

FIRST THOUGHTS REGARDING A WRITTEN TEST  
FOR COURT INTERPRETER CERTIFICATION

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Introduction

Historically, court interpreter certification testing has sometimes included three basic written components: English language knowledge (and, the case of the Federal exam and a few others, Spanish language knowledge as well), professional ethics (Minnesota, Washington, and others), and translation (Washington is the only jurisdiction that uses this to my knowledge). Ever since the 1999 Consortium meeting in San Francisco, I have been thinking about what the ideal written exam might consist of if there were to be one that would comprehensively test for knowledge needed to enter the profession. This was driven by a gnawing sense that if we are going to have a written test, we should look at much broader professional knowledge than just the areas that have historically been discussed or implemented.

A big leap occurred during the course of review the legal certification examination offered by the Registry of Interpreters for the Deaf and another occurred during a meeting of the Advisory Board of the M.A. Program in Legal Interpreting at the College of Charleston. Those experiences inspired a thinking process that resulted in the following ideas.

## Reasons for Written Tests

The first thing I think the Consortium needs to think through is why it wants a written test: what functions does such a test perform? As I have thought about this, I have come up with only two possible answers:

1. To screen out as many persons as possible in advance of the expensive oral performance exam;
2. To establish a standard of knowledge that persons must demonstrate about the profession of court (or “legal”) interpreting.

A translation test could have an additional purpose, namely, to establish a performance standard for a related professional activity, legal translation, separately from court interpretation. Obviously the goals can blend across test components, e.g., a translation test could be used to (1) weed out examinees before giving the oral court interpreting exam and (2) function as a certification exam for legal translation as well.

I think that as we begin exploring what we mean when we say we want a written test, we should be very clear about what we want to accomplish with such a test.

## Severability

Another issue we need to address as we go along is severability, i.e., whether the written test stands as a whole which the sum of its parts, or whether some components could stand alone and perhaps even be used for different purposes. I certainly believe it is premature to reach any conclusion at this point and do not have a bias in any particular direction. However, we need to keep in mind that tests tend to become less reliable and valid when they have fewer scorable items. So some components are probably not going to be amenable to standing alone.

## First-Draft Model Written Exam: Possible Components

The outline I provide below is fleshed out as much as I can at this stage. Obviously it is merely an outline that would need to be vastly expanded. However, it is offered as a starting point with the intention of promoting discussion of this matter within the Technical Committee specifically and the Consortium as a whole secondarily. I have listed the kinds of things within each category that might be included, realizing there are probably many other features that could or should be included and some of the ones I am listing might not wind up there.

### 1. English Language

- A. Traditional SAT/GRE-like standard items on grammar, vocabulary, reading comprehension, etc.
- B. Sociolinguistic phenomena (e.g., being able to have sociolinguistic background to understand what it said)

### 2. Legal Terminology

Basic, common, and universal legal terms (such as those going into the glossary that the Consortium is currently editing)

### 3. Judicial System

- A. Courtroom procedures, roles of key players
- B. Court management systems, substance, and procedures (e.g., criminal, civil, family, etc.)
- C. Structure of the American judicial system (federal, state, county, municipal, etc.)
- D. Administrative tribunals in the Executive Branch (e.g., EOIR, Workman's

compensation, etc.)<sup>1</sup>

- E. Related processes: law enforcement, corrections (probation and parole included)
- F. Practice of law (Prosecutors, Public Defenders, Legal Services, private bar, etc.)

4. Substantive and Case Law

- A. History and overview of major cases in the field
- B. Federal court interpreter act
- C. Other leading state statutes
- D. Pertinent rules of evidence (e.g., Evid. R. 604)
- E. Model court interpreter acts

5. Professional Performance and Protocol

- A. Principles of protocol in various settings (e.g., courtroom, hallway, lawyer's office, jail, etc.)
- B. How to handle an array of emerging problems (e.g., ability to use judgment)
- C. Resources for handling difficult situations
- D. Aspects of professional conduct in the courthouse arena (e.g., in the context of working with judges, attorneys, and other professionals)
- E. Team interpreting
- F. Handling interpreter error: real and alleged
- G. Business practices
- H. Job specifications
- I. Statistical reporting

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<sup>1</sup> I recognize this is not technically a part of the Judicial System, but suggest we should at least consider including it.

6. Professional Responsibility
  - A. Code of Professional Conduct: philosophy, canons, etc.
    - 1 Knowledge of content
    - 2 Scenarios where have to show judgment
  - B. Disciplinary procedures
  - C. Oath and obligations
  - D. Role of the interpreter
  - E. Liability issues
7. Certification and Certification Maintenance
  - A. Structure and content of certification programs
  - B. Certification maintenance/continuing education requirements
  - C. Philosophy behind certification
  - D. Range of programs: Federal, Consortium, ATA, UN, etc.
  - E. Different meanings of “certification” and related words (e.g., “accreditation”)
  - F. Specific features of performance exams (i.e., what they are, how they are administered and graded, etc.)
8. Professional Development
  - A. Availability of academic resources
  - B. Professional associations
  - C. Self-help resources and models
  - D. History of training resources
9. Doing Terminology
  - A. How to conduct terminological research
  - B. Theory and practice of doing terminology

10. Customer Satisfaction/Needs/Public Relations

- A. An officer of the court: satisfying the judge
- B. The Bar
- C. The linguistic minority
- D. Court managers
- E. The general public
- F. The linguistic minority public
- G. Agencies and institutions serving the linguistic minority communities

11. Interpreting Theory and Practice

- A. Empirical research (e.g., Berk-Seligson)
- B. Theories of interpretation (e.g., Unit 6 of González *et al.*)
- C. Models of interpreting service
- D. Classics in the field (e.g., Frishberg, Seleskovitch)
- E. Related fields:
  - 1 Medical interpreting
  - 2 Conference interpreting
  - 3 Community interpreting
  - 4 Translating

12. Legal Language/Communication Styles

Nature of legal language and communication styles in legal settings (sort of things in Unit 5 of González *et al.*, FUNDAMENTALS OF COURT INTERPRETATION)

13. Translation Performance

Unless I do not accurately remember the Washington model, there appear to be two ways of viewing this component.

- A. Elementary exercise to assess language proficiency (which is what I think the Washington test is, but I could be mistaken).
- B. A performance test measuring one's ability to translate legal texts and serving to certify persons wishing to work as legal translators.

### Conclusion

These are first thoughts off the top of my head today. This is not a comprehensive draft, and I know I've left some things out that just don't come to mind today. I would welcome suggestions from anyone regarding obvious omissions or any other suggestions. This is very much a work in progress, a first set of thoughts.