

APPENDIX B

Proposed Interpreter Rules – Two-Column Chart

**FLORIDA RULES FOR CERTIFICATION
AND REGULATION OF SPOKEN LANGUAGE COURT INTERPRETERS**

| Proposed Rule | Reasons for Change |
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| <p style="text-align: center;">FLORIDA RULES FOR CERTIFICATION AND REGULATION OF SPOKEN LANGUAGE COURT INTERPRETERS</p> <p style="text-align: center;">PART I. GENERAL PROVISIONS</p> <p>Rule 14.100. Definitions</p> <p>(a) Court Interpreter. <u>Any person providing spoken language court interpreting services during a court or court-related proceeding, except persons performing such services without remuneration on behalf of indigent persons in circumstances not requiring appointment of a court interpreter.</u></p> <p>(ab) Certified Court Interpreter. An interpreter who has completed all requirements for certification in accordance with these rules and holds a valid certificate issued by the Office of the State Courts Administrator.</p> <p>(bc) Language Skilled. A designation reserved for interpreters who have completed all requirements in accordance with these rules, but who are seeking certification in a spoken language for which there is no state-certifying examination, such persons holding a valid certificate issued by the Office of the State Courts Administrator.</p> <p>(ed) Provisionally Approved. A designation reserved for interpreters of spoken languages for which a state-certifying examination is available, who, although not yet certified, have</p> | <p>Addressing concerns current standards apply only to court-appointed and other officially designated interpreters, “court interpreter” is defined in a manner more broadly including privately retained individuals providing spoken language interpreter services in civil matters as well as other court and court-related proceedings.</p> <p>Though reassigned letter designations or re-located for better context in relation to newly defined terms, all existing definitions remain unchanged.</p> <p>[re-assigning letter designation]</p> <p>[re-assigning letter designation]</p> |

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| <p>passed the oral performance exam at a lesser qualifying prescribed level and hold a valid certificate issued by the Office of the State Courts Administrator.</p> <p>(de) Duly Qualified Interpreter. An interpreter who is certified or language skilled, or, if a certified or language skilled interpreter is unavailable, a provisionally approved interpreter, as these terms are defined under sections <u>subdivisions</u> (ab) through (ed) above.</p> <p>(f) Court. <u>Any county, circuit or district court of this state or the Supreme Court of Florida.</u></p> <p>(g) Court Proceeding. <u>Any hearing or trial presided over by a state court judge, general magistrate, special magistrate, or hearing officer within the state courts system.</u></p> <p>(h) Court-Related Proceeding. <u>Any event, including, but not limited to, a deposition, mediation, arbitration, or examination, which occurs or could be made to occur as a result of a court order, subpoena, or general law, and for which the primary purpose is the communication or exchange of information related to a claim or defense in or the settlement of a pending or impending court case. However, a law enforcement investigation which does not yet involve the participation of the prosecuting authority shall not be considered a court-related proceeding.</u></p> <p>(ei) Board. The Court Interpreter Certification Board.</p> <p>(fj) Compliance Period. The two-year period beginning upon official designation as a certified, language skilled, or provisionally approved court interpreter.</p> | <p>[re-assigning letter designation]</p> <p>[technical change, substituting “subdivisions” for “sections” and conforming references]</p> <p>Existing definition is re-located preceding related terms.</p> <p>This term and the next describe proceedings in which individuals are presently providing interpreter services for non-English speaking and limited English proficient persons absent any requirement they meet even threshold standards. Though broadly encompassing, both terms include text limiting circumstances with regard to which an expansion of interpreter standards would apply. With these modest limitations in defined terms, however, proposed expansion of standards would apply uniformly to a substantially larger number of persons providing court interpreter services than at present.</p> <p>[re-assigning letter designation]</p> <p>[re-assigning letter designation]</p> |
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| <p>(g) Court. Any county, circuit or district court of this state or the Supreme Court of Florida.</p> <p>(hk) State-Certifying Examination. A full or abbreviated board-approved oral performance examination designed to objectively measure whether a candidates possesses the minimum levels of language knowledge and fluency and interpreting skills required to perform competently during court proceedings.</p> <p>(il) Written Examination. An initial qualifying or screening examination designed to measure a candidate's literacy in English, familiarity with, and usage of, court-related terms, and/or knowledge of matters regarding interpreter ethics and related professional conduct.</p> <p>(jm) Full Oral Performance Examination. An oral examination which measures language knowledge and fluency in both English and non-English languages, as well as the ability to successfully render meaning in target and source languages in simultaneous interpretation, consecutive interpretation, and sight translation of documents.</p> <p>(kn) Abbreviated Oral Performance Examination. An oral examination assessing functional proficiency to competently interpret simultaneously in court from English to a non-English language, and prerequisite to which a candidates must satisfy board-approved oral proficiency interviews in both English and non-English languages.</p> <p>(lo) Oral Proficiency Interview. A standardized language proficiency interview assessing functional speaking ability in both English and non-English languages.</p> | <p>[re-located preceding related terms at new subdivision (f)]</p> <p>[re-assigning letter designations here through proposed rule 14.100(p)] [technical change]</p> <p>[technical]</p> |
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(mp) Modes of Court Interpretation. Simultaneous interpretation, consecutive interpretation, and sight translation of documents in a court setting.

(q) Transcription. The process of preserving audio or videotaped sound files in written form, duplicating the original, together with its translation into the target language, and, when used for evidentiary purposes, produced in dual-language format with the original and translation appearing side-by-side.

(r) Translation. Converting a written text from one language into written text in another language.

“Transcription” and “Translation” are newly defined in substantially the same manner as they appear in the *Florida Benchguide on Court Interpreting*. Both afford guidance with respect to procedural best practices already approved by the Court.

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| <p>Rule 14.110. Court Interpreter Certification Board</p> <p>(a) Board Composition. [NO CHANGE]</p> <p>(b) Staff. [NO CHANGE]</p> <p>(c) Officers; Quorum. [NO CHANGE]</p> <p>(d) Vacancies. [NO CHANGE]</p> <p>(e) Terms. [NO CHANGE]</p> <p>(f) Duties. The duties of the board shall include:</p> <p>(1) certification registration, designation, regulation, and discipline of all court interpreters, and, upon failure to comply with these rules, suspension, and revocation of certification of registrations and acquired designations <u>court interpreters</u>;</p> <p>(2) designation, regulation, and discipline of language skilled and provisionally approved court interpreters, as well as suspension and revocation of designation upon failure to become certified within prescribed time frames;</p> <p>(3) regulation and discipline of court appointed interpreters who, although neither certified nor otherwise qualified in accordance with these rules, are permitted to provide court interpreting services when a certified, language skilled, or provisionally approved interpreter is unavailable;</p> <p>(4) the authority to periodically review and adopt new or amended board-operating procedures consistent with these rules;</p> | <p>Subdivision (f)(1) is revised in a manner more succinctly addressing the board’s responsibility with respect to regulation and discipline of all court interpreters, including required registration.</p> <p>Existing subdivisions 14.110(f)(2) and (3) are deleted as the substance of each is otherwise incorporated under subdivision (f)(1).</p> <p>[re-numbering]</p> |
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| <p>(53) the authority to make recommendations to the supreme court regarding language access issues and amendment of court rules relating to provision of spoken language court interpreting services; and</p> <p>(64) performance of such other assignments relating to provision of spoken language court interpreting services as may be directed by the chief justice of the supreme court.</p> <p>(g) Fees. [NO CHANGE]</p> <p>(h) Records; Registry. The board shall maintain records and minutes of its meetings and all other official actions. It shall also maintain a record of all continuing education credits earned by <u>registered</u>, certified, language skilled, and provisionally approved court interpreters. It shall also maintain separate registries containing the name <u>and, as applicable</u>, designation number, renewal date, and geographic areas where services are available for each <u>registered and</u> officially designated court interpreter.</p> <p>(i) Expenses. [NO CHANGE]</p> | <p>[re-numbering]</p> <p>[re-numbering]</p> <p>Conforming text authorizes inclusion of registered court interpreters among names to be included in registries maintained by the board.</p> |
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**PART II. INTERPRETER REGISTRATION AND
DESIGNATIONS**

Rule 14.200. Qualification Registration

~~(a) **Exclusive Designations Registration.** Individuals providing court interpreting services shall be designated certified court interpreters, language skilled, or provisionally approved upon qualifying in accordance with these rules. As a descriptive term employed in relation to the provision of court interpreting services, “duly qualified” refers exclusively to those persons who are certified or language skilled, or, if a certified or language skilled interpreter is unavailable, a provisionally approved interpreter. Court interpreters shall, prior to providing interpreter services, become registered with the Office of the State Courts Administrator.~~

(b) General Prerequisites. Unless otherwise provided, all applicants completing prerequisites for ~~any of the three official state level court interpreter designations~~ registration must:

- (1) as an initial prerequisite, attend a two-day orientation program administered by the Office of the State Courts Administrator or board-approved training provider;
- (2) pass a written examination approved by the board, which shall include an ethics component;
- (3) submit an approved reporting form documenting completion of 20 hours of courtroom observation;
- (4) take an oath to uphold the Code of Professional Conduct adopted in these rules;

[conforming titles here, at rule 14.200, and 14.200(a) in a manner reflecting new provisions requiring registration of all court interpreters]

Stricken text relating to exclusive designations is relocated in substantially the same form under new rule 14.202.

Substituted text would require all court interpreters to register prior to providing interpreter services in any court or court-related proceeding. Extending existing standards under a registration requirement will better ensure quality of services and accountability of interpreters from one court or court-related proceeding to another.

Existing general prerequisites under subdivision (b) presently apply to interpreters seeking official designation. While this would remain so under an amended rule, the text is re-purposed in a manner specifying requirements for registration of *all* court interpreters.

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| <p>(5) undergo and pass a background check according to standards prescribed by the board <u>and published in board operating procedures</u>;</p> <p>(6) agree to obtain 16 credits of continuing education from a continuing education program approved by the board; and</p> <p>(7) submit an application for certification, language skilled, or provisionally approved designation and enclose an initial application fee in an amount set by the supreme court. agree to diligently pursue designation as a certified, language skilled, or provisionally approved interpreter and, within the first year of any two-year registration period, submit to:</p> <p style="padding-left: 40px;">(i) <u>at least 1 full oral performance examination approved by the board, or, in the event a full oral performance examination is unavailable, submit to a board-approved abbreviated oral examination and demonstrate functional speaking ability in English and a non-English language through oral proficiency interviews as a prerequisite to taking the abbreviated examination;</u></p> <p style="padding-left: 40px;">(ii) <u>at least 1 approved oral proficiency interview in English and a non-English language for which there is no state-certifying examination as an assessment of functional speaking ability; or</u></p> <p style="padding-left: 40px;">(iii) <u>at least 1 equivalent state-certifying examination in another state that is in accordance with board-approved requisites; and</u></p> | <p>This language was inadvertently omitted by the board when last petitioning the Court to amend the rules.</p> <p>Stricken text is re-located as new subdivision (8).</p> <p>New language requires registered individuals demonstrate commitment to a process leading to certification or other official state-level designation within a reasonable period of time. Subdivisions (b)(7)(i) – (iii) specify examination requirements.</p> |
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| <p><u>(8) submit an application for registration and enclose an initial application fee in an amount set by the supreme court.</u></p> <p><u>(c) Renewal.</u> <u>Registration under this rule shall be valid for a period of 2 years. Before any person’s registration may be renewed, he or she must have completed 16 credits of continuing education through a board-approved program and comply again with subdivisions (b)(3) through (b)(7) of this rule. The board shall provide written notice of expiring registrations at least 90 days before expiration. Applications for renewal of registration must be accompanied by a fee in an amount set by the supreme court.</u></p> <p><u>(d) Administrative Revocation.</u> <u>Registration shall be automatically revoked for any person who fails to submit to at least one of the foregoing examinations within the first year of any two-year registration period, except for registrants who have attained a certified, language skilled, or provisionally approved designation during a prior two-year registration period. A court interpreter whose registration is revoked under this subdivision shall not be eligible for registration for a period of 1 year following revocation and must thereafter comply with all requirements of subdivision (b) of this rule.</u></p> <p><u>(e) Threshold Performance.</u> <u>Registration may be revoked at the discretion of the board for any person who fails to attain minimum scores, in accordance with standards prescribed by the board and published in board operating procedures, on the sight translation, simultaneous interpretation, and consecutive interpretation components during a single test</u></p> | <p>Application and renewal fees offset program costs attendant to the certification process.</p> <p>Valid for two years, registration would be subject to renewal, but only upon a registrant’s demonstrating ongoing efforts to secure official court interpreter designation under the rules. Persons renewing registration must have completed continuing education credits as agreed when qualifying for registration.</p> <p>The 90-day notice provision already applying to interpreters attaining official state-level designation would be made applicable to all registered interpreters.</p> <p>Rule 14.200(d) provides for automatic revocation of registration upon any registrant’s failure to sit for at least one of the required examinations within the time afforded under the rule.</p> <p>Following from failure to diligently pursue testing requirements, this provision is intended to discourage serial registration in the absence of a commitment to secure certification or other official designation.</p> <p>Rule 14.200(e) is premised upon responsibility of the courts system to ensure those performing interpreter services demonstrate threshold skills.</p> |
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administration as specified under subdivision (b)(7)(i) or (b)(7)(iii), or who fails to demonstrate satisfactory functional speaking ability as prescribed by the board during an oral proficiency interview under subdivision (b)(7)(ii).

(f) Persons Holding Valid Designation. Any person holding a valid designation as a certified, language skilled, or provisionally approved court interpreter is deemed to be registered during the time he or she holds such designation. Renewal of certified, language skilled, and provisionally approved designations shall be governed by rule 14.230.

(g) Loss of Designation. Any certified, language skilled, or provisionally approved court interpreter whose designation expires, is suspended, or revoked shall be deemed unregistered on the 181st day following loss of designation, unless the board, in its discretion, sets a shorter period of time. Any person failing to renew registration within 181 days after loss of designation, or such lesser number of days as may be set by the board, shall cease providing interpreter services in all court and court-related proceedings.

Deemed to be registered, persons attaining and maintaining any official state-level court interpreter designation would be expected to comply with no additional registration requirements.

Revocation of a valid designation would, however, subject previously certified, language skilled, and provisionally approved interpreters to all registration requirements under the rules.

Rule 14.202. Exclusive Designations

Court interpreters shall be designated certified, language skilled, or provisionally approved upon qualifying in accordance with rules 14.205, 14.210, and 14.215.

Afforded more prominent placement under a new rule title, this language is brought forward in substantially the same form out of current rule 14.200.

Rule 14.205. Certified Court Interpreter Designation

(a) Preferred Appointment, Retention, and Staffing.

The certified court interpreter designation represents the highest qualified state-level interpreter designation and shall be the preferred designation ~~when selecting court-appointed interpreters, arranging for contractual interpreter services, and making staff hiring decisions~~ in the selection, appointment, staffing, or private retention of court interpreters.

(b) Requirements. An applicants seeking designation as a certified court interpreter must:

~~(1) pass a full oral performance examination approved by the board, unless qualifying for a waiver of the examination requirement under rule 14.210, or, in the event a full oral performance examination is unavailable, pass a board approved abbreviated oral examination and demonstrate functional speaking ability in English and non-English languages through oral proficiency interviews as a prerequisite to taking the abbreviated examination and qualifying for certification~~ register under provisions of rule 14.200, complying with subdivisions 14.200(a), (b)(1) through (b)(6), and (b)(8);

~~(2) meet all general prerequisites under rule 14.200~~ pass a board-approved full oral performance examination upon attaining a minimum score in accordance with standards prescribed by the board and published in board operating procedures, unless qualifying for a waiver of the examination requirement under rule 14.220; and

The proposed rule would promote reliance upon more highly qualified individuals by extending an expressed preference for use of certified court interpreters to include private retention of interpreter services.

[technical]

Stricken text under subdivision (b)(1) is re-located in substantially the same form under subdivisions (b)(2) and (b)(3).

Though registration would be made a requirement for certification, most of the general prerequisites under rule 14.200(b) are already required of those seeking certification.

Language taken from subdivision (b)(1) would be amended to provide the board must prescribe minimum passing scores on full oral performance exams, publishing same in board operating procedures.

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| <p><u>(3) absent availability of a full oral performance examination, pass a board-approved abbreviated oral examination, attaining a minimum score in accordance with standards prescribed by the board and published in board operating procedures, and demonstrate functional speaking ability in English and a non-English language as prescribed by the board through oral proficiency interviews as a prerequisite to taking the abbreviated examination and qualifying for certification; and</u></p> <p>(34) complete the process leading to designation within two <u>2</u> years following the orientation required under rule 14.200(b)(1)- submission of an application for registration, unless extended by the board in exceptional circumstances.</p> <p>(c) Court-Employed Interpreters. Applicants who are selected as employee interpreters, but who are not certified at the time of court employment, shall become certified within one <u>1</u> year of being employed in a court interpreting position. The one-year requirement may be modified by the board on a case-by-case basis, if necessary, only in exceptional circumstances.</p> | <p>Similarly retaining subdivision (b)(1) requirements with respect to board-approved abbreviated oral exams and oral proficiency interviews, new subdivision (b)(3) requires standards must be prescribed by the board and published in operating procedures.</p> <p>Submission of an application for registration would replace a retained orientation requirement as the point in time following which the current mandatory two-year time frame for earning certification would be calculated.</p> <p>[technical]</p> |
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Rule 14.210. ~~Waiver of Examination Requirement~~

~~(a) **Federal Certification.** Upon presentation of proof satisfactory to the board, the oral performance examination requirement shall be waived for anyone holding a federal courts certificate which is issued by the Administrative Office of the United States Courts and whose name appears on the registry of federally certified interpreters. No other component of certification is waived by this rule.~~

~~(b) **Reciprocity.** Upon presentation of proof satisfactory to the board, the examination requirement shall be waived for anyone who has passed an equivalent examination in another state, if in accordance with board approved requisites.~~

Stricken text is re-located in substantially the same form as new rule 14.220.

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| <p>Rule 14.21510. Language Skilled Designation</p> <p>(a) Preferred Appointment, Retention, and Staffing. The language skilled designation represents the highest qualified state-level interpreter designation next beneath full certification and shall be the preferred designation over non-designated interpreters when selecting court-appointed interpreters in the selection, appointment, staffing, or private retention of court interpreters in the area of the language skilled individual's linguistic expertise.</p> <p>(b) Requirements. <u>An applicants seeking designation as a language skilled court interpreter skilled in a spoken language for which there is no state-certifying examination may seek designation as language skilled interpreters upon must:</u></p> <p>(1) passing an approved oral proficiency interview in English and the non-English language as an assessment of functional speaking ability register under provisions of rule 14.200, complying with subdivisions 14.200(a), (b)(1) through (b)(6), and (b)(8); and</p> <p>(2) meeting all general prerequisites under rule 14.200. pass an approved oral proficiency interview in English and a non-English language, attaining a minimum score in accordance with standards prescribed by the board and published in board operating procedures, as an assessment of functional speaking ability; and</p> <p>(3) <u>complete the process leading to designation within 2 years following submission of an application for registration, unless extended by the board in exceptional circumstances.</u></p> | <p>[existing rule 14.215 is reassigned rule number 14.210]</p> <p>The proposed rule would promote reliance upon more highly qualified individuals by extending an expressed preference for use of language skilled court interpreters to include private retention of interpreter services.</p> <p>[clarifying existing text]</p> <p>Though registration would be made a requirement for those seeking a language skilled designation, most of the general prerequisites under rule 14.200(b) are already required of these individuals.</p> <p>Language taken from subdivision (b)(1) would be amended to provide the board must prescribe minimum passing scores on oral proficiency interviews, publishing same in board operating procedures.</p> <p>Inadvertently omitted when the board last sought amendment of the rules, subdivision (b)(3) sets a mandatory two-year time</p> |
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| <p>(c) Conditional Designation. In the event a language-specific state-certifying examination becomes available, <u>a</u> language skilled interpreters shall be required to take and pass the certifying examination within two <u>2</u> years of notice of its availability. Failure to become certified within this two-year period shall result in loss of the language skilled designation, unless the board approves an extension in exceptional circumstances.</p> | <p>frame for attaining a language skilled designation.</p> <p>[technical]</p> |
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Rule 14.22015. Provisionally Approved Designation

(a) Requirements. An ~~Individuals~~ not yet certified in a spoken languages for which a state-certifying examination is available, but who ~~have~~ has taken the oral performance exam, may be designated as provisionally approved upon:

(1) ~~scoring a minimum 60 percent on each section of the oral exam and an overall 65 percent or greater registering under provisions of rule 14.200, complying with subdivisions 14.200(a), (b)(1) through (b)(6), and (b)(8);~~

(2) ~~meeting all general prerequisites under rule 14.200 attaining minimum scores on each section of the oral exam in accordance with standards prescribed by the board and published in board operating procedures; and~~

(3) completing the process leading to designation within ~~two~~ 2 years following ~~the orientation required under rule 14.200(b)(1)~~ submission of an application for registration, unless extended by the board in exceptional circumstances.

(b) Loss of Designation. Following designation as a provisionally approved interpreter, if the interpreter fails to become certified within ~~two~~ 2 years, or within ~~one~~ 1 year if the individual is employed in a court interpreting position, the interpreter will forfeit the designation unless the board approves an extension in exceptional circumstances.

[existing rule 14.220 is reassigned rule number 14.215]

[technical]

Though registration would be made a requirement for those seeking a provisionally approved designation, most of the general prerequisites under rule 14.200(b) are already required of these individuals.

Language taken from subdivision (b)(1) would be amended to provide the board must prescribe minimum passing scores on each section of the required oral examination, publishing same in board operating procedures.

Submission of an application for registration would replace a retained orientation requirement as the point in time following which the current mandatory two-year time frame for earning a provisionally approved designation would be calculated.

[technical]

Rule 14.220. Waiver of Examination Requirement

(a) Federal Certification. Upon presentation of proof satisfactory to the board, the oral performance examination requirement shall be waived for anyone holding a federal courts certificate which is issued by the Administrative Office of the United States Courts and whose name appears on the registry of federally certified interpreters. No other component of certification is waived by this rule.

(b) Reciprocity. Upon presentation of proof satisfactory to the board, the examination requirement shall be waived for anyone who has taken an equivalent examination in another state and meets minimum qualifying board-approved requisites. No other component of registration, certification, language skilled, or provisionally approved designation is waived by this rule.

Stricken text at rule 14.210 is re-located here as placement more intuitively suggests the rule applies with respect to any of the three state-level court interpreter designations.

Subdivision (a) is identical to existing text under rule 14.220.

Amended text would clarify and tighten existing requirements by providing persons seeking reciprocity must not only pass an equivalent exam in another state, but must also meet all other minimum qualifying board-approved requisites.

Rule 14.225. Issuance of Certificates

Upon satisfactory completion of the specified requirements, the board shall issue a certificate for each official designation which shall include a designation number and date of issue. Letters confirming registration shall be issued to persons satisfying requirements under rule 14.200.

Letters confirming registration which are issued to all persons meeting requirements under rule 14.200 are distinguished from certificates recognizing official state-level court interpreter designations.

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| <p>Rule 14.230. Renewal of Certificates</p> <p>(a) Renewal. Once issued, the certificate for a certified court interpreters shall remain renewable unless suspended or revoked by the board. The language skilled designation may also be renewed conditioned upon continued unavailability of a state-certifying examination in the language for which this designation has been granted. Absent an extension of time granted only in exceptional circumstances, failure to become certified within two2 years, or one1 year for anyone employed in a court interpreting position, will result in forfeiture of a provisionally approved designation. <u>Renewal of registration shall be undertaken as provided under rule 14.200(c).</u></p> <p>(b) Biennial Renewal Fee. [NO CHANGE]</p> <p>(c) Notification. [NO CHANGE]</p> <p>(d) Continued Status in Exceptional Circumstances. [NO CHANGE]</p> | <p>[technical]</p> <p>[technical]</p> <p>Proposed revision of rule 14.230 notes registration may be renewed as provided under rule 14.200(c). All other provisions under rule 14.230 would remain unchanged.</p> |
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PART III. CODE OF PROFESSIONAL CONDUCT

Rule 14.300. Professional Conduct

~~Each certified, language skilled, and provisionally approved court interpreter, as well as court appointed individuals providing interpreting services because of the unavailability of officially designated state level~~ All court interpreters, shall act in a professional manner in keeping with the Code of Professional Conduct as set forth herein. Failure to adhere to the Code may lead to disciplinary action. Disciplinary action is at the discretion of the board.

Proposed revision of rule 14.300 would make the Code of Professional Conduct applicable to all court interpreters. The change effectively expands application of uniform standards to all persons required to register before providing spoken language interpreter services in any court or court-related proceeding.

PART IV. DISCIPLINE

Rule 14.400. Application

~~Each certified, language skilled, and provisionally approved court interpreter, as well as court appointed individuals providing spoken language interpreting services on a regular or recurring basis because of the unavailability of officially designated state level court interpreters, All court interpreters~~ shall be subject to the disciplinary provisions under this part.

~~Disciplinary action may be undertaken against a court appointed interpreter holding no official state level designation only in circumstances suggesting intentional disregard for impartiality or fairness of the proceeding. A presumption of bias arises if, having been apprised of his or her role and having subsequently been cautioned by the court, an interpreter persists in altering or omitting statements made on the record or otherwise acts in a manner potentially prejudicing the proceeding.~~

Proposed revision of rule 14.400 would subject all court interpreters to disciplinary provisions under Part IV of the 14-series rules.

Application of disciplinary provisions to all persons required to register under proposed rule 14.200 would make this language unnecessary.

Rule 14.405. Suspension or Revocation

(a) Suspension or Revocation. ~~A certificate issued in accordance with these rules~~ Any official state-level interpreter designation or registration may be suspended or revoked ~~for any of the following reasons.~~

(b) Cause. Any of the following may constitute cause:

(a1) conviction of a felony or misdemeanor involving moral turpitude, dishonesty, or false statements;

(b2) fraud, dishonesty, or corruption which is related to the functions and duties of a court interpreter;

(c3) continued false or deceptive advertising after receipt of a cease and desist notice from the board;

(d4) gross incompetence or unprofessional or unethical conduct;

(e5) fraud or misrepresentation in obtaining or renewing any state-level court interpreter designation or registration;

(f6) noncompliance with rule provisions directing completion of law-related professional interpreting assignments or continuing education requirements; or

(g7) nonpayment of renewal or late fees.

Conforming text expands this provision to include all registered court interpreters among those subject to suspension or revocation.

[technical changes conforming to rules guidelines]

[conforming]

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| <p>Rule 14.430. Disciplinary Dispositions</p> <p>(a) Burden of Proof. [NO CHANGE]</p> <p>(b) Vote Required; Notification. [NO CHANGE]</p> <p>(c) Sanctions. Sanctions may consist of one or more of the following:</p> <p>(1) - (4) [NO CHANGE]</p> <p>(6) a requirement that one or more parts of the certified a court interpreter examination be successfully taken or retaken;</p> <p>(7) - (8) [NO CHANGE]</p> <p>(9) suspension of <u>registration or</u> official state-level designation for a period not to exceed one year; or</p> <p>(10) revocation of <u>registration or</u> official state-level designation.</p> | <p>Stricken text was inadvertently retained when rules were last amended.</p> <p>Conforming text expands permissible sanctions to include suspension of registration.</p> <p>Conforming text expands permissible sanctions to include revocation of registration.</p> |
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Rule 14.450. Reinstatement

A court interpreter whose registration or certificate official state-level designation has been suspended or revoked may, at any time, apply in writing for reinstatement. Such request shall explain why the applicant believes that he or she should be reinstated, and shall be accompanied by a renewal fee in an amount set by the board. Whether to grant or to deny such a request shall rest in the sole and absolute discretion of the board. The board may impose such conditions upon reinstatement as it deems appropriate.

Conforming text expands reinstatement provision to include reinstatement of suspended or revoked registration.