

# SPECIAL REPORTS

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*Court Interpreter Services Annual Report (2011)*

April 2012

## Court Interpreter Services

2011 Annual Report



<http://courts.oregon.gov/CIS>

## Chief Justice Swears in Interpreters

Chief Justice Paul J. DeMuniz entered the Supreme Court courtroom, shaking hands and exchanging greetings with interpreters, their families, and friends. "Does anyone here speak Russian?" the Chief asked. He immediately struck up a conversation in Russian with the newest Russian interpreter, practicing what he learned from time spent in 2002 developing a Justice Reform project in Russia and serving as a guest professor at a Khabarovsk State University in 2006. Presiding over the interpreter swearing-in ceremonies has been just one of many small and large gestures of support for language access as a fundamental right in Oregon courts the Chief Justice has shown over the years.

During the Chief's comments at the swearing-in ceremony, the Chief referred to demographic trends that illustrate the impact of our delivery of justice in America. He also told the audience of his experience and role in the now infamous Santiago Ventura-Morales appellate case in the late 1980s. The Chief (in private practice at the time) successfully represented, pro bono, a migrant worker from rural, indigenous Mexico wrongfully convicted of murder. The lack of an appropriate language interpreter and other defense deficiencies led to Ventura-Morales' murder conviction being overturned and all charges dropped in 1991.

In the Chief's re-investigation of the Ventura-Morales case, the officer who initially questioned the defendant dismissed the difference between the Mixtec and Spanish languages, saying, "They go hand-in-hand in Mexican country down there." In Court

DeMuniz is a sought after speaker on topics of court funding and re-engineering. The invitations usually begin with a request for thoughts on judicial activism, finding opportunity in crisis, or court administration. He jokingly indicates that almost without fail, the



*The Chief Justice administers the Interpreter Oath to new interpreters.*

Interpreter Services, we still get an occasional request for a "Mexican" interpreter, but today we have the tools and resources to conduct a language assessment, and to offer services that provide more equal footing to the parties involved in the case.

Despite ongoing budget reductions, the Chief ensured that both the OJD 5-Year Strategic Plan (2009-13) and the OJD Court Re-engineering and Efficiency Work Group (2010) identified improved access to justice in guiding principles and goals. Nationally and internationally, Chief Justice

invitation then leads to encouragement to "tell us about the Ventura-Morales case..."

Thank you, Chief Justice DeMuniz, for your strong vision and support of equal language access in Oregon's circuit courts. We will miss your presence at future interpreter ceremonies after you step down as Chief Justice of the Oregon Judicial Department on May 1, 2012. We will, however, invite you back to tell to us about the Ventura-Morales case... even in retirement.

*Written by Kelly Mills, Program Manager*

## 2011 Accomplishments in Court Interpreter Services

Court Interpreter Services (CIS) received invaluable expertise and ongoing partnerships with our stakeholders in 2011. Because of the level of commitment and contributions, CIS has progressed toward the goals of our multiple programs - statewide court interpreter scheduling, certification and training of court interpreters, and the provision of high-quality interpreting services in Oregon Circuit Courts. Together, we:

### POLICIES

- Revised and adopted the State Court Administrator Policies for the Court Interpreter Program.
- Revised and adopted Payment Protocols for Court Interpreters Paid from Mandated Payments.

### TECHNOLOGY

- Provided Spanish language dubbing for circuit court orientation videos.
- Increased use of technology to deliver interpreting services (Remote Interpreting), which saved \$120,000 in 2011.
- Provided demonstrations of remote interpreting to judges and TCAs.
- Adopted digital recording and rating of oral interpreter exams through a secure online transmission system.
- Provided guidance regarding remote interpreting best practices to court interpreting programs in Minnesota, California, and Texas.

### CREDENTIALS & TRAINING

- Established an Oregon court interpreting credential available for American Sign Language interpreters.
- Established a new Oregon registered interpreter credential.
- Renewed the credentials of 46 certified interpreters.
- Witnessed the swearing in of interpreters of Arabic, Armenian, Cantonese, Dari, Farsi, Korean, Mandarin, Romanian, Russian, Spanish and Tagalog.
- Provided continuing education credits to interpreters from 20 states at the 2011 Annual Consortium for Language Access in the Courts meeting.
- Provided 18 hours of interpreter orientations, 42.5 hours of continuing education, led 6 courthouse tours and proctored more than 100 exams.

### COST SAVINGS

- Consolidated two OJD offices and one DHS office into a single office space, contributing to budget efficiencies.
- Strengthened interpreting scheduling efficiencies in three counties, saving \$28,000 in 2011.

### OTHER

- Addressed the need for routine background checks of all court interpreters.
- Offered language expertise and editing to OJD departments' translated Spanish web pages and revised Spanish forms.
- Welcomed and oriented new OJD judges and trial court administrators to our services.
- Contributed to Oregon's medical interpreter certification with the Oregon Health Authority.

*Written by Kelly Mills, Program Manager*

*CIS greatly appreciates everyone's work toward ensuring all Oregonians have equal access to justice, and looks forward to continued service in the State of Oregon.*

## Oregon's LEP Residents Have Increased 179% Since 1990

To date, 180 languages have been used by Limited English Proficient (LEP)<sup>1</sup> individuals in Oregon Circuit Courts. Understanding demographics helps secure the best interpreters of infrequently used languages and census data can guide our search. For example, the 2010 US Census indicates that the second-largest group of Portuguese speakers in the United States is in Massachusetts. When an Oregon Circuit court in southern Oregon needs a Portuguese interpreter for a non-evidentiary status hearing, CIS can locate a high-quality interpreter in Massachusetts and reduce costs using remote interpreting equipment. If we need an Urdu interpreter, demo-

graphic information would point us to a large population of Urdu-speakers in the Houston-Sugar Land-Baytown metropolitan area of Texas.

According to 2010 census figures<sup>2</sup> and analysis done by the Migration Policy Institute<sup>3</sup>, there are 140,217 LEP individuals in Oregon, 3% of the state's population (3,602,925). Between 1990 and 2010, Oregon had the 12th largest state increase (179%) in the percentage of LEP residents. Spanish speakers are the largest non-English speaking population in Oregon and the United States. Among the foreign-born Oregon population, 72% of those who speak Spanish at home are limited

English proficient. While Oregon is not among the top 10 "new destination states," Washington is, and that can have a ripple effect in Oregon.

1. Limited English Proficient (LEP) individuals are any person age 5 and older who reported speaking English "not at all," "not well," or "well" on questionnaires. Those responding "very well" are considered proficient in English.
2. US Census Bureau's 2010 American Community Survey <http://www.census.gov>
3. Migration Policy Institute (MPI) Oregon Fact Sheet . <http://www.migrationinformation.org/integration/LEPdatabrief.pdf>

*Edited by Carla Farrell, Staff Interpreter*

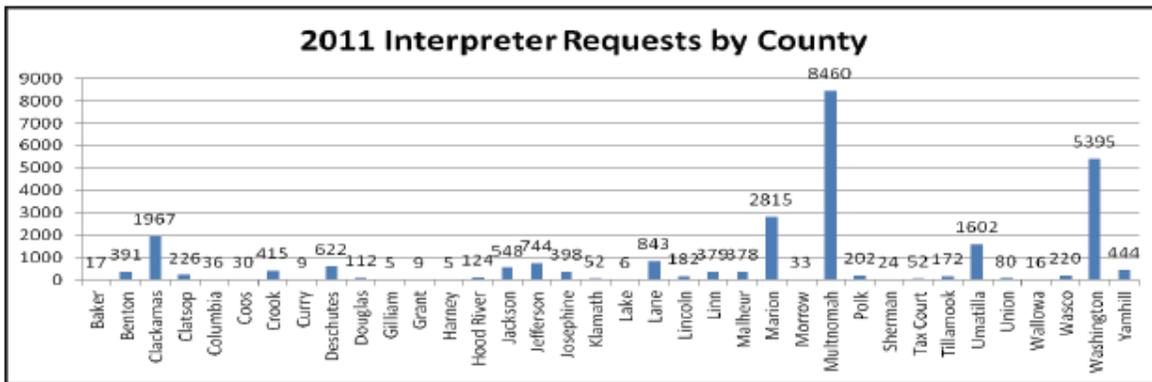
## Scheduling Interpreting Services

27,013 requests for interpreters were received statewide in 2011. Schedulers processed an average of 2,251 requests per month. 31.3% of those requests came from the Multnomah County Courts.

Throughout 2011, schedulers continued to focus on saving OJD resources while still maintaining the highest quality services available. We conducted studies of Spanish language interpreter usage in four counties and made adjustments for significant savings. Schedulers continued to cross train across calendars, and

began preparation for Oregon eCourt pilot and early adopter courts in 2012. A big THANK YOU to the Court Interpreter Schedulers for all your hard work.

*Written by Heidi Koury, Business Operations Manager*



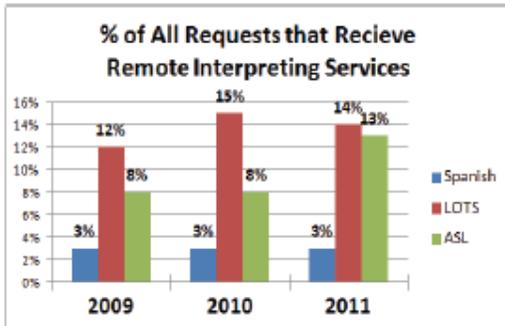
## Remote Interpreting Update

In 2011, CIS's Remote Interpreting (RI) effort settled into place after several years of rapid development. The changes have become a routine part of scheduling duties. We now have over a full year's worth of data about providing RI services to the Languages Other Than Spanish (LOTS), Russian & Vietnamese, and American Sign Language (ASL) calendars. We will use that information in the coming year to improve our RI efforts.

In late 2011, the RI program was involved in a major scheduling change in Crook and Jefferson counties from an interpreter standby



*Ed Alletto uses a webcam and a blue screen for sign language interpreting.*



model to an interpreting services on demand model.

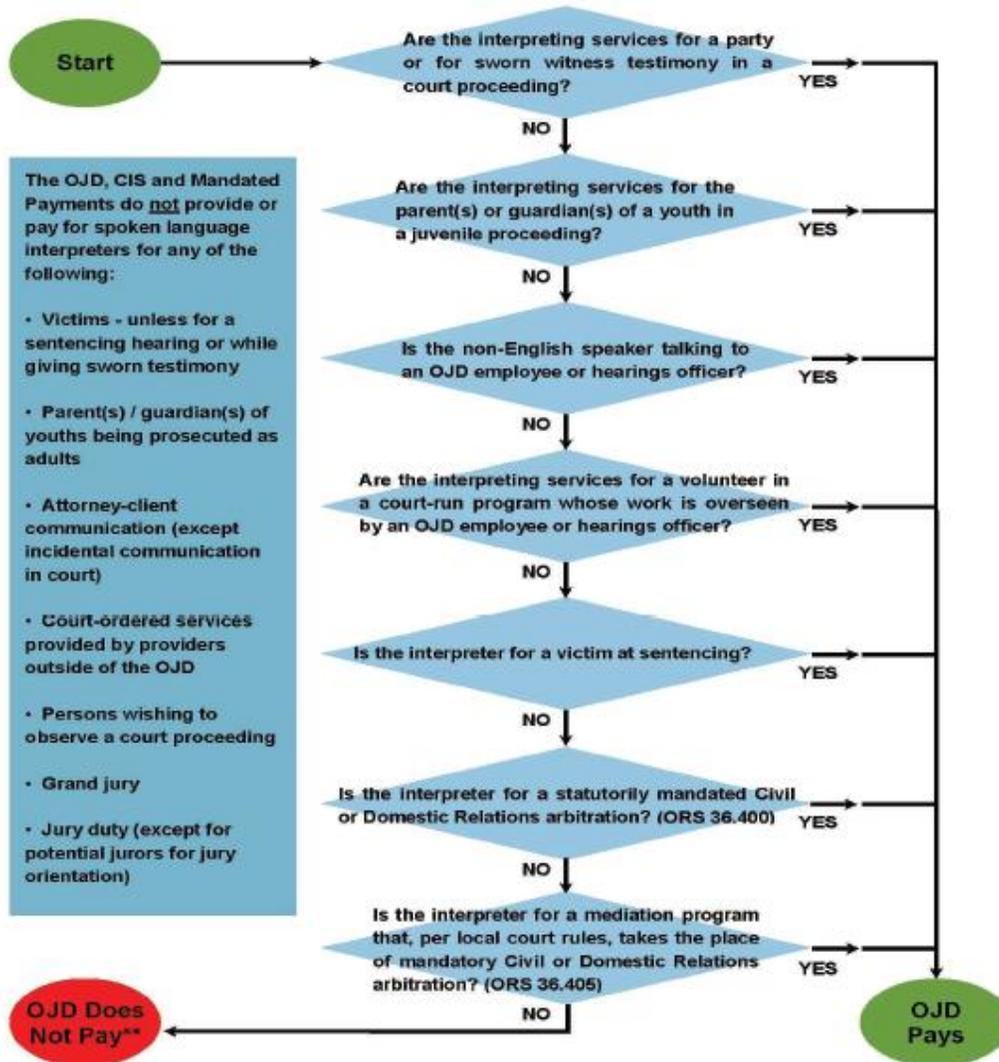
The new model is expected to reduce interpreter costs with minimal effect on the availability of interpreter services to the Court. CIS has a RI Coordinator who will coordinate day-to-day operations and implement future goals for the program. In 2012, CIS will look for more effective ways to collect data on user satisfaction, and will begin to focus on improving the users' experiences.

*Written by Edward Alletto, Staff Interpreter*

# SPECIAL REPORTS

## Do You Know...? What does the OJD pay for per statute\*?

### Payment Protocols for Scheduling Spoken Language (not ASL) Interpreters



The OJD, CIS and Mandated Payments do not provide or pay for spoken language interpreters for any of the following:

- Victims - unless for a sentencing hearing or while giving sworn testimony
- Parent(s) / guardian(s) of youths being prosecuted as adults
- Attorney-client communication (except incidental communication in court)
- Court-ordered services provided by providers outside of the OJD
- Persons wishing to observe a court proceeding
- Grand jury
- Jury duty (except for potential jurors for jury orientation)

\* ORS 45.275

\*\* OJD does not pay. Whoever pays the English-speaker is likely responsible for scheduling and paying for the interpreter.

## Interpreters Certified by Year

### Oregon Certified Languages

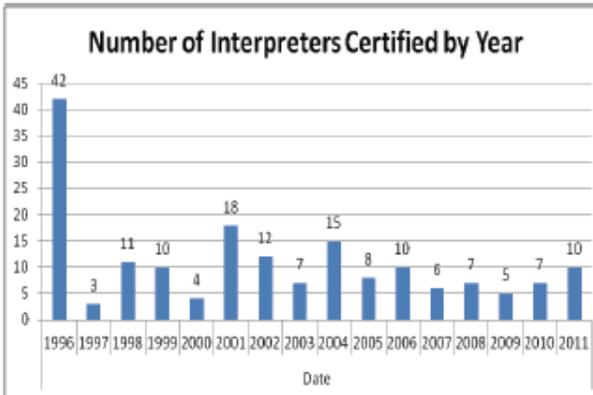
- American Sign Language
- Arabic
- Bosnian/Croatian/Serbian
- Cantonese
- Chuukese
- Haitian Creole
- Hmong
- Ilocano
- Korean
- Laotian
- Mandarin
- Marshallese
- Polish
- Portuguese
- Russian
- Somali
- Spanish
- Turkish
- Vietnamese

There are currently 120 Oregon Certified Court Interpreters.

Oregon has certified 175 interpreters since 1996.



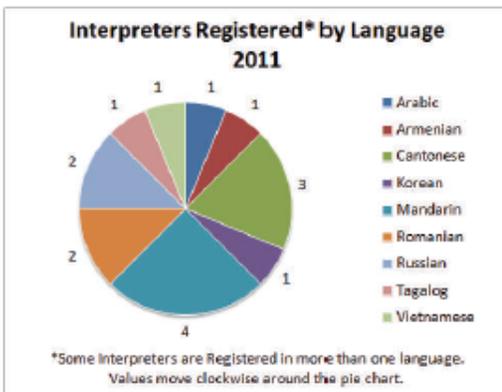
*Chief Justice DeMuniz gives the Interpreter's Oath to Russian and Ukrainian Interpreter Alla Kotesbchuk.*



- American Sign Language (ASL) was added to the list of certifiable languages in the Oregon Judicial Department.
- 6 ASL interpreters began the process in 2011 to become Oregon Certified Interpreters in 2012. 2 of those interpreters are OJD Staff Interpreters.

### NEW! Certified ASL Interpreters

## NEW! Registered Interpreter Credential



In 2011, the Oregon Registered Credential moved out of the pilot phase, and 14 individuals were sworn in as new registered interpreters.

Those 14 interpreters represented a diverse offering of languages including Arabic, Armenian, Cantonese, Korean, Mandarin, Romanian, Russian, Tagalog, and Vietnamese.

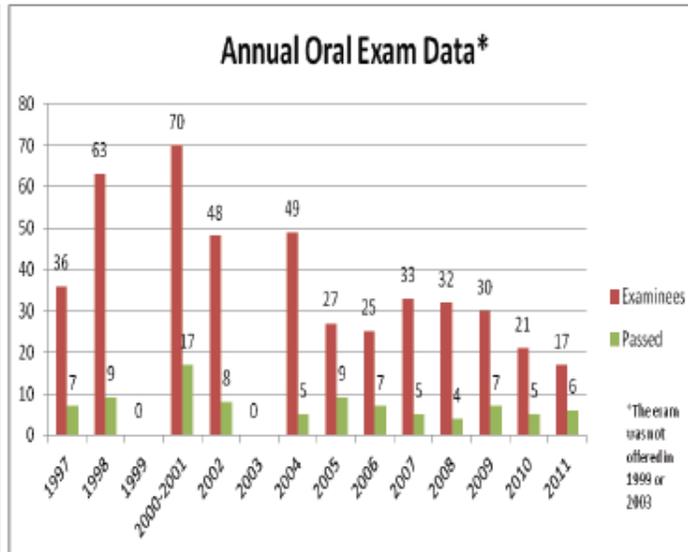
The Oregon Registered Court Interpreter Credential is awarded to interpreters who achieve appropriate scores on the Ethics and the English Language Proficiency Exams, the Oral Proficiency Interview, and also complete five hours of mentoring with an Oregon Certified OJD staff interpreter.

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## 2011 Oregon Credential Testing

In 2011, 49 people sat for the **written** exam, and over 1,000 individuals have attempted it since 2000. In 2011, 17 candidates sat for the **oral** exam and over 450 individuals have attempted it since 1997. Exams are designed by the Consortium for Language Access in the Courts.

American Sign Language (ASL) was added to the list of certifiable languages in the Oregon Judicial Department. ASL interpreters must pass a national specialized legal interpretation exam (SC:L), the Oregon ethics exam and orientation in order to be eligible for certification. Spoken language interpreters must sit for a written English exam as well as ethics and oral interpreting exams.



**Pass Rate by Exam:** The overall pass rate in Oregon is 46.8% for the written exam, 19.7% for the oral exam, and 100% for the ethics exam.

## Revisions to Policies for Certified Interpreter Program

From 1999 to 2012 is a long time. That's how long it had been since we revised the SCA policies for the Certified Court Interpreter Program. Changes implemented on January 1, 2012, reflect a wider diversity of languages used in court, and the development of the interpreting profession.

In 1999, the OJD was still clarifying the use of interpreters. Senate bills clarified the provision of interpreters to parents in juvenile delinquency cases, and also required that district attorneys and executive branch agencies call for certified interpreters in grand jury and contested case hearings. Since then, studies on fatigue and accuracy in interpreting brought the concept of team interpreting and working within a Code of Professional Responsibility to interpreters, judges, and staff.

Changes effective for 2012 highlight refined interpreting perspectives:

- Addition of an ASL Oregon Certified Court Interpreter credential into both policies
- Additional continuing education requirements in the area of ethics
- Establishing Registered Court Interpreter continuing education requirements
- Addition of a Registered Court Interpreter Credential (non-Spanish languages only)
- Revisions to language specific, ethics and general continuing education credits
- Defining Oregon oral examination reciprocity and credential reciprocity

**Court Interpreter Services WOULD LIKE TO THANK EVERYONE** who contributed to making these policy revisions possible. Internal and external stakeholders' support, expertise, feedback, and suggestions have strengthened the applicability of these policies.

## Continuing Education in 2011

**Court Interpreter Services offered 76.5 continuing education credits and over 93.5 hours for 382 Interpreters.**

**Interpreters from nine different states and speakers of 31 languages attended events in Oregon in 2011.**

**Language Specific Training**—CIS facilitated four Spanish language-specific training events and one Russian language-specific training in 2011.

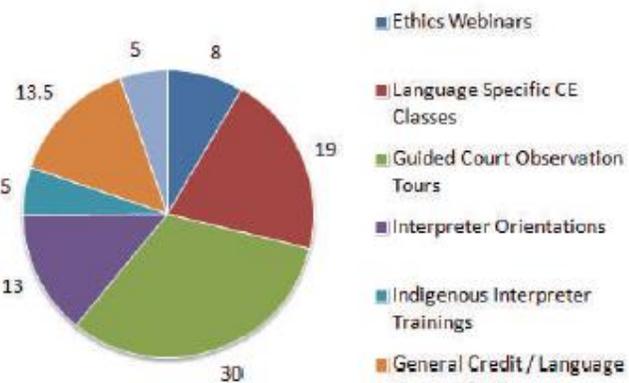
An annual event with the Oregon Law Center trained interpreters of indigenous American languages.

**Guided Court Observation Tours**—Court Interpreter Services led ten, three-hour observation tours of the Multnomah County Courthouse for prospective interpreters of any language. This year 48 interpreters of 15 languages participated in these tours led by CIS staff.

**Language Neutral Training**— A series of three workshops about interpreting at trial were offered by OJD faculty and targeted intermediate and advanced court interpreters. The Honorable Darleen Ortega of the Oregon Court of Appeals also led a town-hall continuing education event to discuss the Oregon appeals process.

**New Interpreter Orientations**—Court Interpreter Services offered three orientations for interpreters in 2011. Fifty-one beginners to the court interpreting process completed part one of orientation, and eight completed a secondary orientation focused on the Code for Professional Responsibility in the Oregon.

### Education and Training Hours 2011



Values move clockwise around the pie chart.

**Ethics Webinars**— CIS offered five ethics webinars for interpreters in nine different states representing 21 different languages. Three presenters joined us from out of state this year to give another perspective on ethical dilemmas and the Code of Professional Responsibility.



*Max Christian and Ed Alletto discuss interpreter ethics during a webinar.*

# SPECIAL REPORTS

## Pay it Forward with Mentoring

Court Interpreter Services regularly matches up Oregon Certified Court interpreters with aspiring interpreters in a mentoring program. This supports professional development opportunities, and raises the bar of all court interpreters in Oregon Circuit Courts. In 2011, we mentored 111 interpreters for a total of 255 hours!

The Consortium for Language Access in the Courts, under the auspices of the National Center for State Courts, recognized the OJD mentoring pro-

gram with an award for innovative programs at the 2011 Business Meeting. On a practical level, we are seeing the fruits of our mentoring activities. Many interpreters who have been mentored are now pursuing an OJD professional credential. In 2011, fourteen interpreters completed the Registered Credential by receiving at least five hours of mentoring.

Mentoring and recruitment of new interpreters of all languages go hand in hand. Court Interpreter Services

still actively recruits new interpreters. Spending time with aspiring interpreters also allows us to track the professional retention of interpreters and recruits. We better understand where recruits can get lost along the way and how to help them.

In 2011-13, Court Interpreter Services is specifically focusing on increasing the pool of certified Vietnamese and Khmer language interpreters.

*Written by Melanie DeLeon-Benham, Certification & Training Coordinator*

## Additional Training & Presentations Provided

- January - "How to Work with Interpreters" - University of Oregon Law School
- February - Yamhill County New Court Mediators Training
- February - Indigenous Interpreter Training
- March - New Judges - "Working with Interpreters"- Marion County
- March - OJD's "Take Your Child to Work Day," explained what interpreters do, and helped kids try an interpreting exercise
- April - "Working with Interpreters" - Klamath Falls court staff
- April - Panel for students at Century High School
- April - Presentation to Evergreen High School (ASL interpreting students)
- May - Guest panel for Western Oregon University interpreting students
- May - Job Shadow day with McNary High School students
- June - New Judge's Seminar - "Working with Interpreters"
- September - Job Shadow day with an Italian student - Multnomah County Courts
- October-November - Portland Community College interpreting student mentoring

*Special thanks to Michaëlle Bienvenu, and all the CIS Staff!*

## Staff Photos

