

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Maureen O'Connor

FROM: Judge David Hejmanowski, Chairperson
Bruno Romero, Manager of the Language Services Program

CC: Stephanie Hess, Deputy Administrative Director
Stephanie Nelson, Director of Court Services Division

DATE: January 22, 2019

RE: Advisory Committee on Language Services – 2018 Annual Report

Pursuant to Guideline 4.03 of the Operating Guidelines for the Advisory Committee on Language Services, Judge David Hejmanowski, chairperson and Bruno Romero, staff liaison to the advisory committee, hereby submit the 2018 Annual Report.

Purpose of Advisory Committee

The purpose of the advisory committee is to provide ongoing advice to the Court and its staff regarding the promotion of statewide rules and uniform standards on the operation of language access programs in Ohio courts; the development and delivery of interpreter services to Ohio courts, including training programs for judges and court personnel; and the consideration of any other issues the advisory committee deems necessary to assist the Court and its staff regarding the provision of language services in Ohio courts.

2018 Activities and Accomplishments

The advisory committee met on April 3, August 31, and December 14. A number of important items were discussed to assist local courts address language access issues. The committee proposed training and performance requirements for American Sign Language (ASL) interpreters with generalist certifications as a result of the Registry of Interpreters for the Deaf (RID) permanently suspending ASL legal certification. To date, RID has no plan to reinstate the performance exam. The advisory committee proposed a number of items to ensure ASL interpreters have sufficient training and preparation to work in Ohio's courts.

The committee recommended a new category of ASL interpreters called "registered" sign language interpreters. To qualify for this designation an ASL interpreter must possess the generalist certification and take the National Center for State Courts (NCSC) written exam

developed for foreign language interpreters seeking legal certification. Additionally, the committee proposed to require “registered” interpreters complete six hours of legal procedure and terminology, six hours of court interpreter ethics and an additional twelve hours of specialized legal training. Finally, “registered” interpreters must meet 24-hours of continuing legal interpreting training over a 24-month period. The recommendations were proposed as amendments to the interpreter rules, Sup.R. 80-89.

A number of additional topics were discussed by the advisory committee in 2018:

- (1) The advisory committee is considering a proposal to clarify the use of interpreters in contemporaneously rendering interpretation of foreign language sound and video files on the record. Two judges shared a scenario of an interpreter in their court being asked to interpret without previewing the content of the files and any interference contained therein. The judges noted that when a court interpreter is asked to perform this task, the interpreter moves into becoming an expert witness and is subject to cross examination. As such, the interpreter may be disqualified as the interpreter of record under Sup.R. 88(C). A body of work suggests that litigants need to have the foreign language video files transcribed and translated before presenting the evidence.
- (2) At the December meeting, the training subcommittee discussed non-compliance of continuing education requirements under Sup.R. 85. The committee will outline a progressive process of consequences when interpreters fail to meet such requirements. The committee plans to report these recommendations in 2019.
- (3) The advisory committee will also propose a disciplinary process regarding candidates who do not follow court interpreter certification exam protocol. NCSC had to suspend three Spanish exams after test content appeared on various internet websites.

The Advisory Committee on Language Services and the Language Services Program will continue to work together to strengthen access to justice for every limited-English person in Ohio.