

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET
Director and
State Court Administrator

JOHN MCCORMICK
Assistant Court Administrator
Judicial Programs and Services



SCOTT SOSEBEE
Deputy Director
Information Technology

VERISE V. CAMPBELL
Deputy Director
Foreclosure Mediation

NEVADA CERTIFIED COURT INTERPRETER PROGRAM

**STATE COURT ADMINISTRATOR
GUIDELINES FOR THE
NEVADA CERTIFIED COURT
INTERPRETER PROGRAM**

Revised on November 18, 2013

STATE COURT ADMINISTRATOR GUIDELINES FOR THE NEVADA CERTIFIED COURT INTERPRETER PROGRAM

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1. INTRODUCTION

1.1 **State Statutory Policy**

- 1.1.1 NRS 1.510 requires the State Court Administrator, subject to available funding, to establish a program for the certification of court interpreters, and enumerates the activities this responsibility covers.

1.2 **State Court Administrator's Policies**

1.2.1 Purpose of the Policies

The purpose of these policies is to carry out the statutory requirements and to provide interpreters, courts, and interested persons information on:

- Ethical requirements of all interpreters working in Nevada courts
- The Nevada Certified Court Interpreter Program
- Court Interpreter Certification Renewal Requirements
- Continuing Education Requirements for Nevada Certified Court Interpreters

1.3 **Modifications to the Guidelines**

There will be modifications to these guidelines as necessary.

2. DEFINITIONS

Definitions with an asterisk (*) were taken from *Court Interpretation: Model Guides for Policy and Practice in the State Courts*, authored by William E. Hewitt, National Center for State Courts, Williamsburg, VA, 1995.

- 2.1 **Administrative Office of the Courts (AOC)** – The central administrative support office for the judicial branch under the direction of the Chief Justice of the Supreme Court and the State Court Administrator. The AOC administers the examinations (written and oral) required of Certified Interpreters within the State of Nevada. The examinations are developed by the National Center for State Courts, Council of Language Access Coordinators (CLAC), formerly the Consortium for Language Access in the Courts.
- 2.2 **Continuing Education (CE) credits** – Continuing education credits as recognized by the Administrative Office of the Courts.
- 2.3 **Consecutive Interpreting*** - Consecutive interpreting is rendering statements made in a source language into statements in the target language intermittently after a pause between each completed statement in the source language. In other words, the interpreter renders an interpretation after the speaker has stopped speaking. When using this mode of interpreting, it may be necessary for the interpreter to signal a speaker to pause to permit a consecutive interpretation when the length of the utterance approaches the outer limits of the interpreter's capacity for recall. During consecutive interpreting, the interpreter should take notes to assist him/her in rendering the interpretation. See also 2.9

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- 2.4 **Contact Hour** – 50 to 55 minutes of instruction are considered one credit. 25 minutes of instruction are equal one-half credit. This includes only the time materials are being presented or instruction is taking place.
- 2.5 **Intermediary or “Relay” Interpreting*** – Intermediary interpreting involves more than one interpreter to reach people who have idiosyncratic speech characteristics or (in the case of deaf people) who employ gestures or other signing varieties beyond the understanding of the primary interpreter. Intermediary interpreting should be undertaken with a trained primary interpreter, assisted by the secondary interpreter. Secondary interpreters may be deaf people holding the Reverse Skills Certificate (RSC) awarded by the National Registry of Interpreters for the Deaf, family members or friends of the person needing special communicative assistance, and professional service providers. Intermediary interpreters must work with a primary interpreter who is a professional.
- 2.6 **Interpretation*** – Interpretation means the unrehearsed transmitting of a spoken message from one language to another. Interpretation is distinguished from “translation,” which relates to written language. Certified interpreters use two modes of interpreting in court – “simultaneous” and “consecutive.” A third common mode is “summary” interpreting, which should not be used in court settings.
- 2.7 **Interpreter** – Interpreters are considered officers of the court. Interpreters assist the court in ensuring that court proceedings and court support services are accessible and function efficiently and effectively. They also interpret communications between the court and Limited English Proficiency/non-English-speaking participants.
- 2.8 **Interview Interpreting** – Interview interpreting is interpreting to facilitate communication in interview or consultation settings. Interview interpreting may occur in conjunction with court proceedings or before or after court proceedings. Foremost among these are interviews or consultations that take place between attorney and client (sometimes referred to as “defense” interpreting) and between a non-English speaking person and bail screening or probation personnel. Interview interpreting may be performed in either or both the simultaneous and consecutive modes during an interview, depending on the circumstances.
- 2.9 **Modes of Interpretation** – Three basic modes of interpretation are used in the Nevada courts:
- *Simultaneous Interpretation* is used to interpret proceedings and instructions to and from the non-English-speaking person. In simultaneous interpreting, the interpreter is listening to one language and interpreting it, simultaneously, into another. See also 2.18
 - *Consecutive Interpretation* is used to interpret witness testimony and other matters for the record. This mode is used when only one voice should be heard for accurate record. The interpreter listens to the question posed and interprets the question from one language to another. The interpreter listens to the answer given by the speaking witness and then interprets the answer. See also 2.3
 - *Sight translation* is used when the interpreter reads a document written in one language and then orally interprets it into another language. See also 2.17

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- 2.10 ***National Center for State Courts (NCSC)*** – The National Center for State Courts is an independent, nonprofit organization that provides leadership and administrative assistance to state courts. The Council of Language Access Coordinators (CLAC) is comprised of states who utilize standardized test instruments in different languages to credential court interpreters. The State of Nevada became a member of the original Council in November 2001, and utilizes the CLAC's tests to credential its court interpreters.
- 2.11 ***Nevada Certified Court Interpreter*** – A Nevada Certified Court Interpreter possesses all of the following credentials:
- 2.11.1 Completed the mandatory “*Orientation Workshop for Prospective Interpreters in Nevada Courts*” conducted by the AOC; and
 - 2.11.2 Has achieved a successful score of 80% or higher on the Written Test; and
 - 2.11.3 Has achieved a successful score of 70% or higher on all three parts of the oral exam; and
 - 2.11.4 Obtained 40 hours of Nevada court observation or work within the 12 months immediately preceding request for certification; and
 - 2.11.5 Completed and submitted a Request for Certification Form to the Administrative Office of the Courts, payment of a \$50 administrative fee, and successfully passed a criminal history check; and
 - 2.11.6 Has sworn to the oath set forth in NRS 50.054 (see Section 4.5.2 below) and the Canons set forth in the Code of Professional Responsibility for Interpreters in Nevada Courts, administered by a judge holding office within the State of Nevada, an officer of the court, or judge’s designee.
- 2.12 ***Master-Level Designation*** – A Master Level Designation is given to Nevada Certified Court Interpreters who have achieved the above credentials, and additionally the interpreters have:
- 2.12.1 Completed the mandatory “*Orientation Workshop for Interpreters in Nevada Courts*” conducted by the AOC; and achieved a successful score of 80% or higher on the Written Test; and achieved a successful score of 80% or higher on all three parts of the oral exam; or
 - 2.12.2 Passed the federal court certification examination.
- 2.13 ***Nevada Registered Court Interpreter*** – An interpreter for whom either no oral examination has been developed by the Council of Language Access Coordinators (CLAC) or no oral examination has been offered in his/her particular language. A Nevada Registered Court Interpreter has successfully satisfied all of the following requirements:
- 2.13.1 Completed the mandatory “*Orientation Workshop for Interpreters in Nevada Courts*,” conducted by the AOC; and
 - 2.13.2 Passed the written exam with a score of 80% or higher; and
 - 2.13.3 Underwent the oral proficiency interview (OPI) by ALTA Language Services, Inc. (“ALTA”) or Language Testing International (“LTI”) and received a score of 12 on ALTA’s testing scale or a rating of “Superior” classification according to the American Council for Testing of a Foreign Language (“ACTFL”) Proficiency Guidelines by the LTI. The Nevada Certified Court Interpreter Program will allow an interpreter to take the OPI twice in a language within a 3-year period; and
 - 2.13.4 Completed the Nevada court observation requirement of 40 hours; and
 - 2.13.5 Completed and submitted a Request for Certification Form to become a registered interpreter; and
 - 2.13.6 Paid \$50 administrative fee; and

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- 2.13.7 Passed a criminal history check; and
- 2.13.8 Has sworn to the oath set forth in NRS 50.054 (see Section 4.5.2 below) and the Canons set forth in the Code of Professional Responsibility for Interpreters in Nevada Courts, administered by a judge holding office within the State of Nevada, an officer of the court, or judge's designee.
- 2.14 **Qualified Interpreters** – Qualified interpreters are determined to be eligible to interpret a judicial proceeding by the judge.
 - 2.14.1 Qualified interpreters must swear to the oath set forth in NRS 50.054 (see Section 4.5.2 below) and the Canons set forth in the Code of Professional Responsibility for Interpreters in the Nevada Courts, administered by a judge holding office within the State of Nevada, an officer of the court or judge's designee, or a notary public.
- 2.14 **Non-English Speaking /Limited English Proficient Person (LEP)*** – “Non-English speaking person” is the term used to refer to any person who is unable to communicate in English or who has a limited ability to communicate in English. The term also applies when the language limitation arises due to deafness or being hard of hearing. The term generally refers to a principal party in interest or a witness in the case.
- 2.15 **Proceedings Interpreting*** – Proceedings interpretation is for a non-English speaking litigant in order to make the litigant “present” and able to participate effectively during the proceeding. This interpreting function is ordinarily performed in the simultaneous mode. The interpreter's speech is always in the foreign language, and is not part of the record of proceedings.
- 2.16 **Sight Interpreting*** – Sight interpreting is more commonly referred to as “sight translation.”
- 2.17 **Sight Translation*** – Sight translation is a hybrid type of interpreting/translating whereby the interpreter reads a document written in one language while translating it orally into another language. It is sometimes called sight interpreting. In this mode of interpreting a written text must be rendered orally without advance notice and on site.
- 2.18 **Simultaneous Interpreting*** – Simultaneous interpreting is rendering an interpretation continuously at the same time someone is speaking. Simultaneous interpreting is intended to be heard only by the person receiving the interpretation and is usually accomplished by speaking in whispered tones or using equipment specially designed for the purpose in order to be as unobtrusive as possible.
- 2.19 **Source Language*** – Source language is the language of the original speaker. “Source language” is thus always a relative term, depending on who has spoken last.
- 2.20 **Summary Interpreting*** – Summary interpreting is paraphrasing and condensing the speaker's statement. Unlike simultaneous and consecutive interpreting, this method does not provide a precise rendering of everything that is said into the target language. This is a mode of interpreting that should not be used in court settings.
- 2.21 **Target Language*** – Target language is the language of the listener, the language into which the interpreter is communicating the meaning of the words spoken in the source language.

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- 2.22 **Translation*** – Translation is converting a written text from one language into written text in another language. The source of the message being converted is always written language.
- 2.23 **Witness Interpretation*** – Witness interpretation is interpretation during witness testimony for the purpose of presenting evidence to the court. This interpreting function is performed in the consecutive mode; the English language portions of the interpretation are part of the record of the proceeding. A variant of “witness” interpreting is assistance provided by the interpreter during communications between the judge or other English-speaking official on the case and a non-English-speaking defendant or civil litigant. Typical examples are communications that occur during arraignments, plea or sentencing hearings.

3. THE CODE OF PROFESSIONAL RESPONSIBILITY FOR NEVADA COURT INTERPRETERS

3.1 **Overview**

The Nevada Certified Court Interpreters Advisory Committee, as established by NRS 1.510, determined, based on studying similar programs in other states, that there was a need for a code of professional responsibility for both certified and non-certified court interpreters. The Committee determined that the NCSC's "Model Code of Professional Responsibilities for Interpreters in the Judiciary" should be used as a baseline in developing a code for Nevada.

Nevada's Code of Professional Responsibilities is included as Appendix 1 to this guideline. Appendix 2 includes specific commentary to each of the Codes. Updates or revisions to the code are considered necessary, and suggestions for changes should be submitted in writing to the attention of the State Court Administrator.

3.2 **Violations of the Code**

Because of the critical reliance Nevada courts must place on the skills, performance, and integrity of the interpreter in performing duties for the court, the opportunity to provide interpreter services to the Nevada courts is at the complete and continuing discretion of the Nevada AOC as an agent of the Supreme Court. This discretion applies whether or not the interpreter is certified or non-certified.

The complete disciplinary policy for interpreters in Nevada courts is contained in Appendix 3.

4. NEVADA CERTIFIED COURT INTERPRETER PROGRAM

The following section details the Nevada Certified Court Interpreter Program requirements. An interpreter may have passed all exams, and still not have completed other certification requirements. All certified/registered interpreters will be provided with documentation.

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4.1 **Considerations for Appointing Certified Over Non-Certified Interpreters**

Certified interpreters should serve the more complex, difficult, or legally significant assignments such as:

- Capital trials;
- Criminal trials where potential penalties include significant terms of incarceration;
- Criminal trials with decisions that might be used in the future for enhancement purposes;
- Civil trials with highly technical terminology by witnesses.

Weighting of consideration should be left to the discretion of the judge.

4.2 **Nevada Orientation Workshop**

The Nevada Orientation Workshop is the first step necessary toward certification/registration. The workshop covers fundamentals of court interpretation (modes, ethics, and role of the interpreter) as well as an introduction to Nevada's court system. The written exam provided by the Council of Language Coordinators, formerly the Consortium for Language Access in the Courts is administered at the conclusion of the workshop. A passing score on the written exam is required in order to take the oral exam, or to become a registered interpreter.

After attending both days of the workshop, the interpreter will be advised of court certification examinations in the interpreter's working language.

4.3 **Examinations**

4.3.1 The AOC uses interpreting tests developed by the NCSC in a multi-state collaborative effort to share interpreting tests for the certification of court interpreters. These exams consist of:

4.3.1.1 A written test consisting of three stand-alone sections:

- General English Language Vocabulary – sentence completions, synonyms, antonyms, and idioms.
- Court Related Terms and Usage – sentence completions, multiple-choice questions, and sequence questions.
- Ethics and Professional Conduct – multiple choice questions and scenarios

4.3.1.2 An oral consecutive skills interpreting test, and

4.3.1.3 A two-part oral sight translation skills test, and

4.3.1.4 An oral simultaneous skills interpreting test.

4.3.1.5 Candidates for certification and registration credential must achieve a successful score on the Written Test to qualify for the Oral Exam and/or Oral Proficiency Interview. Candidates must pass the oral exam and/or oral proficiency interview within 2 years of passing the written exam, or they will be required to retake the written exam. In order to become eligible for retesting on the written exam, those candidates who failed the written exam or who did not pass the oral exam and/or oral proficiency interview within 2 years of passing the written exam will be required to attend the 'Skill-building Workshop', either online or in person, approved by the AOC Certified Court Interpreter Program.

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- 4.3.1.6 Candidates will not be allowed to take the oral exam in Nevada more than once per calendar year, and no candidate shall be permitted to take the same version of the exam more than twice.
- 4.3.1.7 Each year, the Nevada Certified Court Interpreter Program plans regular events relevant to the certification or registration process. Orientation Workshops will be offered in January of each year. Skill-building Workshop may be offered online a few times per year. Written Exam Retakes will be offered in July of each year. Oral exams will be scheduled for September of each year. Exceptions to this schedule will be at the discretion of the State Court Administrator.
- 4.3.1.8 Fees for workshops and examinations will be set by the State Court Administrator with the fees for out-of-state residents being set at a rate that is at least twice what is charged to Nevada residents.

4.4 **Reciprocity**

Only the Federal Court Interpreter Certification Exam (consisting of all three modes of interpreting and administered in a single testing cycle) is accepted as equivalent to passing the skills portions of the NCSC exam for the purposes of obtaining a Nevada Certified Court Interpreter credential.

- 4.4.1 Exam Reciprocity. Subject to the discretion of the Court Administrator, persons possessing a Certification from a Consortium member state in good standing may be eligible for exam reciprocity pursuant to obtaining a Nevada State Court Interpreter Certification. Reciprocity is contingent on verification of previous test scores from the Consortium.
- 4.4.2 While exempt from attending an additional orientation workshop, persons eligible for exam reciprocity must meet all other requirements set by these guidelines, and after having been sent a Nevada information sheet and copy of the Code of Professional Responsibility, return an affidavit documenting that they have received and read those items. The decision to honor an out-of state certification examination will be made on a case-by-case basis.
- 4.4.3 Interpreters from Nevada and other states who have attended an orientation workshop (covering, at a minimum, the role of the interpreter, ethics, and modes of interpreting), passed the written exam with a minimum score of 80%, passed all three parts of the oral exam with at least a 70% score on the same day (and neither score on the sight translation below 65%), and started and ended the certification process in the same state, may be considered (subject to Consortium approval) certified in all Consortium states.

4.5 **Other Requirements**

- 4.5.1 After successful passage of the Written and Oral examinations, an interpreter planning to become a Nevada Certified Court Interpreter must complete a Request for Certification Form, which includes authorization for release of certain records.

As part of the certification process the interpreter undergoes a background check for a criminal history record. If a criminal record is found that, in the judgment of the State Court Administrator or designee, is relevant to the performance and professional responsibilities of the court interpreter, the record may be grounds for not issuing the credential of certification.

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The following may be considered grounds for denial of the credential of certification/registration:

- A. Failure to provide verification of being a citizen, a lawful permanent resident of the United States or otherwise authorized to work.
- B. Conviction of a crime against a child or a sexual offense.
- C. All felony convictions.
- D. Gross misdemeanor and simple misdemeanor convictions, if such convictions are 7 years old or less:
 - 1. involving violence/domestic violence
 - 2. requiring registration as a sex offender
 - 3. involving theft, fraud, or dishonesty
 - 4. involving drugs and/or alcohol.
- E. Any other gross misdemeanor and/or simple misdemeanor convictions not enumerated under subsection D, which are less than 2 years old.
- F. Any juvenile court adjudication.
- G. The State Court Administrator or designee may not consider any conviction or juvenile adjudication that has been ordered to be sealed by a court of competent jurisdiction. If the conviction or juvenile adjudication is from a jurisdiction other than Nevada and would be subject to sealing if it had been a conviction under Nevada law, then the State Court Administrator or designee may elect to disregard such a conviction or juvenile adjudication.

Oath – In addition to Nevada's Code of Professional Responsibility (described in Section 3 above), an oath shall be administered in accordance with NRS 50.054.

5. NEVADA CERTIFIED/REGISTERED COURT INTERPRETER CREDENTIAL RENEWAL

5.1 **Overview**

An interpreter must renew the Nevada Certified/Registered Interpreter credentials every 3 years after the credentials are obtained in order to maintain them. The 3-year effective period for the certification begins upon the date of issuance of the certification.

5.2 **Renewal Requirements**

In order to renew the certification/registration for another 3-year period, the interpreter must:

- 5.2.1 Pay a renewal fee of \$50 to the AOC, and
- 5.2.2 Complete an application form in order to document the current name, address, existence of a Nevada business license number and other information of the interpreter, and
- 5.2.3 Undergo a criminal history records check, and

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- 5.2.4 Provide documentation of continuing education credits as required in section 7 below, and
- 5.2.5 Interpret a total of 120 hours in the 3-year renewal period of in-court proceedings and/or out-of-court legal interviews or depositions and provide documentation of court observation or work hours. A minimum of 10 hours of actual court interpreting experience is required. It is recommended that 40 hours per year be obtained each year over the 3-year period.
- 5.2.6 Renewal forms should be sent in at least 60 days prior to expiration to allow for timely processing.
- 5.2.7 Return an expired badge within 30 days of receipt of a new one, subject to penalty of \$25 if not returned on time.
- 5.2.8 A reminder postcard/e-mail will be sent to the last known address 90 days in advance; however, failure to send or receive the card/e-mail does not change the deadlines for expiration of a certification credential.

5.3 ***Lapse of Nevada Court Interpreter Certification/Registration Credential***

A Nevada certified/registered interpreter who does not meet the renewal requirements before the expiration of the interpreter's certificate, but who still wishes to pursue recertification, has 6 months from the expiration date to complete the requirements, and upon completion may request recertification without having to re-test (written and oral). During this period, the certification will be considered to have expired, and the interpreter will not be certified. If the interpreter is unable to complete the requirements within 6 months, but can show progress (such as documented enrollment for a future CE class), the interpreter may take up to 1 year from the expiration date to complete the renewal requirements. If an interpreter must take extra time to complete the renewal requirements, the new certification period will extend only from the expiration date of the preceding certification period. In any case, if an interpreter is unable to meet the renewal requirements within 1 year of the expiration of the interpreter's certificate, the interpreter must start the entire certification process from the beginning (to include, but not limited to, attendance at an orientation workshop, and oral and written testing).

6. FEES

- 6.1 According to NRS 1.520, the AOC may impose fees and associated costs on certified/registered court interpreters' requisite to reimbursing the State for the cost of administering the certification program, including examination, certification and renewal fees – see <http://www.nevadajudiciary.us//images/courtInt/nvcipfees.pdf>.
- 6.2 NRS 1.520 also allows the AOC to collect fines associated with any violations of the State Court Administrator Guidelines for the Nevada Certified Court Interpreter Program.

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7. CONTINUING EDUCATION REQUIREMENTS FOR NEVADA CERTIFIED COURT INTERPRETERS

7.1 **Overview**

Documentation of approved continuing education credits (CE) requirements must be provided to the AOC every 3 years. See the “Continuing Education Requirements for Nevada Certified Court Interpreters” for specific CE requirements.

7.2 **Areas in which an interpreter may obtain CE credits include:**

- 7.2.1 Language-specific interpreting and translating education (a minimum is required);
- 7.2.2 Non-language-specific interpreting and translating education and education related to law;
- 7.2.3 Education related to enhancement of the profession and further development of relevant interpretation skills.
- 7.2.4 The complete CE policy is attached as appendix 4.

8. SKILL, PROFICIENCY, AND PERFORMANCE REVIEWS

A Nevada Certified Court Interpreter's proficiency is subject to review as part of an ongoing assessment of skills and to give performance feedback to the interpreter.

These reviews will occur consistent with AOC policy. Credentials may be suspended during the review process. To determine credential status, the AOC will rely on timely review and recommendations from the Certified Court Interpreter Committee.

9. SUPREME COURT AND LOCAL COURT RULES, REGULATIONS, AND POLICIES

All interpreters working in the Nevada courts must adhere to the rules, regulations, and policies of the Supreme Court, the court in which the services are being provided and the AOC. If an interpreter knowingly violates any of these rules, regulations and policies, disciplinary action may result, up to and including decertification – see NRS 1.510.

10. CERTIFIED INTERPRETER COMPENSATION

10.1 **Hourly Rate**

Nevada Certified Court Interpreters shall be paid a minimum of \$25 per hour or the prevailing rate of the local court, whichever is higher.

10.2 **Expenses**

Certified interpreters should be reimbursed for out-of-pocket expense as consistent with the Nevada Judicial Branch and travel policy per diem rate, or any local policy governing such reimbursements.

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10.3 Source of Compensation

If certified interpretation services are not provided by the local court, the source of compensation for certified interpreter services is at the discretion of the presiding judge.

11. NEVADA CERTIFIED/REGISTERED COURT INTERPRETER ROSTER

The AOC compiles and maintains a list of Nevada Certified/Registered Court Interpreters – see <http://www.nevadajudiciary.us/index.php/nvcourtintroster>. This list is routinely provided to the state courts. The roster is also routinely provided to other state agencies, and organizations. Included in this roster are the interpreter's name, working language, telephone number, and email address as provided by the interpreter on the *Application Form*. Also included in this roster is an indication of whether the interpreter is considered "master level." The interpreter roster is updated from time to time.

The AOC recognizes the unique challenges associated with interpreting for the deaf, and will use as guidance Chapter 7, Visual Modes of Communication: Interpreting for Deaf Persons, from the publication "Court Interpretation: Model Guides for Policy and Practice in State Courts." The AOC will not maintain a registry of interpreters for the deaf, but may assist the courts in finding such interpreters – see NRS 656A.100.

12. CONTACT

Please refer general program questions, requests to be put on the mailing list for notification of orientation workshops or testing to:

Andrea Krlickova
Court Services Analyst
Certified Court Interpreter Program

Administrative Office of the Courts
Regional Justice Center
200 Lewis Avenue, 17th Floor
Las Vegas, NV 89101

Phone: (702) 486-9332
Fax: (702) 486-9339
E-mail: akrlickova@nvcourts.nv.gov

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APPENDIX I

CODE OF PROFESSIONAL RESPONSIBILITY

1. ACCURACY AND COMPLETENESS

The interpreter shall render a complete and accurate interpretation or sight translation, without altering, omitting anything from, or adding anything to what is stated or written, and without explanation.

2. REPRESENTATIONS OF QUALIFICATIONS

The interpreter shall accurately and completely represent his or her certifications, training, and pertinent experience. The court should reassess the interpreter's qualifications each time the interpreter is engaged to interpret in court for a non-English speaking party or witness.

3. IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

An interpreter shall refrain from conduct that may give an appearance of personal bias or conflict of interest. The interpreter shall disclose to the court, or attorney, any real bias or interest in the parties or witnesses in a case, or any situation or relationship that may be perceived by the court, any of the parties, or any witnesses as a personal bias or interest in the parties or witnesses in a case. This disclosure shall not include privileged or confidential information. The court shall then determine if appointment of a different interpreter is necessary, thereby releasing the interpreter from the interpreter's obligation in the case. If the court and all parties agree that the interpreter may serve on the case, the interpreter may remain appointed to the case.

4. PROFESSIONAL DEMEANOR

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

5. CONFIDENTIALITY

Interpreters shall understand the rules of privileged and other confidential information and shall protect the confidentiality of all privileged and other confidential information.

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.

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7. SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or performing sight translation and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities that may be construed to constitute a service other than interpreting or translating.

8. ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall, at all times, assess 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 court.

9. DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the court any actions by the persons that may impede their compliance with any law, any provision of this code, or any other official policy governing court interpretation and sight translation.

10. PROFESSIONAL DEVELOPMENT

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

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APPENDIX II

CODE OF PROFESSIONAL RESPONSIBILITY – COMMENTARY

PREAMBLE

Many persons who come before the courts are partially or completely excluded from full participation in the proceeding because of limited English proficiency or a speech or hearing impairment. It is essential that the resulting communications 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. An interpreter is sworn as an officer of the court. As an officer of the court, an interpreter is a neutral and impartial participant who assists the court in ensuring court proceedings and court support services are accessible and function efficiently and effectively. Therefore, the court interpreter is a skilled professional, who fulfills an essential role in the administration of justice.

APPLICABILITY

This code shall guide all persons, agencies, and organizations who administer, supervise use of, or deliver interpreting services to the courts. Ensuring equal access to the communication, however, may on occasion conflict with this code. When unique situations necessitate an exception to the code in order to ensure effective communication, the court may so allow. For clarification, the following definitions should be kept in mind. Interpretation is the oral or signed transfer of meaning from one language into another language. The interpretation should conserve the meaning, tone, style, and register of the original message without additions or omissions. Translation is rendering written material from one language into written form in another language.

Violations of this code may result in the interpreter being deleted from a court's list of qualified, registered, master level, and/or certified interpreters.

1. ACCURACY AND COMPLETENESS

The interpreter shall render a complete and accurate interpretation or sight translation, without altering, omitting anything from, or adding anything to what is stated or written, and without explanation.

Commentary:

A non-English speaker should be able to understand just as much as an English speaker with the same level of education and intelligence would understand.

The interpreter has a two-fold duty: (1) to ensure that the proceedings in English reflect precisely what was said by a non-English speaking person, and (2) to place the non-English speaking person on an equal footing with those who understand English. This creates an

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obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, the interpreter is obligated to apply their best skills and judgment to faithfully preserve the meaning of what is said in court, including the style or register of speech. Verbatim, “word for word,” or literal oral translations are not appropriate when they distort the meaning of the source language, but every spoken statement, even if it appears non-responsive, obscene, rambling, or incoherent, should be interpreted. This includes apparent misstatements.

The interpreter should never interject his or her own words, phrases, or expressions. If the need arises to explain an interpreting problem (e.g., a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court’s permission to provide an explanation. The interpreter of an oral language should convey the emotional emphasis of the speaker, but it may be in a slightly diminished form. If the witness weeps during questioning, the interpreter should not weep. Imitating the weeping might appear to mock the witness. Sadness can be conveyed by tone of voice alone. The judge and jury can see a witness’ emotions for themselves even if they do not understand the target language.

A sign language interpreter, however, must employ all of the visual cues that the language he or she is interpreting requires - including facial expressions and body language, in addition to sign language. A sign language interpreter, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct.

The obligation to preserve accuracy includes the interpreter’s duty to correct, in a timely fashion, any error of interpretation discovered by the interpreter during the proceeding. The interpreter should demonstrate professionalism by objectively analyzing any challenge to his or her performance.

2. REPRESENTATIONS OF QUALIFICATIONS

The interpreter shall accurately and completely represent his or her certifications, training, and pertinent experience. The court should reassess the interpreter’s qualifications each time the interpreter is engaged to interpret in court for a non-English speaking party or witness.

Commentary:

Acceptance of a case by the interpreter implies the interpreter’s linguistic competency in legal settings. Withdrawing, or being asked to withdraw, from a case after it begins, causes a disruption of court proceedings and is wasteful of scarce public resources. Therefore, it is essential that the interpreter present a complete and truthful account of their training, certification, and experience prior to appointment so the court can fairly evaluate the interpreter’s qualifications.

3. IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

An interpreter shall refrain from conduct that may give an appearance of personal bias or conflict of interest. The interpreter shall disclose to the court, or attorney, any real bias or interest in the parties or witnesses in a case, or any situation or relationship that may be

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perceived by the court, any of the parties, or any witnesses as a personal bias or interest in the parties or witnesses in a case. This disclosure shall not include privileged or confidential information. The court shall then determine if appointment of a different interpreter is necessary, thereby releasing the interpreter from the interpreter's obligation in the case. If the court and all parties agree that the interpreter may serve on the case, the interpreter may remain appointed to the case.

Commentary:

When appointed by the court, the interpreter's "clients" are all the parties and witnesses in the case. Because of this, it is important that the interpreter have no real or perceived interest in any of the parties or witnesses beyond the professional interest of interpreting for the non-English speaking parties and witnesses in the case.

Any condition that interferes with the objectivity of the interpreter constitutes a conflict of interest. Before providing services, the court interpreter must disclose to all parties and the court any prior involvement in the case or with the parties or witnesses, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure shall not include privileged or confidential information. If, after this disclosure on the record, the court and all parties acknowledge the situation and determine that it is in the best interest of justice for the interpreter to serve in the case, the interpreter may interpret in the case.

The following are circumstances that are presumed to create actual or perceived conflicts of interest for the interpreter where the interpreter needs to declare the conflict of interest before appointment on the record and let the court determine if the interpreter should serve in the case:

1. The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceedings;
2. The interpreter has served in an investigative capacity in the case at issue for any party involved in the case;
3. The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;
4. The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding or any other interest from which the interpreter may benefit, that would be affected by the outcome of the case;
5. The interpreter has been involved in the choice of counsel or law firm for the case.

An interpreter who has performed services for one party in a case should not subsequently perform services for another party in the same case. Thus, it is unacceptable for the same person to interpret for both the defendant and prosecution witnesses. If an interpreter were to do so, it would seriously undermine the relationship of trust that must exist between interpreter and person for whom interpretive services are being provided.

Prior to serving in a proceeding, court interpreters and legal translators should disclose any of the foregoing relationships, interests or involvements to the presiding judge, to all counsel and any pro se party appearing in the case.

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Prior to providing professional services in a matter, court interpreters and legal translators should disclose to the attorney or party who has requested their services the nature and extent of all professional services they have rendered to all parties and counsel for any party involved in the matter.

Court interpreters and legal translators should disclose to the court and contending parties all instances in which they are acquainted with or related to any juror or witness and the extent of such acquaintance.

The fees and remuneration of a court interpreter and legal translator must never be contingent upon the success or failure of the cause in which she or he has been engaged.

Prior to providing professional services to any attorney or pro se party, court interpreters and legal translators should divulge to all participating counsel any and all professional services that they have previously provided in connection with that matter.

Prior to providing professional services in a court proceeding, court interpreters and legal translators should divulge to the presiding judge, all participating counsel and pro se parties any and all professional services that they previously provided in connection with the matter.

Prior to providing professional services in a court proceeding, court interpreters and legal translators should divulge to the presiding judge, all participating counsel and pro se parties anything else that might affect their ability to serve impartially or might constitute a conflict of interest.

An interpreter who is also an attorney should not serve as the court or proceeding interpreter, as well as the attorney in the same case. An interpreter who is also an attorney may prepare a case without the aid of an additional interpreter; however, it is not required. An attorney who is also an interpreter may not act as the attorney and the interpreter for the non-English speaking party in court during a proceeding.

During the proceeding, the interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. The interpreter should maintain professional relationships with the non-English speaking parties and witnesses, and should limit his or her involvement in the proceedings to that of interpretation. The interpreter should discourage non-English speaking parties or witnesses personal dependence on the interpreter.

The interpreter appointed to work with an attorney is to interpret what is spoken by the non-English speaking party in private conferences and conversations between the appointed attorney and the non-English speaking party. In a case where the court has appointed the attorney and the interpreter, the interpreter may also sit at the counsel table and interpret the proceeding for the non-English speaking person in a simultaneous interpretation mode.

Though appointed as a member of the legal team, the interpreter should avoid any conduct or behavior that presents the appearance of any personal favoritism toward any of the parties. The interpreter should maintain professional relationships with the attorney and the non-English speaking party, and should limit their involvement with the non-English speaking party's personal dependence on the interpreter and should defer all questions the party may have to the attorney.

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Though a member of the legal team, the interpreter must not advocate for the non-English speaking party. Despite the fact that the interpreter is a member of the legal team, the interpreter must still interpret everything that is said in court to the non-English speaking party. For example, if in a criminal case, the defendant becomes angry during the proceedings and starts to shout obscenities at a witness who is testifying, it is the interpreter's duty to interpret for the court participants everything that the defendant is saying, even if what is being said by the defendant is not helpful to the defense effort.

An interpreter appointed to a case should not perform bilingual paralegal, investigative, or clerical work on the same case. The interpreter shall not claim paralegal, investigative, or clerical work as interpretation in any billings.

During the course of the proceedings, the interpreter should refrain from conversations with parties, witnesses, jurors, attorneys, or with friends or relatives of any party in or near the courtroom, except in the discharge of their official functions. It is especially important that the interpreter, who is often familiar with attorneys or other members of the courtroom work group, including law enforcement officers, refrain from casual and personal conversations with anyone in the court that may convey an appearance of a special relationship or partiality to any of the court participants other than that of the professional relationship of interpreting for the appointed attorney and the non-English speaking party.

An example of conversation that would be within the interpreter's duties would be: communicating with the non-English speaking party prior to appointment to the case in an informal setting where the interpreter would listen to accent, rhythm, and the choice of words of the non-English speaking party to determine if the interpreter can adequately interpret for the non-English speaking party.

The interpreter should strive for professional detachment. The interpreter should avoid all verbal and nonverbal displays of personal attitudes, prejudices, emotions, or opinions.

Should the interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the attorney. The attorney shall either petition the court for the appointment of a different interpreter to the case thereby releasing the interpreter from the interpreter's obligation in the case, or the attorney shall bring the situation to the attention of the court and opposing party, on the record. If the attorney fails to bring the conflict to the attention of the court, the interpreter must notify the court of a potential conflict of interest. This disclosure shall not include privileged or confidential information. If the judge and all parties agree that the interpreter may serve on the case, the interpreter may remain on the case.

4. PROFESSIONAL DEMEANOR

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Commentary:

The interpreter should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, the interpreter should speak at a rate and volume that enables the interpreter to be heard and understood throughout the courtroom,

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but the interpreter's presence should otherwise be as unobtrusive as possible. The interpreter should dress in a manner that is consistent with the dignity of the court proceedings.

The interpreter should avoid obstructing the view of any individual involved in the proceeding. An interpreter, who uses sign language or other visual modes of communication, however, must be positioned so that the sign language, facial expressions, and whole body movement are visible to the person for whom the interpreter is interpreting.

The interpreter is encouraged to avoid personal or professional conduct that could discredit the court.

5. CONFIDENTIALITY

Interpreters shall understand the rules of privileged and other confidential information and shall protect the confidentiality of all privileged and other confidential information.

Commentary:

The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of his or her duties. It is especially important that the interpreter understands and upholds the attorney-client privilege that requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communications.

The interpreter must also refrain from repeating or disclosing case information obtained by the interpreter in the court of employment.

In the event the interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to the criminal presiding judge or a judge who is not involved in the proceeding (if the presiding judge is involved in the proceeding). At that point, it will become that judge's responsibility to determine what action, if any, should be taken regarding the situation.

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.

7. SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or performing sight translation and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities that may be construed to constitute a service other than interpreting or translating.

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Commentary:

Because the interpreter is responsible only for enabling others to communicate, the interpreter should limit himself or herself to the activity of interpreting or translating only. The interpreter should refrain from initiating communications while interpreting, unless it is necessary for assuring an accurate and faithful interpretation.

The interpreter may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing his or her duties. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting the interpreter's own interpreting errors, or notifying the court of reservations about his or her ability to satisfy an assignment competently. In such instances, the interpreter should make it clear that the interpreter is speaking for himself or herself.

The interpreter may convey legal advice only when the interpreter is interpreting legal advice that an attorney is giving. The interpreter should not explain the purpose of forms, services, or otherwise act as a counselor or advisor unless the interpreter is interpreting for someone who is acting in that official capacity.

The interpreter should not personally perform acts that are the official responsibility of other court officials, including, but not limited to, court clerks, pretrial release investigators, indigence verification specialists, or probation counselors.

An interpreter appointed to a case should not perform bilingual paralegal, investigative, or clerical work on the same case. The interpreter shall not claim paralegal, investigative, or clerical work as interpretation in any billings.

8. ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall, at all times, assess 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 court.

Commentary:

If the communication mode or language of the non-English speaking person cannot be readily interpreted or becomes difficult to readily interpret, the interpreter should notify the court immediately.

The interpreter should notify the court of any environmental or physical limitation that impedes or hinders the interpreter's ability to deliver interpreting services adequately, e.g., the courtroom is not quite enough for the interpreter to hear or be heard by the non-English speaker, more than one person at a time is speaking, or principals or witnesses of the court are speaking at a rate of speed that is too rapid for the interpreter to adequately interpret. A sign language interpreter must ensure that he or she can both see and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movement, as well as sign language.

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The interpreter should notify the court of the need to take periodic breaks in order to maintain mental and physical alertness and to prevent interpreter fatigue. The interpreter should recommend and encourage the court to use more than one interpreter in a lengthy proceeding or trial.

Even a competent and experienced interpreter may encounter cases where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter, e.g., the unscheduled testimony of an expert witness. When such instances occur, the interpreter should request a brief recess in order to familiarize him or herself with the subject matter. If familiarity with the terminology requires extensive time or more research, the interpreter should inform the judge.

The interpreter is encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables the interpreter to more closely match his or her professional qualifications, skills, and experience to potential assignments, and more accurately assess the interpreter's ability to competently satisfy those assignments.

The interpreter should refrain from accepting a case if the interpreter feels the language and subject matter of that case may exceed his or her skills or capacities. The interpreter should feel no compunction about notifying the court if the interpreter feels unable to perform competently due to lack of familiarity with terminology, preparation, or difficulty in understanding witnesses or defendants.

The interpreter should notify the presiding judge of any personal bias he or she may have involving any aspect of the proceedings, including any bias as to the subject matter of the case, or bias against any of the parties in the case.

9. DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the court any actions by the persons that may impede their compliance with any law, any provision of this code, or any other official policy governing court interpretation and sight translation.

Commentary:

Because the users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this code or other laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should turn to the court's interpreter coordinator, court administrator, court clerk, or judge to resolve the situation.

10. PROFESSIONAL DEVELOPMENT

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

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Commentary:

The interpreter must continually strive to increase his or her knowledge of the languages in which the interpreter works professionally, including past and current trends in technical, vernacular, and regional terminology, as well as their application within court proceedings.

The interpreter should keep informed of all statutes, rules of courts, and policies of the judiciary that relate to the performance of the interpreter's professional duties.

The interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field.

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APPENDIX III

DISCIPLINARY PROCESS

1. REASONS FOR DISCIPLINE

Disciplinary complaints may be filed against interpreters who have been credentialed (certified/registered) by the state of Nevada through the court interpreter certification program for the following reasons:

- a) conviction of a felony or misdemeanor involving moral turpitude, dishonesty, or false statements;
- b) fraud, dishonesty, or corruption, that is related to the functions and duties of a court interpreter;
- c) continued false or deceptive advertising after receipt of notification to discontinue;
- d) knowing and willful disclosure of confidential or privileged information obtained while serving in an official capacity;
- e) gross incompetence;
- f) failing to appear as scheduled without good cause; or
- g) violation of the Court Interpreter's Code of Professional Responsibility or any other judicial department policies or procedures.

2. COMPLAINT PROCESS

Any person may initiate a complaint by filing it with the Administrative Office of the Courts (AOC). All complaints shall be directed to the State Court Administrator or the administrator's designee. All complaints must be in writing on a *Complaint Form* provided by the AOC (available at <http://www.nevadajudiciary.us/index.php/viewdocumentsandforms/function/startdown/600/>), must be signed, must be submitted within 180 days from the date of the alleged disciplinary breach, and must describe the alleged inappropriate conduct. Upon receipt of a complaint, the State Court Administrator or the administrator's designee will review the complaint to determine its merit.

- 2.1 If the complaint has no merit, the State Court Administrator or the administrator's designee shall forward a draft finding to the chair of the Certified Court Interpreter Advisory Committee. Upon acceptance of the initial draft finding that there is no merit to the complaint by the chair, the finding dismissing the complaint shall be mailed to the complainant and a copy thereof to the interpreter.
- 2.2 If further review is required, the interpreter will be provided with written notice of the allegations, and asked to provide a written response to the complaint within 21 days of receipt of this notification. Upon receipt of the interpreter's response, the chair of the Committee shall appoint a three-member Review Panel (at least one member of the panel must be a Nevada certified or registered interpreter), which shall meet within 45 days to review the materials received from the complainant and from the interpreter to determine whether further action is required. The Review Panel may consider information obtained from sources other than the complaint and response. If the complaint is found to be insufficient, the complaint shall be dismissed and the complainant and the interpreter shall be so notified.

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- 2.3 If sufficient cause is found, or if no response is filed by the interpreter, the Review Panel shall determine what further action is required. The Review Panel may set a hearing to review the complaint, or review the matter by considering the information as submitted. If a hearing is set, the interpreter shall be notified by certified mail of the time and date of the hearing, which shall be set no later than 60 days after a determination that sufficient cause exists.
- 2.4 Efforts to resolve the complaint informally may be initiated by any of the parties to the complaint at any time. Any resolution reached must be submitted to the chair of the Committee for approval. Upon approval of any resolution reached informally, or subsequent to any review without a hearing, the Review Panel will notify the complainant and the court interpreter of its decision in writing.
- 2.5 All hearings will be reported or recorded electronically and shall be private and confidential except upon request of the interpreter facing the allegations. Strict rules of evidence shall not apply. The Review Panel may, in its discretion, call witnesses, consider or clarify any evidence presented (including affidavits), giving such evidence the weight it deems appropriate. The interpreter may be represented by counsel at his/her own expense, and shall be able to testify, comment on the allegations, present evidence, and call witnesses. Testimony shall be under oath.
- 2.6 If the Review Panel finds that there is clear and convincing evidence that the court interpreter has violated the Code of Professional Responsibility or these reasons for discipline as set forth in paragraph 1 hereof, it shall impose such discipline or sanctions as it may deem appropriate.

3. POSSIBLE SANCTIONS

The Review Panel shall issue a decision, including its findings and the sanctions to be imposed, if any, within 30 days from the conclusion of the hearing. Time limits may be extended by mutual agreement (of the panel and the interpreter) in writing when an extension is necessary to ensure the fairness and/or sufficiency of the process. Sanctions may consist of, but are not limited to, one or more of the following:

- a) private reprimand;
- b) public reprimand;
- c) imposition of costs and expenses incurred by the Review Panel in connection with the proceeding, including investigative costs;
- d) restitution;
- e) requiring that specific education courses be taken;
- f) requiring that one or more parts of the interpreter certification examination be retaken;
- g) requiring that work be supervised;
- h) suspension of certification for a specified period of time;
- i) revocation of certification, to include a determination as to when the interpreter will be allowed to apply for reinstatement of certification following a specified period of time.

The specific disciplinary action and the degree of discipline to be imposed should depend upon factors that include aggravating and mitigating circumstances including but not limited to:

- the gravity of the violation;
- the intent of the interpreter;
- the interpreter's history of prior discipline;
- whether there is a pattern of improper activity;
- the effect of the improper activity on others or on the judicial system.

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4. NON-COMPLIANCE WITH RECERTIFICATION REQUIREMENTS

A Nevada certified interpreter who does not meet the renewal requirements before the expiration of the interpreter's certificate, but who still wishes to pursue recertification, has 6 months from the expiration date to complete the requirements, and upon completion may request recertification without having to re-test (oral and written). During this period, the certification will be considered to have expired, and the interpreter will not be certified. If the interpreter is unable to complete the requirements within 6 months, but can show progress (such as documented enrollment for a future CE class) the interpreter may take up to 1 year from the expiration date to complete the renewal requirements. If an interpreter must take extra time to complete the renewal requirements, the new certification period will extend only from the expiration date of the preceding certification period. In any case, if an interpreter is unable to meet the renewal requirements within 1 year of the expiration of the interpreter's certificate, the interpreter must start the entire certification process from the beginning (to include, but not limited to, attendance at an orientation workshop, and oral and written testing).

5. NEW EVIDENCE

A party to the complaint may make a request to the State Court Administrator in writing to re-open a Review Panel proceeding within 21 days of the decision if new evidence is discovered.

6. APPEAL

The interpreter may appeal the Review Panel's decision no later than 21 days after the decision is mailed to the address on file for the interpreter. The appeal shall be directed to the State Court Administrator or the administrator's designee and shall include the interpreter's written objections to the decision. The appeal shall be considered by the Nevada Certified Court Interpreters Advisory Committee (minimally a quorum thereof) based upon the record of the hearing to determine whether the decision reached and sanctions imposed were appropriate. Said record shall consist of the complaint, response, decision, a recording and/or transcript of the hearing, and copies of all items of evidence. The Committee shall meet to consider the appeal within 21 days of receipt of the appeal. The meeting of the Committee to consider the appeal may be conducted by telephone conference call. The complainant and the interpreter shall be notified of the Committee's decision on the appeal within 15 days of the meeting. Decisions by the committee regarding appeals shall be considered final.

7. REINSTATEMENT

A court interpreter whose certification has been suspended or revoked may apply in writing to the Committee for reinstatement pursuant to time frames established in the final order. This request shall explain why the applicant believes the reinstatement should occur. The Committee (or a quorum thereof) shall have the sole discretion whether to grant or deny reinstatement, or to impose conditions upon reinstatement, as it deems appropriate.

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APPENDIX IV

CONTINUING EDUCATION REQUIREMENTS

1. OVERVIEW

The following continuing education (CE) requirements are mandatory to assist the interpreter in fulfilling Canon 10 of the Code of Professional Responsibility for Interpreters in the Nevada Courts regarding professional development.

All CE requirements apply to all Certified and Registered interpreters seeking renewal of their credentials.

Documentation of continuing education credits must be provided to the Administrative Office of the Courts (AOC) by December 31st every year. The 36-month time period begins on January 1, following the Nevada Court Interpreter Certification credential date. Any CE credits accrued between the issuing of certification and the beginning of the 3-year period will be counted as CE credits for renewal purposes, provided the credits can be otherwise approved.

An interpreter must obtain at least 3 CE credits in ethics.

The following are areas in which an interpreter may obtain CE credits:

- 1.1 *Language-specific Interpreting and Translating Education;*
- 1.2 *Non-language-specific Interpreting and Translating;*
- 1.3 *Education Related to Law;*
- 1.4 *Education Related to the Enhancement of the Profession and Further Development of Relevant Interpretation Skills.*

2. DEFINITIONS

- 2.1 **CE Activity:** an educational process or procedure providing CE credits. An activity may consist of more than one session.
- 2.2 **CE Credits:** continuing education credits.
- 2.3 **Continuing Education:** activities, such as workshops and courses, in which the interpreter engages after successfully passing the certification examination. Full attendance of a session is required to obtain continuing education credit.
- 2.4 **Contact Hour:** 50 to 55 minutes of instruction are considered one credit. 25 minutes of instruction would equal 1-half credit. This includes only the time materials are being presented or instruction is taking place.
- 2.5 **Provider:** a person, school, or entity that is preparing and/or presenting an educational class, workshop, or seminar.
- 2.6 **Session:** a portion of an activity as determined and identified by a provider.

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3. REQUIRED CREDITS, MINIMUM AND MAXIMUM BY TYPE OF EDUCATION

To satisfy the requirements for retaining the Nevada Certified Court Interpreter credential, each certified or registered interpreter must earn 40 CE credits every 3 years, as a condition of renewal. The 40 continuing education credits must include a minimum of 3 credits on Ethics.

3.1 **Deadline for Earning CE Credits**

All 40 CE credits must be earned prior to the expiration of the certification credential. Expiration is calculated 36 months from January 1, following the administration of the interpreter's credentials and must include a minimum of 3 credits on Ethics.

3.2 **Limitation on Credits Earned Per Year**

No less than 10 and no more than 20 CE credits earned during a 12-month period may be counted toward the required 40 CE credits.

3.3 **Limitation on Carrying CE Credits Forward into Next Reporting Period**

No CE credits earned during one reporting period may be carried forward to the next reporting period.

3.4 **Limitation by Type of Education**

No more than 7 credits in a non-interpreter/translator-oriented or non-legal course from universities and colleges, or adult education providers may be used for a reporting period.

3.5 **Minimum Required for Language-Specific CE Credits**

A minimum of 10 CE credits must be obtained in language-specific instruction. A previously approved college course or workshop designed for students studying the target language (e.g., Spanish), with emphasis on grammar will satisfy this requirement.

3.6 **Minimum Interpretation Requirements**

A total of 120 hours of interpretation is required during the 3-year renewal period. While out-of-court legal interviews and depositions may be counted toward this requirement, a minimum of 10 hours of actual court interpreting experience is required. Documentation is required.

4. RECORD KEEPING AND SUBMISSION

4.1 **Records**

The interpreter must keep his/her own record of hours of observation or interpretation of in-court proceedings, or out-of-court legal interviews or depositions under the supervision of a court assignee.

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4.2 **Submission**

The interpreter must submit the *Continuing Education Verification Form* (available at <http://www.nevadajudiciary.us/index.php/viewdocumentsandforms/functionstartdown/597/>) to the AOC, on the form provided by the AOC. The interpreter will retain the documents and proof of attendance related to the credits claimed, and provide them to AOC when applying for renewal.

The Continuing Education Verification Form must be accompanied by documentation to verify compliance. Documentation includes, but is not limited to:

- Official transcripts from accredited colleges and universities
- Certificates of participation/completion, and
- Attendance verification documentation.

5. **CREDITS AWARDED**

5.1 **Overview**

CE credits are awarded for contact hours of participation in pre-approved organized educational programs, given under responsible sponsorship with capable direction and qualified instruction, or for alternative-study programs of study groups of two or more people. Recreational programs are not eligible for credits.

No CE credits will be awarded for programs that are less than 30 minutes in length.

5.2 **Credits Awarded by Type of Program**

5.2.1 *Language-specific Interpreting and Translating Education and/or Alternative Study*

Language-specific interpreting or translating skills programs other than alternative study programs or formal academic programs, provide one CE credit for each contact hour of participation. Limit 7 hours per day.

Out-of-state or abroad programs that are language-specific related to interpreting and translating education (e.g., advance or comparative grammar of English and target language course) may be eligible for CE credit. Abroad programs must be related to interpreting and translating. Foreign travel alone may not be used for credit. CE credits may be awarded for participating in activities (i.e., workshops or courses) offered in other states or in another country. Activity must be recognized and approved by the AOC.

5.2.2 *Approved Alternative Study Courses*

The AOC will review for approval and credit value of the alternative study courses.

5.2.3 *Teaching or Facilitating Approved CE Programs*

Teaching or participating as a small group facilitator or leader in any course or program listed above may provide up to 5 CE credits per one teaching activity for the instructor or small group leader with a maximum of 10 per year. The AOC will evaluate the credits requested by instructors or small group leaders on a case-by-case basis. The instructor or small group leader can obtain up to 2 CE credits for re-teaching a class previously taught.

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6. PRE-APPROVED PROVIDERS OF WORKSHOPS, SEMINARS, AND CLASSROOM INSTRUCTION

Any workshop, compulsory or optional, sponsored and/or sanctioned by the AOC Certified Court Interpreters Program, may be used to fulfill CE requirements.

The following providers are pre-approved as providers of CE programs:

- Administrative Office of the Courts (AOC).
- Upper Division University and college courses approved/recognized by the AOC.

7. COLLEGE, UNIVERSITY, AND SPECIALIZED INSTITUTE INTERPRETING AND TRANSLATING COURSES: CREDITS

7.1 Language-Specific Interpreting and Translating Courses

Language-specific interpreting and translating courses offered by colleges, universities, and specialized institutes, in which the interpreter earns:

- a) A letter grade of "C" or better, if students are graded, or
- b) A "pass" if only pass/fail grades are offered;
 - 15 CE credits per semester.
 - 10 CE credits per trimester or quarter.

7.2 Non-language-specific Interpreting and Translating Courses

Non-language-specific interpreting and translating courses offered by colleges, universities, and specialized institutes, in which the interpreter earns:

- a) A letter grade of "C" or better, if students are graded, or
- b) A "pass" if only pass/fail grades are offered;
 - CE credits per semester.
 - 5 CE credits per trimester or quarter.

8. OBTAINING CE CREDITS FOR NON-LANGUAGE SPECIFIC COURSES OFFERED BY UNIVERSITIES, COLLEGES, AND OTHER EDUCATION PROVIDERS

Courses presented by universities and colleges, community-based adult education providers, and other organizations that provide legal or general education may qualify for the students attending the course to obtain CE credits. To ensure consideration, the interpreter **MUST** submit course information to AOC prior to attending the course so that AOC may determine if the course qualifies for continuing education credits. Approval for non-language specific classes or courses is not guaranteed.

9. OBTAINING CE CREDITS FOR ALTERNATIVE-STUDY COURSES

9.1 *Alternative study programs may be used to obtain CE credits.*

In order for a certified interpreter to obtain credits for alternative-study programs, the interpreter **MUST** submit the *Alternative Study Course Plan Form* (available at

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<http://www.nevadajudiciary.us/index.php/viewdocumentsandforms/func-startdown/8464/>) to the AOC for **PRIOR** approval.

9.1.1 The AOC may request a written summary of the alternative-study course (e.g., essay or article about what was learned) to be shared with other interpreters throughout the state.

9.2 The *Alternative Study Course Plan Form* should be submitted at least 60 days prior to the beginning of the program. An alternative-study program will not be evaluated for CE credit after the program has been completed.

9.3 Once a plan is submitted, the AOC will evaluate whether an alternative study program qualifies for CE credits.

The interpreters submitting the plan will be notified in writing whether the alternative-study program is accepted or rejected, and explanation or suggestions for change will be provided.

9.4 At the completion of the alternative-study program, participating interpreters must sign an affirmation of the hours studied and submit a summary or evaluation of the alternative study program.

Staff from the AOC or a designee may observe an interpreter's alternative-study program at any time, without prior notice.

9.5 Any misrepresentations regarding an alternative-study program disqualify the interpreter from obtaining CE credits from the program in question, disqualify the interpreter from ever obtaining CE credits by participating in a alternative study program, and may be an ethical violation resulting in suspension or withdrawal of the Nevada Certified Court Interpreter's credentials.

9.6 No more than 13 CE credits may be earned through alternative study programs during the 3-year certification period by any certified court interpreter.

10. PROVIDER WISHING TO PRESENT A PROGRAM FOR CE CREDIT

A provider wishing to present a program for CE credit should request approval from the AOC at least 90 days prior to the beginning of the program. The AOC will respond to the request within 45 days from the date received. Providers must submit the *Program Sanction Form*, available at <http://www.nevadajudiciary.us/index.php/viewdocumentsandforms/func-startdown/598/>. Upon approval, the provider will be notified of the number of CE credits that will be awarded to participants and instructors in the program.

11. SAMPLES OR SUGGESTED TOPICS FOR CE CREDITS

May include, but are not limited to:

- a) *Professional Issues*: Management, ethics, and leadership.
- b) *Terminology*: Legal terms, colloquial, street slang, law enforcement jargon, weapons and ballistics, drugs, gangs, sex offenses, tools, automotive terms, false cognates, business

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- terms, forensic pathology, criminology, finger prints, profiling, DNA, medical terms, drug and alcohol testing, juvenile proceedings, civil law, family law, real estate, and financial and banking terms.
- c) Translation: Personal legal documents, medical reports, business correspondence, works of literature, technical documents, theory of translation, contracts, bidding specification, legislation, court decisions, financial documents, comparative grammar, and phonology in target language.
 - d) Tape Transcriptions.
 - e) Language Skills: Grammar, style and composition, literature, speed reading, accent reduction, voice protection, etymology, philosophy, public speaking, vocabulary-building, linguistics, creative writing, phonology, and improvisation techniques.
 - f) The Law: Comparative legal systems, criminal procedures, sentencing procedures, probation/parole, contracts, domestic violence, administration of justice, criminal investigation, juvenile justice, criminal profiling, family law, and torts.
 - g) Cultural Awareness: Intercultural communication, cultural anthropology, comparative religions, comparative cultures, comparative government, folk medicine, and sociology.