

Ms Caroline Jackson, Legal Assistant Team Lead  
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Texas Department of Licensing and Regulation,  
P.O. Box 12157  
Austin, Texas 78711

[erule.comments@license.state.tx.us](mailto:erule.comments@license.state.tx.us)

Via USPS and email

Re: Rules changes to 16 TAC §§80.10, 80.20, 80.22, and 80.23

Dear Ms Jackson:

I write as chair of the Advocacy Committee of NAJIT, the National Association of Judiciary Interpreters and Translators. NAJIT's mission is to promote quality services in the field of legal interpreting and translating. Our members play a critical role in assuring due process, equal protection, and equal access for non-English or limited English proficient (LEP) individuals who interact with the judicial system.

NAJIT is the largest American organization of judiciary interpreters and translators. Our aims include: the promotion of professional standards of performance and integrity for court and legal interpreters and translators; wider recognition for the profession of judiciary interpreting and translating; and the enunciation of positions on matters affecting the advancement and interest of the profession of court and legal interpreting as whole. NAJIT's Advocacy Committee is charged with monitoring national events and intervening where possible to forward the aims of NAJIT.

We wish to comment on the rules changes announced in the Texas Register on July 8, 2011, governing the licensing of court interpreters who practice in Texas courts. The changes are made to 16 TAC §§80.10, 80.20, 80.22, and 80.23.

The effect of these changes is to create two classes of interpreters: Basic interpreters, who are licensed to practice only in justice courts and in municipal courts that are not courts of record; and Master interpreters, who may practice in all Texas courts.

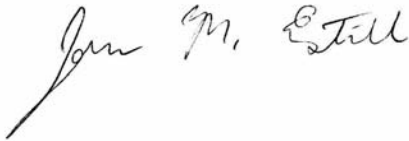
Our comments are as follows:

- The rule changes create two levels of interpreters, "Basic" interpreters and "Master" interpreters. If Basic interpreters met the current minimum requirements, we would approve of the incentives toward skill improvement that a "Master" level creates. But the rules only create a lower level of interpreter, eligible only to practice in lower level courts.
  - This division of skill levels implies that LEP individuals who are tried in lower level courts are deserving only of less capable interpreting services, and lesser justice.

- The names “Basic” and “Master” are misleading; “Master” is only an inflated term for the current “Basic”, and “Basic” appears to mean “not adequately prepared”.
- Other states using the same Consortium for Language Access in the Courts examinations set a level of 70% for minimum competence.
- There is no apparent provision for “Basic” interpreters to undertake the examinations again to try to attain “Master” status. There is thus no incentive for improvement.
- There is no apparent requirement for continuing education, or any encouragement of it.
- We notice that the evaluation of the rule changes accounted for fiscal effects, but made no mention of the effects on the justice received by LEP defendants.
- We are aware that a recommendation that license applicants undergo at least 16 hours of orientation was not adopted. We believe that interpreters who enter the system without any training in the ethics of interpreting or in courtroom procedures and terminology, no matter how skilled in language, are poorly suited to meet the needs of LEP individuals or of the courts in which they serve.

We believe that the proposed rule changes should not be adopted. We recommend that they be taken under advisement, and revised so as to correct the deficiencies we have pointed out.

Very truly yours,

A handwritten signature in cursive script that reads "John M. Estill". The signature is written in black ink and is positioned below the typed name.

John M. Estill  
Chair, NAJIT Advocacy Committee