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What is a **certified** judiciary interpreter?

A White Paper by the National Association of Judiciary Interpreters and Translators (NAJIT)



What is a judiciary interpreter's certification?

Certification requires passing a rigorous exam

The Administrative Office of the United States Courts offers the Federal Court Interpreter Certification Examination (FCICE) for English-Spanish interpreters and that credential is nationally recognized by most, if not all, state courts. Many state courts have their own state certification using testing instruments designed by the National Center for State Courts (NCSC), and offered in a greater variety of language combinations.

Certification exams consist of two parts: a written portion to evaluate a candidate's proficiency in the two languages to be interpreted, followed by a performance examination.

During the written portion of the certification exam, a candidate must demonstrate knowledge of both languages in terms of grammar, usage, general and technical vocabulary.

The performance portion tests the specific interpreting modes of sight translation, consecutive, and simultaneous

interpreting using documents and discourse normally encountered in court settings.

What goes into the written portion of a certification exam?

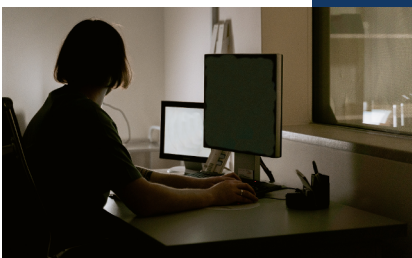
The written portion of a court interpreter certification exam measures the candidate's general knowledge of the two languages being tested at a minimum proficiency level equivalent to 14 years of formal education. That is the educational level academic and psychometric studies have found interpreters must have to interpret competently in legal settings. Additionally, the written portion of the examination tests reading comprehension in a manner very similar to a GRE-type exam. Some written tests include knowledge of synonyms, antonyms, idioms and figurative speech, while still others may include translation items and even a professional ethics component.

In the written exam, interpreters must demonstrate a broad active general vocabulary in both working languages, plus an adequate command of common technical and legal terms and their functional equivalents.



What are functional equivalents?

Legal systems and social institutions vary greatly across the United States and often have little correspondence to those of the country where the interpreter's second language is spoken. Often, the system of law in other countries is based on civil or Roman Law traditions, rather than the common law traditions of the U.S. legal system. In these instances, there may not be an exact equivalent for certain terms or concepts used in U.S. courts, therefore, the interpreter must be able to identify the clearest and most effective way to convey the meaning in the other language. This is also known as rendering a **dynamic equivalent**.



What goes into the oral portion of a certification exam?

The oral portion of a judiciary interpreter's certification exam is divided into three sections:

- ▶ Sight translation
- ▶ Consecutive interpreting
- ▶ Simultaneous interpreting

During **sight translation**, the candidate must read a document written in English out loud working directly into the interpreter's other language within a specific amount of time.

The candidate then must repeat the process by reading a document in the foreign language out loud working directly into English, also within a specific amount of time. Each document contains scoring units that exam raters use to determine whether the candidate passes or fails that portion of the test.

During the **consecutive interpreting** portion of the examination, the candidate hears a simulated Q- &- A, with questions asked in English and answers given in the foreign language, and then must fully interpret each segment. Candidates are generally allowed a total of two repetitions. The scripts for the consecutive portion of the examination also have scoring units that allow raters to determine whether the candidate has passed or failed this section of the exam.

Finally, the **simultaneous interpreting** portion will consist of a closing argument, charge to the jury, or some similar legal text in English at a rate of about 120 words per minute and lasting approximately 7 minutes. Some versions of the test may include a question- &- answer in English, as well. The candidate must render what is being said into the target language at the same time as the recorded speaker. This segment is also evaluated based on scoring units.

What are scoring units?

Court interpreter certification examinations are criterion-referenced. This means that they are objectively designed by expert psychometricians to include critical tasks, functions, and knowledge identified by members of the profession. For example, a team of experts may develop a section of critical knowledge to test grammar which would include verb tenses, number and gender agreement, and the correct use of prepositions among the scoring units. Another critical function would be the preservation of appropriate register when interpreting formal and informal discourse in the target language, which requires the inclusion of technical, legal, and slang scoring units throughout the exam. Criterion-referenced exams are designed to avoid subjective evaluation of candidates. The passing score is determined by expert test designers to ensure that candidates who become certified interpreters have met the minimum threshold requirements in accordance with the title they now hold. Certified court interpreters have successfully gone through this objective and rigorous process and demonstrated that they are proficient, competent, and fully reliable in the skills needed to provide their professional services in any legal setting. That includes in-court and out-of-court proceedings, administrative hearings, law enforcement settings, and all forensic interventions such as medical and psychological evaluations.

Who are the exam raters?

Certification examination raters are experienced and certified interpreters themselves. Every time a certification exam is offered, raters undergo special training provided by the testing institution to ensure uniformity in testing results. There is no grading on a curve in criterion-referenced examinations. All scoring must follow the exact same methodology.

What makes a certified interpreter different from a non-certified interpreter?



Knowing how to speak two languages is not enough to be able to interpret accurately between those two languages. People who speak two languages can process information in either, but the brain does not actually make a distinction between the languages in which the information was received. Bilingual people who switch from one language to another while

speaking often do that because they cannot keep the information from one language separate from the other. Interpreters must start by training their brains to **process information received from two languages separately.** In the course of normal conversation, we can listen and occasionally shift our attention to something else, then come back to the conversation and pick up the thread of what is being said. When we are interpreting, we have to maintain our attention **continuously focused** on what we are hearing in order to understand the message clearly and render it accurately in the other language. **A person who is not a professional interpreter will not have the ability to process information in two languages with the necessary speed and deliver the message accurately, as required in legal settings.** People who are simply bilingual lack the proper training to perform the functions required of an interpreter, whether in a legal or any other setting, and are very likely to provide incomplete or erroneous information. **Certification candidates who have not developed this essential cognitive discipline are very likely to fail the exam.**



The Native Speaker, the Heritage Speaker and the Second-Language Speaker

Not all bilinguals are the same. Some people learn a language because they are born in a country where the language is spoken, such as Germany, for example. Then they move to a second country where another language is spoken, like Spain. Consequently, they become bilingual in German and Spanish because they learned both languages by living in those countries and most likely attending schools there. These individuals are known as **native speakers**.

Other people learn a language because their parents spoke it at home, while they themselves spoke a different language outside the home. For example, a child growing up in Italy may have had parents who spoke Arabic at home, but the child never spoke Arabic outside the home. The child was encouraged to learn Italian and was also educated in that language. The parents never taught the child how to read or write in Arabic, so when the child grew up, communication in the parents' tongue was very limited. This is what is known as a **heritage speaker**.

With the growth of international trade and instant communications from one end of the world to the other, learning languages has gained momentum in the United States, although it has been commonplace in many other countries, particularly in Europe. When a person learns a second language in school, rather than by living in a country where that language is spoken, that person is known as a **second- language speaker**.

The level of proficiency each one of these bilingual persons will have is going to be very different, with the native speakers having the highest levels, and the heritage speakers generally having the lowest. For second- language speakers, it will always depend on how much academic training they receive and their immersive exposure to the language.

Interpreters in legal settings must have native or near-native proficiency in the two languages they interpret. Anything less would jeopardize the rights of non- English speakers and Limited English Proficient individuals in court who rely on interpreting services to exercise their Constitutional rights. In general terms, **certification candidates who fail the exam generally do not meet the native or near- native language proficiency requirement.**

A Professional Code of Ethics

Certified interpreters abide by a Code of Ethics that not only establishes the parameters for their conduct in and out of the courtroom, but also provides all end-users and stakeholders with vital information as to what can and cannot be expected of a professional interpreter.

Foremost in the Code of Ethics is the interpreter's role as a **neutral officer of the court**. The interpreter in a legal setting has the immovable responsibility of conveying to non-English speaking or Limited English Proficient individuals everything that is being said in a legal proceeding in their own language, without omitting or adding anything. Interpreters make it possible for these individuals to be fully present in the same way they would be if there were no language barrier. It is also the court interpreter's role to convey witness testimony in languages other than English for the record as if those witnesses were testifying in English, whether such testimony is being offered by the prosecution or the defense. **Professional court interpreters remain impartial** under any and all circumstances, never taking sides.

Continuing education is also key to maintaining and honing the high performance standards of a certified interpreter, and an integral part of the court interpreter's

professional code of ethics. For interpreters in legal settings, **accuracy** is of paramount importance, but is not to be confused with what some mistakenly call *verbatim* interpreting, or word-for-word interpreting. No two languages are mirror images of each other, therefore, when converting a message from one language to another, the interpreter's responsibility is to find the most precise way to convey a speaker's full **meaning**, not just the words.

Perhaps most important of all is the court interpreter's ethical duty to preserve the **confidentiality** of all interpreted communications. Interpreters may be approached by family members, the press, or the general public, and queried about what may have happened inside a courtroom. Professional interpreters never comment about anything they may have seen or heard during the course of their work. Interpreters are not parties to any criminal or civil litigation, so they should never be put in a position where they are being asked to disclose the contents of what they have interpreted, consequently becoming witnesses for one side or the other. This is a clear violation of the interpreter's ethical obligation to remain neutral and impartial. When a lay person is called upon to interpret in a legal setting and

they are not familiar with the court interpreter's code of ethics, there is always a risk of biased interpretations, conflicts of interest, improper intrusions in the communicative process, inadvertent or willful disclosure of confidential information, and other conduct that would constitute blatant ethical violations for any professional judiciary interpreter.

Certification as a quality benchmark

When court interpreters acquire their certification, they have gone through specialized training to acquire the interpreting techniques required to perform in the simultaneous, consecutive, and sight translation modes for their specific language combinations; they have become familiar with court proceedings general vocabulary, and the most frequently used legal and technical terms. Certified interpreters must know the proper protocol to follow and the ethical principles that bind them. All **judges and court personnel may confidently depend on having a high quality standard of service when a certified court interpreter** is working in their courtroom or in any legal proceeding.

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Approved by the NAJIT Board of Directors

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