

# **EDUCATIONAL INTERPRETING IN INDIANA: COURT INTERPRETER CERTIFICATION IN INDIANA**

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## **Abstract**

The paper is dedicated to educational interpreting in Indiana. The research is aimed at analysing the specifics of court interpreting profession in Indiana. Currently one does not have to be certified to interpret for depositions hearings and trials in the Indiana courts. Indiana courts are strongly encouraged to use certified interpreters, and many trial courts in Indiana only will recruit certified interpreters.

Certification, however, does not guarantee employment. Currently some Indiana courts employ independent contractors for court interpreting while other Indiana courts utilize the services of staff court interpreters. To obtain court-certification they should comply with the necessary requirements according to the standards of other states. It is also essential to pass a series of tests to this effect. There are also populations that diversify the need for court interpreters in Indiana. The Spanish speaking population is steadily growing and amounts to 3.5% of Indiana's population.

The steadily growing Asian population including Chinese Filipinos, Koreans, Japanese and Vietnamese is in great need of court interpreters. Indiana supports the educational interpreting standards fully. American Sign Language in all educational settings is required. The theoretical importance of the research is to recommend rules of interpreters' behaviour in various situations of interpretation. The practical value of the paper: it may be useful for interpreters, translators and lawyers.

**Keywords:** Educational Interpreting, Certification, specifics, trials, requirements, standards, population

## **1 INTRODUCTION**

The US Constitution and American law apply to everyone in the United States, irrespective of immigration status and citizenship. Moreover, even illegal immigrants have most the same main legal rights as citizens in the United States. In accordance with the US Constitution, each state has the power to establish its own system of civil as well as criminal laws, resulting in 50 different state legal systems. Each legal system is supported by its own city courts and county. Police forces and prisons are also supported by them. There's a wide variation in local laws and states, making life problematic for citizens moving between states. Never assume that the law is the same in different states. For example, Conflict of State Laws is a popular course in American law schools.

## **2 METHODOLOGY**

Lawyers spend their time analyzing new methods and lucrative areas of litigation. Lawyers even follow ambulances in an attempt to be first in line to represent accident victims, hence the term "ambulance chasers". The paper provides detailed observations based on the findings of the research as well as recommendations based on comparative analysis.

## **3 DISCUSSION**

Certificated interpreters have continuously requested review of the category “otherwise qualified interpreters.” In some states, the interpreter registry includes as “otherwise qualified interpreters” persons who have accomplished a two-day induction course that does not estimate the candidate’s language knowledge or interpreting skills. In some cases, non-certified interpreters have been taken into account as they gained wide experience in providing services to the court. Certainly, injunction for “otherwise qualified interpreters” is to a great extent lower and decision makers do their best to spend less money. What they don’t focus on when employing a non-qualified interpreter is the expense of appellate cases. Some interpreters who have been made award of court in various courts have obtained certification, reach retirement age or don’t interpret in court process.

Attrition and advocacy on the significance of working with certified interpreters are solving the question of being made a ward of court and “otherwise qualified interpreters”. Power over the federal and state court interpreter certification programs are vested in the National Center of State Courts (NCSC) (Saldanha, G. & Zanettin, F., 1998) pursuant to contract to the Administrative Office of the United States Courts. NCSC supervises the court interpreter certification program by the Consortium for Language Access in the Courts (formerly the Consortium for State Court Interpreter Certification), which was established in August 1997 with the mission to “promote court interpreting test development and administration standards, to prepare testing materials, to promote educational programs and standards to enhance communication among the member states and entities, in order that individual member states and legal entities could have the instruments needed and instructions to fulfill certification programs.” Apart from preparing and overseeing material for testing, the Consortium has carried out research on certification examination findings and career directions. Research reports and other particularities on court interpreter matters are available on the Consortium’s website Publications page.

These certification procedure, and the theory that success qualifies in both the state and federal court interpreter exams are strikingly low (GetCITED, 2000), has produced a great demand for the training of a great number of inspiring interpreters. The needs to train interpreters have mainly been solved through short-term workshops and seminars provided by court chiefs, professional organizations, and entrepreneurs, rather than through academia. The procedure for certifying interpreters has been solved before creating the instruments that would provide inspiring interpreters a highly qualified education. Court interpreter education and training in the US have been rightly featured as “putting the cart before the horse.” (Edwards, A., 1995).

#### Court Interpreting in Indiana

Currently one does not have to be certified to interpret for depositions hearings and trials in the Indiana courts. Indiana courts are strongly encouraged to use certified interpreters, and many trial courts in Indiana only will hire certified interpreters. Certification, however, does not guarantee employment. At this time, some Indiana courts employ independent contractors for court interpreting while other Indiana courts utilize the services of staff court interpreters. In order to get court-certification one must pass the necessary requirements that are standard throughout many of the states. One must pass a series of tests and attend an orientation. As populations diversify the need for court interpreters in Indiana continues to grow in languages such as Spanish which represents 3.5% of Indiana’s population. The growing Asian populations including Chinese Filipinos, Koreans, Japanese and Vietnamese are also creating more needs in the courts.

#### Educational Interpreting in Indiana

Indiana supports the educational interpreting standard fully and it is required for all educational interpreters. Offering American Sign Language in all educational settings is required. At this time the minimum level is registration with Department

#### Court Interpreter Certification in Indiana

The certification steps in Indiana are as follows: it is important to participate in a two-day court interpreter induction course that incorporates the ethics of court interpreter, protocol, fundamental criminal proceeding, and the three types of interpreting applied in the court room. Indiana has carried out the certification exam for the English-Spanish language pair, which is the language combination that is in great demand for interpreting services used in courts, but also in French, Polish, and Mandarin. (Gile, D.,1995) This combination leads to particularities on a national court interpreter database of interpreter classification and skills.

#### Review of the certification procedure

Taken into account that court interpreter certification is under the oversight of a national body, the certification process is rather long and similar in all states. The certification steps in Indiana are as follows:

1. Attend a two-day court interpreter induction that covers ethics of court interpreter, protocol, fundamental criminal proceeding, and the three types of interpreting applied in the courtroom. No language skills assessment is required for this activity. Anyone may attend provided that he or she pays registration fees.
2. Pass a written exam including vocabulary, criminal proceeding, and ethics of court interpreter with a score of 80% or better.
3. Attend a two-day skills building seminar that covers sight translation, consecutive interpreting and simultaneous interpreting.
4. Pass all three portions – sight translation, consecutive interpreting and simultaneous interpreting – of the National Consortium-approved interpreter certification oral exam with a score of 70% or better on each of three sections. A candidate who fails one or two portions of the oral exam can retake only those portions until all three are completed successfully.
5. Submit to a criminal background check.
6. Sign an oath promising to observe the Indiana Supreme Court Interpreter Code of Conduct and Procedure.

#### Overview of the written exam

The written test includes 135 multiple-choice questions and assesses a candidate's knowledge of the following areas central to the work of a court interpreter:

- **English Language:** One indispensable element necessary to function as a professional court interpreter is a high degree of proficiency in the English language. Accordingly, the written examination provides for a high degree of literacy in the English language and familiarity with a wide range of language constructions. The candidate is tested on comprehension of written English vocabulary and common English idioms.
- **Court-Related Terms and Usage:** A second area of knowledge essential to successful professional performance is familiarity with the terminology and procedures of the court system. Accordingly, the written examination also estimates recognition of common court-related situations and vocabulary.
- **Ethics and Professional Conduct:** The third area of knowledge required of professional court interpreters included in the written test is general knowledge of ethical standards guiding the performance of duties. So, the written exam covers questions aimed at assessing a candidate's knowledge of ethical behavior and professional conduct.

For Spanish, the test includes a ten-sentence translation component in which the candidate translates ten English sentences to Spanish. The passing score is borderline or better.

#### Overview of the oral certification exam

The written test includes 135 multiple-choice questions and assesses a candidate's knowledge of the following areas central to the work of a court interpreter:

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#### Overview of the oral certification exam

The oral certification exam tests proficiency in the three modes of interpreting used in the courts: sight translation, consecutive interpreting and simultaneous interpreting. Candidate must achieve a score of 70%

or better on each portion of the test to pass. Tests are handed over individually recorded, and scored by two certified interpreters trained as raters. The passing score for FCICE is 75% for the written portion and 80% for the oral portion. Candidates have to get a passing score in the two languages included in the test.

#### Certification by reciprocity

Since most states use the testing materials developed by the Consortium, interpreters are eligible for certification by reciprocity. In Indiana, certification by reciprocity is granted as long as the certifying state or federal government maintains the same or higher scoring standards as Indiana. This link leads to reciprocity requirements in Indiana.

#### Salary and wages

The inclusion of translation and interpreting in the 2004-2005 Occupational Outlook Handbook of the United States Department of Labor's Bureau of Labor Statistics was a much renowned step towards making the activity highly professional. The handbook, which is updated every other year, provides a description of the nature of the work, training and other qualifications required, job outlook, and earnings and wages for the profession. While more job opportunities and better earnings remain in a wide range of projects for the future, there is reason to hope that translation and interpreting are on their way to acquiring a higher standing.

Regarding the pay scale for interpreters working in courts and legal settings, the National Association of Judiciary Interpreters and Translators (NAJIT) points out that it depends in part on the law of supply and demand and the type of certification or other qualifications held by the interpreter, frequency and scope of work available, settings in which interpreting is needed, and employment circumstances under which the interpreter works (self-employment, freelance, or salaried). Remuneration varies also pursuant to the associated cost of living of a certain area.

## 4 CONCLUSION

The federal judiciary is respected throughout the country for its excellence, for its supplying equal justice under the law and for its independence of its judges. Under the plan, the judiciary makes a number of perfect strategies that will enable it to continue as a model in providing impartial and fair justice. Having a court system of its own, the national government shouldn't depend on entirely on the good will of state courts to effect its laws. That the state retained their own courts, but attested to their continued strength.

There is a code of professional conduct for interpreters and translators. The New Jersey Supreme Court adopted an amendment to R. 1:14. The rule, as amended, is provided below: 1:14. Codes of Ethics The Rules of Professional Conduct and the Code of Judicial Conduct of the American Bar Association, as amended and supplemented by the Supreme Court and included as an Appendix to Part I of these Rules, and the Code of Conduct for Judiciary Employees, also included as an Appendix to Part I of these Rules, shall govern the conduct of the members of the bar and the judges and employees of all courts of the State.

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