

THE SUPREME COURT *of* OHIO

INTERPRETER SERVICES PROGRAM



REPORT ON THE USE OF Interpreters in Ohio Courts

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EXECUTIVE SUMMARY

Non-English speakers are a growing demographic in the state of Ohio. According to the 2000 U.S. Census, approximately 650,000 people in Ohio speak a language other than English. When the deaf and hard-of-hearing populations are figured in, the number of people who may require interpreters to assist with communication rises dramatically. Not only is the number of people significant, but the variation of languages involved introduces an additional complexity for interpreter services. Excluding sign-language communication methods, the latest census recorded 116 different languages used in the state of Ohio. By 2004, approximately 60 languages had seeped into the state court system. Categorically, Limited English Proficient (LEP) and deaf populations pose a major challenge for courts in finding competent interpreters who possess the skills, ability and knowledge to carry out effective communication.

Interpreting as an emerging profession requires the understanding of certain technical aspects. For example, the interpreter must understand the parameters of his or her role in terms of ethical conduct—that is, the interpreter must be cautioned to, among other things, accurately and completely interpret information, maintain impartiality, avoid conflicts of interest, keep information confidential and refrain from advocating or explaining the law. The interpreter must also know and understand legal procedure and terminology. Additionally, the interpreter must display native-like fluency in two languages (or more), and during an actual interpretation, the interpreter must demonstrate the mental skills to retain, understand, process and transform information from one language to another. In short, being bilingual is a necessary, but not sufficient, condition to meet the standards of a judiciary interpreter.

To ensure the quality of interpreters in legal proceedings, the Supreme Court of Ohio has taken several steps. In 2003, the Court joined the Consortium for State Court Interpreter Certification to access testing instruments, training modules and technical information from this national body. The Court created a program for interpreter services the same year. The mission of the Supreme Court Interpreter Services Program is to help courts address the various aspects of the use of interpreters in the courts, including assessment, training and distribution of information.

In an effort to assess the interpreter services currently available in Ohio courts, the Interpreter Services Program distributed two surveys in May 2004: the *Use of Court Interpreters Survey* and the *Court Interpreter Survey*.

The *Use of Court Interpreters Survey* provides straightforward information from the courts about the use of court interpreters in the state of Ohio. Currently, Ohio courts serve a diverse language population. The surveys reveal that at least 18,465 interpretations involving 57 different languages were performed in Ohio courts during a 12-month period from 2003 to 2004. After English, the top five languages used in Ohio courts are Spanish, American Sign Language (ASL), Somali, Russian and Arabic.

More specifically, the data demonstrate significant activity in both urban and rural courts:

- Franklin County Municipal Court reports more than 5,400 (Spanish) interpretations in 2002.
- New Philadelphia Municipal Court in Tuscarawas County reports 366 post-arraignment interpretations were conducted in 2003.
- Marion Municipal Court reports employing interpreters in Spanish (165), ASL (4), Croatian (2), and Laotian, Mandarin, Russian and Serbian (1 each).

The *Court Interpreter Survey* was sent to interpreters in Ohio as well as other states. This survey provides data regarding the training and experience of interpreters. The results vary; while some courts employ methods for determining interpreter qualifications, the surveys suggest that in some Ohio courts, interpreters have no orientation process, no qualification checks, no familiarity with legal vocabulary and virtually no contact with court personnel before they begin to interpret for a party. As a result, inaccurate and inappropriate communication by interpreters has become a concern.

The data from both surveys demonstrate significant uncertainty about the qualification, skill and ability of interpreters in Ohio, as well as inconsistency regarding court policies and procedures to ensure interpreters are capable of fulfilling their professional roles. Although some courts have developed effective ways to use interpreters, many other courts operate under a loose set of policies making it difficult to recruit and employ qualified interpreters.

Additionally, interpreters repeatedly indicate they receive little training and preparation to meet the challenges of interpreting in the courtroom:

- Only 38 percent of Ohio courts ensure all interpreters are deemed knowledgeable about legal terminology before they serve.
- Approximately 25 percent of Ohio courts report having standard operating procedures for the use of interpreters.
- Thirty percent of Ohio interpreters have not been trained in interpreter services.
- An additional 23 percent of Ohio interpreters have received less than 40 hours of interpreter-related training.
- Thirty-two percent of Ohio interpreters have five or fewer years of experience.

The surveys indicate that as the population of non-English speakers in Ohio continues to rise and an increasing number of interpretations are required, substantial work remains in the area of policy, interpreter training and evaluation of interpreter qualifications. By compiling data on the various languages spoken throughout Ohio and the availability of adequate interpreter services in Ohio courts, this report aims to provide information necessary for developing statewide standards for the use of court interpreters.

I. INTRODUCTION

A. HISTORY

Formal concerns regarding interpreter qualifications, policies, and training were initially identified by the Ohio Commission on Racial Fairness. In 1993, the Supreme Court of Ohio and the Ohio State Bar Association created the commission to examine the issue of racial bias in the justice system. The commission's findings identify several problems with the use of court interpreters in Ohio:

- Inaccurate interpretations
- Failure to interpret the entire message
- Interpreters adding, deleting or putting their own "spin" on testimony
- Lack of understanding by interpreters of their professional responsibilities.

In 1999, the Ohio Commission on Racial Fairness released a series of recommendations guiding the state toward a less discriminatory justice system. Shortly thereafter, Chief Justice Thomas J. Moyer appointed the Racial Fairness Implementation Task Force to devise a plan to implement the commission's recommendations. The task force included the Interpreter Services Subcommittee, which generated specific proposals to address concerns related to the use of interpreters in the courts. When the task force presented its action plan in 2002, the Court fulfilled the task force's immediate requests and laid the groundwork to meet the remaining recommendations with the creation of the Interpreter Services Program.

The task force action plan includes recommendations that the Supreme Court:

- Conduct a survey of trial courts to determine language needs of non-English speaking and sign-language court participants
- Establish standards for interpretation professionals providing such services in legal settings
- Develop a code of ethics for everyone certified to provide interpreter services in Ohio courts
- Adopt rules of superintendence to guide judges in the appropriate use of credentialed interpreters, including the publication and distribution of a guidebook for judges
- Become a member of the State Courts Interpreter Certification Consortium of the National Center for State Courts.

The surveys discussed in this report grew out of these recommendations.

B. PROVIDING INTERPRETER SERVICES

Public Law No. 95-539, the Federal Court Interpreters Act of 1978, created growing awareness about the importance of court interpreters at both the federal and state levels. State and local jurisdictions are beginning to recognize that to deny linguistic minorities the use of a court-appointed interpreter “is to deny them their constitutionally guaranteed right to a fair trial.” (Berk-Seligson, 1990, p. 1.) Yet some states, including Ohio, have no standard procedure for hiring qualified interpreters.

Often, courts are aware of the impact that failing to provide adequate foreign language and ASL interpretations has on the rights of linguistic and deaf minorities; however, lack of guidance related to practical procedures for the use of qualified interpreters prevents quality service. While courts rarely deny linguistic or deaf minorities the use of an interpreter, the surveys demonstrate grave inconsistencies in courts' abilities to assess the qualifications of interpreters on a case-by-case basis.

As the number of interpretations required in courts across the state increases, courts and interpreters alike consistently indicate interpreter qualification to be the most pressing and significant problem.

Few institutions in Ohio have a curriculum to provide training for interpreters; consequently, few opportunities exist for interpreter education within the state. As a result, interpreters surveyed in Ohio have less training and experience than interpreters who responded from other states. Courts indicate that lack of formal training makes it difficult for them to assess the merits and qualifications of an individual interpreter or to require interpreters to meet specific training guidelines.

The creation of interpreter training, including review of the Professional Code of Conduct for Court Interpreters, potentially would help alleviate the problem of inappropriate interpretations and provide courts with assurance that interpreters have a general understanding of their role in the courtroom. In turn, the availability of well-trained and qualified interpreters would allow courts to perform their duty to provide a fair trial to all individuals, including non-English speakers.

II. METHODS

The Interpreter Services Program of the Supreme Court of Ohio designed and conducted two surveys: the *Use of Court Interpreters Survey* (Appendix A) and the *Court Interpreter Survey* (Appendix B). The *Use of Court Interpreters Survey* focused on cases, court policy and the use of interpreters in Ohio court proceedings, while the *Court Interpreter Survey* focused on interpreter skills, knowledge, education and experience.

The surveys provide a basic assessment of the current state of interpreter services from the perspective of both courts and interpreters.

For the purpose of this report, the term “interpretation” is defined as “facilitated communication between the court and a foreign language-speaking/deaf individual.”

A. SURVEY OF THE COURTS

The *Use of Court Interpreters Survey* was sent to municipal, county and common pleas courts in Ohio to assess the current and former state of interpreter services in courts. Probate courts were intentionally excluded because preliminary information yielded statistically insignificant data.

The survey was intended to extract specific information from respondents regarding the use of interpreters in the legal system. The *Use of Court Interpreters Survey* asked courts to provide the following:

- The number of cases in which interpreters are used
- The languages requested
- How the court determines interpreter qualifications
- Whether interpreters are deemed knowledgeable about legal terminology prior to being engaged
- Whether the court has standard operating procedures for employing interpreters
- Other issues the court faces involving interpreter use.

Of the 331 surveys distributed, 54 percent, or 179, were returned. The courts not responding were located mostly in rural areas with low populations of linguistic minorities and deaf individuals. There were a few urban courts that did not reply.

Despite court administrators’ efforts to complete the survey as thoroughly as possible, the collection of this information did pose several problems. First, many courts indicated they were less meticulous about keeping records on the use of interpreters prior to 2001. As a result, many survey responses are estimates based on memory, speculation or loose accounting records of the individual completing the survey. Consequently, it is unclear whether the large

growth in reported use of interpreters is due entirely to an actual increase in cases or to more complete records from 2002 through 2004.

Nevertheless, this survey provides essential data regarding the frequency of interpreter use in the courts, methods courts employ for using interpreters and statistics on the wide variety of languages used.

B. SURVEY OF INTERPRETERS

The *Court Interpreter Survey* was distributed to 81 interpreters in Ohio and 27 out-of-state interpreters. The purpose of collecting data from these two groups was to compare the skills, knowledge and experience of Ohio interpreters to those in other states. Seventy-three Ohio interpreters returned the survey, as did the 27 interpreters from other states. Because no central interpreter list exists for Ohio, the survey group was compiled using court lists, telephone books and word-of-mouth. Interpreters from other states were selected from the National Association of Judicial Interpreters and Translators listserv.

The *Court Interpreter Survey* asks interpreters to provide their educational background, certifications, number of years they have interpreted, number of interpretations (both legal and non-legal) they have performed and information about training they have received.

The results of both surveys were recorded in two Microsoft® Access databases designed to quantify and compare the data provided.

III. THE USE OF INTERPRETERS IN THE COURTS

A. NON-ENGLISH SPEAKING POPULATION STATISTICS

According to the 2000 U.S. census, of the 650,000 people in Ohio who speak a language other than English, approximately 235,000 report speaking English less than “very well.” Several factors—including migration patterns of non-English speakers within the United States, the increase of immigrants since the census, the under-representation of these individuals in census calculations and the ambiguity of the term “very well”—suggest 235,000 is an underestimation and the true population is actually greater in number.

When the deaf and hard-of-hearing community is considered, a more complete picture of those who may be in need of interpreter services comes to light. Although census figures do not break down numbers by particular disability, the total number of disabled individuals in the United States between the ages of five and 64 is approximately 1.4 million. Nationwide, 3.6 percent of disabled people have a visual or auditory disability. So, a rough estimate of the deaf and hard-of-hearing population in Ohio is 210,000. Deaf and hard-of-hearing advocates suggest that because the U.S. Census Bureau conducts follow-up interviews by telephone, many deaf people and individuals with hearing loss are not counted.

An article published by Gallaudet University suggests 8.6 percent of the U.S population is categorized as hearing-impaired. Applying this figure to state numbers renders approximately 972,000 deaf or hard-of-hearing Ohioans.

Using these additional figures, it is clear the actual population of individuals living in Ohio and requiring interpreter services could be much greater than originally indicated by the 2000 U.S. census.

B. USE OF INTERPRETERS IN THE COURTS

According to the surveys, 18,465 interpretations involving 57 different languages are performed in Ohio courts each year. Spanish is the most commonly interpreted language, followed by ASL. Cases requiring the use of a Spanish interpreter most commonly take place in urban areas and a few rural areas employing non-English speaking farm laborers. These areas include parts of northwest Ohio, as well as Tuscarawas, Wayne and Holmes counties in the northeast. Nearly every Ohio county participating in the survey, however, reported at least some cases requiring the use of a Spanish interpreter.

ASL interpreters were needed less frequently than Spanish interpreters, but still were prevalent in Ohio courts. ASL interpretations are more prevalent in urban centers than in rural areas. A geographic distribution of the number of interpretations performed by county is illustrated in Figure 1 (p. 9).

Spanish interpretations constitute 81 percent, or 14,928, of the total cases requiring interpreter services. ASL interpretations constitute about 7 percent, or 1,290, of the cases



FIG. 1 NUMBER OF INTERPRETATIONS PERFORMED FROM 2003 THROUGH 2004

LANGUAGE	REQUESTS PER YEAR	LANGUAGE	REQUESTS PER YEAR
Spanish	14,928	Czech	4
ASL	1,290	German	4
Somali	590	Hmong	4
Russian	498	Pulor	4
Arabic	204	Tigrinya	4
Vietnamese	107	Ukranian	4
Mandarin	85	Bulgarian	3
Bambara	85	Burmese	3
Fulani	61	Dutch	3
Laotion	50	Creole	2
Cantonese	49	Hugarian	2
Korean	43	Oromo	2
Cambodian	40	Sango	2
Chinese	39	Taishan	2
Mandingo	34	Urdu	2
Serbian	40	Wolof	2
Amharic	26	Estonian	1
Twi	26	Fuzho	1
Udo	23	Greek	1
Farsi	22	Guhardai	1
Japanese	22	Italian	1
Hindi	12	Lebanese	1
Polish	12	MAM	1
Soninke	10	Mongolian	1
Albanian	5	Phillipines	1
Indonesian	5	Punjabi	1
Romanian	4	Tagalog	1

FIG 2. LANGUAGES FOR WHICH INTERPRETERS WERE REPORTED REQUESTED IN OHIO COURTS

requiring interpreter services. The remaining 12 percent of cases requiring interpreter services involve 55 other languages. Interpretations for those languages are most often requested in urban areas. The courts report difficulty in finding interpreters for rare dialects. Figure 2 (p. 10) reports the distribution of languages used in Ohio courts.

It also must be noted that some of the languages reportedly requested by the courts do not actually exist. For example, courts reported 30 instances of Chinese interpretations; however, “Chinese” simply denotes the country of origin and not an actual language. If these results were combined with the number of Mandarin (the most common dialect of Chinese) interpretations, that figure would surpass the number of Vietnamese interpretations reported by the courts.

The information collected by the *Use of Court Interpreters Survey* indicates Ohio courts have experienced an increase in cases requiring interpreter services since 1998. Although courts had more data for the 2002 through 2004 period than for the 1998 through 2001 period (*see* Methods, p. 5), approximately 75 percent of the courts surveyed noted an increase in court interpretations.

It also is apparent the costs associated with providing interpreter services have increased significantly. A compilation of the costs reported by all responding courts estimates Ohio courts spent \$55,000 on interpreter services in 1998. In contrast, the same courts reported spending roughly \$982,000 on interpreters in 2003. This is an increase of \$927,000 or 18 times the amount spent just five years earlier. Many respondents indicated courts are concerned with the large increase and how to deal with these new expenses.

C. CONCERNS IN SELECTING QUALIFIED INTERPRETERS

Ohio courts note that locating interpreters is an ongoing problem. Fifteen percent of the courts reported having no method for locating interpreters and the remainder indicate a lack of available resources to aid in finding interpreters.

One of the most frequent concerns mentioned by courts is the need for a centralized list of qualified interpreters in Ohio. Without one, courts employ a variety of methods to locate interpreters, including working with bilingual court employees, court lists, lists from other

counties, language agencies and referrals from other interpreters. Language agencies are used 51 percent of the time.

Due to the rapid increase in the need for interpreters, many courts are focusing their attention on procedures to help the courts run efficiently. Consistency in the process of locating and employing court interpreters remains elusive.

Courts in Ohio have various and inconsistent methods of selecting and qualifying interpreters. The methods for determining an interpreter's qualifications include:

- Requesting references
- Requesting certificates or licenses
- Asking for referrals
- Performing a background check
- Some other method.

Survey results indicate approximately 66 percent of courts employ some method of determining an interpreter's qualifications before he or she can interpret. Thirty-five percent of courts note they use "some other method." When asked to clarify, courts indicated interpreters are placed under oath, interviewed by the judge, or evaluated based on the "personal knowledge" of court personnel. The remaining 30 percent of courts do not have a method to determine interpreter qualifications.

Figure 3 (p. 13) breaks down the percentage of courts employing each method.

Many courts assume any bilingual individual is capable of interpreting; however, in a judicial setting, it is important the interpreter have knowledge of legal vocabulary in order to provide an accurate interpretation to the non-English speaker. In fact, the survey results determined only 37 percent of courts assure all interpreters are deemed knowledgeable about legal terminology before they serve. Nearly 30 percent of the courts surveyed reported using non-judicial personnel as interpreters, including high school foreign-language instructors, law-enforcement officials, local restaurant owners, family, friends and prisoners. While some of these individuals may be functionally fluent in English and the language they interpret, without proficiency in legal vocabulary, they may be doing the court a disservice. When

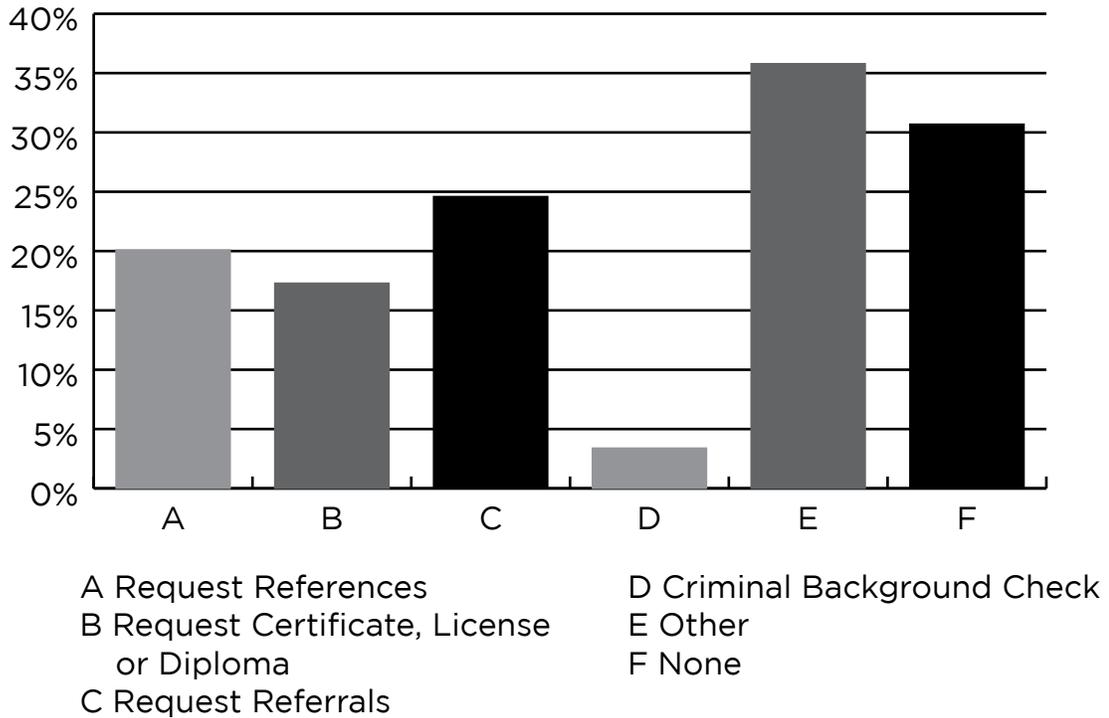


FIG. 3 METHODS FOR QUALIFYING INTERPRETERS IN USE IN OHIO COURTS

untrained interpreters attempt to convey a legal concept in non-legal terms, they not only can confuse the party, but they also can jeopardize life, liberty or property.

In summary, these figures suggest there are instances in Ohio where interpreters have no orientation process, no qualification checks, no familiarity with legal vocabulary and virtually no contact with court personnel before they begin to interpret for a party.

D. CONCERNS REGARDING POLICY AND PROCEDURE

The *Use of Court Interpreters Survey* poses a question on the issues regarding interpreter services courts find to be the most important. Courts across Ohio designated “Interpreter Qualification” as the primary concern, followed by “Court Procedures for the Use of Interpreters,” and “Cost of Interpreter Services.” (See Figure 4, p. 14.) Similarly, the most

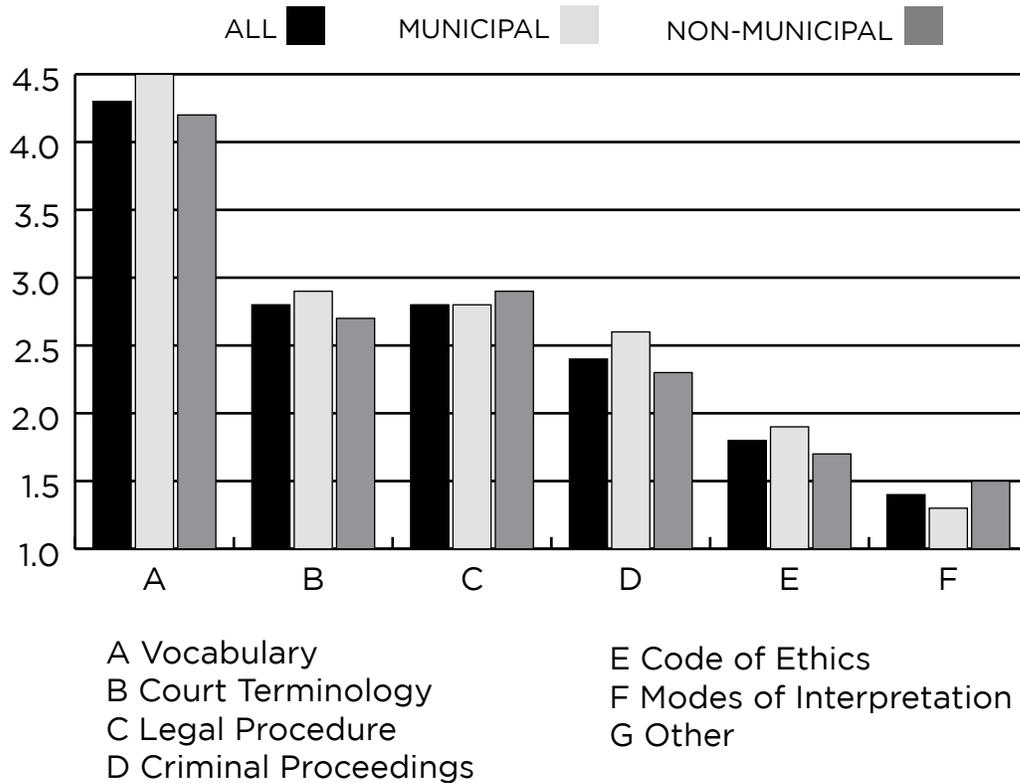


FIG. 4 IMPORTANCE OF INTERPRETER-RELATED ISSUES TO OHIO COURTS

frequently selected response to the same question among interpreters was “Interpreter Qualification.” With no standard qualification procedure in place in the state of Ohio, courts have been left to determine what constitutes a qualified interpreter and interpreters have been left to gauge their own abilities.

Courts also expressed concern about implementing policies and procedures for court interpreters and the cost of interpreter services. In addition to having no standard qualification process, Ohio provides no guidelines, policy or procedures to guide courts in the use of interpreters in the courtroom, or for compensating interpreters for their service.

Similarly, experienced interpreters note less experienced or untrained interpreters do not fully understand their role in the courtroom. Responses to the *Court Interpreter Survey* show interpreters strongly agree with the following statements:

Training should be offered to interpreters about court procedure.

Training should be offered to interpreters about ethical standards.

Inappropriate communication is a concern courts consistently express. Courtroom interpreters are not intended to act as cultural experts or to give legal advice. Although these tasks may be valuable, they are outside the role of the interpreter in legal proceedings. An untrained interpreter may believe he or she is aiding the court by soliciting additional information from a witness or advising a client how to answer. However, the Professional Code of Conduct for Court Interpreters, as specified by the National Association of Judiciary Interpreters and Translators (NAJIT), states:

“The interpreter should not engage in independent conversations with the witness,” and “the interpreter should not take side or consider himself aligned with the prosecution, defense, of any litigant.” (*Handbook for the Legal Profession: Working with Interpreters*, pp. 36 and 37.)

According to the code, the use of an interpreter in any manner other than facilitating communication between two parties is inappropriate, inconsistent and perilous. Allowing the interpreter to fill a role other than interpreter may move cases through the system at a faster rate, but it does so by elevating efficiency over justice. The challenge for the legal system is to meet the standards of fairness and efficiency.

The issues of training and orientation for interpreters and court personnel elicit less concern from both the courts and interpreters. Still, 30 percent of courts indicate they have experienced problems with interpreters, including:

- Heavily accented English
- Interpreters carrying on conversations with the non-English speaker
- Interpreters not interpreting all of the information or summarizing
- Interpreters advocating for/against a defendant, victim or witness.

Many of these problems potentially are remedied by interpreter training.

In order to determine the most pressing concerns with regard to procedure for the use of interpreters, the survey asked courts to rank various statements. Courts ranked the statements in the following order of importance:

- Communicating with foreign or deaf communities
- Accommodating foreign and deaf populations in case-flow management
- Finding the right languages
- Translating written material
- Understanding cultural issues
- Getting parties to the right place at the right time.

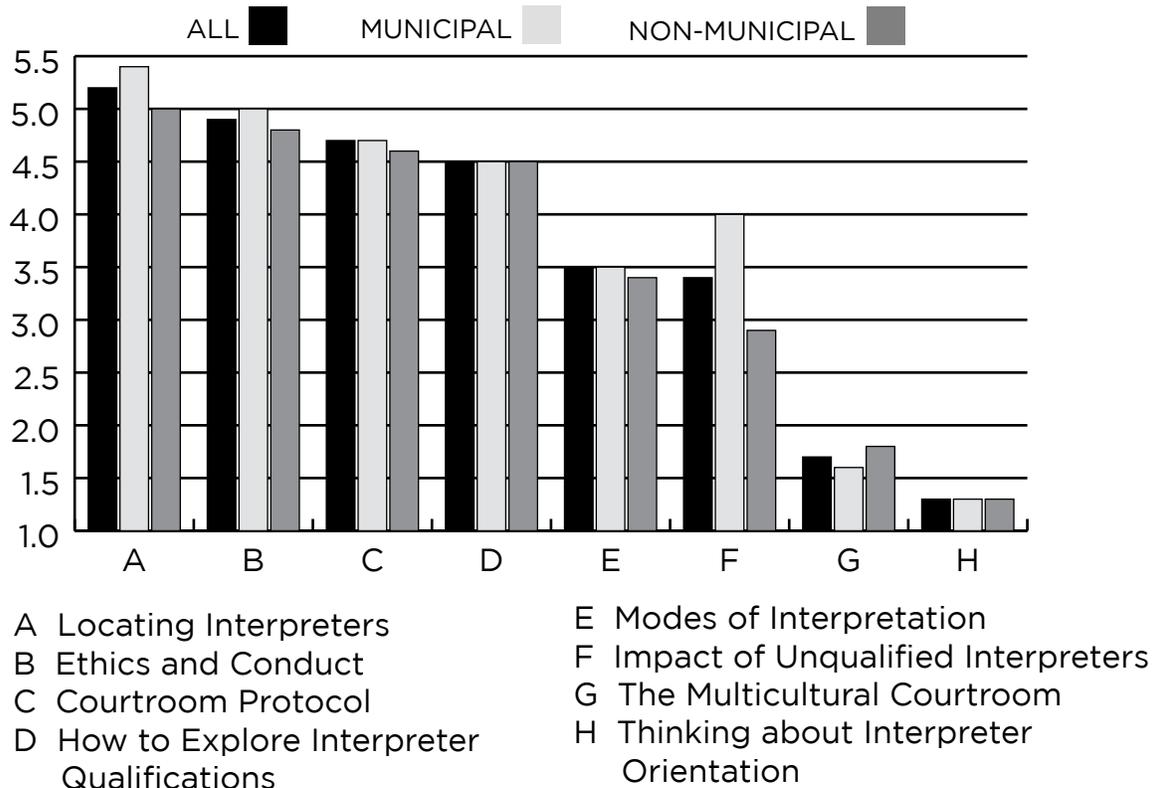


FIG. 5 AREA MOST HELPFUL IN INTERPRETER-RELATED TRAINING SESSION

Additionally, Figure 5 (p. 16) illustrates how courts ranked which areas would be most helpful in a training session about the use of interpreters.

Uncertainty on the part of courts as to how to find and select qualified interpreters and how to properly use interpreters in the court environment is the overriding message of the survey results. Similarly, interpreters expressed a desire to gain experience and training to better serve the courts and clients who need their services.

IV. INTERPRETER SKILLS, KNOWLEDGE AND EXPERIENCE

A skilled interpreter facilitates communication in the courtroom between a non-English speaker and all other participants in the court proceeding. Interpretation requires a high level of proficiency in two languages, an ability to speak and listen simultaneously, and an acute understanding of legal terminology. Additionally, interpreters must be aware of their legal and ethical duties. The notion that any individual who is bilingual can serve as an interpreter simply is not valid, particularly in the realm of legal interpretation. Interpreters unfamiliar with professional requirements and standards may impair courts in the fair administration of justice.

The community of interpreters in Ohio recently became quite active in voicing its concerns within the profession. Many interpreter groups and individuals expressed their eagerness for any action benefiting the quality of interpretations in Ohio.

A. INTERPRETER TRAINING AND EXPERIENCE

The results of the interpreter survey reveal a small number of Ohio interpreters are well-trained and prepared to handle the demands of interpreting in the courtroom. Overall, however, respondents repeatedly indicated they receive little training and preparation to meet those challenges. The following numbers illustrate this point:

- Thirty-two percent of Ohio interpreters surveyed received no related training.
- Only 26 percent of the Ohio interpreters surveyed had at least 121 hours of interpreter-related training; of those surveyed nationally, 55 percent completed at least 121 hours of training.

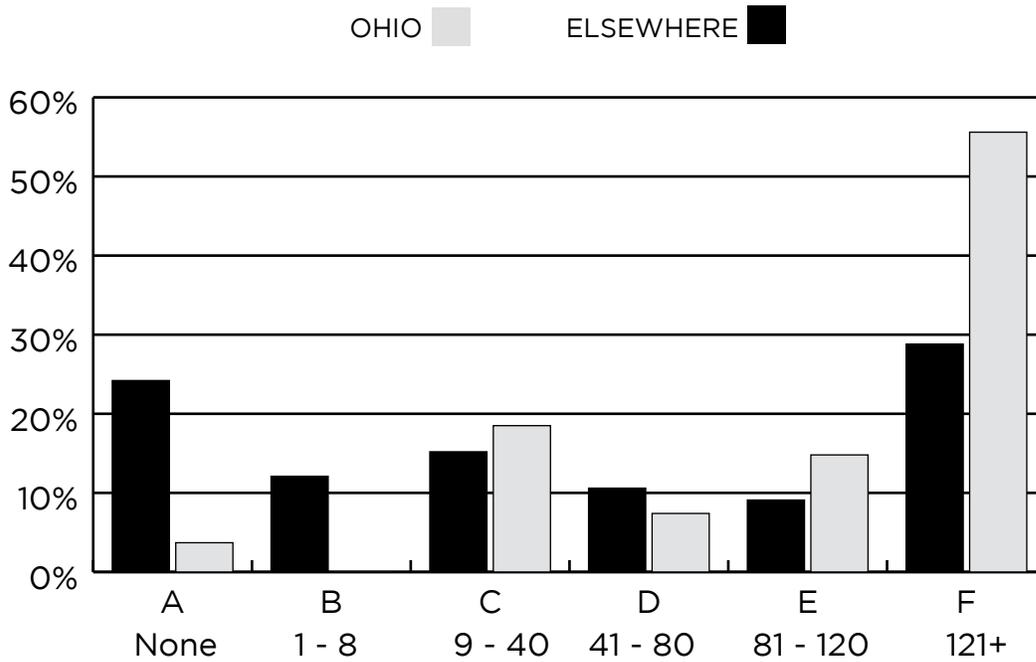


FIG. 6 HOURS OF INTERPRETER-RELATED TRAINING

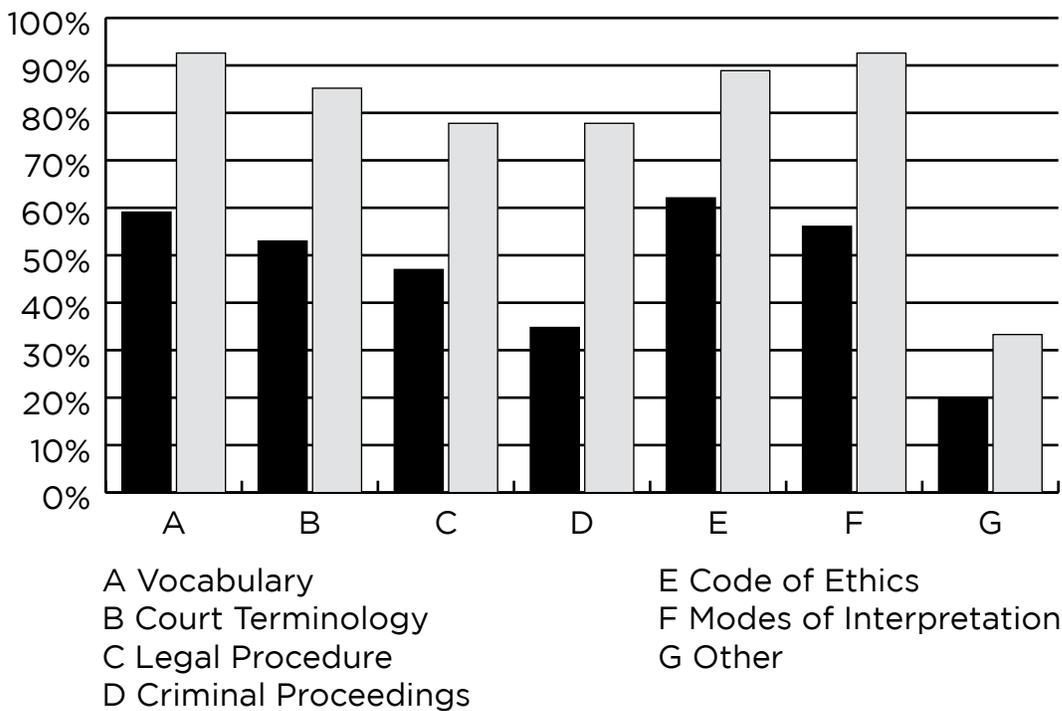


FIG. 7 TYPES OF TRAINING RECEIVED

- Approximately 5 percent of Ohio interpreters are certified by other states or the federal court system.

Results from the *Court Interpreter Survey* indicate interpreters in Ohio received minimal formal training. Among Ohio interpreters, 23 percent received less than 40 hours of interpreter-related training. All of the out-of-state interpreters surveyed reported they completed at least nine hours of training and the majority (55 percent) completed at least 121 hours of training. In general, it appears Ohio interpreters receive significantly less court-related training than those surveyed from outside of Ohio. (*See* Figure 6, p. 18.)

The nature of the training received among Ohio interpreters varies. Of the 68 percent of interpreters receiving some type of training, the following areas were reported: approximately 55 percent received training in vocabulary, 49 percent in court terminology, 45 percent in legal procedure, 33 percent in criminal proceedings, 59 percent in codes of ethics and 53 percent in modes of interpretation. (*See* Figure 7, p. 18.)

The results from the interpreters surveyed outside of Ohio indicate 93 percent received training in vocabulary, 85 percent in court terminology, 78 percent in legal procedure, 78 percent in criminal proceedings, 89 percent in codes of ethics and 93 percent in modes of interpretation. Most of the training provided in Ohio and the rest of the nation was conducted by language agencies or professional interpreters; rarely did courts provide training.

According to the *Court Interpreter Survey*, interpreters surveyed outside of Ohio are slightly more educated than interpreters surveyed in Ohio. Approximately 35 percent of, or 26, Ohio interpreters have at least an associate degree. An additional 55 percent, or 40, have at least a bachelor's degree; 34 percent, or 25, have a master's degree; and 12 percent, or nine, have a Ph.D. No Ohio interpreter reports having less than a high school diploma.

The surveys distributed to interpreters outside of Ohio suggest that among that group, 3 percent have at least an associate degree, 74 percent have at least a bachelor's degree, 52 percent have at least a master's degree and 7 percent have a Ph.D.

Many interpreters reported being educated abroad and receiving a thorough education in English while in secondary school. Several interpreters also reported attending clinics and seminars pertaining to court interpreting where no degree is granted.

The experience of Ohio’s interpreters is varied. Approximately 59 percent performed at least 400 interpretations in a combination of both legal and non-legal settings. Roughly 12 percent performed between 161 and 400 interpretations. The remaining 29 percent completed fewer than 161 interpretations. (*See* Figure 8, below)

The surveys also indicate 32 percent of Ohio interpreters have five years of experience or less and 50 percent of Ohio interpreters have between five and 10 years of experience.

Among the interpreters surveyed from outside of Ohio, 84 percent have performed between 161 and 400 interpretations. The remaining 16 percent performed between one and 160

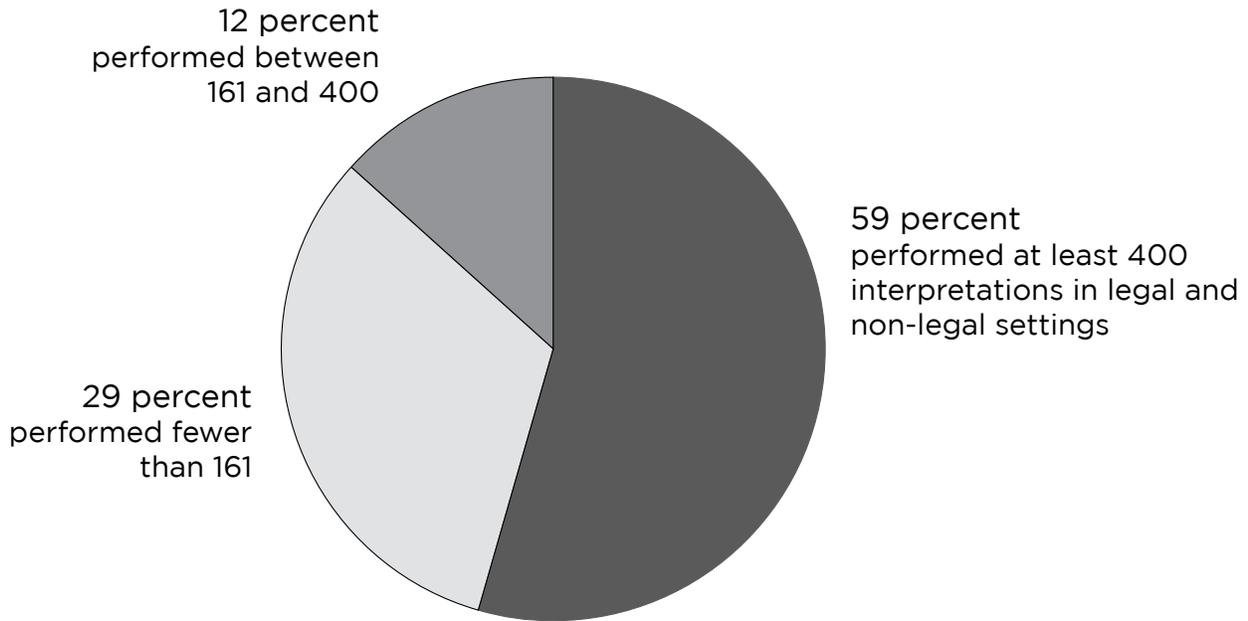


FIG. 8 NUMBER OF INTERPRETATIONS PERFORMED TO DATE BY OHIO INTERPRETERS

interpretations. Approximately 70 percent of the interpreters surveyed outside of Ohio had at least five years of experience.

These figures suggest interpreters from outside of Ohio have more experience than those from Ohio. It should be noted, however, that the interpreters surveyed from outside of Ohio were selected from a list provided by NAJIT. The list may have provided a survey group more active or qualified than the in-state interpreters who were selected in a less formal manner and were not necessarily associated with a professional organization.

Additionally, while 74 percent of the interpreters surveyed from outside of Ohio work exclusively in the court system, many Ohio interpreters do not work exclusively in the courts. Interpreters from both groups provide services in the legal field, as well as in health care, law enforcement, social services, business and others fields where interpreters are needed. Only 30 percent of Ohio interpreters performed at least 100 court interpretations; 63 percent performed between 50 and 100 court interpretations; and 23 percent of interpreters performed between 11 and 50 court interpretations. Approximately 24 percent acted as an interpreter in fewer than 10 cases.

EMPLOYMENT STATUS	OHIO		ELSEWHERE
	language	sign	
Full-time interpreter	35.0%	68.0%	56%
Full-time job, interpret occasionally	28.0%	5.0%	4%
Full-time job, interpret regularly	17.0%	10.5%	0%
Part-time interpreter only	7.0%	5.0%	19%
Part-time job, interpret part-time	11.0%	10.5%	19%
No response	2.0%	1.0%	2.0%

FIG. 9a INTERPRETER EMPLOYMENT STATUS

EXPERIENCE IN LEGAL PROCEEDINGS	OHIO	ELSEWHERE
Pre-trial hearings	81%	85%
Trials	69%	74%
Interrogations	44%	63%
Depositions	56%	78%
Police Interviews	56%	44%

FIG. 9b INTERPRETER INVOLVEMENT

The figures for the interpreters surveyed from states other than Ohio indicate 66 percent of interpreters performed at least 100 court interpretations—more than double the percentage in Ohio.

Moreover, 68 percent of Ohio ASL interpreters and about 35 percent of all Ohio foreign language interpreters are employed full-time as interpreters; 2 percent of the Ohio respondents did not answer the question. Sixty-three percent of Ohio foreign-language interpreters:

- Have a non-interpreting, full-time job, but interpret occasionally (28 percent)
- Have a non-interpreting, full-time job, but interpret regularly (17 percent)
- Work as an interpreter part-time and have no other paying job (7 percent)
- Have a non-interpreting, part-time job, and interpret part-time (11 percent).

Ohio interpreters also were asked to indicate which types of legal proceedings they had interpreted. Many interpreters performed at various stages of the legal process. The numbers are laid out in Figures 9a, p. 21, and 9b, above. The Ohio figures do not differ greatly from the figures reported by interpreters in other states. This employment status data is relevant for determining the availability of interpreters for court-related training and for court interpreting.

	OHIO	ELSEWHERE
It is a good idea to have qualifications for court interpreters.	1.41	1.16
Training should be offered to interpreters about court procedure.	1.48	1.08
Courts should do more training for interpreters.	1.50	1.52
Training should be offered to interpreters about ethical standards.	1.56	1.16
I could benefit from training about legal terminology.	1.57	1.44
I am very familiar with the different modes of interpretation.	1.77	1.21
I have a complete understanding of my role in the court proceedings.	1.90	1.40
I receive fair compensation for my services as an interpreter.	2.66	3.04
Courts are doing a good job with the use of interpreters.	2.96	3.56
The courts have a clear policy about the role of the interpreter.	3.13	3.33
The courts where I have interpreted have a good orientation process.	3.45	3.29

**FIG. 10 INTERPRETER AGREEMENT WITH VARIOUS STATEMENTS
SCALE: 1 (strongly agree) to 5 (strongly disagree)**

B. INTERPRETER OPINIONS

Interpreters were asked to state their agreement with several statements concerning interpreter qualification and training. (See Figure 10, p. 23.) The rankings provided by Ohio interpreters are nearly identical to those provided by interpreters from other states. Both groups indicated they are concerned about qualifications for court interpreters as well as training in court procedure, ethics and terminology.

Overall, data from the responses to the *Court Interpreter Survey* demonstrate Ohio interpreters are less qualified than interpreters nationally. Ohio interpreters, however, are committed to the profession and eager to work with the courts to establish consistent guidelines for interpreter use and training opportunities.

V. CONCLUSION

The results of both the *Use of Court Interpreters Survey* and the *Court Interpreter Survey* indicate much work remains to be done to assure quality interpreter services are provided consistently in Ohio courts. The surveys reveal courts and interpreters have similar concerns regarding the procedures for and the use of qualified interpreters in the courtroom.

Courts recognize that, in many cases, the skill level of interpreters is not adequate. Yet, thus far, courts are not equipped to train and prepare interpreters. The expectation is that interpreters should come to court prepared to offer their professional services in the manner of other participants and court personnel (e.g., lawyers, court reporters and administrators). The challenge with this view is that Ohio lacks infrastructure in the form of language schools, course curriculum and statewide policy guidelines to train and certify interpreters.

Interpreters themselves also recognize the need for better qualifications. When a few well-intentioned, but misguided, individuals offer their services to the courts, the profession as a whole can be tarnished. Both the courts and the community of interpreters in Ohio wish to recognize the proficiency of qualified interpreters and to offer training to those who are not yet proficient.

An important element of concern when offering training is the close to 63 percent of Ohio interpreters who provide services to courts at least occasionally. Some of these interpreters have full-time jobs in different professions.

The Interpreter Services Program has developed goals and strategies to begin addressing the issues in this report. Below is a brief outline of the activities the Interpreter Services Program implemented and seeks to execute in the near future:

- Training for court personnel in collaboration with the Supreme Court of Ohio Judicial College
- Training for interpreters in ethics, court procedure, protocol and legal vocabulary
- Collaboration with the Ohio Domestic Violence Network to assist interpreters and caseworkers in the development of professional standards
- Production of a report on appellate issues concerning the use of interpreters in the courts
- Production and publication of a bench book for judges on the use of interpreters in the courtroom.

It remains a goal of the Interpreter Services Program to work with Ohio courts and interpreters to implement additional programs, increase training opportunities for interpreters, and to provide policy and procedural guidelines allowing for increased consistency and fairness in the use of interpreters.

VI. REFERENCES

Berk-Seligson, Susan. *The Bilingual Courtroom*. Chicago: The University of Chicago, 1990.

Migration Policy Institute. *English Abilities of the US Foreign-Born Population*. Jan. 1, 2003.

National Association of Judiciary Interpreters and Translators. *Handbook for the Legal Profession: Working with Interpreters*. New York: NAJIT, Inc., 1989.

The Supreme Court of Ohio. *Racial Fairness Implementation Task Force Action Plan*. 2002.

APPENDIX A
USE OF COURT INTERPRETERS SURVEY

Fax or mail this survey back to:

Interpreter Services Program
The Supreme Court of Ohio
 65 South Front Street, 6th Floor
 Columbus, Ohio 43215
 Fax Number: 614.387.9409
 Attn: Bruno G. Romero
 Office: 800.826.9010
 romerob@sconet.state.oh.us

Please type or print information clearly. Thank you for your participation in this survey.

1. Name and Title: _____

2. Court: _____

3. How many times do you use interpreters for each of the following languages in a typical year/month:

Language Use	Per Year	Per Month
American Sign		
Language (ASL)	_____	_____
Arabic	_____	_____
Bosnian	_____	_____
Cantonese	_____	_____
Croatian	_____	_____
Hmong	_____	_____
Korean	_____	_____
Laotian	_____	_____
Mandarin	_____	_____
Russian	_____	_____
Serbian	_____	_____
Somali	_____	_____
Spanish	_____	_____
Vietnamese	_____	_____
Others (please list)	_____	

4. Please provide an estimate of the % of contacts requiring interpreters in your court for each of the following:

Pre-trial hearings	_____
Trials	_____
Other	_____
Total:	100%

5. How do you select which foreign and ASL language interpreters to use (Check all that apply)?

- Use bilingual or sign language proficient court employees
- Court lists
- List from other counties
- Language agencies
- Referrals from other interpreters
- Other (please specify)

6. How do you determine an interpreter's **qualifications** before they can serve (check all that apply)?

- Request references
- Request certificates, licenses, or diplomas
- Referral verification
- Criminal background check
- Other (please specify)

7. Are all interpreters deemed knowledgeable about legal terminology before they can serve?

- YES NO

8. If your court has an orientation process, please indicate aspects (check all that apply):

- The role of the interpreter in the court
- Code of ethics
- General court process
- Court proceedings
- Court policies and practices
- Court or Building map
- Other (please specify)_____

9. Has your court ever been unable to acquire the services of an interpreter at the time that they were required?

YES NO

If yes, what were the reasons, and what alternative did the court employ?

10. Under what circumstances, has your court used “over-the-phone” interpreter services:

- Pre-trial hearings
- Trials
- Other (please specify) _____

11. Please indicate your overall experience with the phone service?

- Poor
- Fair
- Good
- Excellent

12. If your court uses bilingual court personnel to perform interpreter services, please list the language:

- Spanish
- American Sign Language
- Somali
- Cantonese/Mandarin
- Russian
- Other (Please specify) _____

13. Does the bilingual staff court interpreter meet any of the following?

- An orientation process similar to external interpreters
- A modified orientation process
- No orientation process
- Other (please specify) _____

14. Has your court experienced any of these problems with interpreters (check all that apply)?

- Heavy accented English
- Interpreters carrying on conversations with the non-English speaker instead of interpreting all of the information.
- Interpreters not interpreting all of the information
- Interpreters summarizing

- Problems with interpreter’s advocacy for/against a victim, witness, or defendant.
- Other (please specify)_____

15. Does your court employ non-judicial personnel to provide language interpreter services?
 If so, please indicate which (Mark all that apply):

	Yes	No	How Often?
a. Custodians	_____	_____	_____
b. Jail personnel	_____	_____	_____
c. Inmates	_____	_____	_____
d. Family members	_____	_____	_____
e. Friends	_____	_____	_____
f. Law Enforcement	_____	_____	_____
g. Other (List other)	_____	_____	_____

16. Does your court have standard operating procedures in place for the use of language interpreters? YES NO

17. Does your court have standard operating procedures in place for American Sign Language interpreters?
 YES NO

18. Please rank the issues you believe are most important with respect to the use of court interpreters (1=most important; 6=least important).

	Ranking
a. Policies and procedures regarding use of interpreters	_____
b. Orientation for interpreters	_____
c. Cost of interpreter services	_____
d. Interpreter qualification	_____
e. Training for Interpreters	_____
f. Training for court personnel regarding the use of interpreters	_____

19. Please rank the training items you feel would be most important in a training regarding the use of interpreters (1=most important; 9=least important).

	Ranking
a. How to explore interpreter qualifications	_____
b. Locating interpreters	_____
c. Modes of interpretation	_____
d. Ethics and conduct for interpreters	_____
e. Courtroom protocol for the use of interpreters	_____
f. The impact of unqualified interpreters	_____

- g. The multicultural courtroom _____
- h. Thinking about orientation for interpreters _____
- i. Other (specify) _____

20. Please list any special needs your court has regarding the use of interpreters while working with non-English, limited English proficiency and/or sign language interpreters.

21. Please complete the following information. If no actual figures are available, use best guesses.

	1998	1999	2000	2001	2002	2003	2004
Total number of cases							
Where an interpreter was used	_____	_____	_____	_____	_____	_____	_____
Total monies spent on Interpreters	_____	_____	_____	_____	_____	_____	_____

22. What are your biggest concerns with respect to procedure or public service and the use of interpreters in your court? (Please rank them: 1= most concern; 9=least concern).

- _____ Finding the right languages
- _____ Communicating with foreign or deaf communities
- _____ Understanding Cultural issues
- _____ Accommodating foreign-language and deaf population in case flow management
- _____ Translating written material
- _____ Getting parties to the right place at the right time
- _____ Other (please specify): _____

23. What trends do you see developing with respect to foreign language populations and/or the use of interpreters in your court and community in the future?

24. What recommendations would you make to the Interpreter Services Program at the Supreme Court of Ohio to help you address interpreter issues better?

APPENDIX B
COURT INTERPRETER SURVEY

The information gathered by this survey will be used to assess the current level of experience of interpreters providing interpreting services to the courts in the state of Ohio. The results will also guide the Interpreter Services Program at the Supreme Court of Ohio to tailor specific activities, trainings or programs for interpreters. Please assist us by completing this survey and returning it to the address (or fax) below:

Interpreter Services Program
The Supreme Court of Ohio
65 South Front Street, 6th Floor
Columbus, Ohio 43215
Fax Number: 614.387.9409
Attn: Bruno G. Romero
800.826.9010
romerob@sconet.state.oh.us

Please type or print information clearly. Thank you for your participation in this survey. If you have any questions, please contact Bruno Romero at the number above.

Date: _____

Part I: Biographical Information

1. Name (optional)_____
2. Organization (optional)_____
3. City_____
4. County_____
5. State_____
6. What is your native language?_____
7. What is (are) your non-native language(s)?_____
8. How did you learn your non-native language(s)?_____

9. How many years have you lived in the United States? _____

10. How many years have you lived outside of the United States? _____

11. Please list any certification you hold to provide interpreter services.

12. Please list the name of the body, association, agency, court or program that issued your certification.

Part II: Education (please specify)

13. Please mark the levels of education you have completed:

- | | |
|--|------------------------------|
| <input type="checkbox"/> High School Diploma | City, State of Country _____ |
| <input type="checkbox"/> Associates Degree | College or School _____ |
| <input type="checkbox"/> Bachelors Degree | University or College _____ |
| <input type="checkbox"/> Masters Degree | University or College _____ |
| <input type="checkbox"/> Ph.D. | University or College _____ |

14. Please list any other relevant certificates you have received:

15. Please list any relevant courses you have completed (e.g. Interpretation, Criminal Justice, Civil or Criminal Procedure, Law Enforcement or Linguistics, Modern Languages, Sign Language or other relevant courses of study):

Part III: Interpreting Experience

16. Please list the languages you are qualified to interpret (including sign language).

17. Number of Total Interpretations you have performed to date:

- 1-10
- 11-20
- 21-40
- 41-80
- 81-160
- 161-400
- 400+

18. Number of Total Years Interpreting:

- 1-2
- 3-5
- 5-10
- 10-20
- 20+

19. Please mark the boxes that apply:

- I work as an interpreter full-time.
- I work as an interpreter part-time and have no other paying job.
- I have a non-interpreting, full-time job, but interpret occasionally.
- I have a non-interpreting, full-time job, but interpret regularly.
- I have a non-interpreting, part-time job, and interpret part-time.

20. Primary Area of Interpretation (please rank: 1=most, 6=least):

- | | Rank |
|--|-------|
| <input type="checkbox"/> Court | _____ |
| <input type="checkbox"/> Health care | _____ |
| <input type="checkbox"/> Social Services | _____ |
| <input type="checkbox"/> Law Enforcement | _____ |
| <input type="checkbox"/> Business | _____ |
| <input type="checkbox"/> Other | _____ |

21. In what state and/or country have you done most of your interpretations?

State(s): _____

Country: _____

22. Please indicate the courts where you have interpreted:

- Municipal
- County
- Juvenile
- Domestic Relations
- Common Pleas General Division
- Other (please list) _____

23. Please indicate the types of legal proceedings you have interpreted:

- Pre-trial hearings
- Trials
- Interrogations
- Depositions
- Police Interviews
- Other (please list) _____

24. Approximately how many interpretations have you performed in Court?

- 1-10
- 11-30
- 31-50
- 51-100
- 100 or More

Part IV: Training

25. Number of hours of interpreting-related training:

- None
- 1-8
- 9-40
- 41-80
- 81-120
- 121+

26. Types of training received:

- Vocabulary
- Court terminology
- Legal procedure
- Criminal proceedings
- Code of ethics
- Modes of interpretation
- Other (please list) _____

27. The trainings you attended were provided by (please mark all that apply):

- Professional Trainers
- Interpreters
- Attorneys
- Private Language Agency
- Others (please list) _____

Part V: Questionnaire

Please indicate your level of agreement with each statement:

28. I believe that courts are doing a good job with the use of interpreters.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5

29. I think that courts should do more training for interpreters.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5

30. The courts where I have translated have a good orientation process for interpreters.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5

31. The courts have a clear policy about the role of the interpreter.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5

32. I believe that training should be offered to interpreters about court procedure.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5

33. I believe that training should be offered to interpreters about ethical standards.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5

34. I could benefit from training about legal terminology.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5

35. I believe it is a good idea to have qualifications for court interpreters.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5

36. I have a complete understanding of my role in the court proceedings.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5

37. I receive fair compensation for my services as an interpreter.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5

38. I am very familiar with the different modes of interpretation

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
1	2	3	4	5



THE SUPREME COURT *of* OHIO

Judicial & Court Services Division

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