

ALTA

BEYOND WORDSSM

Study of California's Court Interpreter Certification and Registration Testing



Prepared by ALTA Language Services, Inc.
For the Judicial Council of California,
Administrative Office of the Courts

This report is produced for the Judicial Council of California, Administrative Office of the Courts,
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Prepared for Judicial Council of California by ALTA Language Services, Inc., 3355 Lenox Road,
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FORWARD

In June of 2006, the Judicial Council of California, Administrative Office of the Courts (AOC) contracted ALTA Language Services, Inc. (ALTA) to analyze the examination process and testing instruments for the certification and registration of California state court interpreters.

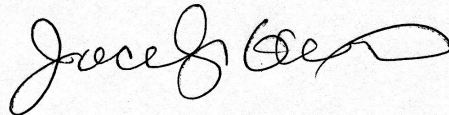
ALTA was charged with analyzing the core work qualifications needed for the function of court interpreting, so as to develop recommendations regarding testing instruments and individual test items to measure the determined qualifications. Additionally, ALTA examined test administration processes and made recommendations pertaining to the overall administration of examinations. In an attempt to enhance the pool of qualified court interpreters, ALTA also addressed and developed recommendations pertaining to the recruitment and training of future candidates.

After this thorough review of California's program for certifying and registering court interpreters, ALTA has found that, while certain areas are in need of improvement, California's current testing program is credentialing court interpreters whose knowledge, skills and abilities are well aligned with those needed to perform the job at a high level of competence. The size and scope of California's testing program, along with its years of experience, make California a recognized leader in the field. Implementing the recommendations contained in this report will serve to further enhance California's court interpreter testing program, and to further evidence California's commitment to quality and leadership in this important aspect of service to the public.

Sincerely,



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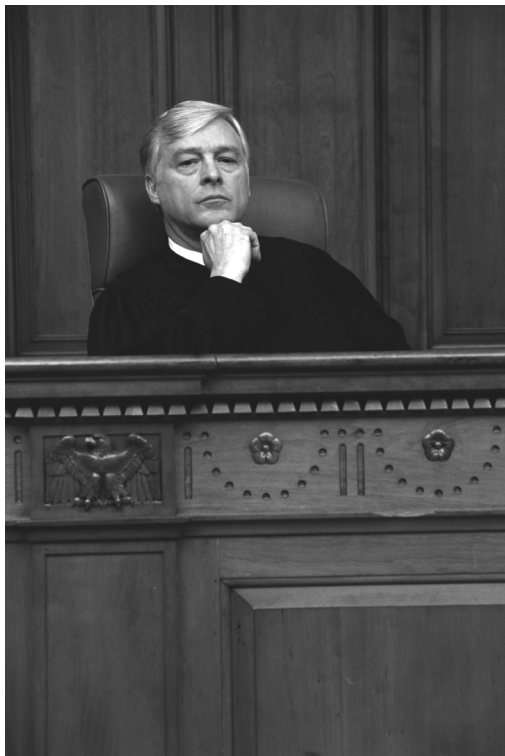
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EXECUTIVE SUMMARY

The Judicial Council of California, Administrative Office of the Courts (AOC) contracted ALTA Language Services, Inc. (ALTA) to analyze the examination process and testing instruments for the certification and registration of California state court interpreters. Research conducted throughout the study assisted ALTA in developing recommendations for future test design and administration, as well as future recruitment and training efforts.



Through the analysis of data obtained from qualitative interviews and quantitative surveys, as well as examination of current testing and rating processes, ALTA identified the knowledge, skills, and abilities (KSAs) needed for the function of court interpretation, and assessed how well the current instruments align with defined KSAs. Additionally, ALTA reviewed current test structure and administration practices, as well as interpreter training and recruitment efforts of peer models that certify or qualify court interpreters, through analysis of data and reviews. Included in this report are the findings, analyses, and recommendations in regard to future test instruments, administration practices, and training and recruitment efforts.

Analysis of Work Qualifications

In the first stage of this study, an analysis of work requirements was conducted to define the key functions of a state court interpreter and to create a profile of the requisite knowledge, skills, and abilities (KSAs) needed for the function of court interpretation. Findings from the research conducted in this stage indicate that the job of the court interpreter requires highly developed knowledge, skills, and abilities in a number of different areas. To interpret for all oral messages and utterances, as well as to orally translate written documents,

court interpreters must have a broad range of knowledge and highly competent abilities in the following skill areas:

- Linguistic Skills
- Speaking Skills
- Listening Comprehension Skills
- Reading Comprehension Skills
- Interpreting Skills
- Behavioral Skills

Based on the findings, the following knowledge, skills, and abilities were determined as essential for the performance of court interpretation:

Linguistic Skills

- Native-like proficiency in all working languages;
- Ability to think and react communicatively in all working languages;
- Knowledge and use of a broad range of vocabulary, including legal terminology, subject-specific terminology, and slang; and
- Knowledge and use of cultural nuances, regional variations, idiomatic expressions, and colloquialisms in all working languages.

Speaking Skills

- Ability to speak with proper pronunciation, diction,¹ and intonation in all working languages;
- Ability to speak with a neutralized accent in all working languages; and
- Ability to project and/or speak softly.

Listening Comprehension Skills

- Ability to listen to and comprehend different rates of speech in all working languages;
- Ability to listen to and comprehend various regional accents and/or dialectical differences in all working languages; and
- Ability to ignore auditory distractions and focus on source speaker.

Reading Comprehension Skills

- Ability to read and comprehend overall meaning and specific details of written text in all working languages;
- Ability to read and recognize various written contexts, including formal and informal text, subject-specific vocabulary, idiomatic expressions, and colloquialisms; and
- Ability to read quickly and with little preparation.

Interpreting Skills

- Ability to concentrate and focus;
- Ability to process linguistic information quickly;
- Ability to make quick linguistic decisions regarding word choice or terminology selection;
- Ability to apply short-term memory skills in retaining small units of information;
- Ability to think analytically;
- Ability to utilize predictive thinking skills to anticipate incoming messages;
- Ability to convey meaning;
- Ability to provide transference from one language to another;
- Ability to preserve accuracy;
- Ability to select appropriate equivalents for vocabulary or phrases;
- Ability to accommodate for lack of equivalents in vocabulary or phrases;
- Ability to conserve intent, tone, style, and utterances of all messages;
- Ability to reflect register;² and
- Ability to self-monitor and self-correct.

Behavioral Skills

- Ability to practice and follow ethical standards;
- Ability to conduct business in a professional manner;
- Knowledge and awareness of cultural aspects that affect language;
- Ability to work in various settings, situations, or conditions;
- Ability to project self-confidence and self-awareness when interpreting; and
- Knowledge and continued learning of social, technological, and legal changes that affect language.

¹ Diction refers to the ability to speak with clarity.

² Register refers to the ability to reflect the tone of the language being used, whether formal or informal.

Recommendations:

Based on this analysis, it is recommended that the testing and hiring processes of California state court interpreters include these minimum acceptable qualifications needed for the function of court interpretation. The sub-divided areas (aside from Behavioral Skills) of minimum acceptable qualifications should be included in the test content of future examinations for certifying and registering state court interpreters in California. Behavioral skills needed to perform this job may be screened during standardized hiring processes.

Assessment of Current Testing Instruments

After defining the essential knowledge, skills, and abilities needed for the function of court interpretation, ALTA conducted a review and comparative analysis of the current written and oral instruments used for the certification and registration of California state court interpreters. Analysis focused on the specific knowledge, skills, and abilities measured by current testing instruments, and the extent to which tested KSAs align with the required level of competency needed for court interpretation.

An overview of findings and analyses demonstrates the following:

“Court interpretation ‘requires complete fluency in both English and the foreign language. The level of expertise required for this profession is far greater than that required for everyday bilingual conversation. The interpreter must be able to handle the widest range of language terms that may be presented in the courts, everything from specialized legal and technical terminology to street slang.’”

JCC website, December 2006

- Original test development of the written and oral instruments included a job analysis and needs assessment to determine the knowledge, skills, and abilities needed for court interpretation;
- Many KSAs identified in the original test development process are measured by the written and oral exams, although some knowledge, skills, and abilities reportedly tested are not measured by the current instruments;
- Written instruments test skills, such as the knowledge of writing mechanics, that do not align with KSAs as determined by ALTA;
- A more comprehensive screening assessment of KSAs could be measured through the use of an oral proficiency screener that assesses productive language skills in English and the foreign languages (see Appendix 6 for more detail);
- Current written instruments lack equivalence in content and complexity across the 12 distinct languages;
- Oral exams illustrate more equivalence in content across languages, although some equivalency issues exist in foreign language sections of the scripts and/or answer keys;
- Although oral exam content is relatively equivalent in complexity across languages, the ability to accurately perform the simultaneous mode may differ across language groups due to incompatibilities between English and some other than Spanish (OTS) languages (see Appendix 9 for more detail); and

- It is not feasible to use a universal testing instrument to assess the knowledge, skills, and abilities needed for court interpretation.

Recommendations:

- If use of the written exam as a screening device is continued, changes should be made to the content so that it better aligns with determined KSAs;
- Consideration should be given to the use of an oral proficiency screener that assesses proficiency in English and the foreign languages (see Appendix 6 for more information);

- Oral script content should include subject-specific and everyday vocabulary that mirrors actual court proceedings;
- Sample sight translation documents in English and the foreign languages should reflect documents frequently used in court proceedings;
- Key word units and phrases included in the oral scripts should be designed/selected to measure a breadth of linguistic elements, including knowledge of vocabulary, proper use of grammatical structures, knowledge and use of idiomatic expressions, conservation of register, and compensatory strategies used for particular pitfalls in designated languages;³
- To the extent possible, key word units should be used in equivalent percentages across languages (see Appendix 8 for more information);
- To prevent awkward translations, foreign language sections in the written and oral exams should be developed or adapted in the foreign languages, but not translated directly from a base script;
- To minimize memorization of test content, multiple versions of written and oral tests should be created in all designated languages; and
- Any and all changes made to test content should be piloted with a representative population and results should be analyzed.

Assessment of Current Rating Practices

In addition to the analysis of current test instruments, a review was conducted of current rating practices, including scoring processes used to rate written and oral exams, exam rater selection and training, and quality assurance procedures.

An overview of findings and analyses demonstrates the following:

- Current rating of the written exams uses an equating process in which a scaled score of 70 is needed in both English and the foreign language sections in order to pass;
- Oral exams are scored using a combined method of holistic scoring and objective scoring units;
- Rating teams are comprised of subject matter experts (SMEs), with many of the raters being certified court interpreters in California;
- The rating system utilized in California relies heavily on the holistic assessment of a candidate's performance, with objective scoring units used as a supporting tool, while some other peer testing bodies that certify or qualify court interpreters place primary emphasis on the use of objective scoring units;
- Interviewed raters of OTS languages reported that the simultaneous component of the oral exam is more challenging for candidates;
- Interviewed raters of the Spanish oral exam stated that the consecutive component of the exam is more challenging for candidates, or that all components are equally challenging; and
- Current rating practices would need to be modified if future efforts include changes in test retake policies and/or the adoption of a tiered scoring/placement system (see Appendices 13 and 14 for more detail).

Recommendations:

- If written test content is equalized across languages, one cut-score should be established for all versions and languages;
- If oral test content is equalized across languages, one cut-score of correctly rendered key words should be established;
- Consideration should be given to placing emphasis on objective scoring units in the oral exams;
- Scoring units should be designed to cover all areas of productive language use (see Appendix 8 for more details);
- To prevent passage of candidates who may correctly render key word units, but still lack overall interpreting skills, holistic assessment should be used as a supporting tool;
- To minimize perceived bias, the selection of raters should include SMEs with linguistic, interpreting, and/or court interpreting experience from geographic regions inside and outside California;

³ According to the Test Construction Manual published by the Consortium for State Court Interpreter Certification, key word units are "special linguistic characteristics that interpreters must be able to render to deliver a complete and accurate interpretation" (2000). Throughout this report, key word units are also referred to as objective scoring units.

- To accommodate linguistic differences that may compound the complexity of performing accurate simultaneous interpretation for some OTS language groups, modifications should be made to the test structure and/or scoring practices used to assess simultaneous interpretation for specified OTS language groups (see Appendix 9 for more information);
- Any and all changes made to rating practices should be piloted with a representative population and results should be analyzed; and
- Training and ongoing monitoring should be given to raters if any changes are made to test content or scoring practices.

Review of Test Structure and Administration

In addition to analyzing test content and rating procedures, an analysis of the current test structure and administration practices was conducted. Analysis included examination of the use of a written screener and review of overall test purpose, as well as a comparative analysis of California's testing system with peer and alternative court interpretation testing bodies (see Appendices 10 and 11).⁴

Findings and analyses of the test structure and administration include the following:

- Most court interpretation testing bodies utilize a written screening test;
- Reviewed state and national court interpretation testing bodies assess the three modes of interpretation: simultaneous interpretation, consecutive interpretation, and sight translation;⁵ however, the administration of testing components differs slightly among models; and
- Some reviewed testing bodies utilize a tiered system to identify candidates with mastery-level skills, as well as test-takers with minimum skills who could improve with training and/or mentoring.

Recommendations:

- To better identify relevant productive language skills needed for communication and to assess native-like ability of all working languages, an oral proficiency screener should be used in lieu of or in addition to the written screener (see Appendix 6 for more information);
- Videotaped simulations of courtroom procedures should be provided during the administration of the simultaneous and consecutive components so as to provide candidates with visual cues as they interpret;
- Consideration should be given to employing retest policies that do not require a test-taker to retake a screener once passed, and require candidates to retake only components that were failed; and
- Although no recommendation has been made in regard to the operational use of a tiered placement system for interpreters, options for such a system are included in Appendix 14.

Review of Available Training

Throughout the examination of test content, scoring practices, and administration procedures, an analysis was also conducted in regard to materials and programs that may assist candidates with passage of the exams and/or job preparation.

Findings and analyses for this section include the following:

- Many surveyed interpreters and test-takers attended interpreter training prior to taking the written or oral exams;
- Analysis of qualitative interviews illustrates that many interpreters believe that practical, hands-on training assists with job preparation and exam passage;
- Very few training programs are available for OTS language groups;

4 Peer systems were defined as programs that reflected similar demographic and/or language challenges to California, as well as systems or programs that had highly developed interpretation certification standards equivalent to those used in California. Alternative structures included programs of varying size with innovative policies that could be of interest to California in regard to test design, test administration, and/or scoring practices.

5 Simultaneous interpretation is the mode in which the interpreter lags slightly behind the source language speaker, interpreting the message into the target language at almost the same time as the original message is being said. In consecutive interpretation, the interpreter listens to a unit of speech, approximately 40-60 words at a time, in the source language and then conveys that message into the target language. Sight translation is the oral interpretation of a written document.

- Many surveyed interpreters support training about courtroom procedures and protocols for newly-certified and newly-registered interpreters; and
- The majority of surveyed interpreters support training for bench officers/court personnel about the role of the interpreter.

Recommendations:

- To provide equal access to pre-exam training and test preparation, preparatory materials should be made available to all designated OTS languages;
- Interpreter training programs should be created and expanded to include more languages and geographic locations;
- Mentoring programs and/or on-the-job training should be provided to post-examination candidates prior to entering the court interpretation field to assist them in learning about courtroom procedures and protocols;
- Training should be offered to bench officers, attorneys, and court personnel about the role of the interpreter and how to work with interpreters in the courtroom; and
- Bench officers and court personnel who work with or are impacted by interpreters should also be offered training on the linguistic differences that may compound the complexity of performing accurate simultaneous interpretation for some OTS language groups, as well as how to work with interpreters of such languages.



Review of Recruitment Efforts

Finally, in addition to the examination of test content, administration, and training efforts, aspects of interpreter recruitment have been analyzed. Research has focused on how current interpreters learned about the field of court interpretation, as well as recommendations interpreters and stakeholders have made in regard to attracting new candidates to the job.

Findings and analyses regarding interpreter recruitment include the following:

- The majority of surveyed interpreters and test-takers are native speakers of languages other than English (OTE) who have gained non-native language skills through adolescent and adult education and living experiences;
- Interpreters and test-takers reported learning about the job through school, family and friends, prior work experience, and advertisements; and
- Recruitment efforts utilized by peer models alert candidates about upcoming exams, as well as job opportunities.

Recommendations:

- Recruitment efforts should include, but not be limited to, outreach to candidates who reflect characteristics of the current pool: native speakers of languages other than English who have gained skills through education and life experiences;
- Recruitment efforts should include providing bilingual individuals with information about court interpretation, as well as information pertaining to training;
- Outreach should target school and/or community programs, foreign language media sources, and interpreter training programs; and
- Efforts should be made to contact past candidates of exams to alert them of upcoming exams or training programs.

INTRODUCTION: PROJECT SCOPE AND DELIVERABLES

In June of 2006, the Judicial Council of California, Administrative Office of the Courts (AOC) contracted ALTA Language Services, Inc. (ALTA) to analyze the statewide examination process and testing instruments for the certification and registration of California state court interpreters. ALTA was charged with analyzing the core work qualifications needed for the function of court interpreting, so as to develop recommendations regarding testing instruments and individual test items to measure the determined qualifications. Additionally, ALTA examined test administration processes and made recommendations pertaining to the overall administration of examinations. In an attempt to enhance the pool of qualified court interpreters, ALTA also addressed and developed recommendations pertaining to the recruitment and training of future candidates.

In order to produce a comprehensive report presenting specific recommendations concerning the testing methods and tools used in the certification and registration of California court interpreters, the following deliverable items were included in the scope of services:

- A. Analysis of Work Qualifications:** An analysis was conducted to determine the knowledge, skills, and abilities needed for the function of court interpretation. From this research, a profile of the minimum acceptable qualifications needed to perform the job was developed.
- B. Survey of the Interpreter Pool:** A survey analysis was conducted with the current pool of certified and registered court interpreters to obtain quantifiable data regarding the knowledge, skills, and abilities needed for the performance of court interpretation. The survey was also used to gather descriptive information about the current pool of qualified interpreters to assist with future recruitment and training efforts.
- C. Assessment of Current Tests:** An analysis of the current certification and registration tests was conducted to assess the applicability of the tests to the work qualifications needed for performing the function of court interpretation. Recommendations were made to better align the tests to the qualifications needed for the job.
- D. Assessment of Current Testing Process:** An assessment of the AOC's current exam administration process was also conducted. ALTA reviewed and commented on the process of registering for the tests, as well as the administration of each test part. Additionally, ALTA analyzed the current recruitment and training efforts for test raters, and presented recommendations to strengthen the overall rating process.
- E. Review of Other Models:** An assessment of testing models used by other state and national systems for certifying oral language interpreters was conducted to identify standards that may be of practical use to California's court system, and recommendations were made concerning the feasibility of a universal test for all languages.
- F. Analysis of Test Passage Rate:** A comparative analysis of California's test passage rate to other state and federal systems was conducted, and recommendations were made for improving that rate while maintaining acceptable standards of performance.
- G. Stakeholder Analysis:** Analysis of stakeholder concerns, recommendations, and suggestions was also conducted throughout the study.
- H. Report and Recommendations:** A final comprehensive report has been created that addresses each of the deliverables. Methodology, findings, analyses, conclusions, and recommendations at both the policy and operational level have been included.

In this final deliverable, ALTA was asked to present a comprehensive report including major findings and analysis from research and information obtained through the various stages of this study. In addition to a presentation of the methodology, findings, analysis, and conclusions of completed deliverables, ALTA was also asked to present recommendations at both the policy and operational levels. In this report, information pertaining to methodology, findings, analysis, conclusions, and recommendations included in the seven completed deliverables has been sub-divided to represent six primary areas of study:

- Analysis of Work Qualifications
- Assessment of Current Testing Instruments
- Assessment of Current Rating Practices
- Review of Test Structure and Administration
- Review of Available Training
- Review of Recruitment Efforts

Project Methodology

To present a final report on the qualifications needed for the function of court interpretation, and to present an assessment of current testing instruments, rating practices, and test administration procedures, various methodological steps were taken, including the collection and analysis of qualitative and quantitative data, as well as the examination of peer models, related literature, public reports, and pertinent studies. Specific research processes utilized throughout the study include the following:

- A. Literature Review:** Throughout the scope of the project, literature was reviewed to assist in the understanding of the function of court interpretation, as well as to aid in the assessment of testing instruments and rating practices. In regard to the job of court interpretation, literature reviewed focused on the practical and theoretical elements of court interpretation, as well as the linguistic and cognitive skills and abilities needed for the three modes of interpretation: simultaneous interpretation, consecutive interpretation, and sight translation. Literature pertaining to testing processes included specific subject matter regarding test construction, test applications, and testing practices used for employment and certification standards.
- B. Qualitative Interviews:** Interviews were conducted with a random sample of current certified and registered interpreters in California, as well as selected stakeholders who work with or are impacted by court interpretation. Interviews were conducted to obtain in-depth information regarding the knowledge, skills, and abilities needed for court interpretation and to gather opinions and recommendations concerning testing, training, and recruitment efforts. During a later stage in the study, interviews were also conducted with current raters of the certification and registration exams. These interviews focused on current rating practices, including scoring guidelines, rater selection and training, and quality assurance protocols.
- C. Survey Processes:** Throughout the course of the study, two survey processes were conducted. To obtain quantifiable data regarding the knowledge, skills, and abilities essential for court interpretation, a written survey (Appendix 4) of the entire pool of certified and registered interpreters was conducted. Surveys were also conducted with recent test-takers of the oral and written exams to determine possible correlations between candidate characteristics and test passage rates, as well as to obtain recommendations concerning testing and training.
- D. Consultation with Subject Matter Experts (SMEs):** Linguists, court interpreters, and other language experts participated in the assessment of current testing instruments, including a review of test content of both written and oral tests. Linguists with expertise in specific languages also provided individual



reports regarding linguistic elements that may compound the complexity of performing accurate simultaneous interpretation for some language groups due to a lack of symmetry between English and the foreign languages.

- E. Review of International, National, and State Testing Systems:** Throughout the scope of this study, analysis of peer testing systems was conducted, including examination of test development procedures, test content and structure, and administration practices used by international, national, and state bodies that provide certification and qualification of court interpreters, conference interpreters, and medical interpreters. Additional review was conducted with leaders in language testing.
- F. Analysis of Exam Content, Scoring Systems, and Passage Rates:** Research conducted in regard to testing focused on analysis of test content of the written and oral exams, scoring guidelines, rating procedures, and test administration policies. In addition to a general study of the testing system, a comparative examination of test content across languages, average examination score per designated language, and passage rates across languages was also conducted.
- G. Interpreter Profile Review:** In addition to collected literature, ALTA also compiled and examined profiles of interpreter qualifications published by the federal court system, as well as other state and international court systems with established interpreter programs. Based on material published by the National Center of State Courts, ALTA developed a chart of current testing and/or certification qualifications required by states with established court interpreter programs. To supplement this information, ALTA also assembled and examined profile qualifications for interpreters in other fields, such as the medical, conference, and business communities. These profiles were analyzed and compared with those of legal interpreters to better understand the unique skills and abilities needed for court interpreting.
- H. Document Review:** To analyze the complexity of legal language and identify possible variations and/or levels of complexity, ALTA collected and examined 100 documents from various court cases, proceedings, and stages within proceedings (Appendix 5). Based on research and qualitative interviews with interpreters, ALTA chose to include documents used most frequently in courtroom procedures.
- I. Court Visitation:** Throughout the course of the study, ALTA representatives visited and observed courtroom proceedings in California. These observations were conducted in an attempt to better understand the complexity of legal language used in courtroom proceedings, as well as to acquire more information regarding the role of the interpreter, courtroom procedures, and environmental factors contributing to the knowledge, skills, and abilities needed for the function of court interpretation.



ANALYSIS OF WORK QUALIFICATIONS

In the first stage of this study, an analysis of work requirements was conducted to define the key functions of a state court interpreter and to create a profile of the requisite knowledge, skills, and abilities (KSAs) needed for the function of court interpretation. Through the collection of qualitative and quantitative data, the KSAs essential for the function of court interpretation were examined to assist in the development of recommendations for future test design and administration, as well as in future recruitment and training efforts.

Methodology

To assess the knowledge, skills, and abilities needed for the function of court interpretation, a multi-step analysis was employed which included a job review process and survey of the entire pool of state certified and registered interpreters. Throughout the examination of the knowledge, skills, and abilities necessary for the function of court interpretation, the following methodological steps were taken:

Literature Review: Throughout the analysis of work qualifications needed for court interpretation, ALTA conducted an in-depth review of literature pertaining to the job function (Appendix 1). Literature reviewed examined the California court interpreter’s job from many angles. Literature pertaining specifically to the demographics and immigration trends facing California was reviewed to assist in the examination of current linguistic and cultural factors impacting the job. Information reviewed also focused on the U.S. criminal justice system, courtroom procedures, legal terminology, and historical references to the utilization of interpretation services in the legal arena. Reviews of this nature were helpful in understanding the historical development of the court interpreter’s job, as well as current conditions that shape the function of court interpretation today.

Study focused on theoretical and practical descriptions of court interpretation, including in-depth analyses of the three modes practiced: simultaneous interpretation, consecutive interpretation, and sight translation. Literature reviewed in this section covered the overall complexities of interpretation from linguistic and cognitive standpoints, as well as the individual skills needed for each mode of interpretation.

Additionally, ALTA reviewed studies and articles describing the role of the interpreter, model profiles of interpreter characteristics, and fairness reports that illustrate the importance of interpreters in relation to access to justice.

Interpreter Interviews: To gather in-depth qualitative information regarding the knowledge, skills, and abilities needed for court interpretation, interviews were conducted with a random sample of current certified and registered interpreters in the state of California. A total of 170 certified state court interpreters and registered interpreters were contacted to participate in the interviews.⁶ This number represents approximately 10% of the current pool of certified and registered interpreters from the Judicial Council of California’s Master List.⁷ Approximately 60% of the 170 sampled interpreters participated in the interviews. A total of 63 interpreters of Spanish and 36 interpreters of languages other than Spanish (OTS) contributed to the sample, representing approximately 60% of each sampled language subgroup.⁸ All interviews followed a standard questionnaire (Appendix 2) and responses were maintained in a database that was available to only ALTA staff members to ensure confidentiality.

Stakeholder Interviews: To contribute to the analysis of work qualifications, interviews were conducted with representatives of key stakeholder groups throughout California. Individual participants were selected based on recommendations from the AOC, its regional administrative directors, and local court executives. Stakeholders invited to participate in the interviews represented various positions and fields, including:

- Branch leadership
- Judicial officers
- Court administration and staff

6 Interpreters who pass the Court Interpreter Certification Examination and fulfill the corresponding Judicial Council requirements are referred to as certified interpreters. Currently, there are certification examinations for 12 designated languages: Arabic, Eastern Armenian, Cantonese, Japanese, Korean, Mandarin, Portuguese, Russian, Spanish, Tagalog, Vietnamese, and Western Armenian. All other languages are considered non-designated. Interpreters of non-designated languages must pass an English proficiency exam to become registered.

7 The random sample was stratified to ensure adequate representation from the current pool.

8 The random sample included representatives of all designated languages, as well as non-designated languages in high demand in California courts.

- AOC staff
- External advisors to branch leadership
- Labor representatives
- Attorneys
- Interpreter educators
- Representatives of consumer groups⁹

Representation included 16 counties within the Northern/Central, Bay Area/Northern Coastal, and Southern regions listed as having high interpreter use rates (based on 2004-2005 fiscal data). All interviews followed a standard questionnaire (Appendix 3) and responses were maintained in a database available only to ALTA staff.

Interpreter Survey: To obtain quantifiable data regarding the knowledge, skills, and abilities essential for the function of court interpretation, a written survey (Appendix 4) of the entire pool of certified and registered court interpreters in California was conducted. Surveys were mailed to a total of 1,564 certified and registered interpreters and an online version was made available to all recipients.¹⁰ A total of 721 completed surveys were received, representing 46% of the contacted pool of interpreters. Responses included representation of a total of 38 languages, including designated and non-designated languages. Additionally, responses represented a total of 42 counties, including all counties recognized as having high interpreter use in the *2005 Language Need and Interpreter Use Study*. As with other collected data, information obtained was maintained in a database available only to ALTA staff.

Document Review: To analyze the complexity of legal language and identify possible variations and/or levels of complexity, ALTA collected and reviewed 100 documents from various court cases, proceedings, and stages within proceedings (Appendix 5). Based on research and qualitative interviews, documents included in the review represented those most frequently used in the courtroom proceedings. Documents were classified by level of complexity,¹¹ using a rubric created based on the U.S. Government's Interagency Language Roundtable (ILR) reading comprehension scales. The rubric was designed for the analysis of legal documents, and was not developed to be used with general documents of a non-legal nature.

“The interpreter ‘must retain every single element of information that was contained in the original message, in as close to a verbatim form as English style, syntax, and grammar will allow.’”

California's Professional Ethics and the Role of the Court Interpreter

Court Visitation: Throughout the analysis of work qualifications, ALTA representatives visited and observed courtroom proceedings in California. Visitations were made to observe the complexity of legal language used in courtroom proceedings, as well as to acquire more information regarding the role of the interpreter, courtroom procedures, and environmental factors that may contribute to the knowledge, skills, and abilities needed for the function of court interpretation.

Findings

The Role of the Court Interpreter

In analyzing the KSAs essential for court interpretation, it is first imperative to understand the job function of a court interpreter. Use of an interpreter is mandated in any criminal proceeding in which there is a person involved who has limited English proficiency. However, as stated on the Judicial Council's website,

⁹ ALTA did not survey court users during this study. To adhere to the methodological standards of this study, ALTA would need to survey a representative sample of court users with recognized limited English proficiency, which was beyond the scope of this study. ALTA recommends that future efforts include research pertaining to the understanding and satisfaction of court users in regard to court interpretation.

¹⁰ A total of 1,564 certified and registered interpreters were identified in California's Court Interpreters Data Collection System (CIDCS) in September of 2006.

¹¹ For an explanation of the levels of complexity assigned, refer to pages 81 and 82 of Appendix 5.

“A court interpreter is ‘a bilingual person who has the duty to act as the medium between the court and the non-English-speaking person.’”

Gonzales, Vasquez, Mikkelson, 1991

court interpreters can be used for both criminal and civil proceedings, interpreting for a witness or defendant who speaks or understands little or no English (JCC website, December, 2006).

According to the definition presented in *Fundamentals of Court Interpretation*, a court interpreter is “a bilingual person who has the duty to act as the medium between the court and the non-English-speaking person” (Gonzales, Vasquez, Mikkelson, 1991). Court interpreters must accurately transfer all oral messages from the source language into the target language, conveying the meaning without summarizing, changing,

or altering the content.

In response to questions pertaining to the function of court interpretation, interviewed interpreters echoed the general themes listed above. Included in their responses were definitions such as:

- Court interpreters are facilitators of communication;
- Court interpreters are conduits for languages;
- Court interpreters act as the bridge of communication;
- Court interpreters are the mouthpieces of the court;
- Court interpreters provide equal access to justice; and
- Court interpreters provide equal footing for non-English speakers.

Trends in responses demonstrate the broad scope of the court interpreter’s job. Not only are court interpreters charged with orally transferring all messages in order to facilitate the communication of all parties in the court, but in doing so, they are also supporting equal access to justice for all court users with limited English proficiency.

Utilization of Court Interpreters

Court interpreters in California superior courts can be and are used in every judicial proceeding, from arraignments to trials. Interpreters can be used in all stages of these court proceedings, including client/attorney interviews, jury selection, witness testimony, and more.

In performing interpretations in the outlined areas, interpreters are required to interpret content in three recognized modes: simultaneous interpretation, consecutive interpretation, and sight translation. Although the frequency of use of these modes may vary slightly among courts, counties, and specific languages, court interpreters are widely expected to be able to successfully perform interpretations using all three modes.

Core Functional Skills and Competencies

As the facilitators of communication, the job of the court interpreter requires highly developed knowledge, skills, and abilities in a number of different areas. To interpret for all oral messages and utterances, as well as to orally translate written documents, court interpreters must have a broad range of knowledge and highly competent abilities in the following skill areas:

- Linguistic Skills
- Speaking Skills
- Listening Comprehension Skills
- Reading Comprehension Skills
- Interpreting Skills
- Behavioral Skills

Findings in each of these areas are identified below:

- A. **Linguistic Skills:** Responses obtained during the interview and survey process indicated that the foundation of interpretation relies on exceptionally developed linguistic skills. To be able to facilitate

communication or act as a bridge between languages, an interpreter must have full proficiency in both the source and target languages. The native-like proficiency needed for the function of court interpretation requires both a broad base of knowledge of the languages, as well as a pragmatic command of the languages.

When asked about the importance of the proper use of spoken English and the target language in court interpretation, 100% of the interpreter participants in the interview process stated that proper usage was of utmost importance. For all of the respondents, the proper use of the languages was considered “paramount,” “critical,” and “absolutely necessary” for court interpretation. Interpreters interviewed stated that a mastery of both languages “left very little room for error” and helped with the “prevention or avoidance of misunderstandings.”

To add to the complex nature of the job, interpreters are not only expected to know the source and target languages completely, but also to know and use various forms of those languages. Court interpreters regularly work with a range of people, including judges, attorneys, witnesses, litigants, and experts in subject-specific fields. To interpret for such a broad scope of courtroom participants, an interpreter must have a considerably ample bank of vocabulary that includes legal language, subject-specific language, formal standard English, and colloquial expressions in both the source and target languages.

- B. Speaking Skills:** A number of interpreter and stakeholder interviews noted that interpreters must have very strong speaking skills to ensure that the interpreter is understood by all parties involved. Competent speaking skills include proper pronunciation and intonation, neutralized accent, good diction, and the ability to speak softly or project when necessary.

Interpreters must project their voices when needed or speak softly, yet audibly, when required. Interpreters cannot be inaudible, inappropriately loud, or have diction problems such as slurring or mumbling. For those interpreters of many Asian languages, tonality and tonal variances must also be maintained so as to preserve meanings attributed to specific tones.

- C. Listening Comprehension Skills:** Interpretation is not possible without highly developed listening skills. Listening comprehension and competence in attentive listening are integral parts of the interpretation process.

During the interview process, approximately 30% of the interpreters spoke about the importance of exceptional listening skills, specifically noting the importance of understanding different rates of speech, as well as different accents. Approximately 84% of interpreters interviewed noted that they encounter different rates of speech “all of the time,” while 67% of the interpreters stated that understanding different accents within both the target and source languages was important.

- D. Reading Comprehension Skills:** In ALTA’s analysis of English language documents typically found in the courtroom, language complexity differed broadly. The level of complexity of the documents reviewed ranged in regard to the type of proceedings, as well as the individual stages of a proceeding. The documentation analysis demonstrated that a court interpreter must be able to read and comprehend a broad range of grammatically complex structures and specific terminology (Appendix 5).

In addition to the ability to read and comprehend a vast array of documents, interpreter interviews revealed that interpreters are required to read quickly and with very little or no preparation. As a result, interpreters must be able to read for both meaning and detail in a limited amount of time.

- E. Interpreting Skills:** The interpreter and stakeholder interviews both confirmed that the primary responsibility of an interpreter is to convey meaning accurately from one language to another. In doing so, an interpreter is expected to be able to listen to a message in the source language, process the message almost instantaneously, and then convey the concept of that message in the target language. The conveyance of the message is generally not a literal word-for-word translation, but rather a molded version of the original message in which the underlying meaning is expressed. An absolute command of both working languages is needed in order to perform this conveyance properly.

In providing transference of a message from the source language to the target language, the interpreter must have complete focus on the *essence* of the message, as opposed to a concentration on only

“[An interpreter] must have the ability to transfer concepts between languages.”

- Court interpreter

individual words. When a direct equivalent for a word or phrase does not exist, the interpreter must utilize their full understanding of both languages to render a transferable equivalent, which often consists of many more words than the original version. Similarly, many languages utilize grammatical structures that differ significantly from standard English, requiring the interpreter to continually make adjustments for grammatical concepts that do not symmetrically transfer from one language to another.

When asked about the necessary skills needed for conveying meaning, approximately 30% of the interpreters mentioned that beyond full proficiency in both languages, a development of mental agility and alertness was necessary, noting that the process of conveyance must be done quickly, therefore requiring expert reaction abilities between languages. Interpreters also cited a need for highly developed multi-tasking skills, stating that interpreters must have the ability to listen and process while either taking notes or transferring messages.

- F. Simultaneous Interpretation:** Simultaneous interpretation is the mode in which the interpreter lags slightly behind the source language speaker, interpreting the message into the target language at almost the same time as the original message is being said.

Figure 1: Frequency of Mode Type¹²

	Total	Spanish	OTS
Simultaneous Interpretation	86%	65%	19%
Consecutive Interpretation	18%	6%	11%
Sight Translation	2%	1%	1%

Reviewed literature supports that in judicial settings, simultaneous interpretation is most frequently practiced from English into other languages. It is used for most stages in proceedings that heavily involve speaking by or between attorneys and judges, such as arraignments, motions, and jury instructions. Because the majority of proceedings take place primarily in English with attorneys and judges speaking, many interpreters use simultaneous interpretation more frequently than any other mode.

Interpreter and stakeholder interviews, interpreter surveys, and observed court visits confirmed that simultaneous interpretation is used most frequently in court situations, as illustrated in the survey results represented in Figure 1.

Supporting literature and interpreter interviews highlighted that the accurate performance of simultaneous interpretation requires an expansive vocabulary in both working languages, quick mental processing skills, and predictive thinking strategies. Additionally, because the simultaneous mode is often used when interpreting messages in English for litigants with limited English proficiency, messages interpreted in the simultaneous mode often do not create the record. Therefore, the interpreter has an obligation to maintain self-awareness throughout the simultaneous interpretation process, auditing all input and output, and notifying the court of any possible errors.

- G. Consecutive Interpretation:** In consecutive interpretation the interpreter listens to a unit of speech in the source language and then conveys that message into the target language. Although the length of the passages rendered can vary, most literature points to a standard norm of approximately 40-60 words at a time. In the courts, consecutive interpretation is commonly used for interpreting messages from a litigant with limited English proficiency, which most often occurs in client/attorney interviews, or on the witness stand.

¹² Percentages found in figures throughout the report illustrate the number of responses received in relation to all survey responses. Summary results do not always equal 100% due to duplicate responses and/or lack of responses. All percentages have been rounded, causing a 1% difference among numbers in some cases.

In performing this mode, the interpreter must store heard information, recall the information, and then restructure the information in the appropriate linguistic form. The speed of the delivery of information, as well as the complexity of the subject matter or length of the speech, will likely alter depending on the speaker, requiring the interpreter not only to listen attentively to the delivered orations, but also to listen and process different levels and types of discourse. The possible range of content and potentially unpredictable nature of the discourse necessitates that an interpreter have an expansive vocabulary and complete competence in both languages.

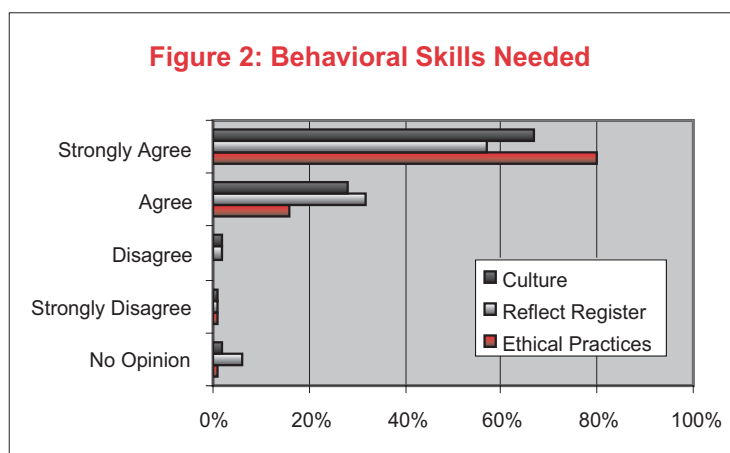
To assist with memory retention of details, such as names or numbers, interpreters often take shorthand notes while performing consecutive interpretation. The written clues help interpreters recall and retrieve important aspects of the message. Reviewed literature supports that good note-taking skills aid the interpreter, while not interfering with the interpreter's ability to attentively listen and analyze incoming information in the source language.

- H. Sight Translation:** Sight translation is the oral interpretation of a written document. In courtroom settings, sight translation is often used to provide oral interpretations of routine standardized written documents in English, such as waiver of rights forms, DUI forms, and police reports. In many routine procedures the sight translation of such documents is performed so that a defendant with limited English proficiency is able to understand. Occasionally, informal or formal documents in the foreign language are presented and the interpreter must interpret these into English for the court's benefit.

Although interpreters may be given the opportunity to review a document prior to performing a sight translation, many interviewed interpreters stated that it was very important to be able to read quickly and anticipate the content of the written text without fully reading the entire text. Comparable to the skills needed for simultaneous interpretation, sight translation necessitates that the interpreter use predictive thinking skills to help him/her process information and create context for an incomplete message. Interpreters interviewed reported reading ahead to process upcoming information even as they are conveying a unit of the text.

- I. Behavioral Skills:** In addition to language proficiency and competent interpreting skills, court interpreters need to possess a number of standard behavioral traits pertinent to the profession. The importance of following ethical practices was cited by both interviewed interpreters and stakeholders. In regard to job performance, interviewed interpreters and stakeholders linked ethical practices to the importance of rendering an accurate interpretation. In following ethical standards, the interpreter is required to interpret information as accurately as possible, preserving the linguistic elements, the register, and the intent of the message. Interpreters are not permitted to edit the message in any way, through paraphrasing, omission, or embellishment. This means that even if a litigant with limited English proficiency does not understand the possibly high language level of a source message, the interpreter cannot, under any circumstances, lower the register so the litigant can better understand. Additionally, if the interpreter does not understand a term or phrase, it is the interpreter's ethical responsibility to notify the court and ask for permission to clarify.

In addition to the knowledge and practice of professional ethical standards, interviewed interpreters and stakeholders noted the importance of professionalism, professional conduct, knowledge and understanding of the culture of the foreign language, flexibility, self-awareness, self-confidence, and a commitment to lifelong learning. Figure 2 illustrates that surveyed interpreters confirm the importance of behavioral skills, with the majority of respondents agreeing or strongly agreeing with statements



affirming the importance of reflecting register, following ethical practices, and understanding cultural differences while interpreting.

Analysis

Identification of the KSAs

The role of the court interpreter is to accurately transfer oral messages from the source language into the target language, conveying the meaning without summarizing, changing, or altering the content. The performance of court interpretation requires a broad range of knowledge, skills, and abilities (KSAs). In determining the specific KSAs needed to perform court interpretation, consideration was given to knowledge, skills, and abilities that were mentioned continuously throughout the research, including KSAs noted in interviews and surveys, observed in courtroom visitations, and/or mentioned in supporting literature.¹³

Based on these findings, the following knowledge, skills, and abilities were determined as essential for the performance of court interpretation:

Linguistic Skills

- Native-like proficiency in all working languages;
- Ability to think and react communicatively in all working languages;
- Knowledge and use of a broad range of vocabulary, including legal terminology, subject-specific terminology, and slang; and
- Knowledge and use of cultural nuances, regional variations, idiomatic expressions, and colloquialisms in all working languages.

Speaking Skills

- Ability to speak with proper pronunciation, diction, and intonation in all working languages;
- Ability to speak with a neutralized accent in all working languages; and
- Ability to project and/or speak softly.

Listening Comprehension Skills

- Ability to listen to and comprehend different rates of speech in all working languages;
- Ability to listen to and comprehend various regional accents and/or dialectical differences in all working languages; and
- Ability to ignore auditory distractions and focus on source speaker.

Reading Comprehension Skills

- Ability to read and comprehend overall meaning and specific details of written text in all working languages;
- Ability to read and recognize various written contexts, including formal and informal text, subject-specific vocabulary, idiomatic expressions, and colloquialisms; and
- Ability to read quickly and with little preparation.

¹³ See Appendix 1 for a complete list of reviewed literature. References that greatly contributed to the findings presented here include: *The Bilingual Courtroom* (Berk-Seligson, 2002); *Fundamentals of Court Interpretation* (Gonzalez, Vasquez, and Mikkelsen, 1991); and *Fundamental Aspects of Interpreter Education* (Sawyer, 2004).

Interpreting Skills

- Ability to concentrate and focus;
- Ability to process linguistic information quickly;
- Ability to make quick linguistic decisions regarding word choice or terminology selection;
- Ability to apply short-term memory skills in retaining small units of information;
- Ability to think analytically;
- Ability to utilize predictive thinking skills to anticipate incoming messages;
- Ability to convey meaning;
- Ability to provide transference from one language to another;
- Ability to preserve accuracy;
- Ability to select appropriate equivalents for vocabulary or phrases;
- Ability to accommodate for lack of equivalents in vocabulary or phrases;
- Ability to conserve intent, tone, style, and utterances of all messages;
- Ability to reflect register; and
- Ability to self-monitor and self-correct.

Behavioral Skills

- Ability to practice and follow ethical standards;
- Ability to conduct business in a professional manner;
- Knowledge and awareness of cultural aspects that affect language;
- Ability to work in various settings, situations, or conditions;
- Ability to project self-confidence and self-awareness when interpreting; and
- Knowledge and continued learning of social, technological, and legal changes that affect language.

Conclusions

As facilitators of communication, it is clear that the interpreter's function in the courtroom is essential, and that the role of the interpreter carries great responsibility. Acting as the communication bridge between the court and a non-English speaking litigant, interpreters must convey not only the words of a message, but also the essence, or meaning of that message, becoming the voice of all courtroom participants. The transference process of interpretation is not simply a linguistic exercise in which words are translated into equivalent matches. It is a process that involves a complex set of skills of "language and gesture interpreting in a way that is sensitive to the audience and speaker and their relations and goals, sensitive to world knowledge and context as well as topic, and sensitive to status relations, loyalty shifting, and nuance as well as literal meaning" (Sawyer, *Fundamentals of Interpreter Education*, 2004).

In order to perform court interpretation, bilingualism is a must, but being bilingual is not enough. Rather, to perform the three modes of interpretation (simultaneous, consecutive, and sight translation) in a courtroom setting, an interpreter must exhibit the minimum acceptable knowledge, skills, and abilities listed in this report.

Recommendations

Based on this analysis, it is recommended that the testing and hiring processes of California state court interpreters include these minimum acceptable qualifications needed for the function of court interpretation. The sub-divided areas (aside from Behavioral Skills) of minimum acceptable qualifications should be included in the test content of future examinations for certifying and registering state court interpreters in California. Behavioral skills needed to perform this job may be screened during standardized hiring processes.



ASSESSMENT OF CURRENT TESTING INSTRUMENTS

After defining the essential knowledge, skills, and abilities needed for the function of court interpretation, ALTA conducted a review and comparative analysis of the current written and oral instruments used for the certification and registration of California state court interpreters. Analysis focused on the specific knowledge, skills, and abilities measured by current testing instruments, and to what extent tested KSAs align with the minimum level of competency needed for court interpretation. Additional analysis was conducted to review and compare the overall equivalence of exam content, complexity, and performance rates across the 12 designated languages.

Methodology

To assess the current tests used in the certification and registration of California state court interpreters, ALTA analyzed the testing instruments using a multi-step approach, including:

Test Content Review: To fully understand the content of the written and oral tests used in the certification and registration of California state court interpreters, a comprehensive review of test content was conducted. Analysis of the written and oral test scripts provided by Cooperative Personnel Services (CPS)¹⁴ included a holistic review of the testing instruments, as well as examination of the individual sections of the written



and oral tests in English and the 12 designated languages.¹⁵ The review focused on understanding the purpose of the written and oral exams, as well as the development processes employed in the creation of the individual exams.¹⁶

In addition to analyzing the exam purpose and developmental procedures, an internal review of exam content was administered. During this process, an analysis was conducted to determine to what extent the current testing instruments align with the knowledge, skills, and abilities (KSAs) needed for the function of court interpretation.

Comparative Analysis of Exams: To recognize and address a possible lack of equivalency among the tests used for certification in the 12 designated languages, a comparative analysis of the written and oral exams was conducted. In the first stage of this process, an analysis was performed to compare the English components used in all written and oral exams to identify possible differences in levels of complexity or selected terminology. This process was followed by independent test content reviews conducted by two to four language experts, linguists, and/or court interpreters per designated language. Language-specific reviews were then comparatively analyzed to identify any differences in levels of complexity and/or language use among the 12 distinct languages.

Analysis of Examination Scores: To assess test parts in relation to candidate performance, an analysis of test scores was conducted. Overall test scores were examined from a holistic standpoint in addition to analysis of individual sub-sections. Holistic and individual sub-section scores were then compared to test content reviews performed by subject matter experts (SMEs) to identify if lower or higher test scores correlated to particular test items or sections. Additionally, test scores and correlative performance patterns were compared across languages to identify any trends that may suggest differences in equivalency among the 12 distinct languages.

¹⁴ Analysis included sample tests provided by the previous test administrator, CPS. ALTA did not analyze test sections or versions that were not provided. ALTA recommends that further examination, including detailed item analysis, be performed on all test versions in all languages currently in circulation.

¹⁵ There are currently 12 designated languages with certification tests in California: Arabic, Eastern Armenian, Western Armenian, Cantonese, Japanese, Korean, Mandarin, Portuguese, Russian, Spanish, Tagalog, and Vietnamese.

¹⁶ Information included in this analysis is based on quarterly reports and supportive documentation provided by CPS to the AOC.

Review of Collected Data: To supplement and confirm findings, data obtained from interview and survey processes was reviewed. Particular attention was given to interpreter responses pertaining to test content obtained through the qualitative interview process and quantitative survey results. Responses regarding particular test items, test sections, or test design were compared to test content reviews, comparative analyses across languages, and examination scores.

Literature Review: Throughout the assessment of the current tests, ALTA conducted a review of literature (Appendix 1). Literature related specifically to test construction, test applications, and testing practices used for employment and certification purposes was reviewed to assist ALTA in the evaluation of testing instruments used for the certification or registration of state court interpreters in California.

In addition to content related to testing standards and practices, continued study also focused on interpretation and interpreting studies. Particular concentration was given to the cognitive processes and compensatory strategies needed for simultaneous interpretation. Focus on this literature has assisted in the further understanding of possible linguistic distinctions that may contribute to difficulties for some language groups when performing simultaneous interpretation.

Findings

Written Test Purpose and Construction

The first step in the certification or registration process for state court interpreters is to take and pass a written screening exam, which includes a total of 155 multiple-choice questions distributed over 9 sections, consisting of:

- English Vocabulary: 20 questions
- Foreign Language Vocabulary: 20 questions
- English Grammar and Word Usage: 20 questions
- Foreign Language and Word Usage: 20 questions
- Reading Comprehension - English: 15 questions
- Reading Comprehension - Foreign Language: 15 questions
- English to Foreign Language Vocabulary: 15 questions
- Foreign Language to English Vocabulary: 15 questions
- Foreign Language Sentence Translation: 15 questions

For non-designated languages, the written exam consists of the three English-only portions listed above: English Vocabulary, English Grammar and Word Usage, and English Reading Comprehension.¹⁷

According to reports provided by Cooperative Personnel Service (CPS), initial written test construction was based on a job analysis and continued revision practices, including reviews by subject matter experts (SMEs). Additionally, a validation report provided to the AOC by CPS in 1998 indicated that relevancy ratings were assigned to individual test components to illustrate a link between test items and KSAs needed for court interpretation. As reported by CPS, the following KSAs are measured by the written exams:

- Ability to read English fluently
- Ability to speak English fluently
- Ability to effectively follow written instructions
- Knowledge of English vocabulary to interpret written documents into English from the foreign language
- Ability to read the foreign language fluently
- Knowledge of the foreign language vocabulary sufficient to translate written documents into the foreign language from English
- Knowledge of proper grammar in the foreign language
- Ability to recognize linguistic incompatibilities

¹⁷ A 2006 website for CPS also indicated that the written exam for non-designated languages includes a section on "interpreting principles, practices, and procedures." This information could not be found in current public documentation regarding the written exams (<http://www.cps.ca.gov/tlc/jc/index.asp?page=written>).

Oral Test Purpose and Construction

Once a candidate has passed the written screening exam, an oral performance examination must be taken and passed. For designated languages, the oral examination currently measures a test-taker's ability to perform the interpreting modes used in court interpretation:

- Consecutive Interpreting
- English to Foreign Language Sight Translation
- Foreign Language to English Sight Translation
- English to Foreign Language Simultaneous Interpreting

The consecutive interpreting component is designed as a role-play exercise with roles for a judge, attorney, and witness typically included. Tape-recorded passages consisting of 1-40 words in length are played for the test-taker. The test-taker is permitted to take notes, and must render an interpretation immediately following each passage. Applicants may ask for a total of 6 repetitions throughout the consecutive portion.

During the testing of sight translation, the candidate is asked to orally interpret one document written in English into the foreign language, and one document written in the foreign language into English. The test-taker is given two minutes to review each document before beginning the sight translation, and must render each interpretation within four minutes.

The testing of the simultaneous mode involves the test-taker listening to a pre-recorded court proceeding in English. The candidate listens to the material, recorded at 120-140 words per minute, and renders an interpretation in the foreign language simultaneously, lagging only slightly behind the English recording. The entire exercise is approximately three and a half minutes in length.

For those languages in which an oral certification exam is unavailable, an English proficiency exam is given. This oral exam is approximately 35 minutes in length and requires the candidate to read two passages and explain the content in English, respond to a variety of questions in English, and answer questions in reference to provided pictures.

As with the written exam, oral test construction was based on a job analysis. Quarterly reports provided to the AOC by CPS indicated that oral script development for newly-certified languages and revisions of existing scripts were based on actual court transcripts. Reports further illustrate that oral scripts developed for newly-certified OTS languages used base scripts from Spanish oral exams, which were modified to represent cultural scenarios common to the different language groups.

Information posted on CPS's website prior to the change of test administrators stated that the oral examinations used for certifying court interpreters measured a number of KSAs,¹⁸ including:

- Ability to read the foreign language fluently
- Ability to read English fluently
- Ability to recognize linguistic incompatibilities
- Ability to perform duties under pressure
- Ability to effectively follow oral instructions
- Ability to interpret consecutively
- Ability to speak English fluently
- Ability to communicate complex information in an easily understood manner
- Ability to read and understand technical material written in another language
- Ability to digest a statement of information and relay a summary interpretation
- Ability to speak quickly without hesitation
- Ability to interpret simultaneously
- Ability to comprehend and retain testimony for at least 15 seconds

¹⁸ CPS administered the certification and registration exams for state court interpreters in California until mid-2006. Thomson Prometric has administered the exams since September of 2006.

- Ability to comprehend and retain testimony for at least 30 seconds¹⁹
- Knowledge of the appropriate role of the interpreter
- Knowledge of skills and techniques of interpreting
- Knowledge of English vocabulary to interpret written documents into English from the foreign language
- Knowledge of proper grammar in the foreign language
- Knowledge of the foreign language vocabulary sufficient to translate written documents into the foreign language from English
- Knowledge of legal vocabulary required by the court

Scoring Guidelines

Written screening tests are objectively scored by machine. To be eligible to take the oral interpreting exams, a test-taker must pass the English and foreign language sections of the written test with a scaled score of 70 in both language sections.

The oral exams are rated using a combined scoring method of holistic evaluation and objective scoring units. Both language proficiency and interpreting skills are evaluated during the oral exam. Overall scores are based on a 1-5 scale. To pass, candidates must score a 4 or above in language proficiency skills, as well as “a 4 or above in all interpreting components, or score a 4 in three of the four tested components and score a 3+ in any one remaining component except the Consecutive, which must remain at 4 or above” (*California Certified Interpreter Oral Performance Evaluation Guide*, 2006).

Tests are rated by teams of at least two trained examiners who independently score oral exams and compare results.²⁰ If a discrepancy occurs when comparing results, examiners discuss specific candidate behaviors and attempt to reach a consensus. If consensus cannot be reached, an additional evaluator is contracted to resolve any differences.

Analysis

KSAs and the Written Exam

In examining the KSAs measured by the written exam, there are several areas in which the receptive test items may not measure productive competency skills as stated.²¹ Because the written test relies on the proper selection of answers from a limited range of responses, only passive knowledge of English and the foreign language is directly being tested.²² In reference to the KSAs tested, as reported by CPS, only the knowledge of proper grammar, the ability to recognize linguistic incompatibilities, and the ability to effectively follow written instructions are directly being tested through the written exam. For all non-designated languages, the KSAs tested would only be in relation to passive knowledge of English, resulting in the measurement of knowledge of proper grammar and the ability to follow written instructions, but not the ability to recognize linguistic incompatibilities between two languages.

It should be noted that the written exam also measures knowledge, skills, and abilities not identified by CPS or ALTA as being linked to the function of court interpretation. To select the correct choice for some questions, candidates must know elements of writing mechanics, including the standard rules of punctuation and the proper spelling of words. Although it could be argued that such knowledge may be beneficial to the job of court interpretation, knowledge of punctuation and spelling is not linked directly to the KSAs identified as necessary for the function of court interpretation.

¹⁹ Results for this KSA may pertain specifically to OTS languages. As was reported in a validation report provided to CPS in 1999, “subject matter experts for Japanese, Korean, Chinese, and Arabic maintain that they must listen to the entire statement before they can render an interpretation. Consequently, it is not uncommon for interpreters in these languages to store and retrieve information for periods longer than 30 seconds” (Davis, *Court Interpreter Technical Report*, 1999).

²⁰ Rating practices are based on information reported by CPS.

²¹ Receptive test items refer to those items that require the test-taker to select a response rather than produce one (Brown, 2005).

²² Passive knowledge refers to receptive skills, usually reading and listening, as opposed to productive or active skills, such as writing and speaking.

Comparative Analysis of Written Exams

In addition to examining the KSAs measured by the written exam, further analysis was conducted to compare the equivalence of the written exams in regard to complexity and overall construction. Specifically, the analysis focused on whether or not the written exams had been developed to measure the same constructs, to the same degree and complexity, across the 12 distinct language combinations. Additionally, further study examined the equivalence of difficulty among different sections of the exams, and if specific sections were determined to be more difficult than others in certain languages.

Analysis of the written exams illustrated that sections of the written exam that measure English alone are identical across languages, indicating that the same knowledge, skills, and abilities in reference to English are being tested by all. However, English and foreign language words and grammatical structures present in the foreign language sections of the exam lack equivalence across the 12 distinct language versions tested. Differences in exam content across languages consist of the following:

- Differences in use of low-frequency and high-frequency words
- Differences in use of distracters²³ for multiple-choice answers
- Awkward translations found in some versions
- Incorrect grammatical phrasing found in some versions
- Archaic or dated material found in some versions

Variance found in complexity and construction of different test versions may explain the use of a scaled score for the written examinations instead of one pre-determined cut-score across the languages.²⁴ By using a scaled score, test administrators can attempt to ensure comparability of tests across languages by establishing different standards for different tests. However, documentation provided to ALTA did not include historical evidence that scaled scores are used to accommodate for a lack of equivalency across the distinct language versions.

KSAs and the Oral Exam

In the analysis of the oral exam, KSAs as defined by ALTA were aligned to various test sections to determine how and to what extent particular KSAs are measured by the current oral instruments used for certification. Similar to the list of KSAs determined by CPS, the majority of KSAs established by ALTA are tested in the oral exams. All linguistic, speaking, interpreting, and reading comprehension skills are tested by two or more sections. Of the 26 measurable KSAs recommended by ALTA to be included in the exams,²⁵ 25 were found to be represented in one or more components of the oral exam. The only KSA not covered is the ability to ignore auditory distractions and focus on the source speaker.

Comparative Analysis of Oral Exams

To compare the construction and overall complexity of oral exams across the 12 languages, linguists, language experts, and/or court interpreters also conducted independent analyses of the oral examination instruments. Similar to the comparative analysis of written exams, language specialists examined individual sections of the exams. Language experts were asked to review and report on the specific terminology used in key word units,²⁶ identifying the purpose of the units in regard to measuring the knowledge of legal terminology, grammar, word usage, idiomatic expressions, and/or other language skills. Additionally, language experts reported on any confusing elements, such as awkward translations and/or multiple translation possibilities, when comparing the English and foreign language versions of the underlined key units.²⁷

23 Distracters are the choices that are counted as incorrect in a multiple-choice test. They should distract or divert the test-taker's attention if the correct answer is really not known (*Testing Language in Programs*, Brown, 2005).

24 A cut-score is a specified point on a score scale, such that scores at or above that point are interpreted or acted upon differently from scores below that point (APA, 1999).

25 ALTA defined a total of 32 KSAs as necessary for the function of court interpretation. A total of 6 of the 32 KSAs were identified as behavioral skills that were not recommended to be assessed through standardized exams. A total of 26 of the determined KSAs were recommended to be assessed through standardized exams.

26 Key words and units of meaning are selected by the test developers to measure the breadth and depth of the candidate's linguistic repertoire (*California Certified Interpreter Oral Performance Evaluation Guide*, 2006).

27 Underlined key units are provided on scripts in both English and the foreign language so raters can compare the original text to the test-taker's interpreted version.

Overall analysis of the scripts used in the various components illustrated that English used in the oral scripts was comparable in construction and complexity across languages. However, analysis of foreign language sections illustrated some differences across language versions, particularly in the sight translation component that requires English interpretation of a document written in the foreign language. With the foreign language sight translation component, the purpose of individual key words and phrases differed across languages. Analysis of the oral scripts in some language test versions illustrated that the majority of underlined units measured legal terminology, while other language versions focused on the testing of colloquial expressions or everyday vocabulary.

Outside of the oral script content, some language experts commented on confusing elements found in the translated options of the key units. Although the underlined key phrases in the English script were found to be typical and appropriate examples of courtroom language, confusing or inappropriate translation options were found in the foreign language key words. These translated underlined units in the foreign language are used by raters to discern if interpreters have rendered the underlined English versions correctly. Confusion with translated options does not contribute to the complexity of the test, but may contribute to complications in the overall assessment process.

“Among simply doesn’t have any commonly accepted terms for many of the objects and concepts that are familiar to people living in the American culture.”

Bliatout, Downing, Lewis, Yang, 1998

Discussion of Analysis

Possible Use of an Oral Proficiency Screener

As has been discussed in this report, the written instrument currently used for screening interpreters in California consists of multiple-choice questions that measure candidates’ recognition of correct answers in regard to vocabulary, grammar, reading comprehension, and sentence translation. In using this instrument as a screener, it is assumed that successful demonstration of such receptive skills is a predictor of success on the oral performance exam.

According to evidence gathered through the qualitative interviews, quantitative surveys, and reviewed literature, interpreters must have near-native ability in the two working languages. Passive knowledge or recognition of language aspects is not enough; complete communicative competence is needed, including “underlying knowledge about language and communicative language use, and skill in performing in actual communicative situations with this knowledge base” (Gonzalez, Vasquez, Mikkelson, 1991). In recognizing that communicative competence is the foundation of interpretation, such productive abilities should be tested in the screening process to determine candidates with these foundational skills. Rather than predicting communicative ability through passage of a written instrument, an oral screening process that assesses both passive knowledge and active use of language should be implemented in addition to or in lieu of the written examination.

Following the direction of many established leaders in language testing, oral proficiency in English and the foreign languages can be assessed through an interactive dialogue between test-taker and a trained speaker of the tested language. Replicating what candidates would actually have to do with the language in the target situation, the oral proficiency test can be designed to engage candidates in an interactive, communicative process that samples from a range of grammatical structures, specific terminology, and level-appropriate vocabulary illustrative of the defined domain (court interpretation). In the case of an oral screener for interpreting candidates, proficiency exams can be developed to engage test-takers and elicit responses that include grammatical structures, legal terminology, medical terminology, and level-appropriate vocabulary that is relevant to the function of court interpretation. In testing productive communicative skills, an oral exam would identify candidates who can competently handle and manipulate the tested language(s) at near-native levels of ability.

In addition to using an oral proficiency exam as a screener for the interpreting test, such a screener could be utilized in the assessment process for registered languages. Currently, the oral proficiency test for candidates of non-designated languages assesses English proficiency skills only. However, oral testing of foreign language skills could be added to this process to measure proficiency in both English and the foreign language. (For additional operational information regarding oral proficiency assessments, see Appendix 6.)

Feasibility of a Universal Test

The certification or qualification of interpreters requires the testing of language proficiency and interpreting skills in two languages: English and the foreign language. In considering the testing of English, a universal assessment tool *may* be possible since English is a common denominator required by all interpreters. However, because the foreign languages tested vary greatly, no *one* test could be used for these languages. Although it is commonly believed that one standard template could be developed and translated into the foreign languages for use in testing, recent research has illustrated that this practice alone is not sufficient for the development of valid testing instruments.

“...it has been pointed out many times that merely translating or adapting a test from one language to another does not mean that the alternate-language versions of the test are equivalent. In fact, merely adapting a test from one language to another may result in producing a test of questionable psychometric quality”

Sireci, 1999

In addition to linguistic differences that contribute to the difficulty of test adaptation, cultural distinctions also challenge the process. Testing across languages implies testing across cultures. “Familiar features of tests in one culture may be completely unfamiliar in another culture” (Sireci, *Guidelines for Adapting Certification Tests for Use Across Multiple Languages*). Research suggests that cultural norms and illustrations of cultural understanding should be included in test design, which would not occur through a translation of a universal instrument.

Finally, in considering this research as it pertains to interpreting skills, a universal test or utilization of a universal format could not be used to measure skills across languages or cultures. The testing of interpreting skills includes the assessment of ability, as well as lack of ability, in interpreting. To measure a candidate’s ability to fluidly transition from

one language to another while maintaining accuracy and conveying the message, tests must be designed to specifically target the two languages in question. Although interpreting requires comprehensive knowledge, skills, and abilities that are shared among languages, linguistic differences between English and the target language can present distinct challenges which may vary among language combinations. For example, particular pitfalls that challenge Spanish/English interpretation may not be the same as those found in Korean/English interpretation. To test the particular linguistic elements present in language combinations, interpreting tests must be designed in accordance with the languages.

Conclusion

Through this review of the content of the written and oral exams, it appears that, although original construction and revision has focused on alignment with knowledge, skills, and abilities of the court interpretation job, some improvements could be made to exams to better align them with the determined KSAs, as well as to create equivalence among test versions across languages. Additionally, the use of an oral proficiency screener either in lieu of or in addition to the written screening exam may assist in testing the productive bilingual language skills that are foundational to interpreting.

Recommendations

Based on the analysis of the test purpose and construction of the written and oral exams, as well as the comparative analysis of test content across language versions, the following is recommended:

Written Exam Content

If use of the written exam as a screening device is continued, changes should be made to the content so that it aligns better with determined KSAs. To measure word usage, rather than just word recognition, vocabulary should be presented in context. Additionally, test content should focus on the correct usage of grammatical structures and vocabulary, but not on writing mechanics such as the standard use of punctuation or the proper spelling of words.

Material used in the written test content should reflect language and scenarios common to the subject matter found in courts. Material that requires other topic knowledge and/or knowledge of arcane language should be removed.

Oral Exam Content

Oral script content should include subject-specific and everyday vocabulary that mirrors actual court proceedings. Because survey results indicate that interpreters are primarily used in criminal courts, oral exam content should reflect language used in criminal courts, although inclusion of language found in other court proceedings should be considered. Similarly, sight translation documents in English and the foreign languages should reflect documents frequently used in court proceedings.

Key word units and phrases included in the oral scripts should be designed and/or selected to measure knowledge of vocabulary, proper use of grammatical structures, knowledge and use of idiomatic expressions, conservation of register, accurate renderings of names and numbers, and compensatory strategies used for particular pitfalls in the designated languages. To the extent possible, key word units should be used in equivalent percentages across languages (See Appendix 8).

Exam Development

To prevent awkward translations, foreign language sections in the written and oral exams should be developed or adapted in the foreign languages, but not translated directly from a base script. Additionally, to minimize memorization of test content, additional versions of written and oral tests should be created in all designated languages. Any and all changes made to test content should be piloted with a representative population and results should be analyzed.



ASSESSMENT OF CURRENT RATING PRACTICES

After analyzing current test instruments, a review was conducted of current rating practices, including scoring processes used to rate written and oral exams, exam rater selection, rater training, and quality assurance procedures. Further examination focused on a comparative analysis of rating procedures and protocols used by other national and state models that provide certification or qualification of court interpreters.

Methodology

To assess the current rating process utilized in the scoring of the written and oral exams administered for the certification and registration of state court interpreters in California, the following methodological approaches were utilized:

Review of Reports and Postings: To better understand the rating practices employed by test administrators, reports provided to the AOC by CPS were reviewed in addition to public postings maintained by both CPS and Thomson Prometric.

Rater Interviews: Individual interviews with current raters of the oral exams used for certification and registration of state court interpreters were conducted to contribute to the findings on current rating practices. A total of 30 current raters representing all designated languages except Tagalog participated in the interview sessions.²⁸ Information obtained from these interviews was analyzed and responses pertaining to rating procedures, rater training practices, test development issues, and quality assurance protocols were examined. As with other interviews conducted, information obtained was maintained in a database available only to ALTA staff to ensure confidentiality.

Review of other Court Interpretation Testing Bodies: To identify rating practices and protocols that might be of interest to California, the rating practices and protocols of other testing systems were reviewed. Particular attention was given to testing bodies that would be considered peer systems and/or alternative structures to the certification and registration process utilized for state court interpreters in California. Peer systems were defined as programs that reflected similar demographic and/or language challenges to California, as well as systems or programs that had highly developed interpretation certification standards equivalent to those used in California. Alternative structures included programs of varying size with innovative policies that could be of interest to California in regard to scoring practices.²⁹

Literature Review: In addition to examining reports and public postings generated by the test administrators, a thorough review of literature pertaining to test rating practices was conducted. Literature reviewed included material pertaining to standards in scoring and reporting. Particular attention was given to the creation of rating scales, rater training, and quality assurance practices in scoring.

Findings

Test Rating Practices

As noted in the analysis of testing instruments, written examinations are scored using a machine-based system. Once rated, 20% are then checked by hand and compared to the machine-based score as a quality assurance measure.³⁰

Oral tests are rated on a pass/fail basis, using a combination of holistic evaluation of performance (based on a 1-5 scale) and objective rating, in which the “number of key words and units of meaning that the candidate is able to render correctly” is counted (*California Certified Interpreter Oral Performance Evaluation Guide*, 2006). Holistic test performance is rated based on language proficiency and interpreting skills, and follows outlined criteria. Passing candidates must score a 4 or above in all language proficiency components. In regard to interpreting skills, test-takers must “score 4 or above in all interpreting skill components, or

²⁸ ALTA was unable to engage Tagalog raters in the interview process.

²⁹ Information included is based on public information and/or private conversations. All information is reported as current, to the extent possible.

³⁰ Information is based on the rating practices of CPS, unless noted otherwise.

score 4 or above in three of the four interpreting skills components and score a 3+ in any one remaining component except the Consecutive, which must remain at 4 or above” (*California Certified Interpreter Oral Performance Evaluation Guide*, 2006). Although the rating guide made available by CPS does not state defined percentages of key words that must be rendered correctly for passing candidates, it states that a total of 150 key words or units are used throughout the oral exam, and “are selected by the test developers to measure the breadth and depth of the candidate’s linguistic repertoire” (*California Certified Interpreter Oral Performance Evaluation Guide*, 2006).

Throughout their history with CPS, interviewed raters reported working in teams of two or more. Some teams were comprised only of court interpreters, while others consisted of court interpreters and other language experts. Although a few raters mentioned scoring in teams over the phone, most stated meeting face-to-face to rate together.³¹ In these cases, candidates’ recordings were listened to together, but scored independently, and scores were then compared and reviewed. If a discrepancy occurred, the recording in question would be sent back to CPS for additional evaluation.

During the scoring of oral exams, raters reported referring to the evaluation guidelines, specified criteria, key word tables with acceptable and unacceptable renditions of words and phrases, and reference books and glossaries. Illustrating that the use of key word units is secondary to holistic scoring, many raters had differing opinions on the appropriate assignment of points awarded to predetermined scoring units. For example, raters differed in regard to awarding partial credit for answers that were considered *somewhat* correct. Additionally, the percentages of key word units deemed appropriate for passing also differed across raters and languages.

Rater Selection and Training

According to current raters who were interviewed, CPS selected raters with linguistic expertise and/or court interpreting expertise. Raters mentioned having specific qualifications, including interpreting experience, teaching experience at the high school or university level, experience in test development, and/or former experience rating exams for other organizations. Raters interviewed are primarily based in California, and have been working as raters for a range of 1.5 - 20 years. Many have been included in test development activities for their specified languages, and some rate and/or develop tests for more than one language combination.

Upon employment, all raters received training to assist them in understanding the criteria and to discuss norming standards.³² According to interviews, initial training usually consisted of one or two weekends of sessions, with some raters not being able to rate officially for several months. For many of the raters, continued training was provided, either once a year or once every two years. These sessions generally consisted of continued norming training and discussion of test revision.



31 At the time of these interviews, Thomson Prometric had begun sending candidate tapes to two separate raters to be scored individually and then compared. No rater interviewed had yet participated in this new process.

32 Norming sessions as used by CPS refer to “frame-of-reference” training to provide raters with a common reference standard and calibrate or standardize raters’ perceptions of performance (as stated in a CPS report to the AOC, 2005).

Review of Rating Practices of other Testing Models

In addition to rater interviews, scoring systems were reviewed for the following national and state court interpretation testing models:

- The Federal Court Interpretation Certification Examination Program (FCICE)
- The Consortium for State Court Interpreter Certification (the Consortium)
- The National Association of Judiciary Interpreters and Translators (NAJIT)
- The New York State Unified Court System Court Interpreting Services (NYSUCS)

Passage points and/or scoring systems vary for each testing body reviewed. (For detailed information on the scoring systems used by these models, see Appendix 7.) In using criterion-referenced examinations,³³



FCICE, the Consortium, and NAJIT all have pre-determined cut-scores that define a particular passage point or score that all successful test-takers must obtain. Because the California Court Interpreters Program (CCIP) offers written exams in twelve distinct language combinations (English/foreign language), a process of equating is used to ensure comparability across language exams. Rather than using a pre-determined cut-score, the written exams are scored using an equating method in which candidates must obtain a scaled score of 70 in both the English and foreign language sections in order to pass.

For NYSUCS, the scoring of the written examination is slightly different. NYSUCS uses a norm-referenced scoring method for the written tests,³⁴ with a specialized process for scoring Spanish/English written exams. For NYSUCS, test-takers of the Spanish/English examinations are rank-ordered according to score with the top-scoring applicants progressing to the oral exams.

The scoring processes used for the oral exams are comparable among the models, with all using a combination of holistic scores and pre-determined scoring units. FCICE, the Consortium, and NAJIT present passing scores as the percentage of correct answers based on the scoring units. Although CCIP also uses scoring units, final scores are presented as a range of 1 - 5 for both language proficiency and interpreting skills. To pass, candidates must meet minimum standards of competence,

indicated by a 4 in the majority of tested components. As with the written examination, NYSUCS uses a rank-ordered scoring system for Spanish/English oral exams, and a pass/fail determination for all other tested language combinations.

Most reviewed testing systems use either one rater or a combination of two raters to routinely score exams, and, if a consensus cannot be reached on a particular exam, the exam is sent to an additional rater. However, FCICE always uses three raters to score each oral exam, which may minimize error and ensure higher inter-rater reliability,³⁵ possibly affecting overall test passage rates. Additionally, raters for the Consortium are from many different areas of the United States and not concentrated in one particular region. In contrast, many of the raters of CCIP's oral exams are working interpreters in the state of California.

³³ Criterion-referenced tests are used to make score interpretations in relation to a functional performance level (APA, 1999).

³⁴ Norm-referenced test interpretation bases scores on a comparison of a test-taker's performance to the performance of other people in a specified *reference population* (APA, 1999).

³⁵ Inter-rater reliability refers to the consistency with which two or more judges rate the work or performances of test-takers (APA, 1999).

Analysis

Test Rating Practices

As mentioned in the findings, scoring of the written exams is performed using a machine-based system, which allows for objective scoring of all test versions in all languages. Because the written exam has been created in 12 different language combinations (English/foreign language), a system of equating has been used across languages. Although the process of equating is a standard practice in testing, and in theory should provide for accurate score conversions for different examinee populations, having scaled scores across language groups may cause a perception of bias among test-takers.

Oral examinations are scored by a team of raters using a specified criterion that outlines performance expectations in regard to language proficiency and interpreting skills. Rating is based primarily on the holistic evaluation of a candidate's performance; raters listen for specific performance attributes of language proficiency in both English and the foreign language, as well as the demonstration of ability to interpret in the three modes. To support the holistic rating process, raters also account for the number of objective key words or units of meaning that candidates render correctly.

Many peer court interpreter testing bodies on the national and state level also use a combination of subjective holistic scoring procedures in addition to objective rating processes. However, these other models rely heavily on the use of objective scoring units. As opposed to placing emphasis on the holistic judgment of a candidate's performance, other models place significant weight on the percentage of key words or units of meaning that a candidate renders correctly, with holistic scoring used as a supporting tool.

In placing significance on pre-selected scoring units, an established cut-score can be used across all language tests, requiring candidates to correctly interpret the same percentage of units regardless of test version, language group, or rating team. Although the determination of whether a key word or unit of meaning has been rendered correctly still requires subjective rating, the pre-selected key words would act as a framework for the subjective assessment process. (For detailed information regarding the use of objective scoring units, see Appendix 8.)

It should be noted that several interviewed raters of the California court interpreter exams stated that holistic assessment was necessary because candidates who have taken the tests multiple times often have memorized key words or units of meaning, therefore allowing them to "hit" these correctly without demonstrating adequate interpreting or language proficiency skills. Because memorization of the test may allow a candidate to accurately render key words, while still demonstrating poor interpreting skills, the holistic evaluation should always complement the quantitative scoring of accurately rendered units. Additionally, further consideration should be given to the development of multiple test versions for designated languages so that memorization of test content would be minimized.

Rater Selection and Training

Oral exam raters selected by CPS have been recruited on the basis of reported knowledge, experience, and professional expertise. While selection procedures seem to ensure that raters have essential qualifications and experience to assess candidates, a number of surveyed test-takers, current interpreters, and stakeholders perceive that rater bias contributes to the low passage rate of oral exam candidates. For those who commented on potential bias, concerns focused on the use of raters who currently work as certified interpreters in California courts.

To prevent or minimize perceived bias in the rating process, various decisions in regard to rater selection could be made, including the recruitment of court interpreters outside the state of California to act as raters. However, it should be noted that many interpreters and stakeholders believe that California state court interpreters represent the highest quality and level of professional standards needed for the job. Additionally, interpreter certification in Eastern Armenian, Western Armenian, Japanese, and Tagalog are currently offered only in California. To ensure that certified court interpreters with considerable knowledge and expertise are involved in the rating process, recruitment of raters in these languages would have to draw from interpreters certified in California. Because of these factors, it may be necessary or desirable to select raters who are certified court interpreters in California. However, to avoid perceived bias, raters who are court interpreters

in California should participate in rating teams comprised of academics, language experts, or certified interpreters from other states or systems.

In regard to rater training, the majority of interviewed interpreters reported satisfaction with the initial training received, although some commented on the need for more follow-up sessions. Analysis of rater responses also indicates that further training may be needed to standardize rating practices across languages and raters. As noted, responses regarding the use of partial credit, as well as the operational use of key word units illustrate some variance across languages. Because rater responses regarding these areas differed, further training, as well as ongoing monitoring, may be needed to ensure fairness and standardized practices in the rating process.

Discussion of Analysis

Raters as Test Developers

During the rater interviews, several raters reported being involved in test development processes for their designated languages. The involvement of raters as subject matter experts (SMEs) in this process follows a participatory approach to test development in which those familiar with a particular subject matter or test population may be involved in the development of test items or scoring rubrics. Although the participation of SMEs in test development is standard practice, it is essential that participating SMEs have training and guidance from testing experts and psychometricians regarding test item development, of which some raters reported needing more.

To minimize perceived bias in the test development process, measures should be taken to ensure that development teams are comprised of a combination of SMEs, including linguists and testing experts. Particular attention should be given to ensuring that test development teams do not consist of only certified interpreters working in California, since test-takers may perceive a conflict of interest or biased practices.

Rating of the Simultaneous Component

Of the 30 raters interviewed, 23 reported rating designated OTS languages, while a total of 7 reported rating Spanish exams. Interestingly, when asked if a particular section of the exam was more difficult for candidates of the specified languages, all 23 raters of OTS languages reported the simultaneous section as being more difficult, while raters of the Spanish exams stated that the consecutive portion was more difficult, or that all portions were equally challenging.

“*[With] some languages [the interpreters] can't do the simultaneous as easily because they have to be able to wait until a whole sentence is completed so that they can turn it around and reformulate it into the other language because of the way that their grammar is structured.*”

– Court personnel

When looking at the interview results in more detail, many of the OTS language raters who reported simultaneous interpretation as being more difficult for candidates attributed complexity to linguistic aspects, including:

- Different syntactic structures between English and the foreign language;
- Differences in word order between English and the foreign language;
- Need for longer lag time, which requires more use of memory skills; and/or
- Lack of tense/pluralized nouns/gender in foreign language.

The responses obtained from raters during the interviews mirror trends found in qualitative interviews, independent reviews from SMEs, and supporting literature, all of which indicate that linguistic differences and/or a lack of symmetry between English and some foreign languages may contribute to the difficulty for some OTS language groups of accurately performing the simultaneous mode. For some

language groups, linguistic incompatibilities between English and the foreign languages may result in inaccurate or grammatically awkward renderings of the source message when interpreting in the simultaneous mode at the current tested speed.³⁶ (For information pertaining to the performance of simultaneous interpretation, see Appendix 9.)

Conclusion

The review of rating procedures illustrates that many current processes follow standardized guidelines, but that improvements could be made to strengthen these systems, including modifications to the current oral exam rating process and rater selection and training. Additionally, in accordance with trends found in rater interviews, as well as other research, further consideration should be given to the modification of the test structure and/or scoring practices for the simultaneous component for particular languages.

Recommendations

Based on the findings and analysis of the current rating process, the following is recommended:

Rating Guidelines

If improvements are made to equalize written test versions across languages, passage points should be determined to reflect this standardization, with one percentage rather than scaled cut-score established for all versions and languages. Similarly, if oral tests are equalized across languages, one percentage cut-score of correctly rendered key word units should be established.

In addition to creating equivalence across language versions, further consideration should be given to placing scoring emphasis on objective scoring units in the oral exams. Scoring units should be designed to cover all areas of language use, including grammatical concepts, knowledge and use of specialized and generalized vocabulary, understanding and proper use of idiomatic expressions, and specific linguistic pitfalls for designated languages. To prevent passage of candidates who may correctly render key word units, but still lack overall interpreting skills, holistic assessment should be used as a supporting tool.

Rater Selection

To minimize real or perceived biases in the rating process, the selection of raters and test developers should include SMEs with linguistic, interpreting, and/or court interpreting experience. Rating teams should include SMEs representing different academic and/or professional backgrounds. To the extent possible, teams should be comprised of SMEs from different geographic locations, including language experts from inside and outside California.

Rating of the Simultaneous Mode

To accommodate linguistic differences that may compound the complexity of performing accurate simultaneous interpretation for some language groups, further consideration should be given to modifications to the test structure and/or scoring practices used to assess simultaneous interpretation.

Quality Assurance

Any and all changes made to rating practices should be piloted with a representative population and results should be analyzed. To standardize rating practices, training and ongoing monitoring should be given to raters if any changes are made to test content or scoring practices.

³⁶ Rater comments have not been associated with individual languages so as to maintain confidentiality. However, trends in comments reflect trends found in other research, including literary references that indicate linguistic difficulties for particular language groups to accurately perform simultaneous interpretation.

IV

REVIEW OF TEST STRUCTURE AND ADMINISTRATION PRACTICES

In addition to analyzing test content and rating procedures, an analysis of the current structure and administration practices of the written and oral exams was conducted. Analysis of the current exam structure examined California's overall test purpose and use of a written screener. Review of administrative practices included an examination of test cycles, test retake policies, and operational administration of various test components. To assist in this review, a comparative analysis was conducted with other peer and alternative court interpretation testing bodies to identify practices that may be of interest to California.

Methodology

To assist in the analysis of current test structure and administration practices, the following methodological approaches were utilized:

Review of Reports and Postings: To better understand administration practices followed by the test administrators, an analysis of reports provided to the AOC by CPS were reviewed in addition to public postings maintained by both CPS and Thomson Prometric. Reviewed information included explanations regarding test administration, prequalification, and test retake policies.

Review of other Court Interpretation Testing Bodies: Throughout the research, various aspects of peer or alternative court interpretation testing bodies were examined, including differences and similarities in the following: test purpose, test structure/content, exam cycles, exam locations, and test retake policies.

Analysis of collected data: Supplementing the reviewed reports and data obtained from peer models, data collected from the qualitative interview process and quantitative surveys were analyzed. Specific focus was given to responses pertaining to test administration practices to identify concerns and recommendations voiced by interview and survey participants.

Findings

Test Administration Practices

According to reports provided to the AOC, as well as information available on CPS's former website, three to four test cycles for the oral and written exams have been given per fiscal year and are given in designated test center locations throughout California, including Sacramento, Fresno, the Bay Area, Los Angeles, and San Diego.

Registration information posted on Thomson Prometric's website states that candidates can register for the written exams by phone, fax, or mail. To qualify for the oral examinations, candidates must pass the written exam, and then register for the oral exam within 48 months of passing the written exam. As with the written exam, candidates must provide a registration form and choices for testing locations by phone, fax, or mail. Candidates who have passed the most recent cycle of the written examination do not have to pay an additional fee for the oral exam. However, those candidates who have passed the written exam on any other date within the four-year eligibility period must pay for the exam.

Candidates who do not pass the written test can retake the exam at any time and as many times as desired. Candidates who fail the oral exam can also retake the exam in their specified language at any time, but if the oral exam is not passed within 48 months of passing the written exam, the written exam must be taken and successfully completed again before retesting in the oral components is permitted. Additionally, candidates are required to retake all components of the oral exam each time they test, regardless of previous passage or failure in particular areas.

Review of State and National Court Interpretation Testing Bodies

In reviewing the test structure and administration practices utilized by other state and national court interpretation testing bodies, particular attention was paid to national systems with developed, recognized examination tools and processes, including the following four organizations:

- The Federal Court Interpretation Certification Examination Program (FCICE)
- The Consortium for State Court Interpreter Certification (Consortium)
- The National Association of Judiciary Interpreters and Translators (NAJIT)
- The New York State Unified Court System Court Interpreting Services (NYSUCS)

For each of the reviewed testing organizations, a written examination is given as the preliminary assessment to measure a candidate's language knowledge. The written examinations for all models include multiple-choice questions that are designed to test a candidate's English language skills in regard to vocabulary knowledge, grammar usage, and reading comprehension. The models vary in regard to the measurement of language skills in designated foreign languages. (For complete information regarding tests used by these models, see Appendix 10.)

Administration of the written exams varies by organization, with the time allowed for the tests ranging from two hours and fifteen minutes to four hours and fifteen minutes. Candidates who do not pass the written exam are permitted to retake the exam at any time in California, but must wait for specified periods of time before retaking the exams administered by FCICE, NAJIT, or NYSUCS.

All of the models reviewed have varying exam cycles and operational practices. NYSUCS administers tests in OTS languages on an as-needed basis, with Spanish tests offered every four years. Other organizations have more formally defined exam dates, with Consortium exam dates varying by member state. California offers a relatively high number of exam cycles per year, with three to four, and FCICE offers a relatively low number, offering its exams on an every-other-year rotation - written one year and oral the next. In addition to different test cycles, the number of exam locations also varied by organization. For example, the number of Consortium exam locations varies by the member state administering the exam, while California Court Interpreters Program (CCIP) and NYSUCS offer exams throughout their respective states. Because FCICE provides federal certification, exams are offered in various locations nationwide.



In reviewing the format of the oral exams for these testing bodies, many similarities can be found. The three modes used in court interpretation — simultaneous interpretation, consecutive interpretation, and sight translation — are all tested in the oral examinations of these included organizations. However, some differences can be seen in the administration of the oral exams. The Consortium, NAJIT, and CCIP use pre-recorded audio simulations of courtroom activity for simultaneous and consecutive portions of the test, while NYSUCS uses videotaped scenarios, and the FCICE uses a live representation during the consecutive portion.³⁷ Retake policies for candidates who fail the oral exam vary. California requires candidates to retake all exam parts within 48 months of passing the written exam. If a candidate does not successfully pass during this time, he/she must also retake and pass the written exam. In New York, candidates who are unsuccessful in passing the oral exam must wait a minimum of one year before retesting. Some Consortium states also require proof of progress, such as completion of coursework, before a candidate is allowed to retake the written and/or oral tests.

In addition to the testing bodies reviewed, test administration practices utilized by the following states were also reviewed:

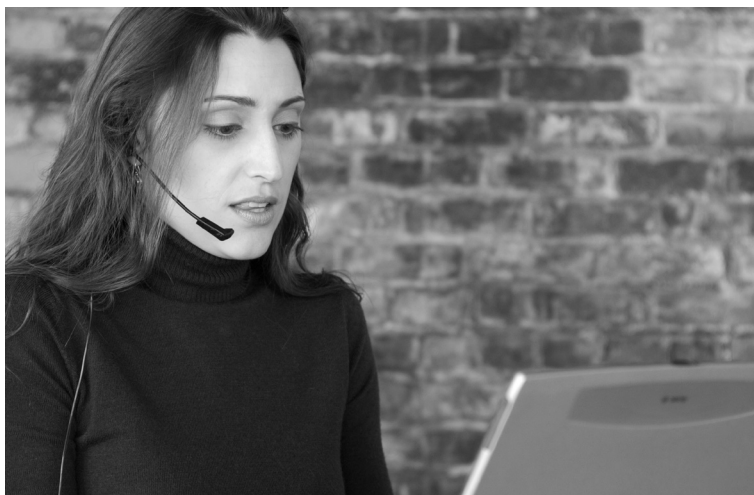
- New Jersey
- New Mexico
- Washington

³⁷ FCICE now offers “traditional” and “alternate” testing options. The “traditional” option consists of a live panel of raters, simulating courtroom activity. The “alternate” option is pre-recorded on a CD.

The three states presented here are all members of the Consortium for State Court Interpreter Certification, which allows them access to the written and oral examinations created and administered by the Consortium. However, although members of the Consortium, each of these states uses or administers tests in a slightly different manner than other member states. (For complete information on the testing practices of these states, see Appendix 11.)

New Mexico certifies interpreters based on the Consortium oral exams, but does not offer a written exam at all. Washington and New Jersey utilize the Consortium written exams of 135 multiple-choice questions, but New Jersey employs a distinct tiered scoring system. (For more information on tiered systems in New Jersey and other states, see Appendix 12.)

New Jersey administers its written exam eight times per year and its oral exam on an ad-hoc basis, while Washington has one written exam administration and one oral exam administration per year. New Mexico does not offer a written exam and administers its simultaneous screener, as well as the remaining oral sections two times per year. The number of exam locations ranges from one to several locations depending on the state.



Although the oral examinations used for these state models all include the testing of simultaneous interpretation, consecutive interpretation, and sight translation, the administration of the tests varies from state to state. Washington provides testing of the oral interpretation modes for five language combinations, and requires passage of an oral proficiency interview (OPI) in English and the foreign language for all languages in which an oral interpreting test is unavailable.³⁸

Simultaneous exams are used as qualifying screening tests in both New Jersey and New Mexico. Test-takers in these states must pass the simultaneous portion of the oral exam before taking the

consecutive or sight translation portions. As with the written examination in New Jersey, oral exams are scored based on a tiered system, in which Master, Journeyman, or Conditionally Approved statuses are determined by performance.

Analysis

Test Purpose

For many of the testing systems presented, testing is utilized for employee selection or placement. The examinations are used by organizations or testing bodies to determine if a candidate has the requisite skills for a job, which would, in turn, theoretically predict future job behaviors. The difference that exists among the models is that some bodies use testing for credentialing, while other bodies use tests for individual personnel decision-making purposes. The testing systems offering “certification” as a result of test passage, such as FCICE, the Consortium, or CCIP, would be considered credentialing bodies. Candidates who pass the certification exams are recognized as having the necessary credentials to be employed in a particular occupation, regardless of employment opportunities. Employment tests, such as that used by NYSUCS, assess applicants and place top-ranking candidates in open employment positions. These interpreters are deemed qualified to interpret for NYSUCS, but are not credentialed in a broader manner.

³⁸ Other states that require oral proficiency interviews include Georgia, Maryland, and Tennessee.

Distinctions between tests used for personnel decisions and tests used for credentialing often correlate to test development and scoring practices. Employment tests created to aid in personnel decisions can be designed to meet specific employment needs of the organization. For example, an organization in need of employees may use employment-based testing to ensure that candidates have the minimum skills and competencies needed to be hired, but such organizations may offer additional on-the-job training or mentoring on an as-needed basis as a means of improving work performance. However, tests designed for credentialing purposes should be created to determine practitioners who have mastered the necessary skills for a particular occupation. Although supplemental training or mentoring may assist employees, candidates who pass a credentialing test are believed to “possess knowledge and skills in sufficient degree to perform important occupational activities safely and effectively” (APA, 1999).

Test Structure

The developmental decisions made with regard to test purpose are often seen in the development of test structure. Many of the presented models that have specifically focused on credentialing or qualifying interpreters have a preliminary screening format in place. Although most of the testing organizations use written exams as screening tests, New Mexico does not administer written exams at all (see Appendix 11). Rather than providing a written screening tool, New Mexico requires candidates to take a qualifying simultaneous exam which presumably identifies candidates who likely would pass the other oral components, while screening out those who would not.³⁹

The reviewed oral exams are similar in purpose and structure in that they are designed to measure actual execution of interpreting skills. Any differences that exist pertain to the administration of the simultaneous portions. California uses a simultaneous test that is shorter than the other peer models. The simultaneous portions of FCICE and New York require testing in both a monologue format, as well as a simulated version of witness testimony, while all other testing bodies require simultaneous interpretation of a monologue from English to the target language (see Appendix 10). The testing of simultaneous interpretation also differs in New Jersey and New Mexico, where the simultaneous exams are treated as qualifying exams (see Appendix 11). In these two states, candidates must demonstrate interpreting ability in the simultaneous mode before proceeding to take the consecutive or sight translation components. Although no published documentation has indicated why the simultaneous component is used as a qualifying exam, a probable reason is the frequent use of simultaneous interpretation in routine courtroom events.

Test Administration

Of the testing bodies that provide written examinations, little difference can be found in the administration of the exams (see Appendix 10). However, in comparing the administration of oral exams, it is interesting to note the different ways in which the tests are given. Some of the reviewed models, including the Consortium and CCIP, use recorded audio simulations of courtroom activity for candidates to listen to and interpret. However, NYSUCS provides the simulated activities in a video format, so that candidates can watch the recorded action and interpret. FCICE goes one step further, providing oral exams in person, using live dramatizations of simulated activity. As mentioned by many interpreters during qualitative interviews, interpretation can often rely on visual cues given through body language. If visual cues contribute to an interpreter’s ability to understand and convey accurate messages, then a video recording of the simulated courtroom activity would be beneficial to test-takers.

In addition to the differences seen in the administration of oral exams, several of the testing organizations presented have different policies regarding retesting. In analyzing the overall exams, retesting falls into three general categories: no limitations, limitations based on time, and limitations based on proof of progress. Time limitations and/or required coursework may not necessarily guarantee future success, but the underlying idea of necessary improvement before retesting is enforced through these measures. (For detailed information on operational aspects of retesting, see Appendix 13.)

³⁹ New Jersey also provides a simultaneous qualifying exam, but it is used after the mandatory passage of a written screening tool.

Discussion of Analysis

Use of a Tiered System

This review illustrates the use of assessments for both credentialing and employment purposes. As mentioned, credentialing tests serve to certify candidates who have mastered skills deemed appropriate for a particular occupation, while employment-based assessments are used to identify test-takers with sufficient skills for employment. As illustrated by the testing organizations with tiered systems, tests can be used both to identify mastery of a particular skill set, as well as to determine those candidates with sufficient skills to be placed in determined employment positions. In looking to other models as examples, it may be of interest to California to consider the use of a tiered system that would allow for credentialing of master-level interpreters, while still utilizing interpreters with identified minimum skills who could potentially improve their skills through mentoring and/or on-the-job training. Through the use of a tiered scoring system, testing could identify master-level candidates appropriate for credentialing, as well as candidates with minimum skills who could work in defined settings while developing their abilities. (For more information on a tiered scoring system, see Appendix 14.)

Use of an Oral Proficiency Screener

Screening tests are used “to make broad categorizations of examinees as a first step in selection decisions or diagnostic processes” (APA, 1990). Many of the interpreter certification and qualification testing organizations utilize written exams as preliminary screeners of linguistic competence. Written assessments examining

“*The court interpreter’s familiarity with the languages involved, the subject matter of the testimony or argument, and the speaker’s patterns of discourse contributes to the interpreter’s ability to analyze the message and draw conclusions about its likely outcome.*”

**Gonzalez, Vasquez,
Mikkelson, 1991**

the knowledge of grammar, word usage, reading comprehension, and translations are currently used to measure a candidate’s competence in English and/or the foreign language. As screening tools, the written exams are used as part of a selection process which presupposes that candidates who pass the written exams have requisite knowledge and understanding of the languages included in the tests, and therefore can proceed to the oral performance tests.

As reported previously in this report, the knowledge, skills, and abilities needed for court interpretation focus extensively on productive language proficiency skills, including listening comprehension, speaking, and interpreting abilities. Because the job of the court interpreter requires a foundation of bilingual, near-native, productive language skills in both English and the foreign language, as well as comprehensive abilities in all interpreting modes, a screening examination that concentrates on receptive language abilities, such as multiple-choice word selection and reading comprehension may not be effectively “screening in” or “screening out” candidates with the

appropriate skills needed for the oral performance tests. If the screening examination is meant to broadly identify candidates who would likely perform well on the oral performance test, then the screener should also focus on productive language skills:

In terms of validity there is a strong case for testing spoken language performance directly, in realistic situations, rather than testing hypothetical knowledge...If we wish to make statements about capacity for spoken interaction we are no longer interested in multiple-choice, pencil-and-paper tests, that is, indirect tests of speaking where spoken language is conspicuously absent (*Language Testing and Validation*, Weir, 2005).

Although many of the court interpreter certification and qualification bodies currently utilize written examinations as screening tools, most of the leaders in language testing assess language proficiency through oral examinations done over the phone, face-to-face, or through computer programs. In analyzing the purpose of

the screening instrument as used to determine candidates eligible for the final oral performance examination, consideration should be given to substituting the written examination with an oral proficiency assessment in English and the target language, or adding such an oral proficiency assessment to the screening process.

Testing of the Simultaneous Mode

As reported in the findings, the testing of the simultaneous mode varies among reviewed models, with NYSUCS testing simultaneous monologues in both Spanish and English, and both NYSCUS and FCICE testing simultaneous interpretation of witness testimony (see Appendix 10). Additionally, the length of the simultaneous script and spoken words per minute also differ among models. Consideration should be given to the different means of testing simultaneous interpretation skill and how changes in test content may affect future passage rates. Additionally, further consideration should be given to changes in the simultaneous test structure for candidates in particular OTS language groups that may have more difficulty accurately performing the simultaneous mode due to linguistic differences. (Refer to Appendix 9 for more information.) Specifically, changes in structure may include the testing of running summary interpretation,⁴⁰ as opposed to simultaneous interpretation. As detailed in *Fundamentals of Court Interpretation*, linguistic differences between Navajo and English were taken into account during the development of the Navajo/English federal certification exam:

The linguistic and conceptual differences between Navajo and English render simultaneous interpretation as it is practiced in court by Spanish-English interpreters impossible...Consequently, it is unreasonable to expect a Navajo interpreter to transfer all of the meaning intact at the same time as someone is speaking English in court. For this reason, simultaneous interpretation is not required on the certification examination for Navajo interpreters. A “running summary” instead takes its place (Gonzalez, Vasquez, Mikkelson, 1991).

Use of Visual Cues

Several models reviewed employed unique administrative practices for their oral exams. For example, traditionally, FCICE administered its oral exam using a combination of pre-recorded tapes for its simultaneous and sight translation sections and live simulation of courtroom activities for its consecutive section. Since 2001, candidates have also had the option of being administered the exam, including the consecutive section, in an “alternate,” fully pre-recorded, format.⁴¹ NYSUCS also administers oral exams in a different manner, with both the simultaneous and consecutive sections administered using videotaped or DVD simulations of courtroom activity. As noted in qualitative interviews and surveys, some interpreters feel that visual cues assist in the interpretation process. Therefore, having the tests administered in a manner which provides candidates with visual cues when interpreting may lead to higher passage rates.

Test Retake Policies

As suggested by interpreters and stakeholders during the interview and survey processes, changes to current “all or nothing” retesting policies should be considered. Specific recommendations focused on changes that would not require candidates to retake the written screener after passage, regardless of performance on the oral components. Other suggestions included changes that would require candidates to retake only exam components failed. In comparing California’s current policies with those of other models reviewed, various approaches to retesting could be considered. In addition to the changes suggested by interpreters and stakeholders, alternative approaches may include practices utilized by the reviewed models, including time limitations and/or proof of progress before candidates are admitted to retake exams. However, it should be noted that similar to the use of a tiered scoring system, changes to test retake policies may require modifications

40 It should be noted that *summary interpreting* is widely considered unacceptable for use in legal proceedings. However, *running summary interpretation* was initially used in the federal certification process of Navajo interpreters. According to information regarding training provided by the 2007 Navajo Institute, running summary interpretation is taught to Navajo/English bilinguals seeking to be certified to interpret for New Mexico State Courts and Arizona State Courts (<http://nci.arizona.edu/navajoinstitute.html>).

41 At the time of interview, data was not available to distinguish between candidates who took “traditional” versions of the FCICE oral exam and candidates who took “alternate” versions of the oral exam.

to the current rating system. If decisions are made to require candidates to retake only components failed, scoring procedures would have to be changed to apply pass/fail determinations to individual components. (For detailed information on retake policies, see Appendix 13.)

Collection of Candidate Characteristics

Although data collection of candidate characteristics was not reviewed in relation to other models, test administration efforts should include the collection of test-taker data that may assist in future analysis of test content and performance rates, as well as contribute to recruitment efforts. To best identify distinguishing factors that contribute to passage or failure of the exams, as well as to identify test content that may create artificial barriers for candidates, the following information should be collected of all test-takers:

- Date of birth;
- Native language(s);
- Experience speaking non-native language(s);
- Country/geographic region of origin;
- Highest level of education;
- Prior work experience; and
- Prior interpreter training experience and/or test preparation experience.

Conclusion

This review of administration practices illustrates the distinctive ways in which California and other testing systems certify or qualify interpreters through credentialing and employment-based tests. Through this review, different administration processes have been highlighted to exemplify how various practices meet the goals of the assessments. Through the analysis of test administration of California and other models, different approaches to testing can be considered, including variations in test purpose, structure, and operational procedures.

Recommendations

Based on the findings and analysis reported here, the following is recommended in regard to test administration:

Use of Oral Proficiency Screener

To better identify relevant productive skills needed for communication and to assess native-like command of all working languages, an oral proficiency screener should be used in lieu of or in addition to the written screener. This oral proficiency screener should be created so as to sample relevant grammatical structures, general and technical vocabulary, idiomatic expressions, and formal and informal register. Such an oral proficiency assessment tool could also be used to test English and foreign language proficiency for all non-designated languages that currently do not have a certification process.

Administration Practices

To accommodate for the linguistic differences that may make the performance of accurate simultaneous interpretation more difficult for some OTS language groups, consideration should be given to modifying the current structure of the simultaneous component. For language groups in which linguistic compatibility between English and the foreign language does not prevent accurate simultaneous interpretation, consideration should be given to lengthening the simultaneous section, as well as to modifying the standard words per minute to conform to testing industry standards of 120 words per minute. Additionally, videotaped simulations of courtroom procedures should be provided during the administration of the simultaneous and consecutive components so as to provide candidates with visual cues as they interpret.

Test Retake Policies

Consideration should be given to changing test retake policies so that candidates are not required to retake a screener once passed, regardless of performance on the oral interpreting exams. Consideration should also be given to employing retest policies that require test-takers to retake only interpreting components that were failed. If adopted, scoring practices should be modified to determine passage or failure of individual interpreting components, as opposed to pass/fail determination based on the overall performance score.

Tiered System

As employed by other peer court interpretation systems, a tiered placement of interpreters may be of interest to California. Specific consideration should be given to the use of a tiered testing system that would serve to credential master-level interpreters, while also identifying interpreters with minimum skills who could improve interpreting skills through training and/or mentoring. Analysis of legal language found in courtroom documentation (Appendix 5) illustrated that language complexity in regard to subject matter, register, and specialized terminology can range across proceedings and stages of proceedings, indicating that particular proceedings or assignments are not more or less challenging from a linguistic perspective. However, trends in survey and interpreter responses illustrated that some proceedings may be considered more or less challenging for the interpreter based on other factors, such as the routine nature of an assignment and/or the perceived stakes associated with the proceeding. Although no recommendations have been made in regard to the operational aspects of a tiered placement system, options regarding tiered systems are detailed in Appendix 14. If a tiered system is adopted, current scoring practices would have to be modified so as to identify candidates with master-level credentials, as well as those with minimum skills who could qualify for employment at a lower level while receiving additional training.



Collection of Candidate Characteristics

To assist with continued analysis of test content and to contribute to recruitment strategies, future test administration practices should include the collection of the following test-taker characteristics: date of birth, language background and experience, country/geographic region of origin, and previous educational experience, training, and test preparation.



REVIEW OF AVAILABLE TRAINING



Throughout the examination of test content, scoring practices, and administration procedures, analysis was also conducted on training materials and programs that may assist candidates with passage of the exams and/or job preparation. In addition to analyzing the correlation between training and exam passage/job preparation, examination of qualitative interviews and quantitative surveys helped to illustrate training about the role of the interpreter that may be beneficial to bench officers and other court personnel.

Methodology

To assist in the review and analysis of training materials and programs that may contribute to exam passage and/or job preparation, the following methodological steps were taken:

Review of Available Information: To identify available court interpretation training programs and exam preparatory materials, public information regarding such programs was reviewed. Analysis included programs and materials in California and elsewhere, including programs and materials associated with peer court interpretation testing models.

Analysis of Collected Data: To determine how training programs and preparatory materials may contribute to exam passage, data collected from the qualitative interview process and quantitative surveys was analyzed. Specific focus was given to responses pertaining to the types of programs and materials cited as being beneficial to pre-test candidates preparing for the exams, as well as to post-test candidates preparing for the job. ALTA also equated test-taker survey responses with pass-fail outcomes of candidates.

Findings

Training Prior to Certification

The majority of surveyed interpreters indicated participating in some form of training prior to certification, with 69% reporting independent study, while 55% reported attending interpreter training programs to prepare for the certification and registration exams. As seen in Figure 3, much smaller numbers of interpreters received interpreter training through college programs.

Figure 3: Training Prior to Certification

	Total	Spanish	OTS
College Degree in Interpretation	8%	6%	2%
College Courses in Interpretation	21%	17	4%
Interpreter Training Program	55%	45%	9%
Self-Study	69%	46%	21%
None	6%	3%	3%

Subgroup analysis of results shows some difference between Spanish and OTS languages in regard to preparation for the certification and registration exams. Of the 69% of the interpreters who stated using self-study methods, 46% of the respondents were Spanish interpreters, while 21% were interpreters of OTS languages. Of the respondents who reported attending interpreter training, 45% were interpreters of Spanish, while 9% were of OTS languages (Figure 3). Based on this data, Spanish interpreters have attended interpreter training programs at a much higher rate than their OTS counterparts.

Survey results of recent test-takers of the written exams illustrate results similar to the survey results of the current pool of interpreters. Approximately half (50%) of the respondents reported attending interpreter training programs prior to taking the written exams (Figure 4). However, differing from the current pool, a smaller number of respondents (37%) cited studying independently for the exams. As with the current pool of

interpreters, fewer test-takers reported taking college courses in interpretation (15%) or obtaining a college degree in interpretation (6%).

Figure 4: Written Exam Test-Takers and Prior Training

	Total	% of Respondents
Respondents	328	100%
Interpreter Training Program	163	50%
Self-Study	120	37%
College Courses in Interpretation	50	15%
College Degree in Interpretation	21	6%

Survey results of recent test-takers illustrate that a larger percentage of respondents participated in some training prior to taking the oral exams. As shown in Figure 5, approximately half of the respondents (51%) indicated studying independently, while 66% reported attending interpreter training programs prior to taking the oral exams.

Figure 5: Oral Exam Test-Takers and Prior Training

	Total	% of Respondents
Respondents	251	100%
Interpreter Training Program	165	66%
Self-Study	127	51%
College Courses in Interpretation	50	20%
College Degree in Interpretation	26	10%

Pre-Test Prep Materials/Workshops

To examine test preparatory materials and training programs available to interpreter candidates inside and outside California, national and state models were reviewed to identify preparatory materials and pre-test training available to potential test candidates.⁴² While all of the organizations provide some form of pre-test training, the type of materials and training found varies by organization.

Peer Models

Several types of preparatory material were identified for the national models. CCIP, FCICE, and the Consortium have practice exams available in Spanish, while CCIP and the Consortium also have English-only material for OTS languages. Several of the organizations, including FCICE and the Consortium, provide candidates with handbooks detailing test content and/or test construction practices. These handbooks also include self-assessments to help potential test candidates determine whether they are prepared to take the interpreter exams. The Consortium provides a simultaneous interpreting practice kit to Spanish candidates. CCIP has a wide variety of material available on its website as well as on the website of its test administrator, Thomson

⁴² National and state models reviewed included peer and alternative systems reviewed in other sections of this report. National models included the Federal Court Interpretation Certification Examination Program (FCICE), the Consortium for State Court Interpreter Certification (Consortium), and the New York State Unified Court System Court Interpreting Services (NYSUCS). States included in this review were: New Jersey, New Mexico, and Washington.

Prometric, including a suggested reading list and a list of interpreter training programs in California. NYSUCS provides candidates and employees with an interpreter manual detailing professional and ethical standards of practice.

Practice materials are available in all of the states reviewed. All of the Consortium member states have access to simultaneous practice kits in Spanish, which New Jersey has made available to several libraries in the state and surrounding areas. Washington has a program manual and information packet as well as an English-only written and oral exam overview available to its candidates. California and New Jersey offer test preparation materials in both Spanish and English-only formats.

Available Training Programs

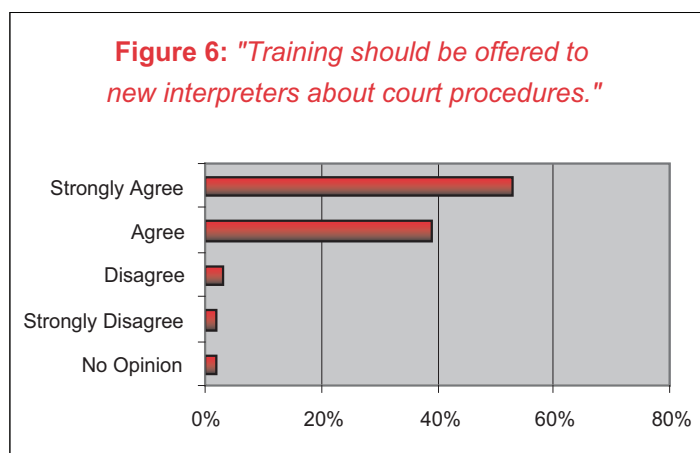
Of the states reviewed, most had available interpreter training programs in their surrounding areas. (See Appendix 15 for a description of these programs.) These programs were reviewed and compared to interpreter programs offered in California. (See Appendix 16 for a description of training programs in California.) Interpreter programs reviewed were offered by community colleges, public universities, private universities and institutions, as well as commercial organizations. The training programs identified offer certificates in translation and/or interpretation, with some offering specific certificates in court interpretation and medical interpretation. Of the programs reviewed outside of California, only one offered an interpreting certificate in a language other than Spanish. Similarly, only one of the non-degree interpreter training programs reviewed was identified as offering training in languages other than Spanish.

Although program length and specific costs varied, most certificate programs, including those in California, can be completed in a period of two years or less for under \$3,000.00. Admission requirements vary for each program reviewed. All of the programs require fluency in English and the target language, with various testing systems implemented to ensure proficiency before admission into a program.

Finally, it is important to note that surveyed test-takers reported attending interpreter training programs primarily located in southern counties, such as Los Angeles, Riverside, and San Diego. Other programs listed are located in the Central Valley, the coastal area of Monterey, and the San Francisco Bay area.⁴³

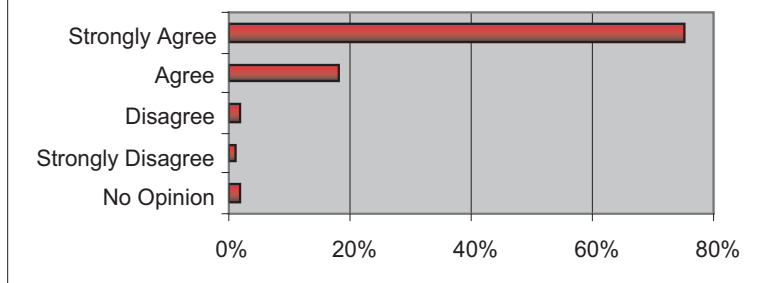
Additional Training

In addition to training that may assist candidates with passage of the exams and/or job preparation, findings from quantitative surveys indicate that many interpreters have strong opinions about training efforts that could improve aspects of the job for future and current interpreters. Many interpreters agree or strongly agree that training about court procedures should be offered to new interpreters (Figure 6), and the majority of surveyed interpreters, 75%, also feel that training should be offered to bench officers, attorneys, and court personnel about working with interpreters (Figure 7).



⁴³ Information reflects responses gathered from the test-taker surveys. Other interpreter training programs are listed on the California Court Interpreter Program information page (www.courtinfo.ca.gov). Some of these additional programs are located in areas not mentioned here.

Figure 7: "Training should be offered to bench officers, attorneys and court personnel about working with interpreters."



Analysis

Test Preparation/Training Prior to Certification

Findings reported here illustrate that many of the interpreters in the current pool, as well as many interpreter candidates reportedly attended interpreter training programs and/or studied independently before taking the written or oral exams. However, analysis of results obtained from surveyed interpreters indicates that fewer numbers of OTS interpreters attended training prior to certification, which could be due to a lack of available training programs for candidates of OTS languages.

As mentioned in this report, the majority of test preparation materials and interpreter training programs cited inside and outside of California are tailored for Spanish/English interpreters. Test preparation materials are generally available in English/Spanish formats or English-only formats for test-takers of OTS languages. Additionally, very few programs exist for interpreters of OTS languages.

As reported, many of the California programs cited by surveyed test-takers are located in major metropolitan areas. Further research on alternative programs, such as online training, illustrated that very few options are currently available. Of those available, concentration continues to be on Spanish/English interpretation.

Additional Training

As illustrated in the findings, many interpreters strongly supported future training efforts that would benefit both current and future interpreters. While approximately half of the surveyed interpreters supported pre-job training for newly-certified and newly-registered interpreters, two-thirds supported training for bench officers, attorneys, and court personnel about how to work with court interpreters. It should be noted that although this opinion was shared by interpreters of all languages and geographic locations, an additional percentage of mostly Spanish interpreters wrote supplemental comments pertaining to training for bench officers, indicating that this effort would be strongly supported by interpreters of Spanish.

Discussion of Analysis

Training Correlated to Test Passage

Results obtained from test-taker surveys illustrate that a significant percentage of candidates attended interpreter training programs and/or other preparatory programs before taking the written or oral exams. However, examination of training in correlation to test passage illustrates that attending interpreter training programs does not necessarily contribute to passage of the exams. (For detailed information, see Appendix 17.)

Analysis of data obtained from the survey of the current pool of interpreters shows that substantial percentages of current interpreters reported participating in training. Because the current pool is comprised of interpreters

who have passed the certification or registration exams, a correlation between training and passage may be made. However, survey results from the current pool also illustrate that many interpreters took the exams multiple times, with no indication of when they attended training. Therefore, it is difficult to determine if interpreter training leads to passage of the exam, or if, in fact, a combination of familiarization with the test, self-study, and skills learned in interpreter training programs contributes to test passage.

When responses from the qualitative interviews were analyzed, further information was provided not only on interpreter training, but also in regard to the *type* of interpreter training that may lead to exam passage. Interview responses from primarily Spanish interpreters noted that practical, hands-on training and skills-building seminars were more beneficial than courses focusing on theoretical knowledge. Additionally, a substantial number of interviewed interpreters noted that coursework or programs geared towards test preparation were beneficial in assisting with passage of the exams. Based on this information, it is possible that programs that focus on building interpreting skills and providing practical experience may contribute to higher passage rates.

Additional Training Regarding Simultaneous Interpretation

Although not covered in the findings of this section, training should be offered to the bench and court personnel about linguistic differences that may contribute to difficulties for interpreters of some OTS language groups to accurately perform simultaneous interpretation. If recommendations are adopted to modify the scoring systems or test structure of the simultaneous component for some OTS language groups, information regarding such changes should be offered to those working with or impacted by interpreters to foster better understanding.

Recommendations

Based on the findings and analysis reported here, the following is recommended in regard to training:

Pre-Exam Training

To provide equal access to pre-exam training and test preparation, pre-exam preparatory materials should be made available for all designated OTS languages. As with materials provided for English/Spanish candidates, materials should include foreign language sections that illustrate sample test content. Additionally, interpreter training programs should be created and expanded to include more languages and geographic locations and further consideration should be given to the creation and implementation of online practical programs and materials.

Post-Exam Training

Mentoring programs and/or on-the-job training should be provided to post-examination candidates prior to entering the court interpretation field. In addition to the initial orientation and ethics coursework provided by the Judicial Council, post-exam training should be provided to newly-certified and newly-registered interpreters to assist them in learning about courtroom procedures and protocols.

Additional Training

As mentioned by interviewed and surveyed interpreters, training should be offered to bench officers, attorneys, and court personnel about the role of the interpreter and how to work with interpreters in the courtroom. Bench officers and court personnel who work with or are impacted by interpreters should also be offered training on the linguistic differences that may compound the complexity of performing accurate simultaneous interpretation for some OTS language groups, as well as how to work with interpreters of such language groups.

VI

REVIEW OF RECRUITMENT EFFORTS

Throughout various stages of this study, aspects regarding interpreter recruitment have been examined. Research has focused on how current interpreters learned about the field of court interpretation, as well as recommendations interpreters and stakeholders have in regard to attracting new candidates to the job. To compare California's recruitment strategies to efforts of other testing systems, a review of recruitment programs and materials utilized by peer models was also conducted.

Methodology

To analyze interpreter recruitment efforts currently used by California, as well as to identify suggestions and recommendations regarding future recruitment efforts, the following methodological steps were taken:

Analysis of Collected Data: To determine target populations to be included in future recruitment efforts, demographic characteristics of the current pool of interpreters and recent test-takers were analyzed. Additionally, to identify the ways in which current interpreters learned about the field of court interpretation, an analysis of qualitative interviews and quantitative surveys was conducted. Recommendations made during interpreter and stakeholder interviews were also reviewed and trends in responses were analyzed.

Review of Peer Models: In an effort to identify recruitment strategies that could be of interest to California, a review of recruitment programs and materials utilized by other court interpretation systems was reviewed. As with other sections of this report, national and state court interpretation testing bodies were included in the review.

Findings

Demographic Characteristics of Interpreters and Test-Takers

To determine recruitment strategies to be used for attracting new candidates to the field of court interpretation, it is first imperative to identify the characteristics of the current pool of interpreters.

Of the surveyed interpreters, the majority stated being native speakers of languages other than English (OTE) who had gained non-native language skills through adolescent and adult education, as well as through living experiences (Figure 8).

Similar results can be seen when looking at surveyed test-takers. Of the 328 respondents who took the written exams and the 251 test-takers of the oral exams, the majority were native speakers of languages other than English who also gained non-native language skills through adolescent and adult education and life experiences (Figures 9 and 10).

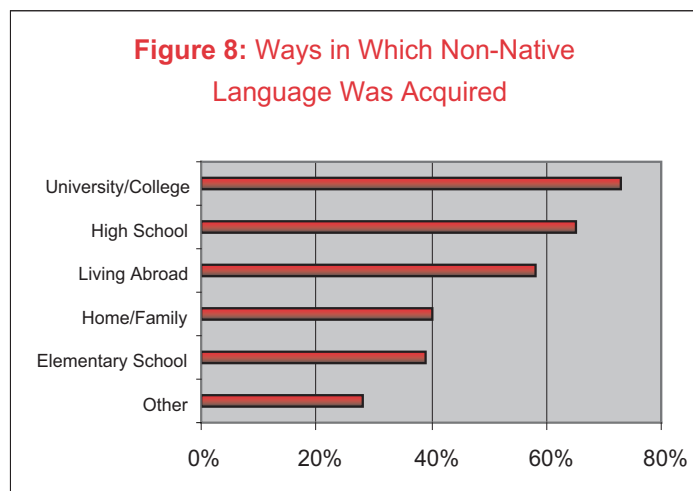


Figure 9: Written Exam Test-Takers and Language Background

	Total	% of Respondents
Respondents	328	100%
Native OTE Speakers	215	66%
Native English Speakers	84	26%
10+ Years of English	228	70%
Non-Native Skills Through High School	173	53%
Non-Native Skills Through University/College	180	55%
Non-Native Skills Through Living Abroad	133	41%

Figure 10: Oral Exam Test-Takers and Background

	Total	% of Respondents
Respondents	251	100%
Native OTE Speakers	151	60%
Native English Speakers	78	31%
10+ Years of English	162	65%
Non-Native Skills Through High School	139	55%
Non-Native Skills Through University/College	160	64%
Non-Native Skills Through Living Abroad	119	47%

Recruitment of Current Interpreters and Test-Takers

When asked about ways in which they learned about the field of court interpretation and the certification process, interviewed interpreters responded with a range of answers, including:

- Recruited by other court interpreters
- Told by friends/family
- Through school programs
- Through former interpretation/translation work
- Through internet
- Through local advertisements

Quantitative responses obtained from current test-takers indicate that the majority of court interpreter candidates learn about the profession and/or certification process through school programs, family or friends, and through advertisements on the internet or other local media sources (Figure 11).

Stakeholder responses regarding recruitment of interpreters included some suggestions that reflected trends in obtained data. Specific strategies highlighted for reaching potential candidates included:

- Broadcasting on local foreign language radio stations;
- Broadcasting commercials on local foreign language TV stations;
- Placing ads in local foreign language newspapers;
- Recruiting from high schools, local colleges, and universities;

- Recruiting from language associations/organizations;
- Placing ads in ethnic chambers of commerce/foreign consulates; and
- Placing ads in local community organizations, such as churches and schools.

Recruitment Efforts Utilized by Peer Models

Of the national and state models reviewed,⁴⁴ almost all had recruitment efforts in place. Recruitment varied by organization, but most mentioned community outreach and the Internet as sources for enlisting interpreters. Some organizations' recruitment efforts are geared towards increasing exam participation and certification rates. For example, before each exam cycle, FCICE sends postcards to all participants who have taken

written or oral exams in the past and have not passed to alert them about upcoming exams. Other organizations focus on recruiting for actual job openings. Still, other recruitment efforts focus on increasing exam participation, introducing candidates to the job market, as well as hiring interpreters to work in the courts.

Of the states reviewed, all consider the available materials and information on their websites, as well as job listings, a form of community outreach and recruitment. Washington State has successfully worked with local high schools and colleges to increase recruitment, and a New Jersey representative speaks at interpreting and translating programs when invited. In the past, New Jersey has also distributed flyers detailing the court interpreter program to approximately 800 organizations, while California has posted information in its courthouses.

Analysis

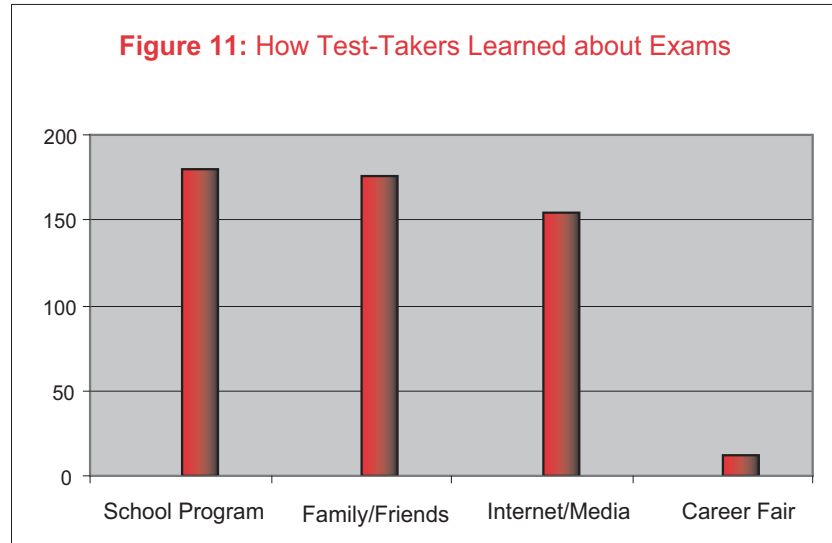
Demographic Characteristics of Interpreters and Test-Takers

Analysis of interpreter and test-taker survey results indicate that the majority of test-takers and current interpreters are native speakers of languages other than English who have gained language skills through education and life experiences. Although these characteristics may not be the only indicators of who takes and/or passes the exams, it is clear from the data that those currently attracted to the field, as well as those currently participating in the field of court interpretation have similar backgrounds. Because the demographic makeup of the current pool of interpreters and test-takers largely consists of native speakers of foreign languages who have gained language skills through higher education and life experiences, recruitment efforts should include, but not be limited to, outreach to school and/or community programs that cater to this population.

Recruitment of Current Interpreters and Test-Takers

Results obtained from the qualitative interviews and surveys illustrate interpreters and test-takers learn about the profession and/or exams through a number of different sources, including school programs, family and friends, and advertisements. Although the quantitative results do not specify beyond general categories,

Figure 11: How Test-Takers Learned about Exams



⁴⁴ National and state models reviewed included peer and alternative systems reviewed in other sections of this report. National models included the Federal Court Interpretation Certification Examination Program (FCICE), the Consortium for State Court Interpreter Certification (Consortium), and the New York State Unified Court System Court Interpreting Services (NYSUCS). States included in this review were: New Jersey, New Mexico, and Washington.

qualitative interview responses illustrate that some interpreters learned about the profession through other court interpreters and prior interpretation and translation experiences. Analysis of both quantitative and qualitative results suggest that although a number of respondents learned about the job or exams through advertisements, many also learned through word-of-mouth experiences in school or work or through family and friends.

Recruitment Efforts Utilized by Peer Models

Similar to test preparation and training, most of the models reviewed also had recruitment efforts in place. Some efforts implemented have focused on increasing numbers in testing, by directly targeting candidates who are already interested in becoming certified and have direct experience with the exam. Other efforts seek to market the interpretation field to a wider audience by targeting young bilingual students. Although no link could be found between particular recruitment efforts and passage rates, recruitment to the test and/or the profession may increase testing participation, thereby increasing potential passage rates.

Discussion of Analysis

Recruitment of Bilingual Individuals

Because bilingualism is the foundation of all court interpretation skills, it seems obvious that interpreter recruitment efforts should include strategies that target bilingual individuals. However, as highlighted in the findings and analysis of the KSAs essential for court interpretation, bilingualism alone does not make a court interpreter. Therefore, recruitment of bilingual individuals should focus on introducing the career, while providing information on training and/or techniques that will assist bilingual individuals in the development of interpreting skills. Although such individuals may not be ready to take and pass the certification or registration exams, with training, bilingual individuals may be able to gain the necessary skills needed for court interpretation.

Recommendations

Based on the findings and analysis of recruitment efforts, the following is recommended:

Recruitment Efforts

Recruitment efforts should include, but not be limited to, outreach to candidates who reflect characteristics of the current interpreter pool: native speakers of languages other than English who have gained skills through education and life experiences. Although bilingualism is foundational to court interpretation, being bilingual does not equate to being able to interpret. Therefore, recruitment efforts should include providing bilingual individuals with information about the career of court interpretation as well as information pertaining to training needed to develop interpreting skills.

To attract potential candidates to the field of interpretation, recruitment efforts should include outreach to school and/or community programs that cater to populations with characteristics of the current pool. Efforts should also include outreach to local foreign language media sources, as well as to interpreter training programs. Additional efforts should be made to contact past candidates of written and/or oral exams to alert them of upcoming exams or training programs.

APPENDICES

APPENDIX 1 – LITERATURE REVIEW

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APPENDIX 2 – INTERPRETER INTERVIEW QUESTIONS



Interview for Analysis of Knowledge, Skills, and Abilities Used in State Court Interpreting

This is the form for documenting information from an interview. The purpose of the interview is to identify the essential knowledge, skills, and abilities used in the performance of state court interpretations.

Some questions will ask about the profession and the skills used in interpreting. Other questions will specifically ask about your experience. Questions concerning your experience will help ALTA in creating a quantitative survey for later use. Answers given will be confidential. All answers will be linked to an identification number, not to your name.

Introductory Questions

1. Do I have permission to record our interview? _____
2. In what counties do you currently work as an interpreter? Do you work as an employee or an independent contractor?

3. What language or languages do you interpret in the court?

4. How did you acquire the language you interpret?

5. How did you acquire your English language skills?

6. What other types of interpreting have you performed (for example: medical, business, conferences, etc.)? If you have, has this helped you as a court interpreter? If so, in what ways?



7. For how long have you been a professional court interpreter?

8. When did you become certified or registered in California?

9. How many days have you worked as a court interpreter over the past year?

10. Do you interpret for different types of court cases or proceedings (for example: criminal trials, family court cases, traffic court cases, etc.)?

11. In your opinion, what is the function of court interpreting in the courtroom?

12. In your opinion, what type of educational background or training is necessary for court interpreting?

13. In addition to the initial orientation and ethics workshops required by the Judicial Council, what other training, if any, have you received or taken related to court interpreting? Please explain.

14. What are the essential skills used in court interpreting? What techniques, if any, help to enhance these skills?



15. Is it equally important to be experienced in simultaneous interpretation, consecutive interpretation and sight translation? Explain.

Language Skills: Oral

16. How would you describe the importance of the proper use of spoken English in court interpreting? Target language?

17. What types of errors in English or the target language might occur during an interpretation? Explain.

18. How much of court interpreting requires knowledge of specialized vocabulary in English and the target language? Explain.

19. How much of court interpreting requires knowledge of generalized vocabulary in English and the target language? Explain.

20. How important is the knowledge of regional variations or hybrids of the target language in court interpreting? Explain.

21. How often are idiomatic/colloquial expressions and/or slang used in a court interpreting session?



Language Skills: Listening Comprehension

22. How important is it to understand and recognize different accents in court interpreting? Explain.
- _____
- _____
23. Is it ever difficult to understand courtroom proceedings or a client? Why?
- _____
- _____
24. How do different courtroom settings (i.e. full calendar arraignments, overcrowded courthouse, etc.) contribute to the ability or inability of a court interpreter to comprehend what he/she needs to interpret?
- _____
- _____
25. Do you use any kind of headset or technological device while interpreting? If yes, what do you use and do you find it helpful? If no, do you think it would be helpful?
- _____
- _____
26. Is it necessary to listen to different rates of speech in court interpreting? Explain.
- _____
- _____
27. Have you ever performed a telephonic interpretation? If yes, explain.
- _____
- _____
28. Do the language skills used in telephonic interpretations differ from the skills needed for on-site interpretations? Explain.
- _____
- _____
29. How, and in what circumstances, do you think telephonic interpreting can be used? Explain.
- _____
- _____



Language Skills: Speaking/ Communication

30. How important is the knowledge of English grammar in court interpreting? Target language?

31. How often are complex grammatical structures in English used in court interpreting? Target language?

32. How important is it to maintain register in court interpreting? Explain.

33. What communication challenges, if any, are encountered in court interpreting?

34. Is it more difficult to interpret legal language than everyday language? Explain.

35. How does the complexity of skill vary when comparing consecutive interpretation, simultaneous interpretation, and sight translation?

36. Does the complexity of language differ depending on the type of court case or proceeding? Explain.

37. Does the complexity of language differ during different stages of a court proceeding?



38. In relation to language, what are the easiest tasks performed in court interpreting?

39. In relation to language, what are the most difficult tasks performed in court interpreting?

40. Do you prefer one type of interpreting (hearing, deposition, witness testimony, etc.) to another? Why?

Language Skills: Reading Comprehension

41. When do you read and/or write as an interpreter, and for what purpose? What types of documents are commonly read?

42. How important is the knowledge of specific terminology in English when reading for sight translation? Explain. Target language? Explain.

43. How important is the knowledge of grammatical rules in English when reading for sight translation? Explain. Target language? Explain.

44. What percentage of the court interpretation job is spent doing sight translation or other types of reading comprehension?

Behavioral Skills

45. Describe the importance of ethical behavior in court interpreting.



46. Are you familiar with the document *California's Professional Ethics and the Role of the Interpreter*? If yes, is it helpful to the job?

47. What character and/or professional traits are most important for court interpreting?

Cultural Skills

48. What cultural challenges may occur when working with specific populations?

49. How can cultural differences influence word selection in court interpreting?

50. What language challenges, if any, may occur when working with different cultures?

Current Testing Process

51. How did you learn about the certification/ registration process for court interpreters? Was the information easy to access? Explain.

52. Was the process for registering to take the examination easy? If not, what challenges did you face?



53. If you could improve the registration process for the examination, what recommendations would you make?
- _____
- _____
54. When did you last take the written interpretation examination? Oral?
- _____
- _____
55. Did you take the written exam more than once? If so, how many times? Did you take the oral exam more than once? If so, how many times?
- _____
- _____
56. If you attended training prior to passing the examination, was the training helpful? Why or why not? Explain the nature of the training and how the session or sessions helped you.
- _____
- _____
57. What do you think would be helpful to assist future candidates with the examination?
- _____
- _____
58. Which sections of the written examination, if any, were more difficult?
- _____
- _____
59. Which sections of the written examination, if any, were easier?
- _____
- _____
60. Which sections of the oral examination, if any, were more difficult?
- _____
- _____
61. Which sections of the oral examination, if any, were easier?
- _____
- _____



62. Do you feel that all sections of the examination accurately measure the skills used in court interpreting? Explain.

63. In performing the job as an interpreter, do you feel that the examination should test for any other skills that are currently not measured by the exam? If so, what skills should be tested?

64. What overall improvements, if any, would you make to the process of becoming a certified or registered interpreter?

APPENDIX 3 – STAKEHOLDER INTERVIEW QUESTIONS

Discussion Topics for Stakeholders:⁴⁵

- 1 Describe the ways in which you work or interact with court interpreters.
2. Tell me about the knowledge, skills, and abilities used in court interpreting.
 - What do you consider to be the most important skill used in court interpreting?
 - 2a. What oral skills are used in court interpreting?
 - How important is the knowledge of grammar in court interpreting?
 - How important is the knowledge of slang or colloquial expressions in court interpreting?
 - How important is the knowledge of specialized vocabulary and legal terminology in court interpreting?
 - How important is accuracy in court interpreting?
 - How important is speed (rate of speech) in court interpreting?
 - How important is memory or language retention in court interpreting?
 - What other oral skills are needed in court interpreting?
 - 2b. What reading/writing skills are used in court interpreting?
 - Is sight translation (the interpretation of written documents) performed often in court interpreting?
 - 2c. How is an understanding of ethics useful in court interpreting?
 - What ethical practices should court interpreters know and follow when performing court interpretations?
 - 2d. How is an understanding of culture useful in court interpreting?
 - How can the knowledge of culture contribute to an interpretation?
3. Tell me about the skills needed for different modes of interpretation: simultaneous interpretation (interpretation from source language to target language while source speaker is talking); consecutive interpretation (interpretation occurs after source speaker or target speaker has finished); and sight translation (interpretation of a written document).
 - 3a. How can the complexity of skills differ within court proceedings?
 - Do different stages in court proceedings (for example: voire dire, motions, etc.) have different levels of complexity of language? If so, explain.
 - Does the complexity of language differ when comparing civil proceedings (for example: family law, small claims court, civil litigation) to criminal proceedings? If so, explain.
 - 3b. How do you think telephonic interpretation can be used?

⁴⁵ These topics represent the general format of questions used. Alternate versions of interview questions were tailored for some stakeholder groups based on area of interest or specialization.

4. Describe the training you feel is necessary for candidates preparing to become certified or registered court interpreters.
 - What training should candidates receive (in relation to language skills, ethics, culture, legal proceedings, other)?
 - 4a. Describe the continuing education you feel is necessary for court interpretation.
 - What subject matter should be included in workshops or courses (in relation to language skills, ethics, culture, legal proceedings, other)?
 - If the use of court interpreters is expanded at some point in the future into civil matters, what additional training or continuing education, if any, would be necessary?
5. What language shortages exist in interpreter availability?
 - Which languages, if any, lack a sufficient representation of certified or registered interpreters?
 - Which counties, if any, lack a sufficient representation of certified or registered interpreters?
 - 5a. How could recruitment efforts be improved?
 - 5b. How could retainment efforts, or the retention of interpreters, be improved?
6. What do you think the court interpretation exam should test?
 - For what language skills should the exam test?
 - For what skills other than language should the exam test?
 - 6a. Do you have any suggestions regarding the test administration process?
 - Do you have any suggestions regarding the examination registration process?
7. Are there any additional comments or final statements you would like to make?

Although some stakeholder interviews deviated from the outlined questions, all interviews followed a standardized format. Two ALTA employees conducted the interviews, and quality assurance processes were followed throughout the process to ensure that standardized guidelines were being followed.

APPENDIX 4 – INTERPRETER SURVEY QUESTIONS



ALTA Language Services, Inc.
 Tel: 404-504-0200 Fax: 404-504-0201 www.altalang.com

California State Court Interpreter Survey

Instructions: Please complete the following survey and return to ALTA Language Services in the enclosed stamped envelope. Please answer questions based on your experience interpreting in California courts only.

1. Languages you interpret: Primary: _____ Other: _____
2. Age:

<input type="checkbox"/> 18-25	<input type="checkbox"/> 56-65
<input type="checkbox"/> 26-35	<input type="checkbox"/> 66-75
<input type="checkbox"/> 36-45	<input type="checkbox"/> over 75
<input type="checkbox"/> 46-55	
3. Please indicate the base county in which you primarily work as a California interpreter: _____
4. California certification status for primary language (check all that apply):

<input type="checkbox"/> California State Certified	Year Certified _____
<input type="checkbox"/> California State Registered	Year Registered _____
<input type="checkbox"/> Federally Certified	Year Certified _____
5. Years of experience as a California state court interpreter (including years prior to certification or registration):

6. Employment status:

<input type="checkbox"/> Full-time staff employee	<input type="checkbox"/> Part-time staff employee
<input type="checkbox"/> Opt-out independent contractor	<input type="checkbox"/> Regular independent contractor
<input type="checkbox"/> Other (please specify): _____	
7. Indicate the number of days you have worked as a professional court interpreter in California over the past year:

<input type="checkbox"/> 0-25	<input type="checkbox"/> 26-50	<input type="checkbox"/> 51-100	<input type="checkbox"/> 101-200	<input type="checkbox"/> over 200
-------------------------------	--------------------------------	---------------------------------	----------------------------------	-----------------------------------
8. Please indicate your native language(s): _____
9. Please indicate the ways in which you acquired your non-native language(s). (check all that apply):

<input type="checkbox"/> Elementary school	<input type="checkbox"/> Living abroad
<input type="checkbox"/> High school	<input type="checkbox"/> Home/ Family
<input type="checkbox"/> University/ College	
<input type="checkbox"/> Other (please specify): _____	
10. Please indicate the highest level of education or training you have attained:

<input type="checkbox"/> High school	<input type="checkbox"/> Masters degree
<input type="checkbox"/> Associates degree	<input type="checkbox"/> Ph.D.
<input type="checkbox"/> Bachelors degree	
<input type="checkbox"/> Other (please specify): _____	
11. Please check any training you attended or received prior to taking the certification/ registration examination. (check all that apply):

<input type="checkbox"/> None
<input type="checkbox"/> Self-study
<input type="checkbox"/> Interpreter training program (please specify): _____
<input type="checkbox"/> College courses in interpreting/translating (please specify): _____
<input type="checkbox"/> College degree in interpreting/translating (please specify): _____
<input type="checkbox"/> Other (please specify): _____



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12. Please check the types of proceedings in which you interpret in an average work year. (check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> Traffic Court proceedings | <input type="checkbox"/> Criminal Court proceedings | <input type="checkbox"/> Mental Health Court proceedings |
| <input type="checkbox"/> Family Court proceedings | <input type="checkbox"/> Civil Court proceedings | <input type="checkbox"/> Small Claims Court proceedings |
| <input type="checkbox"/> Drug Court proceedings | <input type="checkbox"/> Probate Court proceedings | <input type="checkbox"/> Children's Court proceedings |
| <input type="checkbox"/> Juvenile Court proceedings | <input type="checkbox"/> Other (please specify): _____ | |

13. Please indicate the one type of proceeding, if any, in which you most frequently interpret in an average work year:

14. Please check the event types that you interpret for in an average work year. (check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> Depositions | <input type="checkbox"/> Preliminary hearings | <input type="checkbox"/> Client/Attorney interviews |
| <input type="checkbox"/> Trials | <input type="checkbox"/> Arraignments | <input type="checkbox"/> Hearings |
| <input type="checkbox"/> Other (please specify): _____ | | |

15. Please indicate the one event type, if any, in which you most frequently interpret in an average work year:

16. Please indicate the minimum level of educational background, training or experience you feel is necessary for court interpreting. (check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> High school | <input type="checkbox"/> Advanced degree | <input type="checkbox"/> Specific training in court interpreting |
| <input type="checkbox"/> Associates degree | <input type="checkbox"/> Cultural understanding | <input type="checkbox"/> Specific training in court procedures |
| <input type="checkbox"/> Bachelors degree | <input type="checkbox"/> Language proficiency | <input type="checkbox"/> Passage of state certification/registration exam |
| <input type="checkbox"/> Other (please specify): _____ | | |

17. Please indicate the types of continuing education workshops or seminars you feel are necessary for current certified and registered interpreters. (check all that apply):

- | | | |
|---|--|---|
| <input type="checkbox"/> Drug terminology | <input type="checkbox"/> Slang | <input type="checkbox"/> Ethics |
| <input type="checkbox"/> Weapons terminology | <input type="checkbox"/> Mode practice | <input type="checkbox"/> Case law changes |
| <input type="checkbox"/> Legal terminology | <input type="checkbox"/> Medical terminology | <input type="checkbox"/> Cultural workshops |
| <input type="checkbox"/> Legal system/ procedures | <input type="checkbox"/> Other (please specify): _____ | |

18. Please check the mode that you most frequently use in court interpreting. (check one):

- Simultaneous interpretation Consecutive interpretation Sight translation

19. What percentage of court interpreting requires:

- Specialized vocabulary (legal terms, subject specific):
 0-10% 10-25% 25-50% 50-75% 75-100%

- Generalized vocabulary (everyday language):
 0-10% 10-25% 25-50% 50-75% 75-100%

20. What percentage of the court interpretation job is spent doing sight translation?

- 0-10% 10-25% 25-50% 50-75% 75-100%

21. Please check the documents that you frequently sight translate as a court interpreter. (check all that apply):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Probation reports | <input type="checkbox"/> Police reports | <input type="checkbox"/> Waiver of rights | <input type="checkbox"/> Financial statements |
| <input type="checkbox"/> Social work reports | <input type="checkbox"/> Letters | <input type="checkbox"/> Plea agreements | <input type="checkbox"/> Birth/Death certificates |
| <input type="checkbox"/> Marriage certificates | <input type="checkbox"/> Medical forms | <input type="checkbox"/> Other: _____ | |

22. Please check the one proceeding for which it is the *most challenging* to interpret. (check one):

- | | | |
|--|---|---|
| <input type="checkbox"/> Arraignments | <input type="checkbox"/> Preliminary hearings | <input type="checkbox"/> Pre-trial procedures |
| <input type="checkbox"/> Trials | <input type="checkbox"/> Sentencing | |
| <input type="checkbox"/> Other (please specify): _____ | | |



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23. Please check the one proceeding for which it is the *least challenging* to interpret. (check one):

- Arraignments Preliminary hearings Pre-trial procedures
 Trials Sentencing
 Other (please specify): _____

24. Please check the one assignment for which it is the *most challenging* to interpret. (check one):

- Client/ Attorney interviews Pre-trial motions Plea bargains
 Jury selection Jury instructions Witness testimony
 Expert witness testimony Depositions Opening/ Closing statements
 Other (please specify): _____

25. Please check the one assignment for which it is the *least challenging* to interpret. (check one):

- Client/ Attorney interviews Pre-trial motions Plea bargains
 Jury selection Jury instructions Witness testimony
 Expert witness testimony Depositions Opening/ Closing statements
 Other (please specify): _____

26. Please rate the level of difficulty of interpreting in the following modes:

	Not Challenging	Somewhat Challenging	Challenging	Very Challenging
Simultaneous interpretation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consecutive interpretation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sight translation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

27. How many times did you take the WRITTEN EXAM in your primary language?

- 1
 2
 3
 More than 3

Other than primary language?

- 1
 2
 3
 More than 3

28. How many times did you take the ORAL EXAM in your primary language?

- 1
 2
 3
 More than 3

Other than primary language?

- 1
 2
 3
 More than 3

29. Please rate the level of difficulty for the following sections of the WRITTEN EXAM:

	Not Challenging	Somewhat Challenging	Challenging	Very Challenging	No Experience
English Vocabulary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign Language Vocabulary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
English Grammar and Word Usage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign Language Grammar and Word Usage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reading Comprehension – English	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reading Comprehension – Foreign Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
English to Foreign Language Vocabulary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign Language to English Vocabulary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign Language Sentence Translation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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30. Please rate the level of difficulty for the following sections of the ORAL EXAM:

	Not Challenging	Somewhat Challenging	Challenging	Very Challenging	No Experience
Consecutive Interpretation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sight Translation – English	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sight Translation – Foreign Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Simultaneous Interpretation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

31. In your opinion, future candidates would benefit from (check all that apply):

- More feedback about exam results
- More training programs
- Study guides
- Glossaries
- Mentoring programs
- On-the-job training
- Practice exams
- Other (please specify): _____

32. Please mark any other areas that should be included in the future examination. (check all that apply):

- Code of ethics
- Legal terminology
- Cultural understanding
- Knowledge of the legal system
- Other (please explain): _____

Instructions: Please indicate your level of agreement with the following statements:

	Strongly Disagree	Disagree	Agree	Strongly Agree	No Opinion
33. The current examination accurately measures the skills used in court interpreting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34. In addition to the initial orientation and ethics courses provided by the Judicial Council, training should be offered to new interpreters about court procedures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. Training should be offered to bench officers, attorneys and court personnel about working with interpreters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36. It is important to reflect register while interpreting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37. It is important to follow ethical practices while interpreting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38. It is important to recognize and understand cultural differences while interpreting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39. It is important to have a knowledge of idiomatic expressions and/or slang while court interpreting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instructions: Please use the space below or attach an additional sheet for any comments you wish to make.

APPENDIX 5 – DOCUMENTS REVIEWED AND ASSIGNED LEVELS

Document	Level Assigned
State of California Department of Health Services Certificate...	Elementary
Civil Subpoena for Personal Appearance...	Advanced
Victim Notice of Rights	Limited
Order to Show Cause	General
Quit Claim Deed - Example Document	Advanced
Notice of Intent to Appeal	Advanced Professional
Application for Replacement Naturalization Document	General
Probation Officer's Report	General
Quitclaim Deed	Advanced
Florida Department of Law Enforcement Uniform Alcohol...	Limited
Form Interrogatories - Crime Victim Restitution	General
Protective Order in Criminal Proceeding	Advanced
Judgment of Conviction	Advanced
Plea Agreement	Advanced Professional
Failure to Protect	Limited
Family Violence Ex Parte Protective Order	Advanced
Stipulation and Waiver of Final Declaration of Disclosure	Advanced
Petition to Establish Fact of Marriage	General
Declaration Regarding Service of Declaration of Disclosure	Limited
De Facto Parent Statement	Limited
Request and Order for Free Service of Restraining Order	Limited
Description of Abuse	Limited
Letter From Witness	Limited
Sentencing transcript	General
Order for Restitution and Abstract of Judgment	General
Sheriff's Entry of Service	General
Employer's Report of Occupational Injury or Illness	Limited
Indictment	General
Dismissal of a Temporary Protective Order	General
Notice of Hearing - Juvenile Delinquency Proceeding	General

Document	Level Assigned
Certificate of Live Birth - State of California	Elementary
Summons (Citation Judicial)	General
Plea Questionnaire/Waiver of Rights	General
Petition for Writ of Habeas Corpus	General
General Felony Advisement of Rights, Waiver, and Plea Form	Advanced
Defendant's Waiver of Personal Presence	Advanced
California Supreme Court Order to Show Cause	Advanced Professional
Order to Show Cause and Temporary Restraining Order	Advanced
Order to Appear and Show Cause	Advanced
Guilty Plea Petition	Advanced
Application for Determination of Civil Indigent Status	General
Application for Criminal Indigent Status	General
Power of Attorney - General	Advanced Professional
Durable Power of Attorney	Advanced Professional
Special Power of Attorney	Advanced Professional
Forensic Sciences - Forensic Report	General
Forensic Sciences - Blood Testing	General
Forensic Access	Advanced
Application for Naturalization	Advanced
Application for Citizenship and Issuance of Certificate Under...	Advanced
Worksheet For Presentence Report	General
Juvenile Probation Report	General
Probation Report	Advanced
County of Metropolis, State of West Dakota Search Warrant	General
County of Metropolis, State of West Dakota Arrest Warrant	General
Sample Automated Law Enforcement Incident Report	Limited
Vehicle Accident Report	Limited
Commonwealth of East Carolina, County of Gotham Search Warrant	Advanced
United States District Court District of Amsterdam Search Warrant	General
Superior Court of South Virginia Search Warrant	Advanced
Florida Department of Law Enforcement Uniform Probable Cause	General
Washington State DUI Arrest Report	Advanced
Driver's Hearing Request	General
Application for Waiver of Hearing Fee	Limited

Document	Level Assigned
Notice of Appeal (Infraction)	General
Request for New Trial	General
Notice of Motion and Motion for Continuance...	General
Petition for Restricted License	General
Plea of Not Guilty	General
Massachusetts Sentencing Commission Guideline Form (Superior)	Limited
Waiver of Rights-Juvenile Dependency	General
Serious Physical Harm	Limited
Serious Emotional Damage	Limited
Sexual Abuse	Limited
Notice of Intent to Remove Child and Proof of Notice...	General
Violation of Law by Child	General
Promise to Appear - Juvenile Delinquency	Limited
Disposition - Juvenile Delinquency	Advanced
Family Violence Petition for Stalking Temporary Protective Order	General
San Francisco Declaration of Domestic Partnership	Limited
Application for Confidential Marriage License	Limited
Child Support Registry Form	General
Child Custody, Visitation and Support Request	General
Request for Order	General
Child Support Order	General
Battery - Essential Factual Elements	Limited
Sentencing transcript	General
Opening Arguments transcript	Advanced
Closing Arguments transcript	Advanced
Criminal Complaint	Advanced
Indictment	Advanced
Application for Discrimination Benefits...	General
Workers' Compensation Claim Form	General
Audit Referral Form	General
Certificate of Live Birth-State of California	Elementary
County of Sonoma Certificate of Death	Elementary
Jury Instructions	Advanced
Defendant's Financial Statement	General

To classify the selected documents by level of complexity, the following rubric was created by an ALTA employee and a Subject Matter Expert (SME) in Linguistics. No rubric specific to classifying the complexity of legal documents existed, so this rubric was developed using Interagency Language Roundtable (ILR) reading comprehension scales, using categories such as familiarity of topic, grammar, and vocabulary. The rubric was designed with the intention of analyzing legal documents, and was not developed to be used with general documents of a non-legal nature.

Score	Familiarity of Topic	Grammar	Vocabulary
1	Document can be easily understood by a native speaker. Contains no specialized terminology. Material is written in simple form with usual printing or typescript. Contains general subject matter, such as basic informative material or biographical information.	Simple grammatical structures are used. Structures consist of short phrases or word combinations, or high frequency structural patterns. Minimal presence of complete sentences.	Content consists of a range of generalized vocabulary. Vocabulary includes descriptors of persons, places, or things, or simple explanations. Almost all vocabulary is familiar to the reader.
2	Almost the entire document is easily understood. The document contains mostly routine, straightforward, or general topics of everyday use/interest. Uncomplicated subject matter that is presented in a predictable sequence.	Grammatical structures are simple and high frequency sentence patterns are generally used. Sentences consist of basic subject/verb structures. Use of advanced tenses (present/past perfect, conditional, past participle) is limited.	Vocabulary consists of familiar subject matter or simple technical material that is written for the general reader. Vocabulary is not typically nuanced. The few advanced vocabulary words that may be present are heavily supported by context. The vast majority of the vocabulary is familiar to the reader.
3	The majority of the document is understandable. May contain some unfamiliar subject matter. Document does not need to be read more than twice to be completely understood by a native speaker.	Contains more complex or compound sentence structures, tenses, and some use of the passive voice. Complexity of grammar may distract, but should not confuse a native speaker.	Broad range of vocabulary with some use of nuances and advanced word choice. Vocabulary consists of subject matter found in general reports or technical material. Some idioms/colloquialisms may be present, but document does not rely heavily on these or other unusual items.

Score	Familiarity of Topic	Grammar	Vocabulary
4	Topic may be unfamiliar to a non-specialist. May contain a large percentage of legal terminology and some non standard expressions. The language is used for official and professional matters. Document may require a few readings by a native speaker.	Contains many advanced or complex grammatical structures. Contains high frequency use of passives, formal/informal address, use of nominalizations (“-ment,” “-ance,” “-ence” or “-ion”). Complexity of grammar and sentence length may distract and/or confuse a native speaker.	Advanced broad range of vocabulary, which may include idiomatic expressions, legal terminology, Latin, etc. Some use of archaic vocabulary. Broad use of legal/technical vocabulary and use of general vocabulary denoting legal meanings (“party,” “motion,” “sentence”). Word choice may be difficult for a native speaker to understand.
5	The intention or the overall meaning of the document may be extremely difficult for a native speaker to comprehend or to associate him/herself with. May take several readings to comprehend the full meaning.	Contains formal and informal styles, complex transitions and advanced structures, or uncommonly long sentences. Grammar structures are complex, and would easily distract and/or confuse a native speaker.	Contains a wide range of vocabulary with advanced word choice. The majority of document contains idiomatic expressions, legal terminology, Latin and archaic vocabulary, and/or general vocabulary denoting legal meanings is heavily used. A majority of words would be unfamiliar to a general native speaker, and may be difficult for a native speaker to understand and/or infer their meaning.

Each document was assigned a score value (ranging from 1-5) in the areas of familiarity of topic, grammar, and vocabulary. An overall score of the three individual categories was then calculated for each document, and the documents were classified by level of overall score, ranging from elementary (3-4), limited (5-7), general (8-10), advanced (11-13), and advanced professional (14-15).

Overall Score	Level
3-4	Elementary
5-7	Limited
8-10	General
11-13	Advanced
14-15	Advanced Professional

The two raters (a linguist and an ALTA employee experienced in scoring tests using the ILR criteria) scored the documents independently. If a discrepancy occurred between the two raters, a third ALTA rater applied the rubric to the document in question and the average of the three ratings decided the appropriate level.

Once all documents had been rated, a sample of documents from each level was analyzed to determine if documents assigned to the same level represented similar proceedings or stages within proceedings. Documents were grouped according to level and any apparent trends were analyzed.

As a final step in the document review process, ALTA also assigned a readability level according to the Flesch Reading Ease Scale to a representative sample of documents. The Flesch Reading Ease test uses a mathematical formula that incorporates the average number of syllables per word and the average number of words per sentence found in a document or passage to produce a score between 0 and 100. Documents with higher scores are considered easier to understand. For example, an 8th grade student could easily understand a document with a readability score of 60-70. The Flesch Reading Ease readability indices assigned to these documents were compared to the ALTA scores assigned through the use of the developed rubric.

Definite correlations were not found between the two scales. However, this could be attributed to the difference in qualification measurements. While the readability scale measures average sentence length and number of syllables found in a document, the rubric developed by ALTA measures overall complexity of language in reference to familiarity of topic, grammar, and vocabulary. It should be noted that ALTA's focus is on the complexity of language contained in the documents as a means of measuring comprehension ability. Numerous studies have found that readability scales do not fully measure reading comprehension. "Sentence length and average number of syllables per word alone cannot sufficiently predict coherence and therefore understanding of a text." (<http://csep.psyc.memphis.edu/cohmetrix/readabilityresearch.htm>).

APPENDIX 6 – THE USE OF AN ORAL PROFICIENCY ASSESSMENT

General overview of oral proficiency assessments:

Oral proficiency assessments are generally created and used to holistically assess a candidate's functional speaking ability in a particular language. Although methodology may differ among various models, oral proficiency assessments use structured question and response formats, or guided conversations, to elicit communicative participation from the test-taker. Performance on or with structured questions and/or conversations are compared to defined criterion that indicate a candidate's speaking ability against specific determined speaking tasks or performance domains. Overall performance in regard to the speaking tasks is generally measured on a scale, ranging from no ability to native proficiency.⁴⁶

Oral proficiency assessments are often administered face-to-face or over the telephone with the assessment recorded. Recorded assessments are then rated by trained evaluators, who are usually native speakers of the language in question and have demonstrated other knowledge or skills deemed appropriate for the position. Depending on rating practices, evaluations may be performed by one or more evaluator(s), and quality assurance practices are usually implemented to verify inter-rater and intra-rater reliability. Evaluators score the oral performance based on a rubric of defined criteria, which usually includes comprehension and productive skills, such as the knowledge and use of grammatical structures, vocabulary, and nuances of the language. Many rubrics also include defined areas pertaining to *how* and *to what extent* a candidate can use the language in relation to specific tasks, for example in relation to explaining, informing, or convincing.

How an oral proficiency assessment can be used as a screener:

In using an oral proficiency assessment as a screening tool, fundamental productive linguistic skills can be determined at a preliminary stage, identifying individuals who can demonstrate the *knowledge* and *use* of English and the foreign language. Additionally, because oral proficiency assessments utilize a scale of proficiency (from no ability to native ability), candidates can be assessed on not only whether they know and use the languages, but also *how* and *to what extent* they use the languages. By providing proficiency levels on a scale, scores can better indicate strengths and weaknesses, potentially defining candidates who are more or less likely to succeed in the interpreting exams and why. For example, candidates who received low proficiency scores in English and/or the foreign language would not likely improve with minimum or short-term training, since a lack of fluency in either language would require substantial time, effort, and practice to obtain near-native ability. Therefore, retesting policies may be created in correspondence, requiring candidates with lower scores to adhere to time limitations and/or proof of progress before retesting, since time and/or effort would be needed for improvement. Conversely, candidates who score at a native-like proficiency level in English and the foreign language demonstrate fluency levels essential for the job. These candidates may go on to pass or fail the interpreting performance exam; however, for those who fail, deficiencies can be tied directly to interpreting skills and not language proficiency, thus requiring such test-takers to improve in particular interpreting abilities before retesting.

Although the written screening instrument can determine knowledge and hypothetical use of the tested languages, a scale determining *how* and *to what extent* languages can be used is not currently utilized, therefore potentially screening in, and possibly screening out, candidates at various proficiency levels.

⁴⁶ One recognized oral proficiency scale is that of the Interagency Language Roundtable (ILR), which was initially developed and standardized for governmental use, and has been adapted to be used by the American Council on the Teaching of Foreign Languages (ACTFL). Other independent testing organizations and bodies, such as ALTE and ALTA utilize modified frameworks or criteria that determine language proficiency on a scaled basis. In many cases, as with ALTA, the independent framework used has been modeled after the ILR scale, and conversions can be made to match the ILR scale.

As noted previously, oral proficiency tests are generally created and used to holistically assess a candidate's functional ability in a specified language. Tests can be designed so as to engage test-takers in various tasks, including asking and answering questions, describing something, and/or explaining. In thinking about the utilization of an oral proficiency assessment as a screener for court interpreting, it is important to note the particular KSAs to be screened, as this will determine the design and administration of the assessment. For example, if an oral proficiency assessment is being used as a screening device for language proficiency, tests can be designed to engage the candidate in question and answer sessions, with some purposeful conversation that samples high and low register content, including material that elicits knowledge and use of grammatical structures, idiomatic expressions, and generalized and specialized vocabulary.

To create an oral proficiency screener that assesses both language proficiency as well as knowledge of legal terminology, different design approaches could be considered. The general question/answer, simulated dialogue format can be modified so that legal terminology or subject-specific vocabulary is included. This method may provide for expanded discussions that include legal terminology. However, because oral proficiency assessments often replicate real-life, organic speaking, test-takers may intentionally or unintentionally answer questions or discuss a topic in a manner that, while demonstrating proficiency, may not illustrate the candidate's knowledge or use of defined legal terminology.

A more direct design for testing knowledge of legal terminology would include offering a two-part test with a general oral proficiency assessment offered first, and a follow-up oral legal vocabulary section administered after. The legal vocabulary section could provide defined legal terminology and multiple-choice definitions from which the candidate must choose the correct choice, or a legal term could be given for the candidate to explain in his or her own words. If done in only English, this legal vocabulary section would pose few problems. However, some difficulties exist if this legal vocabulary section were offered in the foreign languages as well. The multiple-choice response version requires that equivalent multiple-choice options, including distracters, be created in all languages tested; a process which can be extremely difficult in languages in which legal concepts may not be easily defined, therefore resulting in tests that would be more difficult than those used for languages with clearly defined legal terms. Additionally, in using the method in which the candidate defines a legal term in his/her own words, necessary measures would have to be taken to ensure that evaluators of the foreign languages had equivalent knowledge of legal terminology and concepts to understand, and consequently, assess any range of answers. Finally, in testing a limited range of vocabulary (in English or the foreign languages), it is difficult to prevent the test from being compromised. Although a general question/answer format and simulated dialogue requires true functional ability in a language, vocabulary can be easily memorized, leading to possible exposure of test content even if multiple versions are created.

However, it should be noted that the testing of legal terminology pertains to choices in test purpose, and does not necessarily have to be included in an oral proficiency screener. Because the knowledge of and ability to interpret legal terminology is tested in the interpreting performance exam, it may not be necessary to screen for such knowledge in this preliminary stage. If, in fact, it is decided that a screener should only test for native-like proficiency in English and the foreign languages, legal terminology would not have to be tested in the screening process.

In addition to the decisions regarding the testing of legal terminology in a screener, consideration should also be given to the testing of comprehension of different rates of speech and/or regionalisms at this preliminary stage. Different rates of speech and dialectical or regional versions of a language are often provided in the scripts used for the interpreting performance tests.⁴⁷ To include different rates of speaking and dialectical differences in the screening exam, modifications would have to be built in to the design, and administration would have to utilize live readers/evaluators who altered their speech accordingly, or pre-recorded voice-recognition prompts that would simulate live questioning.

Finally, in considering the use of an oral proficiency assessment as a screener, it should be noted that the administration of such a test could provide for more expansive testing in regard to languages, frequency, and geographic locations. Oral proficiency assessments can be done over the phone with the candidate speaking directly to an evaluator in the specified language, or in response to recorded prompts. Many leaders in language testing provide such oral proficiency assessments in numerous languages, including many of the designated and non-designated languages used in California courts. Therefore, oral proficiency

⁴⁷ In the future, depending on the foreign language tested, regional variations may be included in the oral scripts used for interpreting tests.

assessments could serve as screeners for designated languages in which an interpreting test is offered, as well as determine fluency in English and the foreign language for non-designated languages, in which, currently, an English-only test is provided.

Because oral proficiency assessments can be conducted over the phone between a candidate in California and an evaluator located anywhere in the world, administration can be expanded to serve a potentially larger population than the current written screener serves. Oral proficiency assessments require pre-test scheduling and verification of candidate identification, both of which could be done as frequently as several times a week on an ongoing basis, or at pre-determined times throughout the year. Scheduling of the tests and/or verification of candidate identification could be done at specified courthouses or other determined locations throughout the state, with all scheduling of evaluators, rating processes, and quality assurance handled by the oral proficiency test administrator.

APPENDIX 7 – TEST FORMAT AND RATING OF OTHER MODELS

Figure 7.1 Written Test Information

Test Segment	FCICE	Consortium	NAJIT	CCIP	NYSUCS
Format	160 multiple-choice: 80 English items, 80 Spanish items.	135 multiple-choice items in English.	161 items: 55 English/50 Spanish multiple-choice items; 56 items in translation portion.	155 multiple-choice items in English and foreign language.	Spanish/English: multiple-choice with translation component. All other languages: 75 items/English proficiency.
Sections/ Areas Tested	5 sections total, including reading comprehension, usage, error detection, synonyms, best translation of a word or phrase.	Tests English proficiency, court-related terms and usage, and ethics. Also includes ten-sentence translations from English to foreign language (usage is optional).	5 sections including antonyms, synonyms, analogies, grammar and syntax, and reading comprehension; additional testing of translation, idioms and proverbs, and ethics.	9 sections total, including English vocabulary, foreign language vocabulary, English grammar and word usage, foreign language grammar and word usage, reading comprehension — English, reading comprehension — foreign language, English to foreign language vocabulary, foreign language to English vocabulary, foreign language sentence translation.	Reading and understanding of written material, grammar and language usage, vocabulary, and idiomatic expressions and legal terminology.
Cut-Off Score	Must obtain 75% correct in all sections, both English and Spanish.	Must pass with 80%.	Must pass all sections, both English and Spanish. Must get 117 answers correct.	Must pass with a scaled score of 70 in both English and the foreign language.	Rank ordered.

Figure 7.2 Oral Test Information

Test Segment	FCICE	Consortium	NAJIT	CCIP	NYSUCS
Simultaneous	120 words per minute: English to Spanish; 160 wpm: Spanish to English	120 wpm: English to foreign language	140 wpm: English to Spanish and Spanish to English	120-140 wpm: foreign language to English	One-voice English and foreign language; two-voice English
Consecutive	English to Spanish and Spanish to English	English to foreign language and foreign language to English	120-125 wpm: English to Spanish	English to foreign language and foreign language to English	English to foreign language and foreign language to English
Sight Translation	English to Spanish and Spanish to English	English to foreign language and foreign language to English	English to Spanish and Spanish to English	English to foreign language and foreign language to English	English to foreign language and foreign language to English
Cut-off Score	Must obtain 80% (45-47 errors allowed) correct items from the pre-selected 220 scoring units.	Must score 70% on each part. In addition to scoring units, holistic evaluation is performed. Uses scoring units comprised of: grammar, false cognates, general vocab., technical vocab., idioms, numbers, names, dates, modifiers for emphasis, register and style, special position of words, and slang/colloquial language.	Must pass oral sections by getting 136 scoring elements correct.	Pass/Fail determination. Must obtain holistic passing score of 3 plus in all areas, except consecutive, which must score a 4; candidates for which there is no oral interpreting exam must pass the English Fluency exam.	Spanish candidates ranked in order of highest scores. Other than Spanish candidates rated on a pass/fail basis.

APPENDIX 8 – USE OF SCORING UNITS

According to the *Test Construction Manual* published by the Consortium for State Court Interpreter Certification, scoring units are “special linguistic characteristics that interpreters must be able to render to deliver a complete and accurate interpretation” (2000). For the purposes of testing interpreter ability, scoring units are pre-determined words or units of meaning that are underlined in the rater’s version of the examination texts.⁴⁸ As the rater scores a candidate’s interpretation of the source message, the rater evaluates the candidate’s ability to render these underlined units correctly.

When used for rating exams, scoring units can help provide more objectivity. Rather than only listening to a candidate’s performance and judging it from a global perspective, scoring units allow raters to follow a defined guideline of pre-determined elements that a candidate must render correctly. Although some subjective judgment is used to determine whether a scoring unit has been rendered correctly or not, key word tables of acceptable and unacceptable renderings are used as reference tools so that high inter-rater agreement can be achieved.

To assess language and interpreting ability, scoring units should be designed to measure a range of linguistic aspects,⁴⁹ including (but not limited to):

- Grammar: verbs, pronouns, articles, etc.;
- Vocabulary: general and specialized (legal, medical, other);
- Idiomatic expressions/slang;
- Numbers, names, and addresses; and
- Language-specific pitfalls: false cognates, difference in verb tenses, pronoun differences, etc.

Scoring units should be distributed throughout the texts in a pre-determined manner. To the extent possible, various types of units should be used throughout the exam components. To standardize test versions across languages, the distribution of units should be regulated, with all language versions following the defined guidelines or template as closely as possible. In distributing similar “types” of units in similar numbers throughout exams across languages, defined cut-scores can be created across languages as well. Passing levels can be determined based on the percentage of scoring units rendered correctly, and these passing levels can remain the same across languages and test versions.

Because it is possible for a candidate to “hit” the scoring units correctly while still lacking interpreting skills such as overall speed, transference of meaning, or clarity, scoring units must be supported by a holistic score. The holistic score is then used to confirm or contest the key word unit score. In cases in which a discrepancy occurs between the key word unit score and the holistic score, the test administrator can follow an appropriate course of action, such as discussing the discrepancy in detail, or having the candidate tape rated by another rater.

⁴⁸ Information provided here is modeled after test construction principles outlined in the *Test Construction Manual* (National Center for State Courts and Consortium for State Court Interpreter Certification, 2000).

⁴⁹ In designing scoring units that cover a range of linguistic aspects, rote memorization of key word units may be more difficult since the scoring units would measure a candidate’s use of the language, rather than only renderings of names, dates, and other vocabulary.

APPENDIX 9 – ADDITIONAL RESEARCH ON SIMULTANEOUS INTERPRETATION

Throughout the research conducted in previous deliverables, trends found in interpreter and stakeholder interviews, quantitative survey results, independent linguistic reviews, and supporting literature have illustrated that the performance of accurate simultaneous interpretation within defined time limitations currently deemed appropriate for the court may be significantly more difficult for interpreters of asymmetrical language pairs. Although trends in findings should be considered exploratory, consideration should be given to how such linguistic differences may contribute to the complexity of simultaneous interpretation for some language pairs, and how this complexity may result in lower test passage rates for candidates of specified language groups, as well as contribute to the level of difficulty of accurate simultaneous interpretation in the courtroom for these language groups. To fully understand how and to what extent linguistic differences may contribute to the complexity of performing the simultaneous mode, it is important to recognize the overall skills needed by all interpreters in performing simultaneous interpretation, as well as the individual language components of specified languages that could compound complexity.

What skills are needed for simultaneous interpretation?

Simultaneous interpretation is a highly skilled function that requires the ability to communicate the meaning of discourse from one language to another as the information is being said. To do this, interpreters are continuously processing a stream of incoming information in the source language, analyzing and comprehending that information so as to recode it and recreate an outgoing message in the target language, while listening to the continuous stream of new incoming messages and monitoring the accuracy of all outgoing information.

It is widely noted by experts in the interpretation field that various strategies are employed by interpreters in order to perform this complex process, including, but not limited to, the use of analytical skills, segmentation of units, and predictive thinking.⁵⁰ Because it is essentially impossible for the interpreter to speak simultaneously, or at the same time, as the source speaker, the interpreter is constantly employing these noted skills as he/she listens to incoming messages, while producing outgoing messages. In using analytical skills, the interpreter is analyzing the message heard, focusing on the essential meaning of what is being said, rather than translating verbatim the incoming message. Segmentation of units goes hand in hand with this analysis process, allowing the interpreter to listen to the words as they come through, and “chunk” segments, making sense of the segments, so as to reformulate them into the target language in a sensible manner. To keep pace with the source speaker, interpreters must also use predictive thinking to assist with the simultaneous interpretation process. In doing so, interpreters essentially listen to the incoming message and begin reformulating the message into the target language based on anticipation of the meaning and content of the message. Prediction of the content and meaning of the incoming message can be based on several factors, including the interpreter’s prior knowledge of the subject matter, overall familiarity with the topic and/or language used, and the knowledge of the grammatical and structural clues found in the source language.

In looking more closely at the use of such strategic skills in court interpretation, it is important to note that the simultaneous mode is used in court proceedings that require English to foreign language

⁵⁰ Research presented here is limited to the scope of simultaneous interpretation as it applies to court interpreting and possible linguistic differences that may contribute to complexity for certain languages when performing simultaneous interpretation. Discussion of the skills and strategies utilized in simultaneous interpretation are presented in relation to this study, and should be viewed accordingly. A more comprehensive treatment of this topic requires further study and discussion.

interpretation.⁵¹ Therefore, to employ the strategic skills noted above, a comprehensive knowledge of English syntax, structure, and nuances is a must, regardless of the target language into which the message is being interpreted. Additionally, to utilize predictive thinking, an interpreter will be better equipped to anticipate a full message if familiarized with the subject matter, linguistic style of the speech, and grammatical structure of the language.

How do linguistic differences contribute to the complexity of accurate simultaneous interpretation for some language pairs?

As stated here, all court interpreters performing simultaneous interpretation must have a thorough understanding and command of English, and should have familiarity with routine court language, including customary patterns of speech, legal terminology, and courtroom jargon. Because the source language in simultaneous interpretation is most often English, interpreters of all languages should be expected to have the requisite cognitive and linguistic skills associated with the comprehension of English.

However, some evidence indicates that the reformulation process used in simultaneous interpretation can be more difficult for languages that lack symmetry with English due to linguistic factors which include, but are not limited to:

- Syntactic differences;
- Differences in word order;
- Differences in morphological structures;
- Difference in use of relative pronouns; and/or
- Lack of equivalents for words/specific terminology.

For some foreign languages, a lack of symmetry between English and the target language requires the interpreter to wait for a longer lag time, so as to “chunk” relative segments of the English message in order to reorganize the intended meaning into an accurate and sensible version in the target language. Because the interpreter must wait longer to obtain enough of the segment that the message can be grammatically and logically reorganized into the target language, the interpreter must employ more short-term memory skills, often compared to the memory skills used in the consecutive mode. Although it may be argued that some manipulation of language is required by all interpreters performing the simultaneous mode, it should be noted that, for some languages, the linguistic manipulations needed are significant, constant, and may require interpreters of specific languages to have higher levels of competency than interpreters working with more symmetrical language pairs, as noted below:

...simultaneous interpreting between Japanese and English seems more difficult than other structurally similar language combinations...The typological features of the Japanese language mean that if interpreters try to seek a formal correspondence in simultaneous interpreting between English and Japanese, they are required to reverse word order in almost every grammatical unit. This will put a heavier burden on the working memory of interpreters than other structurally similar language combinations (Mizuno, 2005).

In looking at the various linguistic factors that may contribute to the overall complexity of performing accurate simultaneous interpreting, it is important to emphasize the element of accuracy. Because court interpreters are widely expected to use the simultaneous mode in proceedings in which the source language is delivered at a rate of at least 120-140 words per minute (if not more), compensatory strategies may play a larger role for languages in which a lack of symmetry to English requires more manipulation of the target language message. In order to “keep up” with the constant stream of incoming messages while formulating the outgoing target message, interpreters of languages with significant syntactic differences from English may be forced to summarize, omit, or create ungrammatical sentences that could be incomprehensible in the target language. Therefore, for some language groups, simultaneous interpretation is possible, but potentially at the expense of comprehensibility and accuracy of the outgoing message.

⁵¹ Although simultaneous interpretation is sometimes used for the interpretation of witness testimony, requiring foreign language to English interpretation, the simultaneous mode is most often used to relay proceedings in English into the native language spoken by a court user with limited English proficiency.

Which designated languages illustrate linguistic differences that may contribute to complexity?

Trends in research indicate that linguistic issues may contribute to complexity of the simultaneous mode for the following designated languages: Arabic, Cantonese,⁵² Japanese, Korean, Mandarin, Russian, Tagalog,⁵³ and Vietnamese. Trends were determined by responses provided through interpreter, stakeholder, and rater interviews, survey results, and independent linguistic reviews. Supplemental literary references, in addition to reports prepared for ALTA, were found to support reported trends in Arabic, Chinese, Japanese, Korean, Russian, and Vietnamese. Although research should be considered exploratory, warranting further investigation, initial trends found in obtained responses and supported by reports illustrate the following issues for these noted languages:

English/Arabic simultaneous interpretation: Problematic linear arrangements found between Modern Standard Arabic and English “force the English-into-Arabic simultaneous interpreter to lag behind the speaker for a time that exceeds his mean time lag... [leading to] departures, hesitation, and/or lack of comprehension” (Al-Rubai’I, 2004). According to this reference, the lag time required for English-Arabic simultaneous interpretation may affect accuracy of the message.

English/Chinese simultaneous interpretation: Difficulties pertaining to the placement of the head noun, in which “the English-to-Chinese interpretation cannot start until the whole relative clause becomes comprehensible to the interpreter... Since the head noun is always at the final position in Chinese, there is a chance the interpreter [will] forget the denotation of the English head noun which is always uttered at the beginning position” (Leung, 2007).

English/Japanese simultaneous interpretation: “...When interpreting/translating from English into Japanese, the verb in the English sentence construction (subject-verb-object) needs to be remembered until the object has been dealt with so as to conform to Japanese sentence structure (subject-object-verb)...this transformation process is too complex, and therefore places too great a burden, not only on the interpreter/translator, but also on the listener/reader” (Uchiyama, 1991).

English/Korean simultaneous interpretation: “While listening to (subject-verb-object) English and interpreting it into (subject-object-verb) Korean, the interpreter must hold the English verb that he perceived early on until he utters TL [target language]. This will impose some constraints on memory and impede the whole information processing” (Lee, 2002).

English/Russian simultaneous interpretation: Difficulties found in English/Russian simultaneous interpretation point to differences in word length for equivalent statements, as opposed to word order. “The English-Russian interpreter may have a harder time with a galloping speaker than does his Russian-English counterpart, since the sheer length of Russian words and the structure of the language make English-Russian interpretation thirty-three percent longer than Russian-English” (Visson, 1999).

English/Vietnamese simultaneous interpretation: English and Vietnamese use the same word order (subject-verb-object); however, other linguistic factors require reorganization, or verbatim translation that may be ungrammatical or incomprehensible. “Simultaneous English-Vietnamese translation of utterances that are heavily embedded with nominalization and relative clauses is also possible,⁵⁴ though not very readily comprehensible in some cases” (Dang, 2007).

52 Literary references illustrating possible difficulties of simultaneous interpretation often refer to Chinese, and/or lack of symmetry between Chinese and English, and do not often address specific issues found in the Cantonese or Mandarin dialects of Chinese.

53 Anecdotal information has indicated that possible linguistic differences between Tagalog and English may contribute to the difficulty of performing accurate simultaneous interpretation in this language pair. However, no literary references were found to support reported claims.

54 Nominalization refers to the use of a verb or an adjective as a noun. With regard to Vietnamese, nominalization refers to “the process whereby Vietnamese translators automatically render English nouns into Vietnamese nouns... In doing so, the risk is run of sounding ineffective or nonsensical” (Trinh, 2000).

How may such linguistic differences impact test passage rates and performance in the courts?

Examination of these linguistic differences illustrates that although simultaneous interpretation can be performed in various language pairs, it may require higher levels of competency to do so, and the interpretation may still lack complete accuracy or comprehensibility. As opposed to conference interpretation, in which the interpreter may have more flexibility to alter messages so that they are grammatically comprehensible, court interpreting requires the interpreter to accurately convey all elements of a message, without altering or omitting any part of the message:

Although precision and accuracy are facets of conference interpreting, the goal is to communicate on the macro or global level rather than on the micro level as do court interpreters. Relaying the conceptual message in conference interpretation is sufficient, while court interpretation demands that all facets of the original message be mirrored, thus realizing the legal equivalent (Gonzalez, Vasquez, Mikkelson, 1991).

In regard to test performance, candidates of languages in which linguistic factors may complicate the simultaneous process may experience more difficulties in producing accurate interpretations that are holistically comprehensible, while also “hitting” the pre-determined scoring units. By requiring these language groups to perform at a standard that may only be appropriate for more symmetrical language pairs, candidates of these languages are being expected to perform at an exceptionally high level of performance, which may contribute to lower passage rates.

Additionally, interpreters of determined languages may face more challenges performing the simultaneous mode in court, which may lead to omissions, alterations, or other concessions. Because simultaneous interpretation is generally used to communicate English messages into the foreign language, interpreted messages do not create the record, and, therefore, may be difficult to monitor for inaccuracies or incomprehensibility. However, given the linguistic factors that may contribute to complexities, it can be expected that interpreters of these languages may utilize various compensatory strategies when performing simultaneous interpretation under time constraints, including alteration of the message, summary interpretation, or delivery of a grammatically incorrect message that may be incomprehensible to the listener.

What efforts can be taken to accommodate for linguistic differences in determined languages?

Consideration should be given to modifying the current test structure or scoring system used in the assessment of the simultaneous mode for particular languages. Further research may indicate the need to change the test structure, so that instead of simultaneous interpretation, the ability to produce an accurate running summary is assessed.⁵⁵ For the federal certification of Navajo interpreters, running summary was tested instead of simultaneous interpretation because “...linguistic and conceptual differences between Navajo and English render simultaneous interpretation as it is practiced in court by Spanish-English interpreters impossible [for Navajo interpreters]” (Gonzalez, Vasquez, Mikkelson, 1991).⁵⁶ If alteration of the test structure is not feasible, consideration should be given to modification of scoring guidelines, so that the rating of the simultaneous mode accounts for the various complexities that complicate the process for particular language groups.

In addition to changes in test structure or scoring, modifications should be made accordingly on the job. If test structure is changed to assess running summary, an option to perform running summary instead of

⁵⁵ It should be noted that summary interpreting is widely considered unacceptable for use in legal proceedings. However, running summary interpretation was initially used in the federal certification process of Navajo interpreters. According to information regarding training provided by the 2007 Navajo Institute, running summary interpretation is taught to Navajo/English bilinguals seeking to be certified to interpret for New Mexico State Courts and Arizona State Courts (<http://nci.arizon.edu/navajoinstitute.html>).

⁵⁶ As noted in the Fundamentals of Court Interpretation, linguistic differences between Navajo and English include “a lack of one-to-one equivalents on the semantic or word level, and certain ideas are impossible to express on the conceptual level” (Gonzalez, Vasquez, Mikkelson, 1991). Although not reviewed in this report because it is not a designated language in California, Hmong also lacks one-to-one equivalents to English. As reported in the *Handbook for Teaching Hmong-Speaking Students*, “Hmong simply doesn’t have any commonly accepted terms for many of the objects and concepts that are familiar to people living in the American culture” (Bliatout, Downing, Lewis, Yang, 1998).

simultaneous interpretation should be given to interpreters of asymmetrical languages. If such a modification is not possible, interpreters of asymmetrical language pairs should be provided as much preparatory material and information as possible regarding the subject matter or language of a proceeding, so that predictive thinking strategies can be better utilized during the interpretation. Regardless of the operational decision made, judicial officers and other court personnel should be trained on linguistic differences that may impede simultaneous interpretation for some language groups, as well as how to work effectively with interpreters of noted languages.

APPENDIX 10 – WRITTEN AND ORAL TESTS USED BY PEER MODELS

Figure 10.1 Written Test Information

Test Segment	FCICE	Consortium	NAJIT	CCIP	NYSUCS
Format	160 multiple-choice: 80 English items, 80 Spanish items.	135 multiple-choice items in English.	161 items: 55 English/50 Spanish multiple-choice items; 56 items in translation portion.	155 multiple-choice items in English and foreign language.	Spanish/English: multiple-choice with translation component. All other languages: 75 items/English proficiency.
Sections/Areas Tested	5 sections total, including reading comprehension, usage, error detection, synonyms, best translation of a word or phrase.	Tests English proficiency, court-related terms and usage, and ethics. Also includes ten- sentence translations from English to foreign language (usage is optional).	5 sections including antonyms, synonyms, analogies, grammar and syntax, and reading comprehension; additional testing of translation, idioms and proverbs, and ethics.	9 sections total, including English vocabulary, foreign language vocabulary, English grammar and word usage, foreign language grammar and word usage, reading comprehension —English, reading comprehension —foreign language, English to foreign language vocabulary, foreign language to English vocabulary, foreign language sentence translation.	Reading and understanding of written material, grammar and language usage, vocabulary, and idiomatic expressions and legal terminology.
Cut-Off Score	Must obtain 75% correct in all sections, both English and Spanish.	Must pass with 80%.	Must pass all sections, both English and Spanish. Must get 117 answers correct.	Must pass with a scaled score of 70% in both English and the foreign language.	Rank ordered.
Administration	Total time allowed: 2.5 hours. Offered on biennial basis in select cities throughout the nation.	Total time allowed: 2.25 hours Retake policies vary by state.	Total time allowed: 3 hours and 25 minutes.	Total time allowed: 4 hours and 15 minutes. There is no limit on how many times a candidate can take the written test.	Total time allowed: 3 hours for Spanish/English; 1.5 hours for English proficiency. Offered on an as-needed basis, except the test for competitive Spanish positions, which is offered every four years; candidates who fail cannot retest for a minimum of three months.

Figure 10.2 Oral Test Information**Sight Translation — English to Foreign Language**

Test Segment	FCICE	Consortium	NAJIT	CCIP	NYSUCS
Time Allowed	5 minutes	6 minutes (includes prep time)	5 minutes	6 minutes (includes prep time)	5 minutes (includes prep time)
Length of Passage	230 words	200-225 words	250 words	290 words (avg.)	225 words
Number of Scoring Units/ Elements	22	25	27-33	25	10
Percent of Total Test	10%	11.6%	15%	22%	9%
Description of Passage	Police or investigative reports	Police or investigative reports	Formal language (high register)	Legal vocabulary	Legal documents (e.g., court orders, affidavits)

Sight Translation — Foreign Language to English

Test Segment	FCICE	Consortium	NAJIT	CCIP	NYSUCS
Time Allowed	5 minutes	6 minutes (includes prep time)	5 minutes	6 minutes (includes prep time)	5 minutes (includes prep time)
Length of Passage	230 words	200-225 words	250 words	280 words (avg.)	225 words
Number of Scoring Units/ Elements	22	25	27-33	25	10
Percent of Total Test	10%	11.6%	15%	22%	9%
Description of Passage	Correspondence, affidavits (formal language)	Correspondence, affidavits (relatively formal language)	Formal language (high register)	Correspondence, affidavits (relatively formal language)	Legal documents (e.g., court orders, affidavits)

Figure 10.2 Oral Test Information (cont.)

Consecutive Interpretation

Test Segment	FCICE	Consortium	NAJIT	CCIP	NYSUCS
Time Allowed	15 minutes	22 minutes	15-20 minutes	20 minutes (approx.)	23 minutes
Length of Passage	865 words (approx.)	850-950 words	3 to 5 pages	900-1,000 words	1,200 words
Length of Utterances	1-50 words	1-50 words	No information provided.	30-40 words (approx.)	1-60 (approx.)
Number of Scoring Units/ Elements	30 (English to foreign language) 46 (foreign language to English)	40 (English to foreign language) 50 (foreign language to English)	57-63	50	40
Percent of Total Test	34.5%	41.9%	30%	33%	35%
Description of Passage	Witness Testimony (direct or cross – Federal Court)	Witness Testimony (direct or cross – State Court)	Question/ Answer (civil, financial, medical, legal)	Witness Testimony (direct or cross – State Court)	Witness Testimony (direct or cross – State Court)

Simultaneous Interpretation — Monologue

Test Segment	FCICE	Consortium	NAJIT	CCIP	NYSUCS
Time Required	7 minutes	7 minutes	5 minutes each	3 ½ minutes	3 minutes each
Length of Passage	840 words	800-850 words	560 words each	470 words (avg.)	350 words each
Rate of Speech	120 wpm	120 wpm	140 wpm	120-140 wpm	120 wpm
Number of Scoring Units/ Elements	65	75	37-43 each	50	15 each, 30 overall
Percent of Total Test	29.5%	34.9%	40%	22%	26%
Description of Passage	Opening/Closing Argument	Opening/ Closing Argument	Medical, legal, financial (2 parts, English to Spanish & Spanish to English)	Opening/ Closing Argument	Jury instructions, Opening/Closing Argument (2 parts, English to Spanish & Spanish to English)

Simultaneous Interpretation — Witness Testimony

Test Segment	FCICE	Consortium	NAJIT	CCIP	NYSUCS
Time Required	4 minutes	N/A	N/A	N/A	4 minutes
Length of Passage	600 words				500 words
Rate of Speech	Varies – up to 150 words per minute, with pauses between Q&A				125 wpm with pauses between Q&A
Number of Scoring Units	35				25
Percent of Total Test	16%				22%
Description of Passage	Witness Testimony (in English)				Interaction between attorney(s) and/or judge (in English)

APPENDIX 11 – WRITTEN AND ORAL TESTS USED BY OTHER STATES

Figure 11.1 Written Test Information by State

State	California	New Jersey	New Mexico	New York	Washington
Languages Tested	English/Arabic, Cantonese, Eastern Armenian, Japanese, Korean, Mandarin, Portuguese, Russian, Spanish, Tagalog, Vietnamese, Western Armenian (Khmer and Punjabi in development).	All languages.	No written test is offered.	English/Albanian, Arabic, Bengali, Cantonese, Greek, Haitian Creole, Italian, Korean, Mandarin, Polish, Portuguese, Russian, Spanish, Vietnamese.	English, Arabic, Cantonese, Korean, Laotian, Russian, Spanish, Vietnamese.
Format	The examination contains 155 questions, with sections including vocabulary, grammar and word usage, reading comprehension, and sentence translation. Sections are offered in English and the foreign language.	Uses Consortium format; 135 multiple choice items; tests English language proficiency, court-related terms and usage, and ethics and professional conduct.	No written test is offered.	Spanish only: based on Civil Service Exam —120 multiple-choice questions with translation component. OTS: 75 multiple-choice items to assess English language proficiency and legal terminology.	Uses Consortium format; 135 multiple-choice items, tests English proficiency, court- related terms and usage, and ethics; also includes ten- sentence translation from English to foreign language; for languages in which certification does not exist (registered languages), candidates must take the 135 multiple-choice portion of the exam but do not complete the ten sentence translation portion.
Scoring Process	Must pass with a scaled score of 70 in both English and the foreign language.	Must pass with 85-100 to qualify for Master level; must pass with 80-84 to qualify for Journeyman level; and 70-79 to qualify for Conditionally Approved.	No written test offered.	Spanish candidates ranked in order of highest scores.	Must pass with 80%.
Administration	Time allowed: 4 hours and 15 minutes. There is no limit on how many times a candidate can take the exam. Offered a few times in various state locations throughout the year.	Total time allowed: 2 hours and 15 minutes; offered several times a year; candidates who wish to retake the written test, either because of having failed it or wishing to reach a higher level, must wait twelve months before being allowed to take the exam again and candidates may take the exam no more than four times ever.	No written test offered.	Spanish candidates have 60 minutes. OTS candidates have 90 minutes. Spanish written is offered once every four years. Other languages are offered on an as-needed basis.	Offered at least one time a year.

Figure 11.2 Oral Test Information by State

State	California	New Jersey	New Mexico	New York	Washington
Languages Tested	English/Arabic, Cantonese, Eastern Armenian, Japanese, Korean, Mandarin, Portuguese, Russian, Spanish, Tagalog, Vietnamese, Western Armenian (Khmer and Punjabi in development).	English/Arabic, Modern Standard, Arabic, Egyptian Colloquial, Arabic, Levantine Colloquial, Bosnian, Cantonese, Croatian, French, German, Haitian-Creole, Hmong, Italian, Korean, Laotian, Mandarin, Polish, Portuguese, Russian, Serbian, Somali, Spanish, Turkish, Vietnamese.	English/Spanish, Navajo.	English/Albanian, Arabic, Bengali, Cantonese, Greek, Haitian Creole, Italian, Korean, Mandarin, Polish, Portuguese, Russian, Spanish, Vietnamese.	English/Arabic, Cantonese, Korean, Laotian, Russian, Spanish, Vietnamese.
Format	Simultaneous (English to foreign language); consecutive (English to foreign language/foreign language to English); sight translation (English to foreign language/foreign language to English). For languages in which an interpreting test is unavailable, candidates must take an oral proficiency exam in English only.	Qualifying simultaneous exam (English to foreign language); consecutive (English to foreign language/foreign language to English) and sight interpretation** (English to foreign language/foreign language to English), if applicable.	Qualifying simultaneous exam (English to Spanish only); consecutive and sight translation (English to Spanish/Spanish to English), if applicable.	One-voice simultaneous (English); one-voice simultaneous (foreign language); two-voice simultaneous (English); consecutive question and answer (English and foreign language); and sight translations (English to foreign language/foreign language to English).	Simultaneous (English to foreign language 120 wpm); consecutive (English to foreign language/foreign language to English); sight translation (English to foreign language/foreign language to English); For languages in which an oral interpreting test is unavailable, candidates must take an oral proficiency interview in English and the foreign language.
Scoring Process	General rating of 1-5 for both language proficiency and interpreting skills. Candidate must score 4 or above in all language proficiency component ratings. Candidates must score 4 or above in all interpreting skill components or 4 or above in three of the four components and 3+ in any one remaining component except the consecutive section.	Tiered system; candidate must score 50% in simultaneous to be eligible for other parts of the test; can obtain Master, Journeyman, or Conditionally Approved status based on score.	No information provided.	Spanish candidates ranked in order of highest scores. Scoring units used and global scores applied based on fluency, clarity, and accuracy. Global rating is based on a scale of -10 to +10.	Must pass with 70% on each section; for languages in which an exam does not exist, candidates must score "Superior" on an oral proficiency interview.

Figure 11.2 Oral Test Information by State (cont.)

State	California	New Jersey	New Mexico	New York	Washington
Administration	Uses pre-recorded simulations of courtroom activity; offered at least once a year.	Tests are scheduled on an ad hoc basis whenever there is a sufficient number of examinees to warrant scheduling a test date. Test dates are scheduled approximately every three weeks throughout the year. Candidates who score as “Conditionally Approved” must complete a professional development plan to become eligible to be retested; and candidates do not have to take any portions of the exam in which they have passed with a score of 80% or higher.	Oral exam is offered in two steps: first round — simultaneous, second round — consecutive and sight translation. Candidates must pass the first round before being eligible for the second round of testing; pre-recorded material is used and exams are tape recorded.	Simultaneous and consecutive interpreting testing is video-based and candidate performance is recorded on audio-tape.	Uses pre-recorded simulations of courtroom activity; offered at least once a year; candidates who passed two of the three sections and scored at least 65% on the third section will be invited to retake the oral exam in the same year.

APPENDIX 12 – IDENTIFICATION OF TIERED SYSTEMS

Arkansas

Uses a standard Consortium written test.

- Candidate must attend an orientation session.
- Must translate English to foreign language.
- Must have 80% on all four parts of test.
- Must take Beginner’s Workshop.

Candidate who completes these steps is considered a **Candidate for Certification** and can interpret in the courts.

For certification:

- Candidate must test in all three modes of interpretation (Consortium test).
- Must have a passing score of 70%.

Delaware

Uses Consortium tests.

- **Conditionally Certified** (known as “Delaware Certified”): interpreters who score 50% or better on each section of the oral exam and do better than 60% on overall test.
- **Certified Court Interpreters** (or “National Center Certified”): score a minimum of 65% on each test part and an overall average of 70%.
- **Eligible Uncertified Interpreters**: complete an orientation program and fill out a registration form. They should be contacted if a certified interpreter cannot be found or used. Have a pay differential based on certification status.

Interpreters on the “Certified Court Interpreters” list should be contacted first.

Hawaii (still in development stages)

Uses Consortium test.

- Must attend orientation.
- Must pass written test with 80%.
- **Conditionally Approved** (Interpreter 2): must have 55% overall, 50% by component, and at least 45% on sight translation.
- **Certified** (Interpreter 3): must have 70% on each component (65% on sight translation).
- **Certified Master** (Interpreter 4): requires 80% on each component (75% on sight translation).

Will also have Alternative Credential Recognition (ACR) exam for languages that are in high demand in Hawaii, but are not included in the Consortium test battery.

Iowa

Uses Consortium tests.

- **Class A:** must pass certification tests with minimum scores.
- **Class B:** certified in another (less stringent) state, or completed a court interpreter training program with a 3.0 GPA or higher, or took an approved certification exam and achieved scores that fall short of the certification criteria.

Kentucky

Uses Consortium tests.

- **Qualified Level 1 Interpreter:** must pass the Kentucky English Written Test and take orientation workshop.
- **Certified Interpreter:** must also pass the Kentucky Oral Test with 70%.
- If an interpreter's first total score on the oral test is between 59.9% and 50%, the interpreter will be classified as *provisional Qualified Level 1*.

New Jersey

- Attend seminar.
- Must pass with 85-100 to qualify for Master level; 80-84 to qualify for Journeyman level; and 70-79 to qualify for Conditionally Approved level.
- Take qualifying (simultaneous) exam and score 50% or higher to become eligible for the rest of the exam.
- Anyone who scores below 50% will have to take one or more pertinent courses before being allowed to submit for another exam.
- If candidate passes the qualifying exam, can take the sight translation and consecutive portions.

Has three classifications based on scores:

- **Conditionally Approved:** 70%-79% on the written exam; 50% or higher on each performance part and an overall average of 55%.
- **Journeyman:** 80%-84% on the written exam; 70% or higher on simultaneous and consecutive modes; no lower than 65% in each subpart of sight translation.
- **Master:** 85% or higher on the written exam; 80% or higher on simultaneous and consecutive modes; no lower than 75% in each subpart of sight translation.

Candidates who score as “Conditionally Approved” must complete a professional development plan to become eligible to be retested and, if they are not retested and reach the Journeyman or Master level within two years, they are no longer eligible to work in Superior Court, but may continue to work in Municipal Courts. Once reaching the Journeyman level, candidates may retest attempting to reach the Master level after working one year at the Journeyman level; candidates do not have to retake any portions of the exam in which they have passed with a score of 80% or higher.

Pennsylvania

Uses Consortium tests.

- Must take orientation.
- Must pass written test.
- Must pass oral test.
- For languages in which there is not a test, must take oral proficiency exam in foreign language and pass oral English proficiency interview and/or the TOEFL.

Can be classified as:

- **Master:** 85% or higher on the written exam; 85% or higher on simultaneous and consecutive modes; no lower than 80% in each subpart of sight translation.
- **Certified:** 80% or higher on the written exam; 70% or higher on simultaneous and consecutive modes; no lower than 65% in each subpart of sight translation.
- **Qualified:** 80% or higher on the written exam; 60% or higher on the simultaneous and consecutive modes; no lower than 55% in each subpart of sight translation.
- **Conditional:** 80% or higher on the written exam; 50% or higher on all other modes.

Tennessee

Uses Consortium tests.

- Can be a Registered or Certified Court Interpreter.
- Must attend orientation.
- Must pass written test with 80%.
- **Registered:** must pass oral proficiency interview (OPI) with LTI, get “superior” rating.
- **Certified:** interpreter must pass Consortium oral exam with 70%.

Registry of Interpreters for the Deaf (RID)

Must pass written test.

Certification consists of three tiers:

- **NIC Certified:** scores standard on interview and performance.
- **NIC Advanced:** scores standard on interview and high on performance.
- **NIC Master:** means high on interview and performance.

State Department

Three levels (these do not equal certification):

- **Escort Level:** consecutive interpretation ability required.
- **Seminar level:** consecutive and simultaneous abilities required.
- **Conference Level:** consecutive and simultaneous interpretation abilities required.

APPENDIX 13 – TEST RETAKE POLICIES

Research in previous deliverables has indicated support for changes to the current test retake policies, which require unsuccessful candidates to retake the entire exam, whether written or oral, at every attempt, and to retake the written exam again if the oral exam has not been passed within 48 months of passing the written exam. Trends in responses obtained during the interview and survey processes suggest possible changes, including:

- No requirement to retake the written exam after passage, regardless of performance on the oral exam;
- No requirement to retake passed components of the oral exam; and/or
- Lower fees for test retakes attempts.

Although recommendations regarding fees associated with retake attempts are beyond the scope of this study, consideration should be given to the other operational suggestions included here. Of interest is the current policy that requires candidates to retake the written exam if oral components are not passed within a specified period of time. As a screening tool, the written exam is used to identify candidates who exhibit sufficient knowledge to proceed to the oral exams. It has been designed to “screen in” candidates with minimum fundamental skills and “screen out” test-takers without such skills. To require candidates to retake the written exam if they do not pass the oral exam in a specified period of time implies that repeated failure of the oral exam indicates a lack of fundamental skills or a regression in fundamental skills assessed through the written screener, therefore requiring candidates to “prove” such skills again through retesting. However, failure of the oral interpreting components is likely attributed to a lack of interpreting skills, or a lack of language proficiency in both languages. Therefore, it may be a better solution to implement an oral proficiency screener that would identify bilingual proficiency skills during the screening process. In using an oral proficiency screener, determination of bilingual speaking skills could be made in the screening process. If a bilingual candidate proceeds to the interpreting performance test and continues to fail, failure could then be attributed to a lack of interpreting skills. Candidates who have demonstrated bilingual proficiency in the screening process should not be expected to retake the screener even after multiple failed attempts at the interpreting exam, since it is unlikely that true bilingual proficiency would change or regress in a matter of 48 months.

In regard to retesting in the oral interpreting components, several different options should be considered, including:

- Requirements to retake only components failed;
- Requirements to retake only components failed, if at least two of the three components are passed;
- Requirements to retake only components failed, if particular passing points are achieved;
- Time limitations between retesting;
- Limitations on total retesting attempts; and/or
- Proof of progress before retesting.

As indicated in survey and interview responses, some interpreters, test-takers, and stakeholders recommended that retake policies should require candidates to take only those oral components failed. Requirements that enforce retesting in only components failed are based on the idea that a candidate may be stronger in one interpretation mode than others. By not having to retest in all modes, candidates can focus on strengthening the weaker areas before retesting. However, some raters have stated that borderline candidates may do well in one component even if the test-taker is a weak interpreter overall. Therefore, an option that would require candidates to pass at least two of the three components (consecutive interpretation, simultaneous interpretation, and sight translation) could be considered. With this option, candidates who pass only one component would still have to take all components at the next retake attempt, while those who pass two of the three would only have to retake the third (failed) component.

A third option would be based on passing points, with candidates who score higher on particular components being excused from retaking those sections. For example, if a candidate passes a component with scores of

4 or 5, he/she would not have to retake that portion since these scores reflect minimum or above-minimum requirements.⁵⁷

In looking at Figure 13.1, the options provided can be illustrated with test-taker scores.⁵⁸

Figure 13.1 Rater Results

	Consecutive Section			Sight Translation Section				Simultaneous Section		Final Results
	Consec.-ELP	Consec.-FLP	Consec.-IS	Eng. Sight-FLP	Eng. Sight-IS	Foreign Sight-ELP	Foreign Sight-IS	Sim.-FL	Sim.-IS	Pass/Fail
Language A:										
Rater 1	4	4	3	4	4	4	4	4	3.1	F
Language B:										
Rater 1	4	4	4	4	4	4	3.1	4	3	F

*Results illustrate two distinct languages. Results are for one candidate per language.

- ELP= English Language Proficiency
- FLP= Foreign Language Proficiency
- FL= Foreign Language
- IS= Interpreting Skill
- F= Fail
- 3.1= 3+ score

If retesting policies require candidates to retake only portions failed, the candidate in Language A would be required to retake only the consecutive mode, while the candidate in Language B would be required to retake the simultaneous mode. If retake policies require passage of at least two components, the candidates in both Language A and Language B would qualify for the retesting policy, since both passed two components.⁵⁹ However, if retesting policies require passage of a component with a score of 4 or higher, the candidate in Language A would pass only the sight translation portion, while the test-taker in Language B would pass only the consecutive mode. With this method, both test-takers would have to retake all other components.

As mentioned in completed deliverables, other testing bodies also reinforce time limitations, limitations on total attempts, and/or proof of progress before retesting. Time limitations that require candidates to wait a specified amount of time between attempts, as well as limitations on the total amount of times a candidate can ever take the exam, may encourage further preparation and training and minimize memorization of tests. Additionally, proof of attendance of a training program or completion of other related coursework may reinforce test preparation before retesting.

However, it should be noted that perceived bias may be associated with time limitations. If rating practices continue to emphasize subjective scoring, time limitations, and especially limitations on the total amount of times a candidate can take the exam, may be perceived as unfair. For many test-takers, such limitations may be perceived as efforts designed to prevent new interpreters from entering the field, therefore keeping competition down in particular languages. Additionally, proof of progress may be perceived as discriminatory since very few, if any, interpreter training programs exist for many of the designated OTS language groups.

57 If scoring practices are changed to emphasis objective scoring units, passing levels would reflect percentages of scoring units rendered correctly.

58 Scores used for this example illustrate the ratings of one evaluator per language. For actual use, rater agreement would have to be established and the agreed upon scores would be used to determine retesting requirements.

59 Passage is based on current rating procedures which deem one score of three-plus as passing.

APPENDIX 14 – TIERED PLACEMENT OPTIONS

As presented in this report, the option of scoring individual components of the oral exam, as opposed to rating global performance, would allow candidates to demonstrate particular strengths and weaknesses in interpreting skills. From an operational standpoint, scoring individual components also allows for changes in test retake policies, as well as for the possible assignment of interpreters in tiered placements.

Although no recommendations have been made in regard to tiered placement, a tiered scoring system could be used to identify candidates who may not exhibit mastery of interpretation skills, but who demonstrate abilities that would qualify them for supervised employment or training positions. Such candidates would be deemed qualified for specific assignments and would be supervised and mentored with the goal of eventual mastery-level certification.⁶⁰

In considering the purpose of tiered scoring and placement, two options can be defined: tiered assignments to provide more interpreters for the courts and tiered scoring to identify candidates to be trained for eventual work in the courts. In using tiered placements to provide more interpreters for the courts, candidates who demonstrate minimum skills would be provisionally certified and assigned to specific court proceedings considered to be routine, and therefore more predictable, or proceedings involving lower stakes. These provisionally certified candidates would need to be supervised and trained throughout the proceedings or assignments, so that quality and accuracy can be ensured for the litigant, and opportunities for improvement in interpretation skills can be provided to the candidate.

Tiered scoring used to identify candidates who could improve with training would place test-takers with appropriate skills in settings outside of the courtroom, such as Justice Centers, Legal Aid or public defender offices, or other organizations. In assigning candidates with defined skills to such settings, candidates could gain additional interpretation skills and experience while providing services to clients with limited English proficiency. As with tiered placements in the courts, supervision and training would need to be implemented to ensure quality services for clients and opportunities for growth for candidates.

Regardless of how tiered placement interpreters are used (inside or outside of the courtroom), eventual mastery of interpreting skills should be expected. As practiced by other testing bodies that utilize tiered placements, candidates qualified for tiered placement should be required to retest in all components or in failed components after defined time limitations and/or after demonstration of progress. Eventual passage of the certification exams should be expected.

To determine candidates for tiered placements, various options in scoring should be considered, including:

- Placement based on passage of at least one exam component;
- Placement based on passage of at least two exam components;
- Placement based on passage of a particular exam component;
- Placement based on particular scores achieved; and/or
- Placement based on passage of an oral proficiency screener.

As demonstrated here, placement based on passage of oral exam components can vary, with options ranging from passage of one component to passage of a particular component. As reported in Appendix 13, some raters noted that borderline candidates may pass one component despite being weak interpreters overall. Therefore, to ensure that a candidate has strong enough skills, it may be preferable to require passage of at least two exam components.

Placement based on passage of a particular component is predicated on current rating procedures which require a score of 4 in the consecutive mode, while one score of 3+ is permissible in any of the other

⁶⁰ Interpreters working in tiered placements should be required to retest in necessary components after defined time limitations and/or proof of progress to obtain mastery-level certification.

components. This scoring practice infers that the consecutive mode requires “better skills,” possibly because this mode is most frequently used in producing the record for litigants with limited English proficiency.⁶¹ If the current weighting of the consecutive mode is used because the candidate must demonstrate stronger skills in this area, tiered placements should also adhere to this, possibly requiring candidates to pass this mode with a score of 4 or higher in order to be considered qualified for an interpreting task or training position.

Placement may also be decided by pre-determined scores in sections. As reported in the *California Certified Interpreter Oral Performance Evaluation Guide*, a score of 3+ “indicates that the candidate’s performance is predominantly at the level 4 but not sustained all the time. The candidate demonstrates limited periods of performance at the 3 level” (2006). Although current rating guidelines indicate that a candidate is permitted only one score of 3+ in any component except the consecutive, consideration may be given to granting provisional certification in the courts or on-the-job training outside of the courts to candidates with more than one score of 3+, but no lower scores.⁶²

In Figure 14.1, various tiered scoring options and placements can be exemplified with test-taker scores.⁶³

Figure 14.1 Rater Results

	Consecutive Section			Sight Translation Section				Simultaneous Section		Final Results
	Consec.-ELP	Consec.-FLP	Consec.-IS	Eng. Sight-FLP	Eng. Sight-IS	Foreign Sight-ELP	Foreign Sight-IS	Sim.-FL	Sim.-IS	
Language A:										
Rater 1	4	4	3	4	4	4	4	4	3.1	F
Language B:										
Rater 1	4	4	4	4	4	4	3.1	4	3	F
Language C:										
Rater 1	3	4	3	4	3.1	4	3.1	4	3.1	F

*Results illustrate three distinct languages. Results are for one candidate per language.

- ELP= English Language Proficiency
- FLP= Foreign Language Proficiency
- FL= Foreign Language
- IS= Interpreting Skill
- F= Fail
- 3.1= 3+

If tiered placements are based on passage of one or more components, candidates in Languages A and B would qualify. However, if placement requires at least a score of 4 in the consecutive mode, only the candidate in Language B would qualify. Additionally, if tiered placement is based on scores of 3+, with a requirement that no lower scores could be received, neither of the above candidates would qualify for tiered placement.

Finally, another option is the assignment of individuals with identified bilingual proficiency in settings outside the courtroom. If the use of an oral proficiency screener is adopted, individuals who pass with native-like proficiency in both English and the foreign language could be assigned to training opportunities outside of the courtroom. These candidates would not have demonstrated interpreting abilities through testing, and

61 No evidence was found to indicate why the consecutive mode has a different weighting system.

62 It should be noted that the examples illustrated are based on current scoring systems that utilize holistic assessments of performance as the foundation. If scoring systems are modified to emphasize the use of objective scoring units, tiered scoring would have to be based on defined cut-scores that represent percentages of key word units rendered correctly.

63 Scores used for this example illustrate the ratings of one evaluator per language. For actual use, rater agreement would have to be established and the agreed upon scores would be used to determine placement.

therefore should not be assigned to interpreting positions. However, bilingual individuals could be placed in supervised assignments in Justice Centers, Legal Aid offices, or other appropriate placements that would provide candidates exposure to legal language and specialized terminology, while providing service to clients with limited English proficiency.

APPENDIX 15 – TRAINING PROGRAMS IN OTHER STATES

Figure 15.1 Training Programs Offered in Other States

Program	Bellevue Community College (Washington State)	Brookdale Community College (New Jersey)	Hunter College (New York)	New York University (NYU) School of Continuing and Professional Studies	Rutgers University (New Jersey)
Type of Certificate	Translation and Interpretation Certificate Programs	Translation Certification Program	Certificate in Translation and/or Interpretation	Certificate in Court Interpreting, Certificate in Medical Interpreting, Certificate in Translation	Certificate of Proficiency in Translation/ Interpreting
Languages	Various languages according to student demand.	English/ Spanish	English/ Spanish	English/ Spanish	English/ Spanish
Admission Requirements	Submit written and oral (taped) work in both English and other language.	Fluency in both Spanish and English languages.	Fluency in English and Spanish with strong writing skills in both languages. Students must also take a placement test and pass an oral interview.	Must pass an oral proficiency test in both English and Spanish. Must successfully complete a course in <i>Fundamentals of Court Interpreting</i> with a grade of B or better.	Everyone who is not a Rutgers University student is required to write two short essays (about 400-500 words, double-spaced), one in Spanish and one in English.
Length	30 hours of instruction (1-2 years)	3 courses and 12 hours of field observation	One year	6 courses	19-21 credits
Cost	350.00 per course or \$2800.00 total	Application fee of \$60.00.	Individual certificate- \$2,250.00. Combined certificate in translation and interpretation- \$2,975.00.	Fundamentals of Court Interpreting course costs \$1065.00 (information not available for total cost of certification).	\$255.40 per course for New Jersey residents. Total cost depends on classes chosen throughout the certificate.
Other	Offers workshops in exam preparation.	Advanced training for exam is offered.	Concentration on legal and medical settings.		Offers specific course in court interpreting.

APPENDIX 16 – INTERPRETER TRAINING PROGRAMS IN CALIFORNIA

Figure 16.1 University of California Training Programs

	UC Los Angeles Extension	UC Riverside Extension	UC San Diego Extension
Programs Offered	Legal Interpretation and Translation Certificate Programs	Interpretation and Translation Certificate Program	Interpretation and Translation Certificate Program
Languages	English, Korean, Mandarin, and Spanish	Spanish/English	Spanish/English
Admission requirements	<p>A BA degree is preferred.</p> <p>For languages other than Spanish: Successful completion of a written exam (\$50.00) in the following areas: reading comprehension, spelling and grammar, writing, listening comprehension, dictation, short translations, speaking fluency, and diction.</p> <p>For Spanish: 1) One page cover letter in native language along with a translation of the cover letter. 2) Must also submit a 30-minute CD or cassette tape in the non-native (weaker) language. If equally fluent in both English and Spanish, submit a 60-minute CD recording, 30 minutes in each language. Begin each 30-minute recording with a 10-minute autobiographical statement, including place of birth, the number of years speaking non-native language, how it was learned, and academic background. Follow this with a 6-minute reading of a text of choice, and a 6-minute analysis and discussion of the text. Conclude with an 8-minute spontaneous speech on a topic of choice.</p>	<p>Pass a qualifying examination (offered in summer, \$50.00) to determine fluency in both languages; submit an audio tape for review by the instructor; and have completed two years of college work, be a certified interpreter, or have prior approval from the department.</p>	<p>Spanish/English Entrance exam consisting of an oral and written assessment to evaluate listening and speaking skills, the use of vocabulary, reading comprehension, and spelling. If a student fails the entrance exam they can retake it after six months.</p>
Length	One-year programs	5 courses offered over the course of one academic year	One to two-year program
Cost	<p>Courses range from \$250-\$415, and do not include textbooks.</p> <p>Total cost is \$3000.00 for the one-year program, not including materials.</p>	\$275.00, including materials.	\$310.00, not including materials.
Other	Offer a court internship in legal interpretation (students must have completed all previously required courses with a grade of “C” or better).	Program also provides for a career as a forensic interpreter.	Students have up to five years to complete all of the courses in the certificate program.

Figure 16.2 California State Interpreter Programs

	CSU, Fresno, Extension and Non-Credit Programs	CSU, LA, Office of Continuing Education	CSU, Northridge, Division of ESL	San Diego State University	CSU, San Francisco State Extended Learning
Programs Offered	Interpreting Certificate Program	Legal Interpretation and Translation Certificate Programs	Court Interpretation Certificate Program	Certificate in Interpretation and Translation Studies; Certificate in Court Interpreting	Interpretation Certificate Program (specifically designed to prepare participants to pass the court interpreter exam)
Languages	Spanish/English	Spanish/English	Spanish/English	Spanish/English	Spanish/English
Admission requirements	Written examination (100 questions in both Spanish and English), \$15.00.	Completion of a minimum of 54 quarter units (36 semester units) of post-secondary education or equivalent knowledge and experience to demonstrate the ability to perform upper-division course work. Successful completion of a bilingual placement test (\$20.00) in the following areas: reading comprehension, spelling and grammar, writing, listening comprehension, dictation, short translations, speaking fluency, and diction.	No minimum educational requirement. A potential applicant needs to have good bilingual skills.	Demonstrate writing proficiency in both Spanish and English by completing a Rhetoric and Writing Studies class with a grade of “B” or better (or pass the Writing Proficiency Assessment) and Spanish 301, 302, and 350 or by demonstrating similar written language proficiency. The student must also complete an interpreting skills admission test with a grade of “B” or better.	Two years of college, bilingual entrance exam (sample questions available online), must pass the first course in the program to be fully admitted.
Length	One year	18-month program	18-month program	15 units of coursework	6 courses
Cost	\$395.00	Courses range from \$387 - \$516, and do not include the textbooks.	\$349 - \$359 Total cost is about \$2300.00		\$3100.00 plus a \$50.00 non-refundable application fee.
Other	Must complete beginning and intermediate interpreting courses in order to earn a certificate of completion.	Applicants with California State Administrative Hearing certification may take courses or complete the program without taking the proficiency test by providing a photocopy of their certification.	Offers a test preparation workshop as an elective course.	Upon successful completion of all course work with a “B” or better, a student must pass a comprehensive exit examination that is graded pass/fail.	Special admission waiver for Administrative Hearing interpreters.

Figure 16.3 Private Universities and School Programs

	Monterey Institute of International Studies	Southern California School of Interpretation
Programs Offered	M.A. in Translation and Interpretation; M.A. in Conference Interpretation	Administrative Hearing, Court Interpreting, Medical Interpreting, and Telephonic Interpreting Programs
Languages	Chinese (Mandarin), English, French, German, Japanese, Korean, Russian, and Spanish	Spanish/English
Admission Requirements	An Early Diagnostic Test (EDT) is used to evaluate language proficiency, and is reviewed by members of the faculty; U.S. bachelor's degree; minimum GPA of 3.0. The EDT is taken by the prospective student at home, within a two hour time limit, and involves some translation, and speaking into a cassette recorder or digital recording device.	Take an online admissions test, write a one-page essay, or attend a free three-hour introductory course.
Length	Two-year M.A. degree or one-year Advanced Entry M.A. degree	172 hours for the court interpretation program
Cost	One academic year = \$27,750.00	Courses vary between \$198 - \$595 Total cost of the court interpretation program = \$2461.00 (including most of the materials)
Other	Professional examinations are administered after the fourth semester of study. The exams are required for graduation.	Distance Learning (online) programs are also offered at the same cost as onsite programs. ⁶⁴

64 It should be noted that the Southern California School of Interpretation reports the highest pass rate of certified interpreters in the states of California and Nevada. Although ALTA did not correlate passage rates to particular programs in this study, trends in survey and interview responses illustrate that a considerable number of Spanish/English interpreters who have passed the exams attended training at the Southern California School of Interpretation.

APPENDIX 17 – INTERPRETER TRAINING AND PASSAGE RATES

Information was collected to illustrate interpreter training, test preparation, and/or prior court interpreting work that may contribute to passage of the exams. Figure 17.1 illustrates that approximately half of the respondents reported attending interpreter training programs and an additional 37% cited studying independently for the exams. Of those test-takers who reported attending interpreter training, 34% passed the written test, while 66% failed. Of the candidates who reported practicing self-study techniques, almost half (49%) passed and a little over half (51%) failed. Fewer respondents reported taking college courses in interpretation (15%) or obtaining a college degree in interpretation (6%). However, of these respondents, passage rates were somewhat higher than those associated with interpreter training programs.

In regard to prior court interpreting experience, over half of the entire pool (56%) reported having some prior court interpreting experience. Additionally, a total of 32% of the respondents reported working more than 100 days in the court, while slightly more, 38%, stated that they had never interpreted in the courts. Interestingly, of the test-takers who reported working more than 100 days in the court, nearly half (49%) passed the written exams, while a little over half (51%) failed. Very different results are seen when examining passage and failure rates of those with no prior court interpreting experience. Only 25% of those with no court interpreting experience passed, while the majority (75%) failed.

Finally, the majority of test-takers reported taking the written exam only once, with 65% of the respondents indicating that this was their first test cycle. Of these first-time test-takers, 39% passed and 61% failed. When asked about the difficulty of specific sections of the written exam, responses varied. For those who passed, sections were categorized in a range from “somewhat challenging” to “challenging,” with the Foreign Language Vocabulary section having the highest percentage of responses indicating “very challenging.” Candidates who failed the exam reported sections being “challenging” to “very challenging.” Areas cited as “very challenging” included the English Vocabulary and Foreign Language Vocabulary sections.

Figure 17.1 Written Exam Results/Prior Training and Work Experience

	Total	% of Respondents	Passed	% Passed	Failed	% Failed
Respondents	328	100%	121	37%	207	63%
Interpreter training program	163	50%	55	34%	108	66%
Self-study	120	37%	59	49%	61	51%
College courses in interpretation	50	15%	22	44%	28	56%
College degree in interpretation	21	6%	12	57%	9	43%
100+ days of prior court interpreting experience	106	32%	52	49%	54	51%
No prior court interpreting experience	126	38%	31	25%	95	75%
Have taken the exam once	214	65%	83	39%	131	61%

As with the written exam results, responses from oral exam test-takers indicate that most respondents (65%) have spoken English for more than ten years and have acquired non-native language skills through high school and college education, as well as life experiences abroad. Passage rates do not vary much in correlation to

language background. A range of 5-7% of the candidates passed the oral exams, with an additional 93-95% who failed, regardless of the ways in which non-native language skills were developed.

As illustrated in Figure 17.2, a large percentage of respondents reported attending interpreter training programs, as well as studying independently for the exams. However, results illustrate that preparatory work may not correlate to passage of the oral exams, since only 7% of those who reportedly attended interpreter training, and 6% of those who practiced self-study methods, passed the oral exams. Similarly, even though over half of the respondents (55%) reported working more than 100 days as court interpreters, very few (7%) passed the oral exams.

Figure 17.2 Oral Exam Results/Prior Training and Work Experience

	Total	% of Respondents	Passed	% Passed	Failed	% Failed
Respondents	251	100%	16	6%	235	94%
Interpreter training program	165	66%	12	7%	153	93%
Self-study	127	51%	8	6%	119	94%
College courses in interpretation	50	20%	4	8%	46	92%
College degree in interpretation	26	10%	1	4%	25	96%
100+ days prior court interpreting experience	138	55%	10	7%	128	93%
No prior court interpreting experience	49	20%	3	6%	46	94%
Have taken the exam once	56	22%	4	7%	52	93%
Have taken the exam more than three times	63	25%	5	8%	58	92%

