

# Nebraska Judicial News

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## Certified Interpreters Facilitate Due Process in the Nebraska Court System

At a swearing-in ceremony for newly certified court interpreters on January 25, Justice John Gerrard characterized the group of 19 Nebraska resident certified court interpreters as highly trained professionals who are "truly the voice of those non-English speakers in the court system."

Gerrard cited the constitutional obligation to provide due process in the courts and defined due process as 1) giving notice of what one is charged with, which includes affording that person the ability to know what everyone in the courtroom is saying and 2) giving the litigant the ability to be heard. In addition to being a justice of the Nebraska Supreme Court, Gerrard is also chair of the Court's Interpreter Committee and the Nebraska Minority Justice Committee.



Newly certified court interpreter, L. Alex Perez, addresses friends and family during his certification ceremony. Nebraska certified Spanish language interpreters stand behind him during his remarks.

Linda Crump, co-chair with Gerrard on the Minority Justice Committee, praised the interpreters gathered at the ceremony, recognizing their desire to give their service to the legal system. She stated that "access to the court system is hollow if you can't know and understand." She commented that she was pleased the interpreter ceremony was scheduled the week of the Martin Luther King observance and asked the question, "Life, liberty and the pursuit of happiness...where do we find it but in the court system?"

Prior to the swearing-in, Sheryl Connolly, who coordinates the interpreters for the Administrative Office of the Courts and Probation, presented certificates to the certified court interpreters, recognizing their years of service. She also recognized current and former members of the Interpreter Advisory Committee: Robert Roos, Lexington; Maria Easterday, Eustis; Natalie Malmberg, Norfolk; and Jeck-Jenard Navarrete, Omaha.

Interpreters present remained standing as Raul Escobar of Lincoln introduced newly certified interpreter Alex Perez, also of Lincoln.

After Perez was formally sworn in by Gerrard, he told how Escobar's certification as a court interpreter inspired him to study and take the certification exam. He explained that the two of them view their ability as "a gift ...to be able to provide this service for Hispanics."

Perez, born in Venezuela and now a citizen of the United States, has been in Nebraska since college where he earned a Bachelor's Degree in Computer Information Systems. He has been a full-time Spanish interpreter since 2003 and currently interprets in Saline, Saunders, Thayer, York, Seward, and Lancaster counties. He also coordinates and interprets in the drug and alcohol education and treatment programs for the Hispanic community in Lancaster and Saline counties. When he first came to this country, he lived with his brother Juan and his family. All were present at the interpreter ceremony.



Alex Perez (left) promises to maintain high standards of conduct as stated in his interpreter oath. The oath is administered by Justice John Gerrard (right) in the Supreme Court Courtroom.

## Certified and Registered Interpreters and Their Languages

Certified interpreters in Nebraska are available for Spanish and American Sign languages. But the need for interpretation in other languages is great. As Crump pointed out in her presentation on January 25, Judge Linda Porter of Lincoln finds the need to have as many as 15 languages translated in her courtroom. Statewide, after the need for translators of Spanish, the next greatest needs are in the Vietnamese and Arabic languages.

Connolly explained that the Court is responsible for scheduling interpreters and pointed to the Rules Relating to Court Interpreters, established by the Nebraska Supreme Court. According to the Rules, "the court will first attempt to appoint a certified court interpreter who is listed on the statewide register of interpreters if one is reasonably available." If diligent efforts to schedule a certified interpreter fail, the court may appoint a registered, non-certified court interpreter. Connolly indicates that courts do frequently use registered interpreters. On this list of registered interpreters, there are four interpreters of the Vietnamese language and three who interpret Arabic as well as interpreters who employ sign language to assist the hearing impaired.

Another avenue open to the court for obtaining interpreter service is through a language line (telephone). If no one in Nebraska is available to meet the immediate language needs, the language line might be used to employ an interpreter located in another state for shorter proceedings, such as arraignments.

## Who Pays for Interpreter Services?

The certified interpreters in Nebraska offer their services as independent contractors. Though all interpreters are engaged by the court system, determination



Former Nebraska State Bar Association President, Linda Crump, gives keynote speech to audience assembled in courtroom.

for payment of services is according to the Nebraska Interpreter Protocol 2008. The Protocol indicates that the Administrative Office of the Courts (AOC) pays for an interpreter for “any party, witness, or person whom the court or probation office needs to communicate with to do business.” These parties eligible for AOC paid interpreters include those whom the court determines “does not speak sufficient English to fully understand the court proceeding.” This eligibility also extends to any witness who does not speak English who is providing testimony while on the witness stand.

Further, a party who does not speak English who is appearing in small claims court, a domestic relations case, a civil case, workers’ compensation court or a drug court may be provided an interpreter paid by the AOC. A defendant or guardian of a minor who does not speak English who appears before a probation officer or to receive in-office supervision during the term of probation may be provided an interpreter paid by the AOC.

In some cases, local government agencies may be responsible for paying an interpreter. Some examples include: parties or witnesses being interviewed by a prosecutor or defense attorney outside the courtroom setting, witnesses in a grand jury proceeding, parties in mental health hearings, and parties on probation for activities outside presentence interviews and in-office supervision.

Jurors are not entitled to a foreign language interpreter in order to perform jury service except to comply with the Federal Americans with Disabilities Act, that requires a sign interpreter who would accommodate the hearing impaired juror or prospective juror.

## Oversight of Court Interpreters

The Nebraska Supreme Court has created the Court Interpreter Training and Certification Program, the Code of Professional Responsibility for Interpreters, and the Rules under which interpreters serve the courts. The Court has also created the Interpreter Advisory Committee to make recommendations on rules, regulations, and statewide policies. Four certified interpreters (previously named in this article) from various regions of the state serve on this committee.

The Rules Relating to Court Interpreters were established in 2000 and amended in 2003. They address: The Interpreter Register, Appointment of Interpreters, Certified Court Interpreter Requirements, Examinations for Interpreter Certification, Suspension or Revocation of Certification. In addition, the Rules contain the Code of Professional Responsibility for Interpreters. The Code addresses: interpreters’ accuracy, representation of qualifications, impartiality and avoidance of conflict of interest, professional demeanor, confidentiality, restriction of public comment, scope of practice, assessing and reporting inability to perform, duty to report ethical violations, and professional development.



Justice John Gerrard (left) watches as Alex Perez (right) signs his oath as a Nebraska Supreme Court Certified Court Interpreter.



Interpreter Coordinator Sheryl Connolly (right) talks with Spanish language interpreters Martha Brester (left) and Christina Kropf during the interpreter celebration.

## The Interpreter Certification Program and Resources

Connolly indicates that the test to become a certified interpreter is quite rigorous, requiring 70 percent accuracy. The oral examination tests the interpreter's sight, consecutive, and simultaneous interpreting skills. Other requirements to become a certified Nebraska Court Interpreter include the following:

Attend a 2-day interpreter orientation. This provides an introduction to the courts, ethics, vocabulary, talents and skills needed to pass the certification oral examination and assume the responsibilities of a court interpreter.

Pass a written English language proficiency exam.

The exam is sponsored by the Consortium of the National Center for the State Courts (NCSC). There are a number of good interpreter resources from the NCSC available on the Supreme Court's Web site at [http://www.ncsconline.org/D\\_Research/CIResources.html](http://www.ncsconline.org/D_Research/CIResources.html). These include colleges and universities, legal glossaries in several languages, manuals on the oral and written examinations, and practice exam kits. Also listed are self-assessments on qualifications and study guide references for people interested in court interpreting.

The Supreme Court Interpreter Project is providing several opportunities for training and testing in 2008:

- April 5, Written Exam (8 a.m. - 10 a.m.), Lincoln
- April 5 - 6, Orientation, Lincoln
- [May 2 - 3, Oral Exam, Lincoln](#)
- June 21 - 22, Skillsbuilding Workshop, Lincoln
- July 24, Written Exam (8 a.m. - 10 a.m.), Kearney
- July 24 - 26, Orientation, Kearney (in conjunction with NATI Conference)
- [September 5 - 6, Oral Exam, Lincoln](#)

To register for any of the above trainings, e-mail Sheryl Connolly at [sconnolly@nsc.state.ne.us](mailto:sconnolly@nsc.state.ne.us) or call 402-471-2671.

Connolly indicates that the Administrative Office of the Courts and Probation is making many efforts to certify interpreters in additional languages. She says some very capable interpreters in Arabic and Chinese have tested very well, though they have not yet achieved the level required for certification. She hopes that 2008 "will see us break through other language barriers."

## Other Efforts to Assist Non-English Speaking in Nebraska

Recently, the Minority and Justice Implementation Committee, a joint effort of the Nebraska Supreme Court and the Nebraska State Bar Association, announced a project to translate court forms for civil and pro-se litigants into Spanish, Vietnamese, and Arabic. Project Coordinator Liz Neeley reports this translation effort is being funded by a grant from the Woods Charitable Fund, Inc. Read more about the Committee at [http://ppc.unl.edu/program\\_areas/documents/mjtf.html](http://ppc.unl.edu/program_areas/documents/mjtf.html). When the newly translated forms are available, they will be posted on the Nebraska Supreme Court's Web site at [www.supremecourt.ne.gov](http://www.supremecourt.ne.gov).

For more information about the Nebraska Supreme Court's Interpreter Project, go to <http://www.supremecourt.ne.gov> and select "Interpreters" from the left-hand menu.



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