



National Association of Judiciary Interpreters & Translators  
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July 26, 2021

Chief Justice Tani Gorre Cantil-Sakauye  
California Supreme Court  
350 McAllister  
Room 1295  
San Francisco, CA 94102

Re: **Petition for Review** in the case of Edward Kim, Ginnie Cho, Seung K. Kang and GNE Property Management, Inc., A California Corporation v. Helen Lee and Young Hee Kim  
**Supreme Court No.** TBA 2  
**Civil No.** B 295665/303317  
**Sup. Ct. Case No.** BC 563651

Honorable Chief Justice Cantil-Sakauye:

The Board of Directors of the National Association of Judiciary Interpreters and Translators (NAJIT), respectfully submits this request for the Honorable Supreme Court of California to hear the appeal in the above-referenced case, and carefully consider the critical issue of using uncertified and unqualified interpreters in lieu of certified and qualified interpreters, given the injurious effect doing so would have on persons coming before the state courts who are Limited English Proficient (LEP), deaf or hard-of-hearing individuals.

The State of California has been a role model for every other state in the nation on language access matters, ever since it amended its constitution in 1974 to provide that “[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.” (Article I, section 14.) California was the first state to certify judiciary interpreters

and set standards of conduct through legislation (AB 2400, 1978; California Government Code §68560), even before the U.S. Courts had implemented their federal court interpreter certification program.

Since 1993 the Judicial Council of California has assumed full responsibility for the certification of court interpreters and the development of a comprehensive program to ensure all courts have a competent pool of qualified interpreters available, as required by law. (Government Code § 68562 et seq.) As part of this responsibility, the Judicial Council created a Court Interpreters Program (CIP) that oversees interpreter recruitment, training (including the mandatory ethics training), testing, and certification of individuals seeking to be California court interpreters. CIP is responsible for ensuring that California certified and registered court interpreters are in compliance with requirements which include continuing education and professional performance during assignments.[1]

The process of becoming a certified interpreter in California is rigorous for good reason. When lawmakers made the *right to an interpreter* a fundamental part of the California Constitution back in 1974, it was clearly implicit that the interpreter had to be competent if the *person unable to understand English who is charged with a crime* was to effectively understand any and all proceedings against them.

The only way to measure an interpreter's competency is through an objective performance examination, such as that instituted and implemented by the State of California.. Interpreter certification and credentialing represents the State's commitment to ensure equal access to justice for the estimated 44.1% of California's population that speaks a language other than English at home[2], through a program that has yielded more than 1,800 certified and registered interpreters currently available to work in the courts.[3] There is no justification, legal or otherwise, for the use of non-certified interpreters in any proceeding. The use of such unqualified individuals

provides absolutely no assurance for the court and parties as to the language proficiency levels, general and specialized knowledge, interpreting skills, or awareness of ethical standards of the person engaged for such a highly specialized undertaking.

Therefore, it is of the highest priority that the Honorable Supreme Court of California carefully consider the critical issue of using uncertified and unqualified interpreters in lieu of certified and qualified interpreters. We urge you to find this practice prejudicial in every instance, as no member of the bench or bar has the required expertise to evaluate a person claiming to be a competent interpreter, but has not been through the process of a scientifically designed certification exam.

Respectfully submitted,

The NAJIT Board of Directors

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[1] Fact Sheet, Judicial Council of California, December 2020.  
[https://www.courts.ca.gov/documents/fact-sheet-CIP\\_2020.pdf](https://www.courts.ca.gov/documents/fact-sheet-CIP_2020.pdf)

[2] U.S. Census Bureau, 2014–2018 American Community Survey 5-Year Estimates.

[3] Fact Sheet, *op cit*.