

August 2008

Idaho Court Interpreter Program Policy Manual

Administrative Office of the Courts
Idaho Supreme Court
P.O. Box 83720
Boise, Idaho 83720-0101

For questions or comments, please contact:

Janica Bisharat
Court Interpreter Program Manager
(208) 947-7417
jbisharat@idcourts.net

Table of Contents

Section 1.0	<u>Introduction</u>
	1.1 Court Interpreter Subcommittee
	1.2 Access to Justice
	1.3 The Role of the Court Interpreter
Section 2.0	<u>Court Interpreter Training and Certification</u>
	2.1 Court Interpreter Training and Certification Process
	2.2 Partial Testing Standard
	2.3 Repeat Test Candidates – Certification Exam
	2.4 Reciprocity Standards for Certification Exam
	2.5 Abbreviated Exams
Section 3.0	<u>Court Interpreter Rosters</u>
	3.1 Rosters Maintained by the Administrative Office of the Courts
	3.2 Criminal History Checks for Court Interpreters
	3.3 Removal of an Interpreter from a Roster
Section 4.0	<u>Continuing Education Requirements</u>
	4.1 Requirements for Renewal of Certification
	4.2 Calculating Continuing Education Hours
	4.3 Earning Continuing Education Credits
	4.4 Approval Process for Continuing Education Programs
	4.5 Provider Responsibilities
	4.6 Instructor Qualifications
	4.7 Recordkeeping
	4.8 Non-Compliance with the Continuing Education Requirement and Lapse of Certification Credential
Section 5.0	<u>Policy Violations and Disciplinary Process</u>
	5.1 Cause for Discipline
	5.2 Disciplinary Process
	5.3 Sanctions
	5.4 Petition for Recertification
	5.5 Records
Section 6.0	<u>General Guidelines for Compensation</u>
	6.1 Minimum Recommended Hourly Rates for Contract Court Interpreters
	6.2 Telephonic Interpreting Rates
	6.3 Court Interpreters' Expenses
	6.4 Compensation for Travel Time
	6.5 Compensation for Time Reserved

- 6.6 Cancellation, Double-booking Assignments, and Failure to Appear for Assignments
 - 6.7 Substitutions by Court Interpreters
 - 6.8 Court Interpreter Contracts
- Section 7.0 **Telephonic Interpreting and Other Resources**
 - 7.1 In-State Telephonic Interpreting Services
 - 7.2 Language Line Services
 - 7.3 Other Companies Who Provide Telephonic Interpreting Services
 - 7.4 Locating Court Interpreters for Languages Other than Spanish
- Section 8.0 **Translation of Court Documents, Forms, and Audio Recordings**
 - 8.1 Qualifications Necessary for Translating Forms
 - 8.2 Documents and Forms Produced by the Idaho Supreme Court and the Administrative Office of the Courts
 - 8.3 Documents and Forms Produced by District Courts
 - 8.4 Transcription and Translation of Audio Recordings
- Section 9.0 **Constitutions, Statutes, Rules, and Court Orders**
 - 9.1 United States Constitution and Idaho Constitution
 - 9.2 Title VI of the Civil Rights Act of 1964 and Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency
 - 9.3 Americans with Disabilities Act – 42 U.S.C.A. § 12101 et seq.
 - 9.4 Nondiscrimination Under Federal Grants and Programs – 29 U.S.C.A. § 794
 - 9.5 Idaho Code
 - 9.6 Idaho Supreme Court Rules
 - 9.7 Professional Code of Responsibility in the Judiciary

Section 1.0 - Introduction

1.1 Court Interpreter Subcommittee

The Court Interpreter Subcommittee was created in 1996 under the direction of the Administrative Director of the Courts and the Idaho Supreme Court's Fairness and Equality Committee. The mission of the Court Interpreter Subcommittee is to further the Fairness and Equality Committee's goal of eliminating actual or perceived bias in the Idaho court system and to provide training and testing for court interpreters to ensure that non-English-speaking individuals have equal access to the Idaho courts. The Subcommittee is responsible for improving the quality of court interpreting in the state of Idaho through the development of policies and procedures concerning court interpreters, providing guidance for training and testing court interpreters, and staying abreast of and confronting issues that impact court interpreting. The current membership of the Subcommittee is as follows:

Hon. Sergio A. Gutierrez, Chair, Chief Judge, Idaho Court of Appeals
Sandra Barrios, Interpreter Coordinator, Fourth Judicial District
Hon. Christopher Martin Bieter, Magistrate Judge, Ada County
Cameron Burke, Court Executive, U.S. District Court for the District of Idaho
Steve Caylor, Trial Court Administrator, Second Judicial District
Fátima Cornwall, Spanish Language Coordinator, Modern Languages & Literatures, BSU
Dina Flores-Brewer, Diversity Section of the Idaho State Bar
Dan Kessler, Trial Court Administrator, Third Judicial District
Ernesto Sanchez, Executive Director, Idaho Legal Aid
Eduardo Silva, Idaho Certified Court Interpreter
Patricia Tobias, Administrative Director of the Courts
Janica Bisharat, Program Manager, Administrative Office of the Courts

1.2 Access to Justice

Idaho law requires that when a participant in a legal proceeding is not able to understand or speak English that "the court shall appoint a qualified interpreter to interpret the proceedings" (§9-205). The United States Constitution and Idaho law guarantees individuals the right to due process and the right to meaningful participation in the proceedings before them.

1.3 The Role of the Court Interpreter

A court interpreter serves as a communication bridge for a non-English-speaking person in a court proceeding. A court interpreter is responsible for rendering a complete and accurate interpretation or translation, without altering, omitting, or adding anything to what is stated or written, and without explanation. All court interpreters are responsible for understanding and adhering to the Code of Professional Responsibility for Interpreters in the Judiciary as prescribed by Idaho Supreme Court Order.

Section 2.0 – Court Interpreter Training and Certification

2.1 Court Interpreter Training and Certification Process

As a member of the Consortium for State Court Interpreter Certification, the Idaho Administrative Office of the Courts has access to certification exams for the following languages: Arabic, Cantonese, French, Haitian-Creole, Hmong, Ilocano, Korean, Laotian, Mandarin, Portuguese, Russian, Serbian (abbreviated exam), Somali, Spanish, Turkish (abbreviated exam) and Vietnamese.

In order to become a certified court interpreter an individual must complete the following steps:

Step One: The Orientation Workshop

The two-day orientation workshop is a prerequisite to the written screening exam, as well as the skill-building workshop and the certification exam. The workshop agenda includes the following topics:

- Code of Conduct: Principles and Practice
- Skills and Modes of Interpreting
- Small Group Discussion and Role-Playing
- Breakout Sessions to Practice the Modes of Interpreting
- Criminal Procedure and Legal Terminology
- Resources, References, and Self-Study
- Vocabulary Development
- What A Certification Exam Looks Like

Step Two: The Written Screening Exam

The written screening exam is a prerequisite to the optional skill-building workshop and the certification exam. The exam consists of multiple-choice questions on general language proficiency, court-related terms, and ethics and professional conduct. The written screening exam is constructed to measure entry-level knowledge that a minimally competent person entering the court interpreting field would need, including: English general vocabulary, common words and phrases likely to be heard in court, the typical progression of cases through the court system, and provisions of the code of professional responsibility.

To pass this exam, a candidate must answer 80 percent of the questions correctly. Passing the exam does not mean an individual is a “certified” or “approved” court interpreter. If a candidate does not pass the exam, he or she may not retake the exam for one year. In no event may a candidate take a version of the written screening exam more than twice.

Step Three: Optional Skill-Building Workshop (Spanish language only)

The six-day skill-building workshop gives participants one-on-one time with experienced faculty, as well as intensive practice in the three modes of interpreting. This is an optional workshop designed to assist participants in their preparation for the certification exam.

Step Four: Certification Exam

The certification exam consists of an oral exam on simultaneous interpreting, consecutive interpreting, and sight translation. A candidate must receive a score of 70 percent or higher on all three sections to pass the exam. A passing score on the sight translation section of the exam is a minimum of 65 percent on each part of the sight translations, with an average of 70 percent overall.

There are two equally accepted paths for test administration of the certification exam: whole testing and partial testing. Whole testing means that a candidate sat for and passed all three sections of the certification exam in one testing cycle. Partial testing means that a candidate sat for and passed all three sections of the certification exam across multiple testing cycles. See Section 2.2 for policies regarding a partial testing standard.

2.2 Partial Testing Standard

If an individual passes only one or two sections of the certification exam, he or she will not be required to retake those sections for a period of two calendar years. During that time, the candidate may sit for the section or sections of the exam that he or she did not pass. If the candidate is unable to pass all three sections of the exam within the allotted time, the candidate will be required to retake all three sections of the exam regardless of whether or not the candidate passed a section in a previous testing cycle.

If a candidate passes two sections of the exam, but not the third, the Program Manager may, at his or her discretion, allow the candidate to retake the portion he or she did not pass within the same calendar year.

Partial testing is not permitted for certified interpreters who are seeking the master level designation.

2.3 Repeat Test Candidates – Certification Exam

Pursuant to the Consortium agreements, the following policies will be enforced for candidates that fail a certification exam:

- Candidates will be retested with different test forms;
- Only after all available test forms have been administered to a candidate may the candidate then be given forms previously taken; and

- Candidates ideally must wait 12 months, but never less than 6 months, before taking the same form of an examination.

In an effort to limit the frequency of testing, the following policies have been adopted for repeat test candidates:

- A candidate will be required to complete an additional training program or follow a professional development plan before retesting.
- A candidate will be required to wait a minimum period of time between testing attempts - ideally a year, but under no circumstances less than 6 months. See section 2.2 regarding the partial testing standard.
- The certification exam will be offered at a lower cost the first and second time it is administered to a candidate, and fees will be increased for subsequent retests.
- Out-of-state exam candidates will be charged higher registration fees.

2.4 Reciprocity Standards for Certification Exams

In addition to the court interpreter skills test administered by the Idaho Administrative Office of the Courts, interpreter exams (consisting of all three modes of interpreting) for the purposes of court certification from the following entities are accepted as equivalent to passing the interpreting skills portion of the certification testing process:

- ♦ Administrative Office of the United States Courts
- ♦ Washington State Administrative Office of the Courts
- ♦ New Jersey State Administrative Office of the Courts
- ♦ Any entity administering a Consortium for State Court Interpreter Certification exam (composed of all three modes of interpretation and administered by a Consortium member in good standing or by the National Center for State Courts). See Section 2.5.
- ♦ The SC:L certification exam administered by the Registry of Interpreters for the Deaf (RID).

Please note that reciprocity policies vary from state to state within the Consortium. Contact the state's administrative office of the courts to obtain this information.

If an interpreter holding a court certification from one of these entities has not been actively interpreting in the previous 12 calendar months, the interpreter may be required to retake the skills portions of the Idaho certification exam or its functional equivalent, submit to another evaluation in order to become an Idaho Certified Court Interpreter, or complete other requirements as determined by the Administrative Office of the Courts.

In 2006, the Consortium for State Court Interpreter Certification adopted the following “Universally Accepted Standards for Oral Exam Scores”. If an exam candidate from another Consortium state has met this standard, the Idaho Supreme Court will reciprocate on that individual’s certification exam scores.

- a. Completed the entire test within one test cycle;
- b. Scored at least 70% on all four portions of the test;
- c. Completed the test within one state;
- d. Took no version of the oral exam more than twice;
- e. Did not retake an oral exam within a 10-month period of time

Note: Candidates not satisfying the above standard may still be accepted at the discretion of the program manager.

2.5 Abbreviated Certification Exams

Candidates who pass an abbreviated certification exam, in addition to fulfilling all other necessary requirements, will be recognized as certified. If a standard certification exam is developed for that language, the interpreter will be required to take and pass the standard exam to maintain his/her certification.

Section 3.0 – Court Interpreter Rosters

3.1 Rosters Maintained by the Administrative Office of the Courts

Pursuant to I.C.A.R. 52, the Administrative Office of the Courts maintains the following rosters:

Certified – Master Level

Passed the oral interpreter certification exam with an 80 percent or higher on each portion of the exam: simultaneous, consecutive, sight-English, and sight-foreign. The score for the sight translation portion of the exam will not be combined. All passing scores must be obtained in the same testing cycle.

Certified

Passed the certification exam with a 70 percent or higher in the simultaneous and consecutive portions, and an average of 70 percent across both sight-English and sight-foreign. Must achieve a minimum score of 65 percent in either of the sight translations. Not a Master level.

Conditionally Approved

Received an overall score of 55 percent or higher without reaching the Certified or Master level, with no single score falling below a 50 percent, including on the separate sight translation scores. An individual may fall under this level of qualification for a period of two years.

Registered

No interpretation exam exists for the language, yet the individual has passed the written exam with an 80 percent, has completed a member state's orientation seminar, and has passed an oral English exam and other language proficiency assessment.

Roster Application

The Administrative Office of the Courts will conduct criminal history checks on all applicants prior to placement on the roster. See Section 3.2. The most recent rosters, as well as application forms for the rosters, are available via the Idaho Supreme Court's website located at: http://www.isc.idaho.gov/intpret_cov.htm. Please call (208) 947-7417 to request that a copy of this information be mailed to you.

3.2 Criminal History Checks for Court Interpreters

Court interpreters are obligated to uphold the *Code of Professional Responsibility for Interpreters in the Judiciary*.

Court interpreters have direct contact with individuals at all stages of the legal process (e.g., defendants, victims, witnesses, attorneys, bailiffs, juries, judges), it is important that the program manager is aware of potential issues interpreters might have based on their criminal history. Roster applicants will be required to complete an *Authorization*

and Consent for Release of Information form so that a criminal history check may be conducted prior to placement on a Supreme Court roster.

3.3 Removal of an interpreter from a roster maintained by the Administrative Office of the Courts

An interpreter may be removed from a roster maintained by the Administrative Office of the Courts as provided in Section 5.0.

Section 4.0 – Continuing Education Requirements

The purpose of continuing education requirements is to ensure that certified court interpreters are maintaining and improving their interpreting skills and expanding their vocabulary. Continuing education requirements also help keep certified interpreters in compliance with Canon 10 of the Professional Code of Responsibility in the Judiciary.

4.1 Requirements for Renewal of Certification

The certified interpreter credential must be renewed every two years after the credential is received in order to maintain it. The two-year reporting period for the certification begins on January 1 following certification. In order to renew the certification for another two-year period, an interpreter must:

- (1) Pay a renewal fee of \$30.00;
- (2) Complete a compliance form in order to document the current name, address, and other pertinent information;
- (3) Undergo a criminal history records check;
- (4) Complete sixteen (16) hours of approved continuing education; and
- (5) Interpret in court proceedings or out-of court legal interviews or depositions for forty (40) hours per year. If good cause exists, an exception to this requirement may be made at the discretion of the Court Interpreter Program Manager.

Approved compliance forms are available on the court interpreter website located on the Idaho State Judiciary's homepage at http://www.isc.idaho.gov/intpret_cov.htm. Please call (208) 947-7417 to request that a hard copy of this information be mailed to you.

4.2 Calculating Continuing Education Hours

Continuing education hours are calculated by adding up the total number of minutes of the training and dividing that number by 60 minutes. Time for breaks and meals should not be counted. For example, a training that begins at 8:30 a.m. and ends at 4:30 p.m. would be calculated as follows:

8 hours x 60 minutes = 480 minutes
480 minutes – 90 minutes (lunch hour and two 15-minute breaks) = 390 minutes
390 minutes ÷ 60 minutes = 6.5 hours (or six hours and 30 minutes)

After the first 60 minutes, time will be measured in half-hour increments, and will be rounded down. For example, a training that lasts 3 hours and 14 minutes is worth 3.0 hours. A training that lasts 3 hours and 40 minutes is worth 3.5 hours.

Excess education hours earned during one reporting period may not be carried over to the next reporting period, unless pre-approved by the Court Interpreter Program Manager on a case-by-case basis for good cause.

4.3 Earning Continuing Education Credits

Except as noted below, all continuing education hours shall be earned in participatory activities such as: a course, workshop, lecture, or other activity at which attendance is monitored and verified. Participatory continuing education activities may include courses offered at accredited institutions of higher learning or conferences or workshops sponsored by professional organizations, provided the topic is relevant to court interpreting and approved by the Administrative Office of the Courts. Education courses directed at non-certified interpreters to assist them in taking the written and/or oral examinations are not eligible for continuing education credit. However, approval may be sought for teaching test preparation courses.

Continuing education hours are awarded for participation in pre-approved, organized educational programs given under responsible sponsorship with capable direction and qualified instruction, for self-study programs of study groups of two or more people, or for teaching an approved continuing education program.

Continuing education programs must focus on the improvement of professional knowledge, skills, and abilities. Programs may be directly related to the act of interpreting, or may cover different types of cases, terminology, or legal concepts. Programs may also focus specifically on professional ethics and development.

Self-study programs must be directed toward the improvement of memorization skills, vocabulary development, the three modes of interpreting, knowledge of legal procedures and a command of terminology, and reading books related to interpreting or translating. Self-study programs must be pre-approved by the Administrative Office of the Courts through the Court Interpreter Program Manager. Continuing education credit for self-study programs shall not exceed four (4) hours.

Certified court interpreters who serve as instructors in participatory activities as defined above, and education courses directed to non-certified interpreters may receive continuing education credit for preparation time. The interpreter is limited to two preparation hours for every hour of instruction. Continuing education credit for serving as an instructor shall not exceed six (6) hours.

Continuing education hours will be calculated as described under Section 4.2. No credit will be given for attending only a portion of a participatory activity. Arriving late or leaving early will result in the interpreter not receiving any continuing education credit for the course.

Continuing education hours will not be awarded for rating or developing certification exams of any kind, attending exam preparation programs, engaging in marketing or consulting activities, participating in the same continuing education program more than one time in a reporting period, or attending or conducting programs that are not related to the continuing education requirements.

4.4 Approval Process for Continuing Education Programs

All programs must be approved by the Administrative Office of the Courts through the Court Interpreter Program Manager. Program approval forms and a list of supporting documentation are located on the website listed under Section 4.1. Please call (208) 947-7417 to request that a hard copy of this information be mailed to you. This information should be submitted at least 60 days in advance of the program to assure approval. Except for self-study programs, retroactive approval may be sought for good cause. Approval will not be given for programs that are less than 60 minutes in length.

The Court Interpreter Program Manager will maintain a list of approved programs and post it on the website. Once a program is approved for continuing education credit, the approval continues to be valid for one year. As long as the course is taught by the same instructor and the curriculum has not changed, the agency can offer the same course for one year without submitting a new application. If either the instructor or content changes, a new application is necessary.

4.5 Provider Responsibilities

Providers of approved continuing education activities shall have a written and published policy available upon request containing information on (1) refunds in case of non attendance, (2) time period for return of fees, and (3) notification of activity cancellation.

Providers of approved continuing education activities shall keep the following records for a period of five years:

- Course outline or syllabus
- Record of date(s) and location(s) of activity
- Curriculum vita or resume of instructor(s)
- Full name of each certified interpreter participating in activity
- Roster of attendance with participants' signatures
- Copy of attendance verification issued to participants
- Summary of evaluations

The provider of an approved continuing education activity must notify the Administrative Office of the Courts of any change in its location, organizational structure, personnel responsible for continuing education activities, including name and address changes, within 30 days after the change.

Providers shall provide documentation to participants that show they attended an approved program. Providers shall establish a system whereby participants are required to sign in at the beginning of the program and sign out at the end.

Providers shall accept full responsibility for adhering to requirements including but not limited to recordkeeping, issues of attendance verification, and instructor qualifications.

For purposes of monitoring compliance, the Administrative Office of the Courts may request copies of pertinent documents. The Administrative Office of the Courts may also send a representative to attend any approved continuing education program at no charge.

4.6 Instructor Qualifications

Instructors teaching approved continuing education activities shall meet the following minimum qualifications:

Interpreting Classes: Have at least a BA from a U.S. university or the equivalent degree from a foreign university and at least five years' experience in court interpreting or possess Idaho state or federal court interpreter certification.

Translation Classes: Have at least a BA from a U.S. university or the equivalent from a foreign university and have at least five years' experience as a professional translator or be accredited by a professional translators association recognized by the Administrative Office of the Courts or possess a university degree in translation or valid credentials as a translator from another country.

Other Classes: Possess the necessary credentials to practice their profession or trade (an academic degree, license, certificate, etc.) and have at least five years' experience in their profession or trade or have experience teaching the subject of the course in question.

The Administrative Office of the Courts may waive any requirement for exceptional individuals. Requests for exceptions shall be made in writing and examined on a case-by-case basis and particular consideration will be given to the topic of the continuing education program.

4.7 Recordkeeping

Certified court interpreters shall retain a record of continuing education compliance and proof of attendance at continuing education programs for one full reporting period after attendance.

4.8 Non-Compliance with the Continuing Education Requirements and Lapse of Certification Credential

Non-compliance with the continuing education requirement or failure to submit the renewal of certification forms may result in removal from the Roster of Certified Court Interpreters or loss of certification. An interpreter may be required to pay for and retake the certification exam and fulfill any other requirements necessary to regain certification.

Section 5.0 – Policy Violations and Disciplinary Process

The courts and non-English-speaking individuals rely heavily on an interpreter's skills, performance, and integrity in his or her duties, regardless of whether or not the interpreter is certified. It is for this reason that the Administrative Office of the Courts reserves the right to discipline any interpreter regardless of his or her credentials, who has acted in a manner inconsistent with the Idaho Code of Professional Responsibility for Interpreters in the Judiciary, state law, Supreme Court rule or order, or administrative policy.

A staff interpreter or county employee who serves as an interpreter is also subject to local personnel policies. Additional disciplinary action relating to the performance of duties may be taken by his/her employer.

5.1 Cause for Discipline

Any of the following actions may be cause for the discipline and/or decertification of an interpreter: (1) knowingly and willfully making false interpretation, (2) knowingly and willfully disclosing confidential or privileged information, (3) incompetence, or unprofessional or unethical behavior; (4) failing to follow other standards prescribed by law or the Idaho Code of Professional Responsibility for Interpreters in the Judiciary; (5) conviction of a felony or misdemeanor (a disposition other than acquittal, such as, pretrial diversion, does not preclude sanctions under this rule); (6) failure to notify the Administrative Director of the Courts by certified mail of a removal in an individual case, of a criminal conviction, whether felony or misdemeanor, or of any disposition other than an acquittal, within 90 days of the effective date of this policy, or within 30 days of the date of the removal, or the date of the conviction, or the date of the disposition, whichever is later; (7) repeated failures to appear as scheduled without good cause; (8) noncompliance with any continuing education requirements, or nonpayment of any required renewal fees; (9) misrepresentation of credentials or other material misstatement of fact relative to appointment as an interpreter; or to an application for certification.

5.2 Disciplinary Process

Initiation of Complaint – Any person may initiate a complaint against a court interpreter. Complaints shall be filed with the Court Interpreter Program Manager, who will determine whether or not the complaint warrants disciplinary review. If a complaint is found to warrant review, the Administrative Director of the Courts shall appoint a Disciplinary Review Panel. The panel shall consist of the Chair of the Court Interpreter Subcommittee, a member of the Court Interpreter Subcommittee, and a trial court administrator. A panel member, may, for good cause, recuse himself or herself from a particular disciplinary matter. An interpreter who is the subject of a complaint may request that a panel member be disqualified in a disciplinary matter concerning the interpreter. It is within the discretion of the Administrative Director of the Courts to determine whether a panel member shall be disqualified. If a panel member is recused or disqualified, the Administrative Director of the Court shall appoint a replacement.

Absent a written complaint, the Program Manager may make initial inquiries and, if necessary, file a formal complaint against a court interpreter.

Within ten (10) days of the receipt of a complaint, the Court Interpreter Program Manager shall provide detailed written notice of the allegations. A copy of the complaint, a copy of I.C.A.R. 52, and a copy of the professional code will also be provided. This information shall be sent via certified mail. Within 20 days after the notice is mailed, the interpreter shall submit a written response to the allegations to the Disciplinary Review Panel along with any relevant documents or other materials which are within the interpreter's knowledge, possession, or control and which are not privileged from disclosure by law. The twenty (20) day period in which to submit a response and relevant documents or other materials may be extended upon motion for good cause at the discretion of the Disciplinary Review Panel. If the interpreter fails to respond to the complaint, the Disciplinary Review Panel shall continue proceedings under this policy, as it deems appropriate.

Investigation and Notice of Hearing - Within 45 days after the deadline for the submission of the interpreter's response, the Disciplinary Review Panel must determine by majority vote whether there is reasonable cause to believe that the interpreter has engaged in conduct subject to discipline. Prior to the reasonable cause determination, the Court Interpreter Program Manager shall investigate the complaint, and make a written report for the panel to consider. If the panel determines that reasonable cause does not exist, the complaint must be dismissed and the interpreter and complainant shall be so notified in writing. If the panel determines that reasonable cause does exist, the interpreter shall be promptly notified by certified mail, which notice shall include a statement of the ground or grounds for the reasonable cause determination, a copy of the investigative report, and a notice of hearing.

Informal Resolution Prior to Hearing - Upon receipt of the interpreter's response and any investigatory reports, and after determining there is reasonable cause to believe that the interpreter has engaged in conduct subject to discipline, the Disciplinary Review Panel may attempt to informally resolve the complaint. The resolution process shall extend no longer than thirty (30) days from the date of the reasonable cause determination and shall be conducted by the Court Interpreter Program Manager. Any resolution agreed to by the interpreter and the Court Interpreter Program Manager shall be subject to approval by a majority vote of the Panel.

Hearing on Complaint - (1) When the Disciplinary Review Panel determines that there is reasonable cause to believe that the interpreter has engaged in conduct that is subject to sanction, the interpreter shall be served with notice of the date, time and location of the hearing via certified mail along with the materials required to be provided to the interpreter. The hearing shall be held no sooner than thirty (30) days and no later than sixty (60) days after the determination of reasonable cause. This period may be extended by the Disciplinary Review Panel for good cause.

(2) At least (15) days prior to the hearing the interpreter shall provide to the Disciplinary Review Panel a copy of any documentation to be submitted by the interpreter at the hearing which has not already been provided to the Panel, along with a list of any witnesses to be called, and the nature of their testimony. Any documentation obtained by the Disciplinary Review Panel and not previously provided to the interpreter shall also be exchanged by this date, along with a list of any witnesses to be called by the Panel and the nature of their testimony.

(3) The hearing shall be closed to the public unless the interpreter requests an open meeting in writing at least 15 days before the date of the hearing. Testimony shall be under oath and a record of the proceedings maintained. The interpreter may be represented by counsel and shall be permitted to testify, present evidence (including witnesses), to comment on the allegations and to make an audio or videotaped record of the proceedings. The Disciplinary Review Panel may present evidence, ask questions of the interpreter and may call witnesses. The formal rules of evidence shall not apply. The interpreter may obtain a copy of the record upon payment of any required fee. It is within the discretion of the Panel to permit the complainant, the interpreter, or any witnesses to appear telephonically or by videoconference.

(4) If the interpreter fails to appear at the hearing, the Disciplinary Review Panel may base its decision on the materials previously submitted to it without holding the hearing; or may hold the hearing in the absence of the interpreter and take evidence before issuing its decision. A decision made under this subsection is subject to a motion for reconsideration by the interpreter for good cause shown, which motion shall be made within fourteen (14) days from the date of decision.

Issuance of Decision - The Disciplinary Review Panel shall issue a written decision within 30 thirty days from the conclusion of the hearing, or, in the absence of a hearing, within sixty (60) days from the date of the reasonable cause determination. The decision shall be supported by written findings and shall be served on the interpreter via certified mail. A copy of the findings should also be sent to administrative district judges, trial court administrators, and clerks of the district court statewide. If the defendant has been placed on interim suspension or other restrictions, those interim conditions shall remain effective until the sanctions become effective, unless those conditions are altered by the Administrative Director of the Courts. If no appeal is taken from the decision of the Disciplinary Review Panel, the sanctions imposed become effective as of the deadline for filing the appeal.

Appeals - The interpreter may appeal the decision of the Disciplinary Review Panel by filing a notice of appeal with the Administrative Director of the Courts no later than 20 days after the Disciplinary Review Panel's decision is mailed to the interpreter. The notice of appeal shall include the interpreter's written objections to the decision. The Administrative Director of the Courts shall review the record of the Disciplinary Review Panel proceedings and all submissions within 90 days of the filing of the notice of appeal to determine whether the Disciplinary Review Panel correctly applied procedures and sanctions. The final decision of the Administrative Director of the Courts shall be in

writing and is not subject to further appeal. The decision shall be served on the interpreter by certified mail.

5.3 Sanctions

The following sanctions may be imposed: (1) private reprimand; (2) public reprimand; (3) education and/or training; (4) restitution or other rectification, including letters of apology; (5) supervised probation; (6) restriction as to the type of proceedings to which the interpreter may be assigned; (7) suspension until such time as remedial education or training has been completed, or restitution or rectification has been completed, or for a date certain, in which case the suspension from a roster of certified court interpreters shall be for no more than one year; or (8) revocation of certification and removal from the roster of certified interpreters indefinitely. Sanctions may be imposed only if clear and convincing evidence is shown that cause for discipline exists.

If the Disciplinary Review Panel determines that there is reasonable cause to believe that the interpreter has engaged in conduct subject to discipline, and that the conduct poses an imminent threat to the safety or welfare of the public, the panel may, in its discretion, suspend a certified court interpreter's certification or may impose such lesser restrictions as it deems appropriate during the pendency of proceedings under this policy, including appellate proceedings before the Administrative Director of the Courts. It is within the discretion of the Administrative Director of the Courts to alter the terms of any interim conditions imposed as it deems appropriate. In instances where an interim suspension or other confidential restrictions have been imposed pending an investigation, the Disciplinary Review Panel shall require an interpreter to not accept appointments so that confidentiality may be maintained.

“Public reprimand” means a written reprimand which does not prevent the interpreter from obtaining appointments to interpret court proceedings, but which does declare the interpreter’s conduct to be improper. A public reprimand will be distributed to the judges and the clerks of the district court and to a newspaper of general circulation in the judicial district in which the interpreter primarily serves.

5.4 Petition for Recertification

An interpreter whose certification has been revoked may petition the Administrative Director of the Courts for recertification one year following the date of decertification. The petition and any supporting materials shall be in writing. Testimony of witnesses in support of the recertification petition shall be by affidavit. The Administrative Director of the Courts may deny the petition, and if so, shall not entertain a subsequent petition for one year following the date of denial. A decision of the Administrative Director of the Courts denying a petition for recertification shall be in writing, but need not be supported by written findings. The denial of a petition for recertification is not subject to appeal. The Administrative Director of the Courts may grant the petition under such terms and conditions as he/she deems appropriate, which may include the provision that the petitioner satisfy all the requirements for initial certification and/or such other terms and

conditions as the Administrative Director of the Courts may deem appropriate. An interpreter recertified under this section shall be on probationary status for one year following the date of recertification, during which time the interpreter may be decertified without cause by the Administrative Director of the Courts, following notice and an opportunity to be heard in accordance with section 5.4 of this policy.

5.5 Records

The Administrative Director of the Courts shall maintain the records of the Disciplinary Review Panel and any appellate proceedings for each interpreter who has been subject to disciplinary review. Except in the case of private reprimands, all final written decisions of the Disciplinary Review Panel and the Administrative Director of the Courts shall be public records.

Section 6.0 – General Guidelines for Compensation

This section is provided as a general guide for counties. Consistent with I.C. §9-205, interpreters are paid from the county district court fund. Therefore, the policies and rates included in this section are ultimately negotiated and determined by the county. These guidelines will be reviewed every two years to ensure the rates are comparable with that of court interpreters in surrounding states.

6.1 Minimum Recommended Hourly Rates for Freelance Court Interpreters

Type of Court Interpreter	Hourly Rate
Certified – Master Level	\$40.00 an hour
Certified	\$35.00 an hour
Conditionally Approved	\$25.00 an hour
Registered	Negotiate as appropriate.

A two-hour minimum is recommended for all types of court interpreters.

The Consortium for State Court Interpreter Certification maintains current hourly and salary information for court interpreters. The link to the Consortium's website is http://www.ncsconline.org/D_Research/CourtInterp.html.

6.2 Telephonic Interpreting Rates

The hourly rate for telephonic interpreting is recommended to be the same hourly rate listed under Section 6.1, with a one-hour minimum.

6.3 Court Interpreters' Expenses

Mileage for court interpreters should be paid at the state rate pursuant to I.C. §9-1603 for each mile necessarily traveled in excess of 30 miles one-way. Airfare, hotel accommodations, and per diem for meals for out-of-town court interpreters should also be paid by the county.

6.4 Compensation for Travel Time

After 40 miles of travel one-way, court interpreters should receive compensation for travel time at half the hourly rate.

6.5 Compensation for Time Reserved

Court interpreters should be compensated for reserving calendar time for interpreting assignments. If the court cancels an assignment with less than 48 hours notice, the court interpreter should be compensated for the time reserved at the hourly rate. The court interpreter should remain available to the court during that time. If he/she is not available for a last minute assignment during that reserved time, the court may decline payment.

6.6 Cancellation, Double-booking Assignments, and Failure to Appear for Assignments

If, for some reason, a court interpreter is unable to appear for an assignment that he or she accepted, then the interpreter should notify the person who scheduled the assignment immediately so that other arrangements can be made. Cancellations, double-booking assignments, and failing to appear for assignments should be avoided. If an interpreter exhibits such unprofessional behavior without good cause, the interpreter may be removed from the state roster and/or be subject to discipline (See Section 5.0).

6.7 Substitutions by Court Interpreters

The court or its designee should maintain control over the scheduling and assignment process. Once an interpreter has accepted an assignment, the interpreter should not send another interpreter in his or her stead. If an interpreter wishes to request removal from an assignment that has been accepted, then the interpreter should notify the person who scheduled the original assignment immediately.

6.8 Court Interpreter Contracts

It is recommended that counties clearly define the terms and conditions of the contract work, including court rules regarding the appointment of interpreters and professional code of conduct, interpreting rates, a method for calculating interpreter time, expenses, and cancellation fees. (Click on the following link to view a sample contract: [sample contract](#).)

Section 7.0 – Telephonic Interpreting and Other Resources

Telephonic interpreting is not a viable solution for all court hearings. Telephonic interpreting is ideal for short, simple hearings, especially those that are largely administrative and predictable. The main advantages to telephonic interpreting are that it provides courts with access to interpreter services on short notice and access to interpreters who speak a wide variety of languages.

Potential in-court uses:

- Brief, non-evidentiary hearings or hearings with little or no testimony from non-English speakers
- Arraignments
- Change of plea

Potential out-of-court uses:

- Attorney/client conferences
- Conferences with parties together
- Conferences with parties in different locations (e.g. jail, attorney's office, etc.)

Telephonic interpreting should not be used for:

- Hearings that are scheduled to last longer than 30 minutes (multiple hearings under 30 minutes each are fine).
- Evidentiary hearings (simple traffic trials are okay, but no witness testimony in misdemeanor or felony cases)
- Non-English speaking defendant who is or who is alleged to be mentally ill.

7.1 In-State Telephonic Interpreting Services

On occasion, courts within a rural county will contract with a court interpreter from a more urban area to provide telephonic interpreting services. If this is the case, the court or its designee must follow the priority of appointment as directed in I.C.A.R. 52(d)(2).

The following counties currently have telephonic interpreting equipment: Butte, Custer, Fremont, Gooding, Jefferson, Madison, Power, Teton, and Valley. A rotation schedule of certified court interpreters for the Spanish language has been developed for use by the counties. There is only one certified court interpreter for the Portuguese language. A copy of the rotation schedule can be obtained by contacting Kim Woods at (208) 947-7417 or kwoods@idcourts.net.

7.2 Language Line Services

The Department of Administration has a contract with Language Line Services (LLS). LLS interpreters do not receive specific training in court interpreting. Therefore, the interpreter may not be familiar with legal terminology and the appropriate role and responsibilities of a court interpreter. Training and testing provided by LLS is in no way viewed as a functional equivalent to the certification requirements of the Administrative Office of the Courts. The professional and educational qualifications of LLS interpreters are not known. While some LLS interpreters pursue professional certifications, there are many who do not. Therefore, the Administrative Office of the Courts does not have available any information as to the ability of these interpreters to serve the courts.

7.3 Other Companies Who Provide Telephonic Interpreting Services

There are other companies who provide language line services. The professional and educational qualifications of interpreters who work for these companies are not known. The Administrative Office of the Courts does not have available any information as to the ability of these interpreters to serve the courts.

7.4 Locating Court Interpreters for Languages Other than Spanish

Once a determination has been made that a court interpreter is needed, court personnel must gather information relating to the language or dialect of the non-English-speaking individual, the region the person is from, or other cultural or sociological traits. In many cases, the more information gathered regarding the non-English-speaking person, the easier it will be to locate an interpreter who will meet their language needs.

Following is a list of resources that may assist court personnel in locating an interpreter for languages other than Spanish:

- Court interpreter rosters maintained by the Administrative Office of the Courts (http://www.isc.idaho.gov/intpret_cov.htm)
- The National Association of Judicial Interpreters and Translators (www.najit.org) and the American Translators Association (www.atanet.org) are two national organizations that maintain directories that contain a great deal of information, including an interpreter's language, experience, certification, and location.
- Websites such as www.ethnologue.com, www.infoplease.com/countries, or <http://www.odci.gov/cia/publications/factbook/index.html> can be helpful in order to determine the country and also the region in which a particular language is spoken. Knowing the country or region of origin can help locate a group of immigrants that have settled in the United States. Then, the courts in that area should be contacted in order to check for availability of interpreters for that particular language.
- The Consortium for State Court Interpreter Certification website includes links to program websites for the various member states, many of which maintain court interpreter rosters. The website can be found through the National Center for State Court's website under NCSC Projects and Court Interpretation (<http://www.ncsconline.org>).
- Language Line Services provides interpretation services 24 hours a day, 7 days a week for many different languages. See Section 7.2 for additional information.
- Contact the appropriate embassy (www.embassy.org).
- Contact a college or university with a large language program.

If you need assistance locating an interpreter, please contact the Court Interpreter Program Manager at (208) 947-7417.

Section 8.0 – Translation of Court Documents, Forms, and Audio Recordings

In an ongoing effort to provide access to the courts, more and more court documents are being translated from English and provided in a second language. These court documents are made available to the public via the Internet, e-mail, and in hard copy from the local clerk's office. There are 44 counties in the state, and every county court maintains a wide variety of documents and forms.

The purpose of a translation is to produce a written document that faithfully and accurately reproduces in the target language the closest natural equivalent of the source-language document or tape without embellishment, omission, or explanation. In order to provide equal access to written documents, translations must be neither better than nor inferior to the document being translated in appearance, style, or content. A translator must be mindful to preserve the form and appearance of the translated text, as well as any words with ambiguous meaning, grammar, and spelling.

Professional interpreting and professional translating require different skill sets. Just because an individual is highly qualified as an interpreter does not mean he/she will be highly qualified as a translator and vice versa. The process of translation requires far more than linguistic proficiency in two languages. It is a specialized discipline that requires high standards of quality, as well as cross-cultural analysis and careful research.

8.1 Qualifications Necessary for Translating Forms

It is imperative that court documents and forms be translated correctly. To ensure accuracy, the translation of court forms should be conducted by an ATA Certified Translator or other professionally certified translator. Translation work should be done in teams of two to ensure accuracy and consistency. Translation software is available, but very unreliable. Therefore, it should not be used.

8.2 Documents and Forms Produced by the Idaho Supreme Court and the Administrative Office of the Courts

Court documents and forms are often created by Idaho Supreme Court committees, staff of the Administrative Office of the Courts, or program managers operating under the direction of the Administrative Director of the Courts. These documents and forms are often developed for use by courts statewide. Judges and court personnel should contact the Court Interpreter Program Manager to arrange for the translation of these court documents and forms.

8.3 Documents and Forms Produced by District Courts

The translation of documents and forms produced by local district courts may be arranged by local court personnel. When selecting a translator, the individual coordinating the project should adhere to the guidelines set forth in Section 8.1. Any questions or concerns about the translation of documents may be directed to the Court Interpreter Program Manager.

8.4 Transcription and Translation of Audio Recordings

Audio recordings can play an important role during the presentation of evidence in a trial. In order for these recordings to be examined by the parties in an efficient manner the audio files are often produced into a transcript. If parts of the recording contain a foreign language, then a translation of the material is also necessary.

The transcription and translation of the audio recording must be a “true and correct written copy of the audio material” and must be able to withstand challenges to its accuracy and completeness. Therefore, transcription and translation must be done by a certified legal translator as they will have the necessary qualifications, credentials, and expertise to complete the work and serve as an expert witness.

Even though there are no specific rules or procedures in place relating to transcription and translation of audio recordings, a certified translator will be familiar with conventionally accepted standards for format and presentation of the final written product.

Section 9.0 – Constitutions, Statutes, Rules, and Court Orders

9.1 United States Constitution and Idaho Constitution

Access to a neutral and unbiased court is essential to the administration of justice. The right to due process and the right to meaningful participation in court proceedings are guaranteed to every person under the constitutions of the United States and the State of Idaho.

9.2 Title VI of the Civil Rights Act of 1964 and Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

If a recipient of federal assistance is found to have discriminated and voluntary compliance cannot be achieved, the federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action. Aggrieved individuals may file administrative complaints with the federal agency that provides funds to a recipient, or the individuals may file suit for appropriate relief in federal court. Title VI itself prohibits intentional discrimination. However, most funding agencies have regulations implementing Title VI that prohibit recipient practices that have the effect of discrimination on the basis of race, color, or national origin.

To assist federal agencies that provide financial assistance, the wide variety of recipients that receive such assistance, and the actual and potential beneficiaries of programs receiving federal assistance, the U.S. Department of Justice has published a Title VI Legal Manual. The Title VI Legal Manual sets out Title VI legal principles and standards. Additional information regarding Title VI compliance can be found at www.lep.gov.

9.3 Americans with Disabilities Act – 42 U.S.C.A. § 12101 et seq.

* * *

(b) Purpose

It is the purpose of this chapter--

(1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

(2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

(3) to ensure that the Federal Government plays a central role in enforcing the standards established in this chapter on behalf of individuals with disabilities; and

(4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

* * *

9.4 Nondiscrimination Under Federal Grants and Programs – 29 U.S.C.A. § 794

* * *

(a) Promulgation of rules and regulations

No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.

* * *

(d) Standards used in determining violation of section

The standards used to determine whether this section has been violated in a complaint alleging employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201 to 12204 and 12210), as such sections relate to employment.

9.5 Idaho Code

§ 9-205. Interpreters

In any civil or criminal action in which any witness or a party does not understand or speak the English language, or who has a physical handicap which prevents him from fully hearing or speaking the English language, then the court shall appoint a

qualified interpreter to interpret the proceedings to and the testimony of such witness or party. Upon appointment of such interpreter, the court shall cause to have the interpreter served with a subpoena as other witnesses, and such interpreter shall be sworn to accurately and fully interpret the testimony given at the hearing or trial to the best of his ability before assuming his duties as an interpreter. The court shall determine a reasonable fee for all such interpreter services which shall be paid out of the district court fund.

§ 9-1603. Interpreters' fees

The interpreters are entitled to receive such fee for their services as set and determined by the court together with the same rate per mile as the state of Idaho pays for state employees pursuant to section 67-2008, Idaho Code, to be paid out of the county treasury by order of the court in both civil and criminal actions.

9.6 Idaho Supreme Court Rules

I.C.A.R. 52. Policy Declaration Relating to Court Interpreters

(a) Statement of Policy. It is the policy of the Supreme Court and the intent of these rules to secure the rights, constitutional and otherwise, of persons who, because of a non-English-speaking cultural background or physical impairment, are unable to understand or communicate adequately in the English language when they appear in the courts, ~~or~~ are involved in court proceedings, or are otherwise seeking access to the courts.

(b) Definitions: For the purpose of these rules, the following words have the following meanings:

(1) "Appointing authority" means a district or magistrate judge, including pro tem and retired judges within the scope of their appointments, or the judge's designee.

(2) "Certified – Master Level interpreter" means an individual who has passed the certification exam with an 80 percent or higher on each portion of the exam: simultaneous, consecutive, sight-English, and sight-foreign. The score for the sight translation portion of the exam will not be combined.

(3) "Certified interpreter" means an individual who has passed the certification exam with a 70 percent or higher in the simultaneous and consecutive portions, and an average of 70 percent across both sight-English and sight-foreign.

(4) "Conditionally approved interpreter" means an individual who has received an overall score of 55 percent or higher on the certification exam without reaching the certified or master level, with no single score falling below a 50 percent, including on the separate sight translation scores. An individual may fall under this level of qualification for a period of only two years.

(5) "Court proceeding" means any civil, criminal, domestic relations, juvenile, traffic, or other in-court proceeding in which a non-English-speaking person is a principal party in interest or a witness.

(6) "Non-English-speaking person" means any principal party in interest or witness whose communication or understanding in the English language does not permit effective participation in a court proceeding.

(7) "Principal party in interest" means a person involved in a court proceeding who is a named party or who will be bound by the decision or action or who is foreclosed

from pursuing his or her rights by the decision or action which may be taken in the proceeding.

(8) "Registered interpreter" means no certification exam exists for the language, yet the individual has passed the written exam with an 80 percent and has completed the orientation workshop, and has passed an oral English exam and other language proficiency assessment.

(9) "Witness" means anyone who testifies in any court proceeding.

(c) Implementing Responsibilities. The Supreme Court shall administer the State Court Interpreter Program. The Administrative Director of the Courts shall establish programs and develop resources for the improvement of court interpreting services, including training and certification of interpreters, establishing and maintaining a program policy manual, maintaining and distributing a directory of interpreters, and collecting and analyzing statistics or other data pertinent to interpreter utilization. An inventory of standard forms and training materials will also be maintained.

(d) Priority of Appointment for Interpreters.

(1) Subject to subsections (d)(2) and (d)(3) of this rule, an interpreter shall be appointed when the appointing authority or his/her designee determines that a principal party in interest or witness does not communicate in or understand the English language sufficiently to permit effective participation in a court proceeding.

(2) In any court proceeding in which an interpreter is required, the appointing authority shall appoint an interpreter according to the following priority:

- (A) a certified – master level or certified interpreter,
- (B) a conditionally approved interpreter,
- (C) a registered interpreter.

The appointing authority may appoint an interpreter of lower priority on the foregoing list only when good cause exists. Good cause includes, but is not limited to, a determination made prior to the proceeding by the appointing authority that:

- (i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of an interpreter of higher priority are not reasonably available to the appointing authority; or
- (ii) The current list of certified interpreters maintained by the Idaho Supreme Court does not include an interpreter certified in the language spoken by the non-English speaking person.

The court is not required to articulate such a determination in a court proceeding, unless the appointment of an interpreter is challenged by a party. If a party challenges the appointment of an interpreter, the court shall make a determination on the record as to whether the appointment of the interpreter conforms with the provisions of this rule.

(3) In extraordinary circumstances, upon a finding by the court that no certified master level interpreter, certified interpreter, conditionally approved interpreter or registered interpreter is available, and that it is necessary to conduct the proceedings before such an interpreter is likely to become available, the appointing authority may appoint a person as interpreter if the appointing authority finds that such person is able to interpret from English to the language of the non-English speaking person and from the language of that person into English.

(e) Interpreter Oath. All court interpreters, before commencing their duties, shall take the following oath:

"Do you solemnly swear or affirm that you will interpret and/or translate accurately, completely, and impartially, using your best skill and judgment in accordance with the standards prescribed by law and the Idaho Code of Professional Responsibility for Interpreters in the Judiciary?."

A district judge or magistrate judge may administer the oath to an interpreter in writing, and the written oath shall be filed with the clerk of the district court for the county. Once the oath has been filed, it shall remain in effect until such time as the interpreter is removed under subsection (f) of this rule, and while the written oath remains in effect it need not be administered to the interpreter at any subsequent court proceeding in the county.

(f) Removal of an Interpreter in an Individual Case. Any of the following actions shall be good cause for a judge to remove an interpreter: (1) being unable to interpret adequately; (2) knowingly and willfully making false interpretation while serving in an official capacity; (3) knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity; (4) failing to appear as scheduled; (5) misrepresentation of credentials or other material misstatement of fact relative to appointment as an interpreter; (6) removal from the Idaho Supreme Court's list of interpreters; and (7) a plea of guilty or finding of guilt, regardless of the form of judgment or withheld judgment, of a crime substantially related to the qualifications, functions, or duties of an interpreter, or that involves dishonesty, fraud, or moral turpitude; (8) failing to follow other standards prescribed by law and the Idaho Code of Professional Responsibility for Interpreters in the Judiciary.

(g) Cost of Interpreter Services. In all court proceedings in which an interpreter is appointed, the court shall determine a reasonable fee for the interpreter's services, which shall be paid out of the district court fund or paid by the county as prescribed by law.

I.C.R. 6.4. Secrecy and confidentiality of grand jury proceedings.

(a) Who May be Present at Grand Jury Sessions. The grand jury may, at all reasonable times, request the presence and advice of the district judge but unless such advice is asked, the district judge shall not be present during any session of the grand jury after it has been impaneled. No other person shall be permitted to be present during the sessions of the grand jury except:

(5) An interpreter designated by the district judge or presiding juror and sworn to correctly interpret the proceedings and sworn to secrecy.

I.C.R. 28. Interpreters.

In any criminal action in which any witness or a party does not understand or speak the English language, or who has a physical handicap which prevents the witness or party from fully hearing or speaking the English language, then the court shall appoint a

qualified interpreter to interpret the proceedings and the testimony of such witness or party. Upon appointment of such interpreter, the court shall cause to have the interpreter served with a subpoena as other witnesses, and such interpreter shall be sworn to accurately and fully interpret the testimony given at the hearing or trial to the best of the interpreter's ability before assuming duties as an interpreter. The court shall determine a reasonable fee for all such interpreter services which shall be paid for by the county.

(I.C.R. 28, or selected parts thereof, shall apply to actions filed under the Juvenile Corrections Act, but only to the extent the criminal rule does not conflict with these juveniles rules. I.J.R. 21.)

I.R.E. 604. Interpreters.

An interpreter is subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation that the interpreter will make a true translation.

9.7 Code of Professional Responsibility for Interpreters in the Judiciary

Idaho Supreme Court Order Adopting the Code of Professional Responsibility for Interpreters in the Judiciary Dated September 25, 1998.

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier. As officers of the court, interpreters help assure that such persons enjoy equal access to justice, and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

Applicability - This code shall guide and be binding upon all persons, agencies and organizations who administer, supervise use, or deliver interpreting services to the judiciary.

Canon 1: Accuracy and Completeness - Interpreters shall render a complete and accurate interpretation, translation, or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

Canon 2: Representation of Qualifications - Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Canon 3: Impartiality and Avoidance of Conflict of Interest - Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias or impropriety. Interpreters shall disclose to the presiding judge any real, perceived or potential conflict of interest. Interpreters shall not accept remuneration, gifts, or

gratuities in excess of their authorized compensation in the performance of their official interpreting duties.

Canon 4: Professional Demeanor - Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Canon 5: Confidentiality - Interpreters shall protect the confidentiality of all privileged and other confidential information.

Canon 6: Restriction of Public Comment - Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential, except upon court approval.

Canon 7: Scope of Practice - Interpreters shall limit themselves to interpreting, translating, or sight translating and shall not give legal advice, express personal opinions to the court, counsel, or individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Canon 8: Assessing and Reporting Impediments to Performance - Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the presiding judge.

Canon 9: Duty to Report Ethical Violations - Interpreters shall report to the presiding or administrative judge any effort to influence or impede the performance of their duty or their compliance with any legal requirement, provision of this code, or other official policy governing court interpreting and legal translating.

Canon 10: Professional Development - Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.