

June 2, 2025

Bruno Romero, Manager of Language Services
Supreme Court of Ohio
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Columbus, Ohio 43215
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**Re: Comments on the Proposed Amendments to the
Rules of Superintendence for the Courts of Ohio**

Dear Mr. Romero:

The National Association of Judiciary Interpreters and Translators (NAJIT) respectfully submits these comments on proposed amendments to Ohio's court interpreting service rules. Founded in 1978, NAJIT represents over 1,000 court interpreters, translators, judicial officers, scholars, and trainers committed to advancing professional standards and ensuring equal access to justice for those with limited English proficiency (LEP).

The Preamble to Ohio's Code of Professional Conduct for Court Interpreters and Translators describes court interpreters and translators as "highly skilled professionals who fulfill an essential role by assisting in the pursuit of justice." Canon 2 of the Code, Accuracy and Completeness, underscores the standards to which language access professionals are held in their service to the courts.

Upholding such high standards is consistent with the Supreme Court of Ohio's commitment "to ensuring equal justice to *all* who come before the court including individuals who are deaf, hard of hearing or have limited English proficiency."¹ Our comments aim to strengthen this commitment through recommendations that align with well-established national standards and best practices.

We will start by addressing the proposed interpreter classifications. Then we will discuss what we consider to be other major recommendations and conclude with some minor recommendations.

CLASSIFICATION OF FOREIGN LANGUAGE INTERPRETERS

Foreign language interpreter classifications: Ohio's courts recognize the importance of interpreter certification to ensure equal access to justice for LEP individuals. To support this, the state has established a program for certifying interpreters that generally aligns with best practices in other jurisdictions and standards recommended by the National Center for State Courts (NCSC).

¹ <https://www.supremecourt.ohio.gov/courts/services-to-courts/language-services/legal-requirements-for-language-access/>; emphasis in original

However, we are concerned that the proposed credentials for interpreters who are not certified create confusion, introduce redundancy, and establish progressively lower standards, potentially compromising the quality of language access services provided.

With the proposed amendments, the Rules of Superintendence for the Courts of Ohio would include six categories of foreign language interpreters:

- Certified foreign language interpreter
- Provisionally qualified foreign language interpreter
- Conditionally approved foreign language interpreter
- Registered foreign language interpreter
- Assessed interpreter
- Language-skilled foreign language interpreter

The exams, skills, training, and language requirements for each tier according to the proposed amendments are as follows:

Foreign Language Interpreter Categories, According to Proposed Amendments								
Skills, training, and other requirements ↓ Interpreter category↴	Oral proficiency assessment	Orientation training: terminology, procedure, ethics, and introduction to interpretation	NCSC written exam	Skills training course: Simultaneous, consecutive, and sight	NCSC oral exam	Duration	Other training	Continuing education required
Certified	Yes - English and foreign language: "general professional proficiency"	yes:	80%	yes	70%	Ongoing, unless revoked		yes
Provisionally qualified	Yes - English and foreign language: "general professional proficiency"	yes	80%	yes	60%	Ongoing, unless revoked		yes
Conditionally approved	Yes - English and foreign language: "general professional proficiency"	yes	80%	yes	55%	Ongoing, unless revoked		yes
Registered - Languages with no oral exam, or with an oral exam, but fewer than 10 certified in state	Yes - foreign language only: "superior native fluency"		80%			Ongoing, unless revoked	Yes - 24 hours terminology, ethics, modes of interpretation	yes
Assessed	Yes - foreign language only:		70%				Yes - 24 hours court-related	no

	"proficiency"						training	
Language-skilled	There are no requirements for this category. They need only "demonstrate to the court proficiency in the target language and sufficient preparation to properly interpret the proceedings." They must state their training and experience on the record, then swear to uphold the Code of Professional Conduct for Court Interpreters.							

We believe that this level of complexity does not help Ohio meet its goal of ensuring equal access to justice for all LEP individuals because it lowers the standards required for interpreters working in Ohio's courts without establishing additional safeguards to ensure interpreters testing in the lower categories receive necessary training and demonstrate improvement.

Therefore, we recommend that Ohio:

1. Reject the proposed "conditionally approved foreign language interpreter" category.
 - The "conditionally approved foreign language interpreter" category (**Sup.R. 80(C)**, **Sup.R. 81(G)(5)**, etc.) is so similar to the existing "provisionally qualified foreign language interpreter" category as to be redundant. This can lead to confusion for the courts, attorneys, LEP court users, and interpreters.
 - We are in favor of preserving the higher test score required by the "provisionally qualified foreign language interpreter" category.
2. Revise the language for "provisionally qualified foreign language interpreters."
 - **Sup.R. 80(J)** (with its amendments) reads "Provisionally qualified foreign language interpreter' means a foreign language interpreter who has received provisional certification from the Supreme Court Language Services Program Section pursuant to Sup.R. 81(G)(3)."
 - The term "certification" should represent full competency. It should not be used in reference to provisionally qualified interpreters as they are not certified.
 - The phrase "provisional certification" is repeated twice more in **Sup.R. 81(G)(3)**. In each instance it should be amended to "provisional qualification."
3. Reject the proposed amendment to the "registered foreign language interpreter" category.
 - The amendment in **Sup.R. 81.01(B)(4)** appears to exempt some interpreters from testing requirements when exams are available² in their languages, weakening Ohio's commitment to equal access. All interpreters of languages with available tests should be required to complete those tests with acceptable results before working in Ohio courts.
4. Eliminate the "assessed interpreter" category.
 - **Sup.R. 86** creates an undefined "assessed interpreters" category with no guidelines for where these interpreters may be used. We believe that the

² [NCSC Oral Examinations Ready for Administration](#)

standards for this category are so unacceptably low that they cannot offer any guarantee of meaningful access to justice.

5. Eliminate the “language-skilled interpreter” category.

- **Sup.R. 88(G)** outlines a fallback provision for when the courts have failed to appoint an interpreter with any measure of qualifications. This undermines professional standards and equal justice principles and should be removed entirely. Remote interpreting services make qualified interpreters available in virtually all circumstances.

6. Create a “master level certified foreign language interpreter” category.

- All of the proposed changes lower standards without proposing any improvements. We recommend this new credential for interpreters in order to raise the bar for language access in Ohio.
- The NCSC Manual recommends this category for “candidates who pass the oral examination with a score of 80% or more in all three sections of the examination, as well as in each part of the sight translation section.”³
- This would:
 - demonstrate Ohio’s commitment to the highest standards of Professional Conduct for interpreters;
 - provide incentives for professional growth;
 - create resources for complex or high-stakes proceedings; and
 - enable a fair tiered compensation structure based on the interpreter’s demonstrated competency.

7. Strengthen quality controls for lower-level classifications.

- If classifications below certification are necessary, implement these essential safeguards:
 - **Scheduling Priority:** Certified interpreters must be sought first; conditionally approved interpreters are to be used only when, after a conscientious search it can be determined that certified interpreters were unavailable (**Sup.R. 88** addresses this appropriately).
 - **Monitoring:** Establish rigorous oversight to prevent courts from using provisionally qualified interpreters as a cost-saving measure.
 - **Professional Development:** Require additional continuing education beyond basic skills .
 - **Time Limits:** Retain a maximum duration for “provisionally qualified” status with mandatory retesting. **Sup.R. 81(G)(3)** includes language to this effect, but if the proposed amendments are adopted it would be eliminated. We

³ [NCSC Interpreter Testing Desk Reference Manual](#), page 20

recommend that a thirty-six month time limit remain, during which the interpreter must either retest and pass certification or lose their provisionally qualified status.

If these measures are adopted, Ohio's foreign language interpreters would fall into the following four categories:

Foreign Language Interpreters, per NAJIT's Recommendations								
Skills, training, and other requirements ↓ Interpreter category↴	Oral proficiency assessment	Orientation training: terminology, procedure, ethics, and introduction to interpretation	NCSC written exam	Skills training course: Simultaneous, consecutive, and sight	NCSC oral exam	Duration	Other training	Continuing education required
Master-level	Only for languages for which there is no NCSC oral exam.	yes	80%	yes	80% in all 3 sections and both parts of the sight section	Ongoing, unless revoked		yes
Certified	Only for languages for which there is no NCSC oral exam.	yes	80%	yes	70%	Ongoing, unless revoked		yes
Provisionally qualified	Only for languages for which there is no NCSC oral exam.	yes	80%	yes	60%	36 months, unless revoked		yes
Registered - Languages with no oral exam	Yes - foreign language only: "superior native fluency"		80%		N/A	Ongoing, unless revoked	24 hours terminology, ethics, modes of interpretation	yes

CLASSIFICATION OF SIGN LANGUAGE INTERPRETERS

There are no substantive amendments proposed to the rules regarding Sign Language interpreters, **Sup.R. 82** and **Sup.R. 82.01**. Nevertheless, our review of the rules has identified several critical gaps for certifying sign language interpreters. We recommend the following:

1. Create a "provisionally qualified sign language interpreter" category.
 - Ohio's Rules of Superintendence include categories for "certified sign language interpreter" and "registered sign language interpreter." However, there is a group of ASL interpreters that would stand between these two categories, analogous to the "provisionally qualified foreign language interpreter" category.

- These are ASL interpreters who hold any of the certifications identified in **Sup.R. 82.01(B)(4)** and have completed 60 hours or more of verified legal training.
 - We recommend that a category be created for these interpreters along the lines indicated.
2. Create a “Certified Deaf Interpreter” category.
- **Sup.R. 88(I)(4)** and **(5)** recognize the necessity of appointing Certified Deaf Interpreters (CDIs). Nevertheless, **Sup.R. 82** and **Sup.R. 82.01** do not provide any mechanism for certifying them.
 - We recommend that comprehensive CDI certification rules be developed in consultation with relevant experts, referencing successful models from other jurisdictions.
3. Eliminate the “eligible sign language interpreter” category.
- **Sup.R. 88(I)(3)** introduces a new category of sign language interpreter, the “eligible sign language interpreter,” with insufficient qualifications. We recommend this category be eliminated.

OTHER MAJOR RECOMMENDATIONS

1. Reject the proposed amendments to the Code of Professional Conduct (Canon 7).
 - The proposed additions relate to scheduling issues (interpreters not accepting assignments they cannot fulfill) and peer review of qualifications (interpreters not recommending colleagues they know to be unqualified).
 - We believe these amendments are inappropriate because neither of the proposed additions belong in Canon 7, which addresses impediments to performance, and because verifying credentials is the express responsibility of court administration, not of peer interpreters.
2. Require AI-generated translations to be reviewed by human translators approved to provide services to the Ohio courts.
 - Proposed rule **Sup.R. 87.(A)(2)** permits review by “proficient native speakers” and makes review optional. We recommend the following language be included instead: “All AI-generated translations must be reviewed for accuracy and completeness. Reviews must be performed by human translators certified by the American Translators Association or interpreters certified by the Administrative Office of the United States Courts or a state using NCSC certification exams.”
3. Expand interpreter access.

- **Sup.R. 88(A)(1):** The parents/guardians of minors who are subjects of court actions should be included among the parties for whom the court may appoint an interpreter.
- 4. Revise the process for determining if an interpreter is needed.
 - **Sup.R. 88(K)** places a communication assessment burden on judges, who often lack the required specialized training. Evaluating communicative competence is a very technical activity requiring a broad knowledge of intercultural communication and principles of communication.
 - Replace **Sup.R 88(K)** with: "The court shall accept the representation by counsel or pro se parties regarding the need for an interpreter."
- 5. Develop guidance on how to manage the delivery of interpreting services by CDIs and other specialist interpreters
 - **Sup.R. 88(I)(4)** allows for the appointment of CDI interpreters, but does not provide any guidance or refer to any other resource for aiding bench and bar in understanding how to properly make use of them or other specialist interpreters.
 - Develop resources for guiding the bench and bar in proper use of CDIs.⁴
- 6. Address compensation.
 - Compensation significantly impacts interpreter recruitment and retention. Interpreter compensation ought to be based on a valid and ongoing assessment of the value that interpreters' essential skills, knowledge, experience, and qualifications contribute to the Ohio judicial system's delivery of equal access.
 - Conduct a comprehensive review of Ohio courts' compensation policy.
 - Implement a tiered payment structure with the previously suggested Master-level interpreters receiving the top rate of compensation.

MINOR RECOMMENDATIONS

I. Testing and Certification Improvements

1. **Sup.R. 81(C)**— The oral assessment requirement should be limited to those interpreters in languages for which there is no NCSC exam.
 - Remove the oral assessment requirement, except for languages for which there is no NCSC oral exam.
2. **Sup.R. 81(E)(2)**—The proposed wording sets a higher standard than required by NCSC policy. The current rule in Ohio requires candidates to score 80% or higher on each of

⁴ See, for example, <https://www.njcourts.gov/sites/default/files/public/language-services/lapappendix12.pdf>.

the three sections of the written exam, while NCSC Manual §1.3 only requires an overall score of 80% on the entire exam.

- If this higher standard is intentional, leave it as written since it's permissible under NCSC policy.
 - However, if it wasn't intended, the rule should be redrafted to align with the NCSC Manual.
 - The same issue appears in **Sup.R. 81.01(B)(5)** and **Sup.R. 82.01(B)(6)**.
3. **Sup.R. 81(E)(3)**—The written test measures general knowledge of English, legal terminology, and interpreting ethics. These knowledge gaps cannot be quickly remediated, and six months is insufficient time for meaningful improvement. Given the limited number of retakes allowed, there is no benefit to shortening the timeframe and accelerating candidates toward the testing limit.
 - Maintain the one-year retest time frame.
 4. **Sup.R. 81(F)**—The proposed nonrefundable fee at the discretion of the Section for a training course is a disincentive for prospective interpreters.
 - Consider offering training at reduced or no cost.
 5. **Sup.R. 81(G)(2)**—The current wording for passing the sight translation section is unclear. It does not specify whether 70% is required on each part (permitted but not required by NCSC), or 65% on each part plus a 70% average (the NCSC Manual requirement) over both parts.
 - Consider rewriting this text so there is no doubt what is required for passing the sight translation section.
 6. **Sup.R. 82.01(B)(6)**—The requirement that ASL certified interpreters take and pass the NCSC's written examination is unnecessary. All certifications listed in division (4) include similar testing (which is probably even at a higher level). This requirement is redundant and constitutes a disincentive that would work against recruitment.
 - Remove division 6.
 7. **Rule 82.01(B)(7)**—While this provision may be appropriate for foreign language interpreters, it is redundant for ASL interpreters who have certification. Each of those certifications requires a considerable number of hours in legal interpretation that far exceed these twenty-four hours. Furthermore, unless this is revised as recommended, this subsection adds yet another disincentive to recruitment as it would require ASL interpreters to undergo training that is unnecessary.
 - Modify this requirement providing for its waiver for ASL applicants who provide proof of their legal interpreter training.

II. Additional Improvements

1. **Sup.R. 82**—Add reciprocity provisions for certified sign language interpreters.
2. **Sup.R. 82.01(B)(2)**—Remove “remain and” to allow for specialized international interpreters when necessary.
3. **Sup.R. 85(A)**— Review continuing education requirements to balance professional development with retention.

CONCLUSION

These recommendations balance Ohio's practical needs with professional standards and equal justice principles. NAJIT stands ready to provide additional technical assistance to implement these improvements effectively.

We appreciate the opportunity to contribute to Ohio's commitment to its stated professional standards for interpreter services and equal access to justice. We look forward to continued collaboration.

Respectfully submitted,

The NAJIT Board of Directors

For additional information or clarification on any recommendation, please contact NAJIT at office@najit.org.

Endorsed by:

American Translators Association
Association of Language Companies
Certification Commission for Healthcare Interpreters
CoSET Leadership Circle
Registry of Interpreters for the Deaf