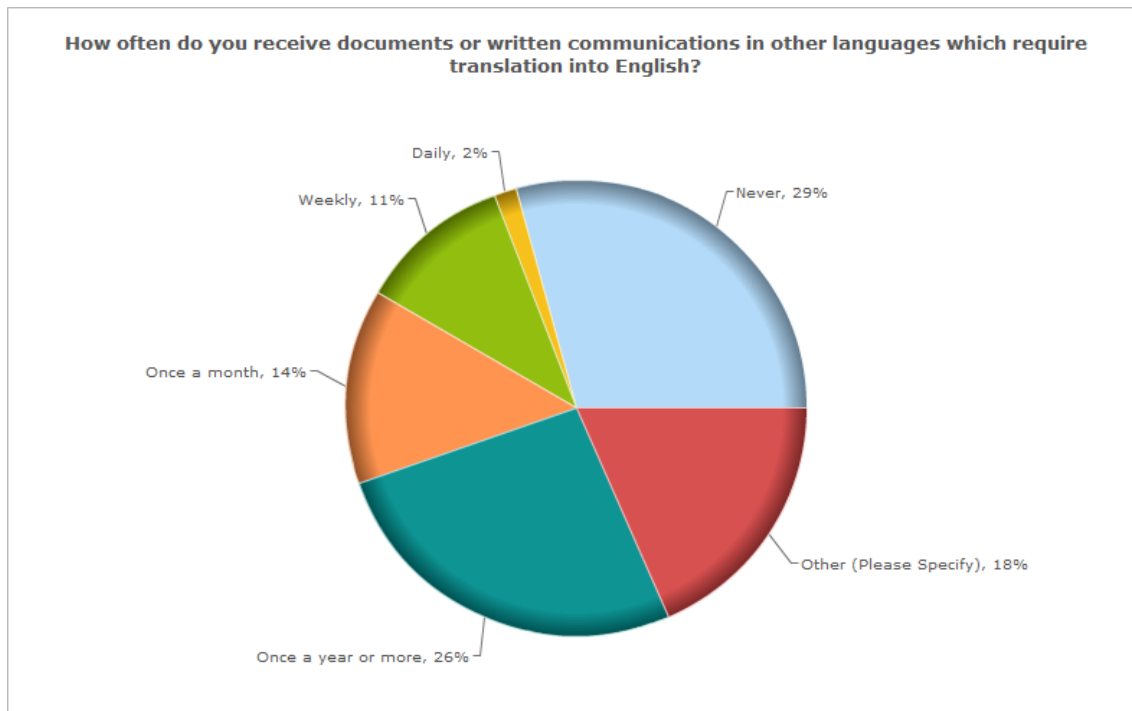
3.9. What sources do you use to secure translation of court documents written in languages other than English?



3.10. Have you ever had to remind an interpreter about his/her role because he/she was not interpreting for the Limited English Proficient (LEP) individual as required?



3.11. How often do you receive documents or written communications in other languages which require translation into English?



4. RESPONDENTS' KNOWLEDGE AND PREFERENCES

The focus of this section is to become familiar with the judges' knowledge and preferences regarding to the court interpreter profession. The survey inquired as to what criteria are being used when selecting a court interpreter for a specific assignment. Results indicate that a majority of judges will opt for an interpreter who is a referral, followed by the overall experience of an interpreter regardless of the certification.

Approximately 14% of all respondents indicated that a court interpreter should not be allowed to interpret in a simultaneous mode for more than 30 minutes (see **Figure 4.2**). However, it has been scientifically verified that accuracy of a rendition will drastically decrease no matter how experienced the interpreter is if the interpreter is not afforded regular breaks.

As seen in **Figure 4.3**, the survey also addressed issues such as team interpreting. 55% of respondents do not provide a team of 2 court interpreters when lengthy court proceedings take place. Even though not supported by the graph itself, it is worth noting that according to the survey, 43% of Nevada judges never allow the use of indirect speech during interpreter-assisted proceedings.

Per **Figure 4.4**, almost 21% of all respondents are familiar with, and about 45% of all respondents are somehow familiar with the laws/mandates (federal, state) pertaining to court interpreter services. A packet of information concerning these laws was provided to each sitting judge in the State in November 2010.

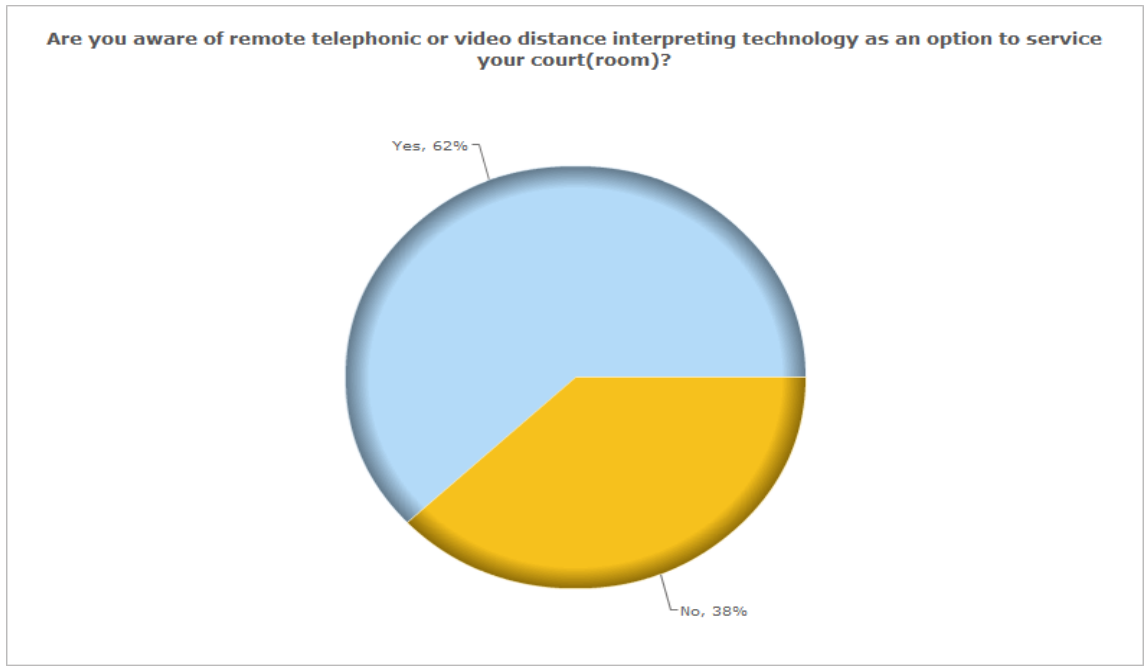
Approximately 28% of respondents indicated that there is a difference in quality of interpreting services between Spanish language court interpreters and interpreters of languages other than Spanish (LOTS) – see **Figure 4.5**.

Almost 66% of respondents stated that they are unaware that the State Court Administrator Guidelines for the Nevada Certified Court Interpreter Program contain disciplinary provisions for credentialed court interpreters (see **Figure 4.6**).

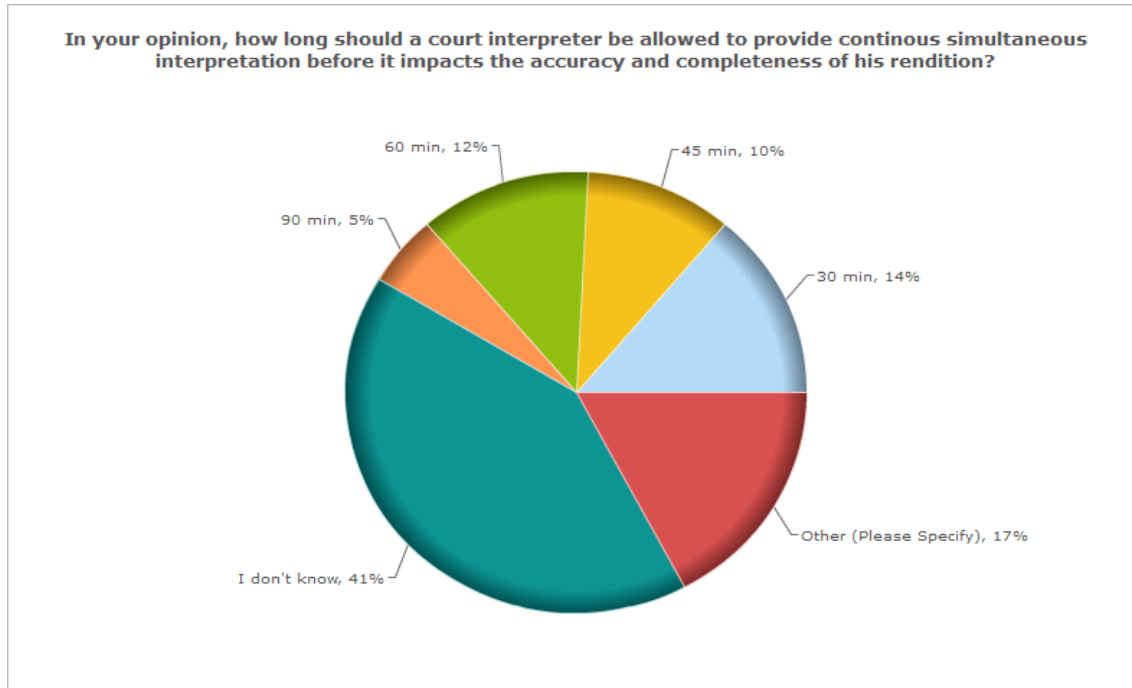
One of the ways to improve judges' understanding of court interpreting complexity is via educational outreach. Respondents were queried on their preference as to the frequency of training on court interpreter related topics. More than one-half of the respondents expressed a desire to be exposed to court interpreters' education every 2 years (see **Figure 4.8**). Furthermore, 84% of respondents would welcome a bench card containing the Nevada

Court Interpreters Code of Professional Ethics canons, sample interpreter oath, sample voir dire questions, and other related information (see **Figure 4.7**).

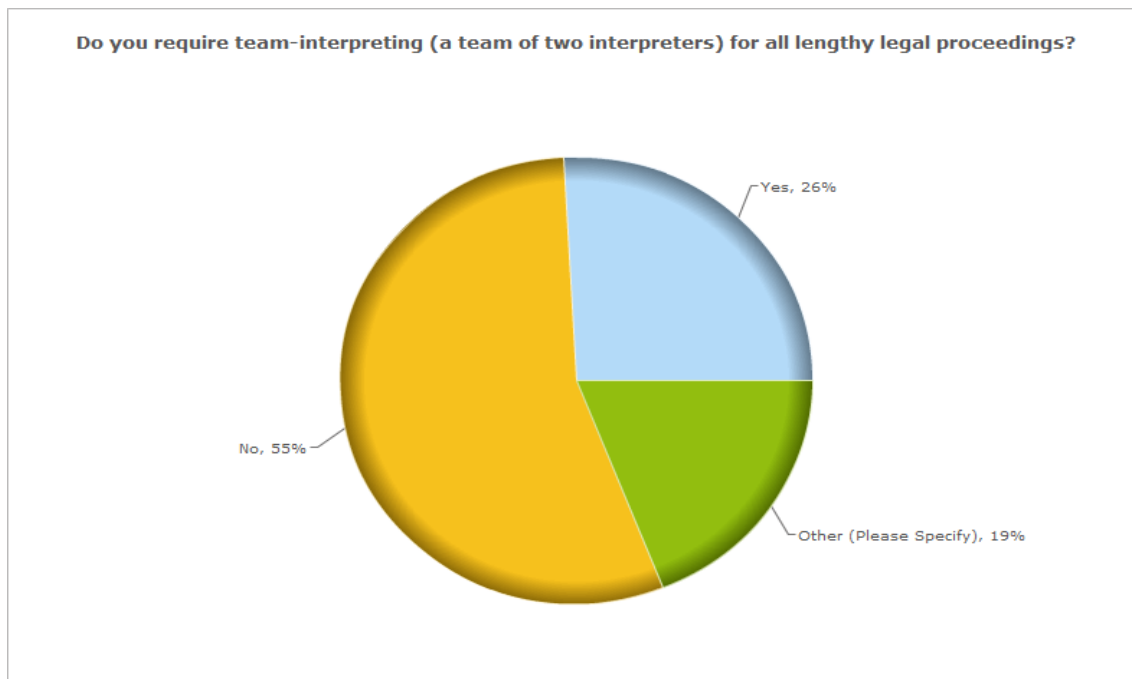
4.1. Are you aware of remote telephonic or video distance interpreting technology as an option to service your courtroom?



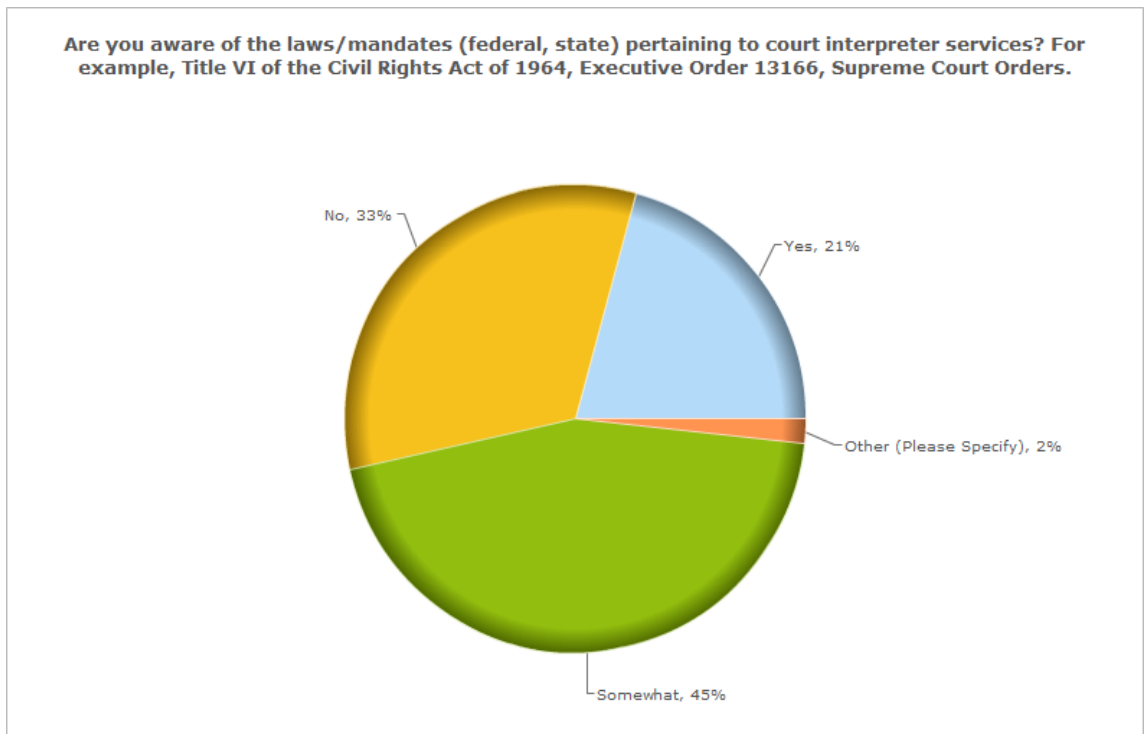
4.2. In your opinion, how long should a court interpreter be allowed to provide continuous simultaneous interpretation before it impacts the accuracy and completeness of his rendition?



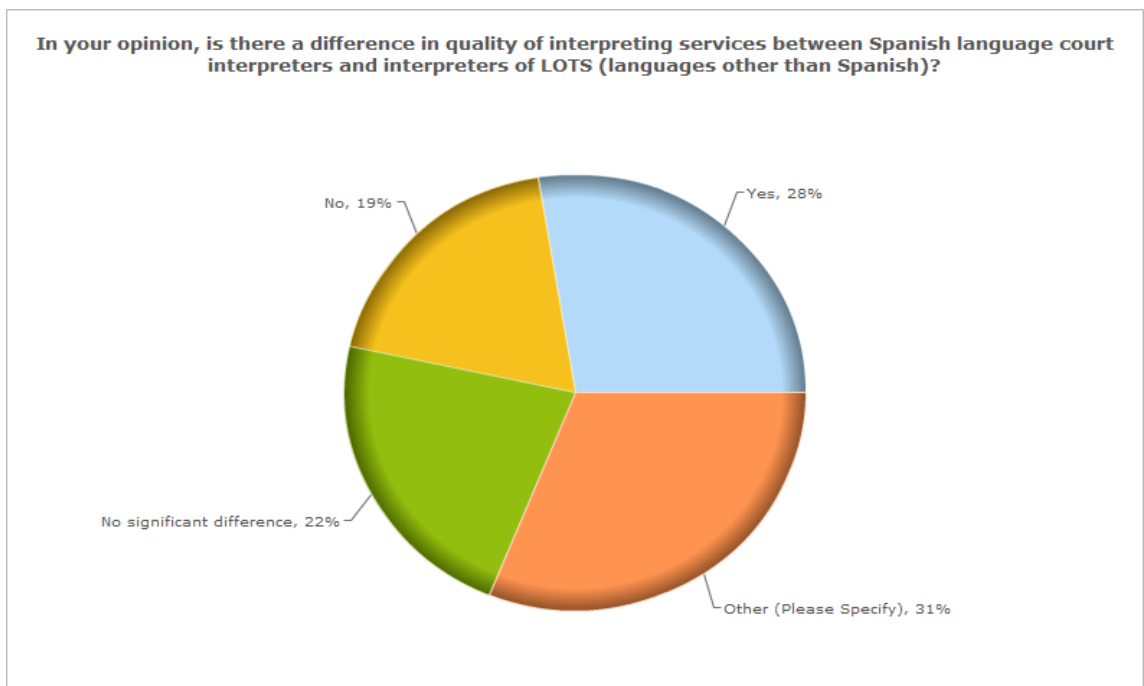
4.3. Do you require team-interpreting for all lengthy legal proceedings?



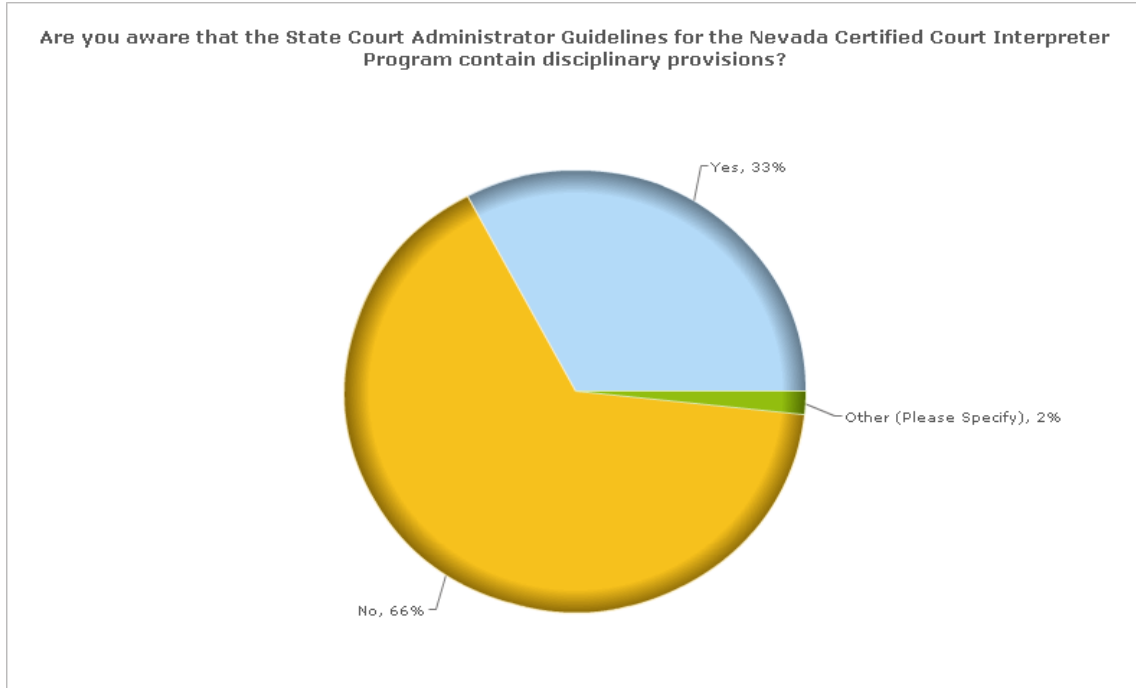
4.4. Are you aware of the laws/mandates (federal/state) pertaining to court interpreter services?



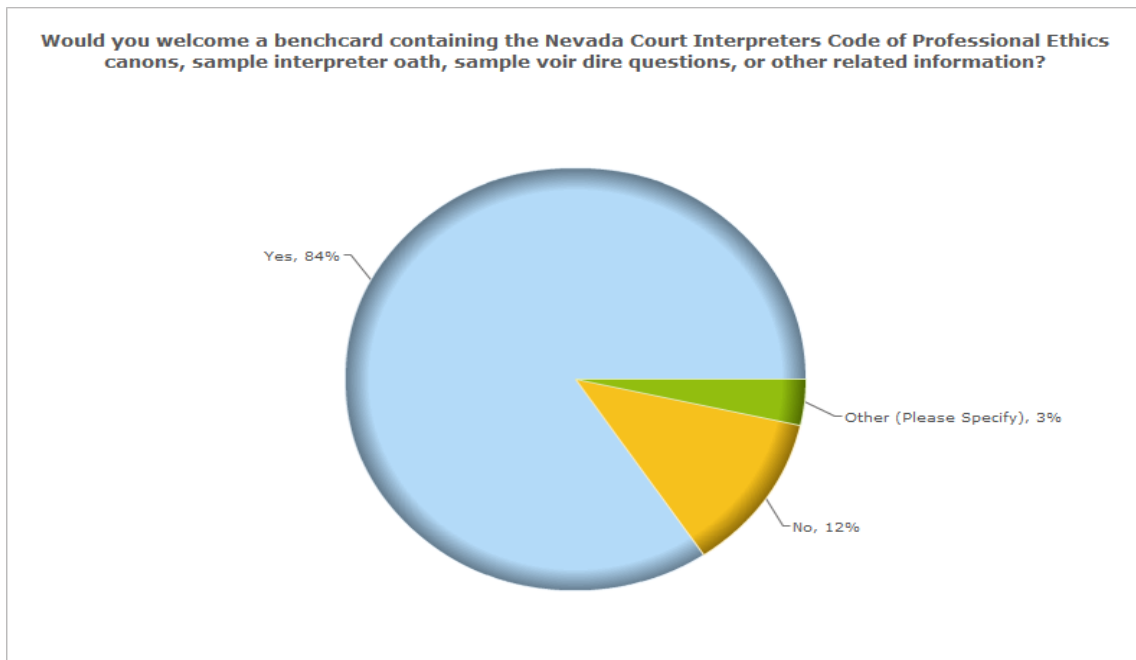
4.5. In your opinion, is there a difference in quality of interpreting services between Spanish language interpreters and interpreters of LOTS?



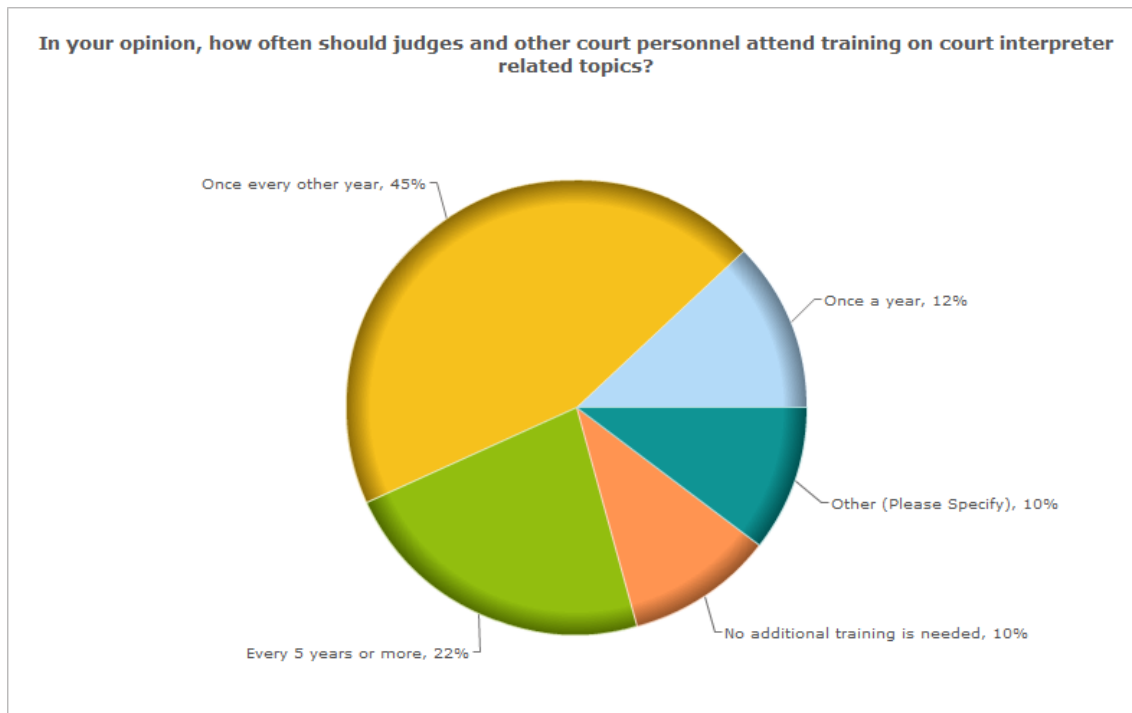
4.6. Are you aware that the State Court Administrator Guidelines for the Nevada Certified Court Interpreter Program contain disciplinary provisions?



4.7. Would you welcome a bench card containing the Court Interpreters Code of Professional Ethics canons, sample interpreter oath, sample voir dire questions or other related information?



4.8. In your opinion, how often should judges and other court personnel attend training on court interpreter related topics?



5. RESPONDENTS' COMMENTS AND FEEDBACK

Several judges stated that remote location and infrequent need create difficulty in obtaining qualified court interpreters.

Much interest has been directed to available grants for court interpreter credentialing purposes. Judges indicated that they would like to have all of their interpreters certified, but insufficient funds preclude this effort.

There was a comment about an insufficient amount of credentialed interpreters in Nevada. Judges expressed their concern about having long delays in obtaining an interpreter in their courts. Judges acknowledged that unplanned, and last minute requests for court interpreter services contributed to this issue.

In reference to the abovementioned scheduling issues, some judges shared their court interpreter scheduling strategies which aided in expediting of cases – certain days of the month have been instituted as ‘interpreter’ days.

Additionally, many judges underscored the importance of providing training to newly appointed and elected Nevada judges. They indicated that the AOC has provided useful training in the past, and that information presented in these sessions included information on making an effort to control a speech pattern of all involved parties when working with interpreters, especially when the interpreter does not regularly provide court services. Use of certified interpreters exclusively for trials was another area examined.

6. CONCLUSION

As stated in the ‘Introductory Note’, the Certified Court Interpreter Program had several goals in mind when it introduced its survey this past October to all Nevada judges. We are pleased to confirm that these goals have been accomplished.

The right to effective and meaningful access to the courts is a fundamental right guaranteed and protected by the Constitution of the United States. For our large and growing population of linguistic minorities, obtaining access to the courts is mostly possible through the language assistance of court interpreters. Nevada judges’ familiarity with the responsibilities of a court interpreter as well as their awareness of the unique role of a professional court interpreter to place the non-English speaker as closely as is linguistically possible in the same footing as the English speaker, will promote and afford equal and meaningful access to justice to the limited English proficient individuals in our state.

As the survey’s data shows, there have been no areas identified where equal access to justice may be hindered due to linguistic barriers. We did, however, recognize the need to provide continuing educational opportunities on court interpreting to our judiciary.

45% of all survey respondents agreed that attendance at training on court interpreter related topics once every other year is recommended. Thus, the survey’s results will be used to prepare a presentation for a future judges’ conference, organized and hosted by the Administrative Office of the Courts, Judicial Education Unit.

Furthermore, two practical ideas have been acknowledged by the Administrative Office of the Courts, Certified Court Interpreter Program as a direct outcome of this survey. One is a bench card for Nevada judges, which will contain information regarding when courts are obliged to provide and pay for an interpreter, who is entitled to services of an interpreter, ways to determine if a person needs interpreter services, sample *voir dire* to determine interpreter qualifications, etc.

The other success is the creation of Rural Courts Interpreter Scholarships. The initiative was born as a collaborative response to pressing needs of the Nevada rural court community. The essence of this project lies in the fact that applicant interpreter candidates have a pre-existing relationship with their sponsoring rural court. Such court will be required to collaborate on submitting the application for a scholarship to the Administrative Office of the Courts.