

TENNESSEE COURT INTERPRETER CREDENTIALING PROGRAM

INTERPRETER MANUAL

CANDIDATES BEGINNING THE CREDENTIALING PROCESS
NOVEMBER 2005-PRESENT



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INTRODUCTION

Court interpretation is a specialized and highly-demanding form of interpreting. It requires skills that few bilingual individuals, including language instructors, possess. To gain access to other professionals in the field, the Tennessee Administrative Office of the Courts (“AOC”) became a member of the Consortium for State Court Interpreter Certification (“Consortium”), a group under the auspices of the National Center for State Courts. Tennessee Supreme Court Rules 41 and 42, which govern the credentialing, appointment, and ethics of Tennessee’s interpreters, were based on model policies provided through the Consortium, but were modified to meet Tennessee’s needs. The Tennessee Supreme Court adopted these rules on April 25, 2002, and amended them on April 27, 2005.

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CREDENTIALING REQUIREMENTS

GENERAL REQUIREMENTS

In Tennessee, there are three types of interpreters:

- (1) Certified Court Interpreters
- (2) Registered Court Interpreters
- (3) Non-credentialed Court Interpreters—an interpreter who has not been designated as a registered or certified court interpreter by the AOC

Registered Court Interpreter Designation:

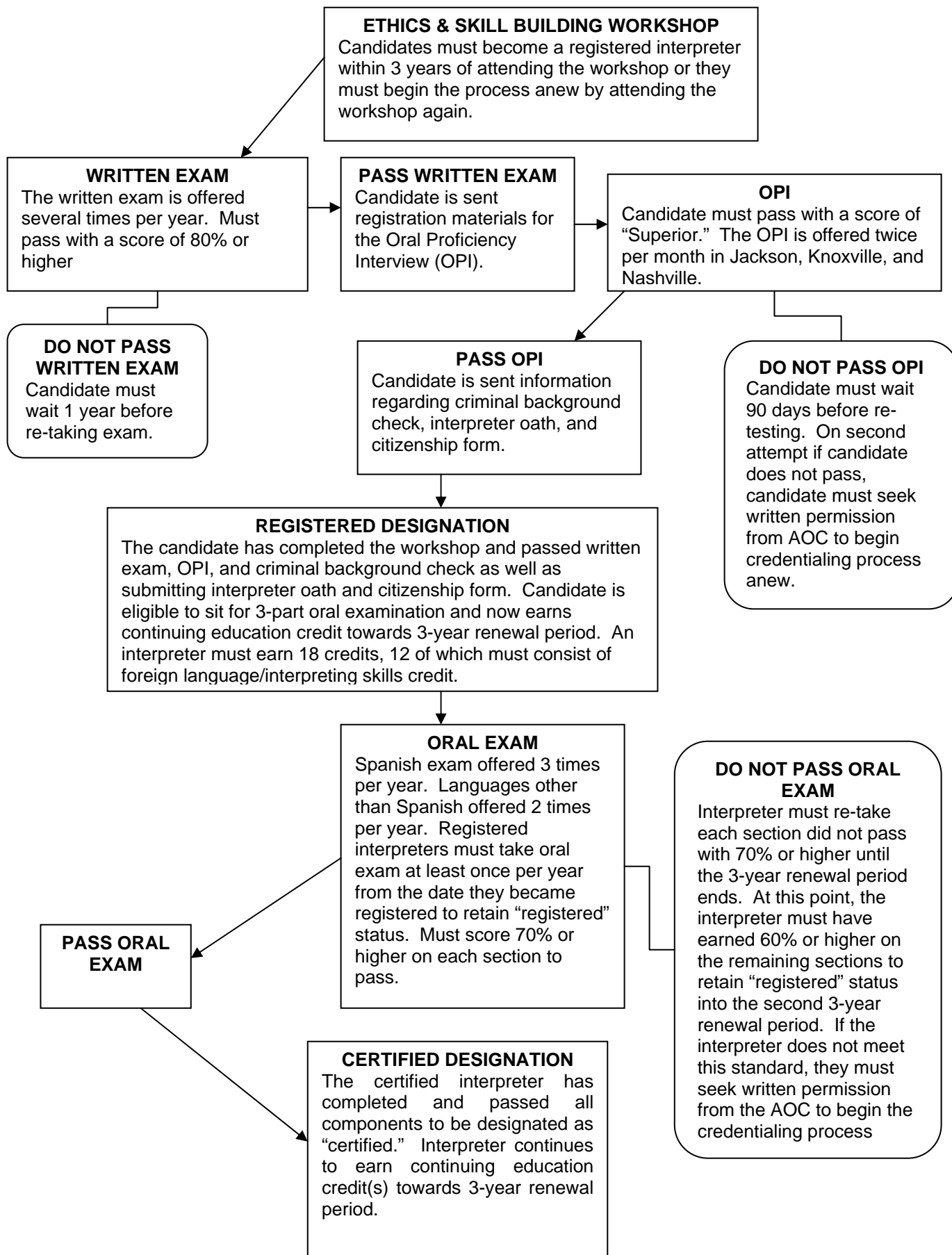
- (1) Attend an approved two-day (14 hour) ethics & skill building workshop
- (2) Pass an approved criterion-referenced written examination
- (3) Pass an oral proficiency interview
- (4) Pass a criminal background check
- (5) Complete citizenship form
- (6) Sign interpreter oath

To be designated as a registered interpreter, the interpreter must complete steps 1-6 in the order in which they are listed. If the interpreter does not complete the first six steps within three years of the date he/she attends the workshop (Step 1), he/she must begin the credentialing process anew after obtaining written permission from the AOC.

Certified Court Interpreter Designation:

- (1) Interpreter has completed the requirements for registered designation
- (2) Pass 3-part oral performance examination

An interpreter cannot choose to remain a registered interpreter indefinitely. As discussed below, if an oral examination is offered in the language spoken by the interpreter, the interpreter must take the oral examination a minimum of once every twelve months until he passes it. **If an interpreter fails to comply with this requirement, the AOC will revoke his credentials and he will be required to begin the credentialing process anew after obtaining written permission from the AOC.** If you have any questions regarding Tennessee's credentialing requirements, please contact the AOC at (615) 741-2687.



DESCRIPTION OF EACH CREDENTIALING REQUIREMENT

1. Ethics and Skill-Building Workshop

- This two-day, or 14-hour workshop, is offered several times a year.
- The AOC has approved curriculum for workshop providers and you can locate provider information as well as workshop dates on the AOC's website at www.tncourts.gov. Once on the webpage, click on "Programs" and then on "Court Interpreters." Workshop fees and location vary depending upon the workshop provider.

2. Written Examination

- This is a multiple-choice examination which includes 135 questions in English. The examination tests an interpreter's knowledge regarding the following: (a) the English language; (b) court-related terms and usage; and (c) ethics and professional conduct. Interpreters will receive more information about this examination during the workshop.
- To pass the examination the interpreter must earn a minimum overall score of 80%. An interpreter who does not pass the examination must wait one calendar year before retaking it. Interpreters who attend the workshop will automatically be notified when registration materials for the written examination become available on the AOC's website.
- The non-refundable registration fee is \$50.00.

3. Oral Proficiency Interview

- An interpreter who passes the written examination becomes eligible to submit to the oral proficiency interview ("OPI"), which is conducted by Language Testing International ("LTI")
- This is a 20-30 minute telephonic interview between a tester who is certified by the American Council for the Teaching of Foreign Languages ("ACTFL") and the interpreter, and this interview measures how well the interpreter speaks the language in which he is attempting to become credentialed.
- The fee is \$139.00 and the interpreter will also be responsible for the cost of the long distance telephone call by bringing a phone card to the testing site.
- The OPI is offered in Jackson, Knoxville, and Nashville twice per month and the AOC will provide the interpreter with registration information and additional information regarding the nature of this interview after the interpreter passes the written examination.
- The interpreter must receive a "Superior" rating according to the ACTFL Proficiency Guidelines - Speaking to pass this interview, and may not submit to the interview more than twice during the three-year period in which he is attempting to become registered.

The ACTFL Proficiency Guidelines describe the "Superior" rating as follows:

Speakers at the Superior level are able to communicate in the language with accuracy and fluency in order to participate fully and effectively in conversations on a variety of topics in formal and informal settings from both concrete and abstract perspectives. They discuss their interests and special fields of competence, explain complex matters in detail, and provide lengthy and coherent narrations, all with ease, fluency, and accuracy. They explain their opinions on a number of topics of importance to them, such as

social and political issues, and provide structured argument to support their opinions. They are able to construct and develop hypotheses to explore alternative possibilities. When appropriate, they use extended discourse without unnaturally lengthy hesitation to make their point, even when engaged in abstract elaborations. Such discourse, while coherent, may still be influenced by the Superior speakers' own language patterns, rather than those of the target language.

Superior speakers command a variety of interactive and discourse strategies, such as turn-taking and separating main ideas from supporting information through the use of syntactic and lexical devices, as well as intonational features such as pitch, stress and tone. They demonstrate virtually no pattern of error in the use of basic structures. However, they may make sporadic errors, particularly in low-frequency structures and in some complex, high-frequency structures more common to formal speech and writing. Such errors, if they do occur, do not distract the native interlocutor or interfere with communication.

4. Criminal Background Check

- Upon passing the OPI, the AOC will provide the interpreter with the necessary information regarding a criminal background check.
- The fingerprints will be submitted to the Tennessee Bureau of Investigation ("TBI") and the Federal Bureau of Investigation for analysis, and the non-refundable fee is \$56.00.
- Convictions for any felony or for a misdemeanor involving dishonesty or false statement will disqualify an interpreter if such conviction is ten years old or less as provided in Tennessee Rule of Evidence 609.
- The AOC will notify the interpreter after receiving the background check results from the TBI. The AOC usually receives the results within two weeks after the interpreter is printed, but re-printing is sometimes required and that could delay the results for months.

5. Citizenship Form

- This form requires the interpreter to provide verification of United States citizenship or the legal right to work and remain in the United States.
- The interpreter is required to notify the AOC within three business days if his status changes at any point after he completes this form. Failure to do so may result in revocation of the interpreter's credentials.

6. Oath

- The AOC will provide the interpreter with a form which contains the interpreter oath:
- The interpreter must sign this form and submit it to the AOC. Pursuant to Tennessee Supreme Court Rule 42, individual courts may also require an interpreter to take an oath prior to or during a court proceeding.

7. Oral Performance Examination Content And General Information For All Languages

- The oral performance examination tests an interpreter in sight translation, consecutive interpretation, and simultaneous interpretation.

- The oral performance examination is currently offered in Arabic, Cantonese, Haitian-Creole, Hmong, Korean, Laotian, Mandarin Chinese, Portuguese, Russian, Somali, Spanish, and Vietnamese. Examinations in other languages are being developed.
- An interpreter must earn a minimum score of 70% on each of the three sections to pass the examination and to be designated as a certified interpreter.
- The non-refundable Tennessee resident registration fee is \$150.00 the first time taking the oral exam, \$200.00 second time, and \$300.00 third time during a one-year testing cycle (July-June). The non-refundable registration fee is \$300.00 for out-of-state residents. The AOC will notify all eligible registered interpreters when registration materials for the oral examination become available on the AOC's website.

Sight Translation

The interpreter will be given a written document to translate orally from English into Spanish. The interpreter will then be given a second document to translate orally from Spanish into English. Each document is approximately 225 words in length. The interpreter will have a total of six minutes to complete each task. The interpreter is permitted to use a *maximum* of two of the six minutes to silently review the document.

Consecutive Interpretation

This portion of the examination consists of an audio tape recording from a transcript representing witness testimony. The interpreter must interpret the testimony, acting exactly as if he was in court. This will involve interpreting from English into Spanish (attorney's questions) and from Spanish into English (witness' responses). The interpreter will have 22 minutes to complete this task. To prepare for this section of the examination, the National Center for State Courts recommends that an interpreter practice interpreting in the consecutive mode until he is able to interpret 45 to 50 separate utterances of varying lengths (up to 950 words total) within 20-22 minutes.

Simultaneous Interpretation

This portion of the examination consists of an audio tape recording of a passage based on an attorney's opening or closing statement to a judge or jury, a discussion between a judge and an attorney, or a similar proceeding. The interpreter will simultaneously interpret this material from English into Spanish. It is approximately 900 words in length and is recorded at an approximate speed of 120 words per minute. Including the instructions and preparation time, this portion of the examination takes approximately 10 minutes. The recording itself lasts approximately seven minutes.

The entire examination takes 40-45 minutes. The interpreter's response to each part of the examination is recorded on audiotape by the proctor. The examination is then rated by interpreters who have been trained to rate oral exams under the auspices of the Consortium for State Court Interpreter Certification.

Interpreters are not required to take an examination preparation course prior to the oral examination, but the AOC strongly encourages them to do so. The AOC posts available courses on the interpreter continuing education page of its website.

ORAL EXAMINATION REQUIREMENTS

An interpreter must sit for the oral performance examination a minimum of once every twelve months from the date designating as a registered interpreter until passing the examination with a minimum score of 70% per section. **If an interpreter fails to comply with this requirement, the AOC will revoke the interpreter's credentials.** The one-year requirement applies to every language in which an interpreter is credentialed.

The AOC will review the examination results on a case-by-case basis, and it reserves the right to revoke the credentials of an interpreter whose skills do not appear to be adequate for a courtroom setting.

- The interpreter must sit for all three sections of the oral examination after becoming a registered interpreter.
- If the interpreter does not pass the examination with a minimum score of 70% per section, the interpreter must retake those sections which he/she did not pass.
- If the interpreter passes the examination with a minimum score of 70% per section at any point he will be designated as a certified interpreter and he will not be required to take the oral examination again.
- An interpreter will only be permitted to take each version of the oral examination twice. There are currently three versions of the Spanish examination available, but additional versions may be developed in the future.
- If the AOC revokes an interpreter's credentials at any point during the credentialing process, the interpreter must obtain written permission from the AOC before beginning the credentialing process anew.

Oral Examination Re-Score Policy

Re-scoring an examination is a time consuming and costly practice.

Re-score criteria:

- Candidates must have scored at least 59% or higher on all portions of the oral examinations
- Candidate must request the re-score within 30 days of receiving their score letter
- Candidate will assume all costs associated with the re-score request

CONTINUING EDUCATION REQUIREMENTS

Tennessee Supreme Court Rule 42, Section 5(c)(2)(i) provides the following as one requirement before an interpreter will be eligible to renew his credentials at the conclusion of each three-year renewal period: "Providing documentation of 18 hours of approved continuing education (CE) credits received during the three-year period. A CE credit is equal to one contact hour in the classroom. A minimum of 12 of the 18 hours must consist of foreign language or interpreting skills training. The Administrative Director of the Courts is authorized to adopt policies and procedures necessary to implement this provision of the rule."

- An interpreter does not begin to earn continuing education credits until he is designated as a registered interpreter. When an interpreter attends a course after becoming credentialed, he must secure proof of attendance to receive continuing education credits for attending. The interpreter will submit this proof to the AOC when he renews his credentials. The proof must include the name and date of the course, the number of hours attended, the name of the sponsoring organization, and the signature of a representative of that organization verifying that the interpreter attended the course.
- The AOC posts pre-approved continuing education courses on its website and updates that information on a frequent basis. To see the list, go to www.tsc.state.tn.us and select "Programs" and then "Court Interpreters." Upon arriving at the interpreter page, select "Interpreter Continuing Education Opportunities."

Course Approval Process:

- If an interpreter wishes to attend a course which is not listed on this website, he must contact the AOC and receive approval BEFORE ATTENDING THE COURSE. If possible, interpreters should request approval 30 days prior to the course so the AOC will have adequate time to evaluate the appropriateness of granting the requested credits. When the AOC approves a course, it will specify which credits constitute general credits and which constitute interpreting/foreign language credits. The AOC does not grant credit for time spent on lunch breaks or other types of breaks.

Presenter Continuing Education Credit:

- An interpreter who serves as a presenter at a seminar must receive PRIOR APPROVAL FROM THE AOC if he wishes to receive continuing education credits for making the presentation.
- The AOC will only grant credits to a presenter if the seminar is one the AOC would have approved for CE credits for the attendees. Moreover, a presenter can only get credit on one occasion for making a presentation on a particular topic. For instance, if a presenter made an identical presentation at three different conferences, he would only get credit for one conference. To receive credit for a similar, but not identical, presentation the presenter must demonstrate that there has been a substantial change requiring a significant amount of preparation time. If the AOC approves the presentation, it will grant two credits for each contact hour of instruction time.

Continuing education credits will only count toward the 18-credit requirement during the renewal period in which they are earned. Credits will not carry over from one three-year renewal period to the next.

CREDENTIAL RENEWAL

Registered and certified interpreters must periodically renew their credentials. The date of the letter designating the interpreter as a “*registered*” interpreter is the beginning date of the credentialing period. The date upon which the interpreter’s credentials expire if not renewed is listed in the body of that letter. This renewal date is also listed on the interpreter’s photo identification card, which is discussed below.

Renewal Criteria for “Registered” Interpreters:

- Receive a passing score of 70% or higher on at least one section of the oral examination and must have a minimum of 60% or higher on each of the remaining sections at some point during the renewal period.
- Provide documentation of 18 hours of approved continuing education (CE) credits during the three-year renewal period. A minimum of 12 of the 18 hours must consist of foreign language or interpreting skills training.
- Submit an application for renewal along with a certificate or letter from sponsoring CE agency for each course taken as well as a \$100.00 renewal fee.

Renewal Criteria for “Certified” Interpreters:

- Provide documentation of 18 hours of approved continuing education (CE) credits during the three-year renewal period. A minimum of 12 of the 18 hours must consist of foreign language or interpreting skills training.
- Submit an application for renewal along with a certificate or letter from sponsoring CE agency for each course taken as well as a \$100.00 renewal fee.

Continuing education credit as well as oral examination scores cannot carry over from one renewal period to the next. If the AOC revokes an interpreter’s credentials at any point during the credentialing process, including the credential renewal process, the interpreter must obtain written permission from the AOC before beginning the credentialing process anew.

EMPLOYMENT AND COMPENSATION

Employment

- Interpreters are not employees of the AOC and do not receive appointments through the AOC.
- Appointing and interpreter is a matter of judicial discretion. Courts, lawyers, and other persons who require the assistance of an interpreter will contact an interpreter directly using the contact information included in the roster.
- When an interpreter is designated as a registered or certified interpreter, the AOC will add the interpreter to a roster that is distributed to the courts and is also posted on the AOC's website. To view the website roster, go to www.tncourts.gov and select "Programs" and then "Court Interpreters." Next, select the link to the roster. The roster is separated into certified and registered interpreters and can be searched by language. The interpreters are listed alphabetically by city to make it easier for courts to locate interpreters in their areas.

Compensation

- The AOC compensates foreign language interpreters who provide services in cases in which an individual is indigent and is entitled to the appointment of counsel. Please see Tennessee Supreme Court Rule 13 ("Rule 13"), Section 1(d) for a list of the types of proceedings in which the AOC will compensate an interpreter. To facilitate efficient and accurate compensation, the AOC requests that interpreters carefully follow the instructions set out in the billing instructions, which are posted on the AOC's website, when completing the request-for-payment form ("invoice").
- Neither the AOC's billing instructions nor the rates quoted in Rule 13 apply if an interpreter provides services in a case in which the individual is not indigent and/or is not entitled to the appointment of counsel. In those cases, an interpreter's services will be billed as court costs and the interpreter will ultimately be compensated by private counsel, a party, or the local court clerk's office at a rate negotiated by the relevant persons.
- Before an interpreter can be paid by the AOC in an appropriate case, a judge must sign an order appointing the interpreter. The interpreter must attach a copy of the order to the invoice he submits to the AOC after he performs the services. If the judge does not include the required information in the order, the AOC will return the invoice to the interpreter and will process it only after the interpreter submits an order which contains the necessary information. Likewise, if the interpreter does not properly complete the invoice, the AOC will return it to the interpreter.
- Interpreters can find a sample order, blank invoices, sample invoices, and billing instructions on the interpreter page of the AOC's website.

AOC AND INTERPRETER WEBSITES

Interpreter Page

- Includes links to court rules, legal terminology, expert witness terminology, billing instructions and forms, continuing education information, and credentialed interpreter rosters, etc. To get to this page, go to www.tncourts.gov and select “Programs” and then “Court Interpreters.” When you arrive at the interpreter page, select the link that interests you.

Compensation Rules

- Tennessee Supreme Court Rule 13, Section 1(d) lists the circumstances in which the AOC will compensate an interpreter. Section 4(d) of Rule 13 lists the compensation rules and rates which apply under those circumstances (see also the interpreter page, discussed above, which includes billing instructions and forms).
- To view Rule 13, go to www.tncourts.gov and select “Court Rules” and then “Current Rules.” When you arrive at the appropriate page, select “Tennessee Supreme Court” and then select “Rule 13. Appointment, Qualifications, and Compensation of Counsel for Indigent Defendants.” Scroll down to the appropriate sections. You can also find a direct link to Section 4(d) of Rule 13 on the interpreter page of the website.
- Tennessee Rule of Criminal Procedure 28 and Tennessee Rule of Civil Procedure 54 provide that an interpreter’s services must be billed as court costs in a proceeding in which the AOC does not compensate an interpreter. To find copies of those rules, follow the same directions you followed to find Rule 13, but select “Rules of Criminal Procedure” or “Rules of Civil Procedure” before selecting the appropriate rule.

Appointment, Credentialing, and Ethics

- Tennessee Supreme Court Rule 41 is the ethics code for interpreters and is entitled “Rules of Ethics for Spoken Foreign Language Interpreters in Tennessee Courts.” Tennessee Supreme Court Rule 42 governs the appointment and credentialing of interpreters.
- The interpreter page of the website, which was discussed above, has links to both rules.

PHOTO IDENTIFICATION CARDS

- When an interpreter becomes registered or certified, he will be required to make an appointment with the AOC to have his photograph taken for the photograph identification card. The AOC has informed the courts that all credentialed interpreters possess these cards, and has encouraged the courts to ask to see the cards before allowing an interpreter to interpret during a court proceeding.
- In addition to displaying a photograph, the card lists the interpreter's name, language, status (registered or certified), identification number, and expiration date. The expiration date is the date upon which the interpreter's credentials will expire if not renewed.
- The identification number is the number the interpreter should add to any continuing education attendance forms which request an i.d. number. The interpreter will also be required to provide the AOC with this identification number at the time he renews his credentials.

The seal of Tennessee's judicial branch is displayed on the photo i.d. card. An interpreter is not permitted to display this seal on letterhead, business cards, etc., or to imply in any other manner that he is an employee of the State of Tennessee. The AOC offers credentials but does not employ interpreters.

SIMULTANEOUS INTERPRETING EQUIPMENT

- The AOC has provided Tennessee's judicial districts with simultaneous interpreting equipment to be used by interpreters during court proceedings. If an interpreter requests this equipment from the court and the presiding judge is not familiar with the equipment or its whereabouts, the interpreter or the judge may contact the AOC. The AOC maintains a list of contact persons for each judicial district.
- The AOC recommends that the interpreter consult the instruction manual, which was included in the materials and equipment the AOC provided to each judicial district, prior to using the equipment. An interpreter also may ask the AOC for a copy of the AOC's summary of the equipment instructions or make an appointment with the AOC to receive training on the proper use of the equipment.
- An interpreter may not remove the equipment from the courthouse. Additionally, the AOC will not compensate an interpreter for travel time, mileage, or any other expenses associated with obtaining the equipment.

COURT INTERPRETER DISCIPLINE PROCESS

Any grievances against a credentialed Court Interpreter regarding the failure to comply with the Provisions of Supreme Court Rule 41 and 41 or any standard promulgated under these Rules shall be filed in writing with the AOC.

- Any grievance will be heard in the first instance by a Grievance Committee of three individuals appointed by the AOC Director and, where possible, from the Grand Division in which the alleged act or failure to act giving rise to the grievance took place. Grievance Committee members may include, but not limited to, judicial officers, officers of the court, interpreters, litigants, or other interested parties.
- The Grievance Committee will hear and determine the grievance and provide a written ruling stating whether there is cause for the grievance. If the Grievance Committee finds that there is cause for the grievance, it shall impose an appropriate sanction upon the Court Interpreter, including private admonishment, public reprimand, suspension, or disqualification.
- A party who wishes to obtain a review of the decision of the Grievance Committee may appeal to the AOC Director by filing a written notice of appeal with the AOC Director through the Program Specialist, within 30 days following the Grievance Committee's decision.
- The AOC Director or his/her representative will then hear the grievance *de novo*.
- The AOC Director or his/her representative will hear and determine the grievance and provide a written ruling stating whether there is cause for the grievance. If there is a finding that there is cause for the grievance, the AOC Director shall impose an appropriate sanction upon the Court Interpreter, including private admonishment, public reprimand, suspension, or disqualification. The decision of the AOC Director is final.

APPLICATION FOR RECIPROCITY

Persons possessing out-of-state court interpreter credentials or federal court interpreter credentials may apply for state reciprocity with the Administrative Office of the Courts ("AOC"). Please note that reciprocity is considered on a case-by-case basis for out-of-state interpreters possessing Federal Certification or state court interpreter credentials.

In order to be considered for reciprocity, the following requirements/conditions must be met:

- (1) The applicant must file an "Application for Reciprocity" as well as submit a \$100.00 application fee made payable to the Administrative Office of the Courts in the form of a check or money order. Please be advised that the application fee is non-refundable.
- (2) Applicant must request that the state in which they currently possess credentials send the AOC proof of attendance at a two-day or 14 hour orientation, criterion referenced written examination scores, and oral performance examination scores on state letterhead indicating whether the state is a member of the Consortium for State Court Interpreter Certification. A copy of the rater evaluation form must also accompany the supporting documentation.
- (3) The out-of-state credentials are current in the issuing state or federal program at the time of the request.
- (4) The out-of-state credentials are not temporary, alternative, or conditional.
- (5) The applicant may be required to submit to an oral proficiency interview, which tests foreign language skills.
- (6) Complete any additional requirements, forms, or fees set forth by the Administrative Office of the Courts.

If tentatively approved for reciprocity, then the applicant will have to:

- (1) Successfully pass a criminal background check through the Tennessee Bureau of Investigation.
- (2) Submit a signed interpreter oath and citizenship form. Applicants do not have to be U.S. citizens, but must provide proof that they can legally work in the U.S.