

A Study of The Feasibility of Establishing a Legal and Court Interpretation Service in Cook County, Illinois

# **A Study of The Feasibility of Establishing a *LEGAL AND COURT INTERPRETATION SERVICE* in Cook County, Illinois**

*Commissioned by:*

The Legal and Court Interpreting Services Advisory Task Force

*Conducted by:*

Mid-America Institute on Poverty

Heartland Alliance for Human Needs and Human Rights

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## I. Introduction

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This study was conducted by the Mid-American Institute on Poverty of the Heartland Alliance for Human Needs and Human Rights. Funding for this study was provided by a grant from the Illinois Department of Human Services. Oversight of the study has been provided by the Legal and Court Interpreting Advisory Committee including representatives of the Illinois Department of Human Services, Heartland Alliance, Cook County Hospital, U.S. Immigration and Naturalization Service, DePaul University and Jewish Federation of Metropolitan Chicago.

The purpose of this study is to explore the feasibility of establishing a Legal and Court Interpreting Service, modeled upon Heartland Alliance's successful Medical Interpreting Services program. As conceptualized, the Legal and Court Interpreting Service would benefit Chicago's immigrant and refugee population in two ways: providing needed language interpretation services in the legal and court system of Cook County and offering employment opportunities for immigrants and refugees.

Through interviews with key informants and a review of literature this study addresses the following research objectives:

- Accurately assess demand for Interpreter services in legal settings in Chicago
- Identify gaps and practices in existing systems for providing interpreter services in legal settings.
- Identify the potential market of refugees interested in and potentially qualified for legal interpretation training.
- Identify the skill development needs of refugees interested in legal interpreter careers.
- Examine alternative models in place in other localities.
- Develop recommendations for next steps in Chicago.

And answers the following questions:

- What is the demand for services?
- What are the sources of service and terms of existing contracts for services?
- What are the existing sources of training, whether by academic institutions or other organizations?
- What are the funding sources for training and for service provision and how much is available? What are the conditions under which funding is provided and funding levels determined?
- What are the current pay rates, benefits, schedule and hours per week, and turnover rates for jobs within the existing system?

The findings of this study strongly affirm that creation of a Legal and Court Interpreting Service, designed to meet the aforementioned objectives, is not only feasible but strongly supported by the Circuit Court of Cook County, Office of Interpreter Services. The Office of Interpreter Services is by far the largest provider of court interpreting services in Cook County, responsible for providing more than 87,000 court appearances a year.

## **An Overview of Court Interpreting**

Since the enactment in 1978 of the federal Court Interpreters Act (Public Law No. 95-539), there has been an increasing reliance on interpreters in bilingual settings throughout the United States. Although the act applied only to federal courts, it has also stimulated a greater use of interpreters in state and municipal courts. The use of competent court-appointed interpreters can be critical to the conduct of fair legal proceedings.

When to use interpreters and how to ensure their competency and availability, however, are problematic questions. Because legal communications are so inherently complex, the need for interpreters in bilingual settings is obvious; by the same token, the task of interpreting well is enormously difficult. Interpretation is not the relatively straightforward process—in which a virtually invisible person acts as a simple conduit—that it is often assumed to be. Numerous difficulties are involved, only two of which are generally recognized by participants (i.e., interpreters and those for whom they interpret) . The first of these is the delay in proceedings necessitated by the use of two languages, and the second is the difficulty of finding lexical equivalents for complex terminology. The former is seen as an essentially social problem (proceedings become too lengthy), resolvable only by limiting the use of interpreters and expediting the process. The latter problem is seen as a linguistic issue, resolvable by the preparation and use of technical wordlists and dictionaries. Both of these problems are real enough, and probably account for the court's use of interpreters only in clearly necessary cases. In reality, however, they are only two of many socio-linguistic complications inherent in the interpretation process.

## **Languages in the Court**

The emphasis on terminological equivalencies can distract attention from several larger and more diffuse dimensions of courtroom communications: the challenges inherent in the varieties of language used by legal personnel themselves; the other kinds of alterations in meaning, beyond word error, that interpreters routinely make; and various cultural differences that pose interpretation problems. In terms of the “Englishes” spoken, the courtroom is perhaps one of the most complex communicative settings a lay person is likely to encounter. In the courtroom, an unusual alternation of linguistic registers, ranging from highly formal to highly informal, are all employed within a single proceeding. Attorneys and judges routinely do so, constantly gauging the impact (in terms of intelligibility and/or persuasiveness) of their speech on various listeners.

Speakers employ all of these (formal legal English, standard English, colloquial English, and various subcultural varieties of English) in a subtle interplay dictated by necessity and strategy. As with all communications, speech in the courtroom is a complex social dance. Here, however, it is unusually varied, and constrained by procedural rules that are largely unknown to laypersons. Lay participants hear but are effectively excluded from conversations between judge and attorneys, who share not only a common idiom but also a common legal “culture” that makes their interchanges more efficient by allowing much to be left implicit.

The adversarial nature of the system also dictates that attorneys will use language strategically to control testimony and to convince judge and/or jury. Individual styles, class, age, ethnicity and gender add yet more overlays. Educated speakers of standard English find this a challenging situation; it is much more so for speakers of subcultural varieties of English and/or those with little formal education. Because formal legal English is so different from ordinary spoken English, the difficulties of interpreting it receive the most attention. What is probably

most difficult about the interpreter's task is, however, managing the constant interplay of all these linguistic registers and varieties in a single event.

The presence of non-English speakers and speakers of English as a second language simply complicates this situation. While cultural and linguistic differences exist even among English speakers, the use of languages other than English greatly increases the potential for communicative difficulties. These potentials are greatest when the languages in question (such as many immigrant languages) are linguistically unrelated to English. In such cases, the semantic domains (ranges of meaning) of words and expressions and the socio-linguistic conventions employed by speakers are rarely congruent between languages.

Interpreters—no matter how bilingual and bicultural—must constantly weigh choices in search of the best ways to convey shades of meaning and speaker intent. They must also deal with cultural differences that are embedded in, for example, the way that locations are specified, the use of kinship terms carrying meanings and social connotations different from those of EuroAmericans, and many other specifics.

When interpreters enter the legal arena, too, they become one more element affecting the mutual evaluation of speakers. This evaluative process is, after all, the foundation of legal proceedings: everyone present decides from moment to moment the degree to which other speakers are accurately, intelligently, and credibly representing their actions, observations, understandings and experiences. The evidence on which participants base their evaluations is thus overwhelmingly socio-linguistic—they judge what people say and how well they say it. An interpreter is not merely an intermediary in this process, but rather an active participant. (Alaska Justice Forum 10(4), Winter 1994)

## **II. Demand for Interpreter Services in Legal Settings in Chicago**

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What is the demand for services?

What are the sources of service and terms of existing contracts for services?

What are the current pay rates, benefits, schedule and hours per week, and turnover rates for jobs within the existing system?

What is the demand for services?

The Office of Interpreter Services, Circuit Court of Cook County, is by far the largest provider of court interpreting services in Cook County. The Office of Interpreter Services provides qualified foreign language and sign language interpreters to non-English speaking persons or persons with speech or hearing impediments who are involved in Circuit Court proceedings. The use of foreign language and sign interpreters helps to protect the rights of those individuals in need of interpreter services and to ensure their equal access to justice.

Interpreters are provided for all Criminal Division cases, for Domestic Relations cases and in some civil matters as directed by the judge. All interpreters are sworn to truly interpret all questions and answers given in the court proceeding as directed by the judge. In 1999, interpreters from the Office of Interpreter Services made more than 87,000 appearances in the Circuit Court of Cook County. The most frequently requested interpreters are for Spanish, Polish and sign language. The majority of other requests are for Russian, Korean and Arabic.

The Circuit Court of Cook County recently undertook the certification of its interpreters through membership in the National Consortium for State Court Interpreter Certification. The consortium provides standardized tests for certifying court foreign language interpreters which allows the court to maintain a consistent, high quality level of service for its non-English speaking constituents.

Other possible secondary markets for legal and court interpreting services may exist with the following:

- Immigration and Naturalization Service (Chicago Office of Asylum does not provide Interpreters at the interview level. The applicant is responsible for providing their own interpreter if unable to speak English with sufficient fluency to present their claim in the interview. If the case proceeds to a higher level the court will provide an interpreter if necessary.)
- federal courts
- state courts
- private law firms
- courts in collar counties surrounding Cook County
- legal advocacy groups
- private individuals
- mediation services
- police departments

## **Interview with Magali Rodriguez, Director of Court Interpreting Services**

The position of Director of Court Interpreting Services for the Circuit Court of Cook County had been vacant for the past five years. Magali Rodriguez assumed the position of Director in June of 2000.

Ms. Rodriguez stated that there are fifty-eight different languages currently required by the court. Eighty-five percent of the requests for interpretation are for Spanish.

Exotic languages are defined by the court as any language other than Spanish and Polish. The most requested exotic languages are Korean, Russian, Czechoslovakian, Bulgarian, Romanian, and Bosnian.

All exotic languages are currently exempt from the court's certification process, and according to Ms. Rodriguez, it is unlikely that exotic languages will be included due to limited need and availability of translators.

What are the sources of service and terms of existing contracts for services? There are three classifications of court interpreters employed by the Circuit Court of Cook County: 1) County employees are employed directly by the County with full benefits at a grade level 14. Presently there are twenty-eight full-time Interpreters employed: twenty-one Spanish speaking; six Polish speaking; and one sign language interpreter; 2) Free Lance Interpreters are paid by the session (a session is defined as 4 hours or less). There are presently forty-two free lance Interpreters registered with the County. Eighteen work full-time, and are primarily translators of Polish. Eighteen speak what the County defines as exotic languages consisting of any language other than Spanish, Polish or Sign; and 3) interpreters provided through a private agency contract for interpreters of exotic languages.

The County publishes a request for proposal (RFP) annually to solicit competitive bids from private interpreting services providers. The County through this competitive RFP process establishes an "agency" contract for the provision of exotic language services. The RFP is awarded in May, and is published in April (Kathy Schumpp, County Purchasing Agent 312-603-3792).

Magali Rodriguez, Director of Court Interpreting Services, indicated that she is not happy with the for-profit agency that presently holds the 2000-2001 contract. She stated that she strongly prefers that a not-for-profit agency hold the contract as she has experienced for-profit agencies being uncommitted to a shared mission with the County in the development of training, and professionalism for court interpreters. She stated that there is presently no consistency of interpreters assigned by the for-profit agencies, which she feels impedes the creation of a professional identity and standards that she feels is greatly needed in the field.

Magali Rodriguez was very candid in her support of a proposal from the Heartland Alliance and was particularly supportive of the secondary objective of creating employment opportunities for the immigrant and refugee populations. She shared a vision of how the mission of her Office would be strongly supported and enhanced through collaboration with the Heartland Alliance and the potential this relationship would hold for collaborative training, improving professional standards, and enhancing career development. She cited the quality of services currently provided by The Medical Interpreting Service of Chicago Health Outreach and the Heartland Alliance.



Magali Rodriguez was unwilling to provide a copy of the “agency” contract currently in effect but was willing to outline the contractual parameters. According to Ms. Rodriguez there is no capped dollar amount set by the County. An estimated number of appearances is budgeted by the County each year. This year’s contract estimates are based on the need for 24 appearances for each of 40 languages. The current “agency” contract reimburses the (unnamed) contracting agency at a rate of \$62.50 per hour with an appearance reimbursed at a guaranteed two hour minimum reimbursement rate.

What are the current pay rates, benefits, schedule and hours per week, and turnover rates for jobs within the existing system? As previously stated, there are three classifications of court interpreters employed by the Circuit Court of Cook County.

1) County employees.

These interpreters are employed directly by the County with full benefits at a grade level 14. They are paid at the rate of \$14.03 for an annual full-time income of \$18,954. Presently there are twenty-eight full-time Interpreters employed.

2) Free Lance Interpreters

Freelance interpreters are paid by the session (a session is defined as 4 hours or less). Freelance interpreters are paid \$60 per session. Some freelance interpreters have negotiated separate contracts with the County due to limited availability of skilled interpreters in their languages. There are presently forty-two free lance Interpreters registered with the County. Eighteen work full-time, and are primarily translators of Polish. Eighteen speak what the County defines as exotic languages (anything other than Spanish, Polish or Sign). Several of these exotic language translators have negotiated separate contracts with the County for higher rates of reimbursement. An interpreter speaking Mandarin is paid at the enhanced rate of \$100 per the four hour session; an Assyrian translator receives \$135 per day; a Japanese translator is paid \$289 per day; and a sign language interpreter is reimbursed at the rate of \$100 per four hour session.

3) Agency contract

The County publishes a request for proposal (RFP) annually to solicit competitive bids from private interpreting services providers. The County through this competitive RFP process establishes an “agency” contract for the provision of exotic language services. The contractual agreement with the agency currently holding the contract was outlined above. The pay rate of interpreters working through this (unnamed) agency are not known.

### **III. Gaps and Practices in Existing Systems for Providing Interpreter Services in Legal Settings**

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Gaps in the current system of legal and court interpreting services, both locally and nationally, have focused upon the following:

- training needs, both in-service and academic curriculum.
- funding for interpreting services within court systems which currently do not routinely or adequately provide this service.
- need for increased professionalization
- retention incentives
- relatively low pay,
- lack of benefits
- uncertain job security
- demeaning work conditions which undermine professional standards.

There is a growing movement nationally for the unionization of court interpreters. Cook County court interpreters are currently in the process of organizing for a representation vote.

#### **IV. Potential Market of Refugees Interested in, and Potentially Qualified for, Legal Interpretation Training**

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The experience of Heartland Alliance’s Health Care Interpreting Service serves as a strong indicator of the potential market of refugees and immigrants interesting in legal interpretation training and employment. The Health Care Interpreting Services (HCIS) has successfully developed an interpreting service marketed to area hospitals and health providers having recruited interpreters largely from the refugee and immigrant populations served by various programs operated by the Heartland Alliance. The Health Care Interpreting Service specializes in providing culturally sensitive and accurate medical interpretation and translation services to health care and social service agencies in the Chicago area. As an indication of the market of refugee and immigrant populations for training and employment HCIC currently provides interpreters of the following languages:

Amharic	German	Romanian
Arabic	Hindi	Russian
Assyrian	Haitian/Creole	Sindhi
Bosnian	Japanese	Spanish
Serbian	Khmer	Thai
Croatian	Korean	Tigrenya
Bulgarian	Lao	Turkish
Chinese	Lithuanian	Ukrainian
(Mandarin/Cantonese)	Polish	Urdu
French	Portuguese	Vietnamese

A key feature of the HCIS model that helps to attract and retain interpreters is its extensive training program. HCIC provides 40-hour course that teaches vital interpreting skills and protocol which emphasizes: interpreting skills and techniques; confidentiality and professionalism; interpreter roles and boundaries; and ethical and cultural dilemmas. Testing, training, and an 8-hour internship in a medical setting are mandatory for all HCIS interpreters. HCIC promotes continued professional development through additional workshops on topics such as: medical terminology; interpreting in mental health settings; and introductions to various medical disciplines.

## **V. Skill Development Needs of Refugees Interested in Legal Interpreter Careers**

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What are the existing sources of training, whether by academic institutions or other organizations?

What are the funding sources for training and for service provision and how much is available?

What are the conditions under which funding is provided and funding levels determined?

### **Interview with Magali Rodriguez Director of Court Interpreting Services**

No college level interpreting program exists in Illinois. The Office of Interpreting Services has for several years lobbied local universities and city-colleges to establish a legal interpreting curriculum or certification program. These efforts have been to no avail, as the academic institutions cite the high cost of establishing such a program as prohibitive.

The Court Interpreting Services of the Cook County Circuit Court provides interpreters 39 hours of instruction and a 2-week orientation that is required for in-house staff and free-lancers (Spanish and Polish). There is a strong interest in expanding both initial and on-going training programs in collaboration with other organizations and in particular with the organization holding the 'agency contract'. One source of concern expressed by Ms. Rodriguez is the investment of training resources and retention of the interpreter once trained. Her office is currently exploring ways to establish tenure requirements for trainees.

Cook County has participated in the Consortium For State Court Interpreter Certification (Consortium) program since the State of Illinois became a member of the Consortium in 1998. Though approved by the state, there is currently no Illinois state level licensing body ready to establish issuing certification. The logical state level entity for oversight for this type of professional certification is the State of Illinois Office of Professional Standards, which has yet to issue certification protocols and procedures. Ms. Rodriguez believes that once instituted the certification process would not be a requirement for exotic language interpreters due to the relative limited degree of utilization and scope of languages needed. However, the training materials and programs available by membership in the Consortium could prove to be a valuable resource for any potential collaborative training program established between the Heartland Alliance and the Court Interpreting Program of the Cook County Circuit Court. At this time there is no funding offered by the Consortium to establish training programs, other than the material resources it has developed. Although primarily created to support state level initiatives, membership in the Consortium is also available to private, not-for-profits who meet the eligibility criteria.

### **What is the Consortium For State Court Interpreter Certification?**

The Consortium was created to counter the high costs of test development and associated proprietary interests by providing a vehicle for exchange of expertise while safeguarding work products. Two states with reputations for court innovation, New Jersey (in 1987) and Washington (in 1990), successfully cultivated the financial resources and expertise necessary to develop high-quality proficiency testing programs at vastly lower costs than those of the federal courts. Building on an opportunity provided by judicial leaders in Minnesota and Oregon who were committed to improving interpreter programs in their states, the Consortium was founded in July 1995 by Minnesota, New Jersey, Oregon, and Washington.

There are three requirements for participation in the Consortium: 1) a financial contribution, 2) agreement to abide by test administration and security standards, and 3) participation in governance and program development activities. Costs of membership vary with the size of the non-English speaking populations of the states, from \$15,000 to \$50,000. Most Consortium states fall into a \$25,000 membership fee category. There are also "limited membership" provisions for making use of Consortium test resources. For example, the Consortium granted a not-for-profit corporation (Immigration and Refugee Services of America) a one-year license to use testing instruments on behalf of the Immigration Courts in the U.S. Department of Justice.

The Consortium is a mechanism where funds from several sources can be combined toward a common goal under a neutral umbrella. The creative and novel elements of the Consortium include: 1) its multi-jurisdictional character; 2) the flexibility and responsiveness that its voluntary membership and self-governance affords; 3) achieving economies of scale across jurisdictional and organizational boundaries; and 4) demonstrating effective cooperation among state, federal and private public-interest agencies in solving common problems.

The advantages of Consortium membership:

Testing -- the objective determination of an individual's interpreting skills -- is the foundation for programs to improve interpreting services. The core concept behind the Consortium is to: "establish court interpretation test development and administration standards, and provide testing materials, in order that individual states and jurisdictions may have the necessary tools and guidance to implement certification programs." The Consortium's simplest purpose is to lower the per-test cost of test development for everyone. Language tests that are now available include Spanish (four versions); Cantonese; Haitian Creole, Hmong; Laotian, Korean, Polish, Russian (two versions); and Vietnamese.

Equally important as the test development cost savings, however, are benefits that go with belonging to a standardized national testing program:

- Published test documentation enhances the credibility and legitimacy of the testing program. The National Center for State Courts has prepared and maintains standardized manuals for test construction, test administration (including a candidate information booklet), and test rater training. This documentation serves as the foundation for meeting the Standards for Educational and Psychological Testing (Washington, DC: American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 1985). Standard 5 relates to the publication of technical and users manuals.
- Maintenance and publication of test validity and reliability statistics. Standards 1 and 2 of the Standards for Educational and Psychological Testing relate to validity and reliability. All members of the Consortium return test results to the National Center for State Courts. Because so many states use the same tests, it is possible to accumulate test results in large enough quantity for statistical analyses of item validity and test reliability for each test form for each language. The analysis protects the courts from legal challenges and helps to identify test items that are not working as intended so that they can be replaced to strengthen subsequent test forms. Data are also maintained to support analysis of inter-rater reliability, a key component in the process of determining how test scores are properly interpreted.

- Participation in a standardized testing program permits interstate reciprocity. The use of standardized testing instruments, administration and test rating procedures makes it possible for Consortium members to establish certification reciprocity. This means that interpreters tested in other member states need not be retested in the home member state. The National Center for State Courts maintains a central database of all interpreters who have been tested using Consortium tests. Positive identification is possible because records are maintained using the person's social security number as record id number. Members of the Consortium are entitled to obtain the master list of interpreters who have been tested in other states.
- Test administration innovations Consortium member states have used the National Center for State Courts as their test administration contractor during their initial round of testing. With repeated experience we have refined the testing procedures and implemented several modifications of conventional testing that save money and time. We have also been able to save money by coordinating testing for the languages other than Spanish, where low numbers of test takers tend to increase per test cost. On one occasion a single person in Minnesota was tested by arranging for a local proctor and administering the consecutive test by telephone. Both the test candidate and two highly experienced test raters evaluated the experience very positively. This has powerful implications for expanding testing programs -- reaching more candidates and lowering test costs.
- Training: Consortium members have established a standard core curriculum and training materials for basic orientation workshops for all interpreters employed in the courts, regardless of language. Every member state offers these workshops, and the reviews from workshops have been overwhelmingly positive.
- Comprehensive networking resource Members of the Consortium maintain communication, share problems and solutions and stand together as a body capable of influencing policy and practice for improving the quality of interpreter services nationwide. Information exchange among the members results in shared policy documents, court rules, forms and statistics (e.g., rates of compensation for interpreters.)

### **How was the Consortium founded?**

As a consequence of findings and professional relationships established during research by the National Center for State Courts between 1992 and 1995 (See Court Interpretation: Model Guides for Policy and Practice in the State Courts, Williamsburg, VA, National Center for State Courts, 1995), it became clear that establishing an interstate authority with the capacity to coordinate test development efforts and investments was both desirable and feasible.

### **Illinois Certification Requirements:**

Pass Written Test

Attend Basic Orientation Work- shop

Records Check

Swear an Oath

Pass Oral Performance Test

Pass Consortium Test in Another State

Pass Federal Certification Test

Pass California Certification Test (Recommended, final approval pending)

There are currently no fees charged by the State of Illinois for orientation or testing (updated 04/19/00)

### Qualifications for court interpreting

What qualifications should you have before attempting to become a certified court interpreter in federal or state courts? Professional court interpreters are individuals who: possess educated, native-like mastery of both English and a second language; display wide general knowledge characteristic of what a minimum of two years of general education at a college or university would provide; and perform the three major types of court interpreting: sight interpreting, consecutive interpreting, and simultaneous interpreting.

Thus, proficiency in applied interpreting skills involves the two-fold elements of 1) a high level of mastery of two languages, and 2) specific performance skills in the modes of interpreting. Court interpreters must perform each type of interpreting skillfully enough to include everything that is said, preserve the tone and level of language of the speaker, and neither change nor add anything to what is said. Interpreters must deliver services in a manner faithful to all canons of a Code of Professional Responsibility and court policies regarding court interpreting promulgated by the judiciary.

Mastery of a language at the levels required for court interpreting requires reading and speaking the languages regularly in wide variety of language contexts, and, usually, years of formal education. Acquiring the specific performance skills presupposes some element of innate ability and practice, practice, practice!

On the following pages are: 1) some questions to ask yourself to help you decide if you are ready to take a court interpreting certification exam, and 2) references to books you can obtain to learn more about court interpreting.

#### A Few Self Assessment Questions Related to Court Interpreting:

1. Do you have experience interpreting simultaneously in court or conference settings?

- Yes  
 No

2. Have you ever recorded yourself while simultaneously interpreting, and compared your performance to a transcription of what was originally said?

- Yes  
 No

3. If your answer to 2 was "yes", how successful were you?

- a)  I could not keep up.  
b)  I could keep up most of the time.  
c)  I omitted very little of the original information.  
d)  I rendered the complete meaning of what was said with very few exceptions.

4. When watching the nightly news on television, I can simultaneously render the newscaster's speech into my specialty non-English language without falling behind.

- a)  always  
b)  most of the time  
c)  often

- d) \_\_\_ rarely
- e) \_\_\_ never

5. If someone reads a passage to me that is descriptive (what something looks like, or something

that happened), I can remember and repeat back what I hear word-for-word:

- a) \_\_\_ I have never tried this, and have no idea
- b) \_\_\_ Only if the passage is less than 20 words in length
- c) \_\_\_ Usually, even if the passage is as many as 30 to 40 words long
- d) \_\_\_ Usually, even when the passage is more than 40 words long.

KEY:

Question 1: If your answer was "no", then you are very likely not ready for this exam.

Question 2: If your answer was "no", you probably are not ready for this exam.

Question 3: If your answer to 3 was c or d then you are a good candidate for the exam

If you answered b to 3, ask yourself whether you might have accurately rendered as much as 80% of the source language. If you think "yes", then you might pass the exam. Question 4: You should be able to answer a or b. You are not ready if you answered d or e. Question 5: You should be able to answer c or d. If you answer d with confidence, you have the required short-term memory ability necessary for consecutive interpretation. Then, if your bilingual language skills are very good, as described above, then you are a good candidate to pass this part of the exam.



## **VI. Alternative Models in Place in Other Localities**

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Most major metropolitan court systems have established models comparable to that of Cook County and operate under very similar authorizing legislation. Models are driven by the needs of local Courts, which are the source of funding. Direct employment of interpreters for the predominate language needs of the local courts and contracting out for other exotic languages is the norm. No alternative models were found that would contribute any significant insight to this study.

## VII. Recommendations for Next Steps in Chicago

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- ▶ **Develop a business plan as basis for a proposal for funding under the competitive bidding process for “agency contract” awarded by the Office of Interpreting Services of the Cook County Circuit Court**

Obtaining this contract is necessary in order to receive the scale of funding necessary to establish a court and legal interpreting service program and meet inherent administrative and training costs. It is the only avenue for a private agency to contract with the Cook County Circuit Court for the provision of interpreting services. All other interpreting services are provided by the County through direct employment of interpreters or individual hourly contracts with free-lance interpreters.

- ▶ **Model the potential court and legal interpreting services program on the Health Care Interpreting Services program of the Heartland Alliance**

The HCIS program contains all the elements that are valued by the Office of Interpreting Services of the Cook County Circuit Court, and in the field of professional language interpretation. The HCIS has successfully recruited and trained interpreters from the refugee and immigrant community. Explore the possibilities of incorporating the court and legal interpreting service program into the HCIS program establishing a Legal and Health Care Interpreting Service.

- ▶ **Once contracted by the Circuit Court of Cook County, market services to smaller scale service utilizers**

Other court and legal services providers are potential consumers. These providers are a secondary market source once a service contract is obtained that provides sufficient income to meet the indirect program costs of administration and training. Other potential clients could include the U.S. Immigration Court, other state and federal courts and private law firms. Expansion of services to Circuit Courts in collar counties surrounding Cook could be explored.

## **VIII. Appendices**

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## **Court Interpreting at a Crossroads by Holly Mikkelson Monterey Institute of International Studies**

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### *1. Introduction*

The dawn of a new millennium affords an ideal opportunity to examine the young profession of court interpreting as it has evolved over the last few decades and to explore possibilities for the future. The purpose of this paper is to assess the current state of judiciary interpreting in comparison with other professions and to discuss the critical choices facing the profession as it leaves infancy and matures into adolescence.

### *2. History of the Court Interpreting Profession*

The practice of interpreting dates back at least as far as the dawn of recorded history. According to Harris (1997), interpreting has been "documented in stone since the time of the Pharaohs." With specific reference to judiciary interpreting, Colin and Morris (1996) cite interpreted trials in 1682 and 1820 that were landmarks in English jurisprudence. A series of interpreted trials, the prosecution of the Nazi war criminals at Nuremberg in 1945-46, was a watershed for the interpreting profession because it was the first instance of the use of equipment to provide simultaneous interpretation. Conference interpreters cite these trials as a key stage in the development of their own profession (Seleskovitch, 1978).

Since that time, interpreting in general and judiciary interpreting in particular have become increasingly professionalized activities. One of the hallmarks of a profession is the existence of academic programs designed to prepare candidates for entry into the field (Carter, 1990). Schools of interpreting have now been established all over the world, first in Europe, then in North America and Australia, and more recently in Asia, Latin America, and Africa. The European schools focused exclusively on conference interpreting, as did their counterparts in North America at first. No formal training in court interpreting was offered until government entities began setting proficiency standards for interpreters in the courtroom.

The first regulation of the quality of interpretation in U.S. courts occurred when the Federal Court Interpreters Act was passed in 1978 (Gonzalez et al, 1991). This legislation required that Spanish interpreters working in the federal courts demonstrate proficiency by passing a certification exam. At the same time, the Registry of Interpreters for the Deaf (RID) developed a legal skills certificate as a complement to the general certification exam it had been administering since 1972 (RID, 1999). Australia also began requiring a proficiency exam for interpreters in 1978 (NAATI, 1999), Canada in the early 1980s (CTIC, 1999). Several individual states in the U.S. followed the lead of the federal courts and adopted certification requirements for court interpreters. California, for example, began testing interpreters in 1979, followed by New York (1980), New Mexico (1985), and New Jersey (1987). This trend accelerated in 1995 when the National Center for State Courts founded a consortium of states to pool resources for interpreter training and testing (NCSC, 1999).

In many countries, although there has been increasing awareness of the need to ensure the quality of interpreting services in the judiciary, legislatures have not taken action to impose standards; instead, the selection of interpreters has been left to the courts' discretion. In the United Kingdom, for example, the police and the courts are encouraged to employ interpreters listed on the National Register of Public Service Interpreters or other similar lists, but the law does not require them to do so (Colin and Morris, 1996; Tybulewicz, 1997). In countries where

there is traditionally an occupation of public translator or sworn translator, legislatures have simply declared that these translators are by definition qualified to interpret in court proceedings, even if they have never had any training in interpreting (Valero-Garces, 1998; Martonova, 1997).

The certification movement in the U.S. has been confined to judiciary interpreting, at least for spoken-language interpreters; in Australia and Canada, in contrast, a multi-tiered program of accreditation has been established. Professional interpreters in Australia, for example, are rated at four different levels: 1) Paraprofessional Interpreter, 2) Interpreter, 3) Conference Interpreter, and 4) Conference Interpreter (Senior). It is recommended, though not required by law, that court proceedings be interpreted by interpreters at the third level or above; those who qualify as Interpreters are tested only in consecutive interpretation (NAATI, 1999). Another singular characteristic of the United States is that the regulation of court interpreting was initiated by the legislature at the federal and state levels, albeit with input from professional interpreters. In most other countries, the impetus has come from professional associations, and the exams are administered either by the associations themselves (as is the case in Canada and the U.K.) or by an independent body that works closely with the professional association (as in Australia).

An additional sign of the growing Professionalization of judiciary interpreting is the emergence of professional associations. In the United States, the first such organization to be established was the California Court Interpreters Association, founded by a group of interpreters in Los Angeles in 1971 (CCIA, 1999). (Sign-language interpreters founded the RID in 1964, but the CCIA was the first professional association of court interpreters.) The CCIA played a key role in pushing through the legislation that led to the first certification exam in California in 1979. Independently, the Court Interpreters and Translators Association (CITA), was founded in New York in 1978. In 1988 the organization changed its name to the National Association of Judiciary Interpreters and Translators (NAJIT, 1999). Meanwhile, the American Translators Association (ATA), founded in the 1950s, began attracting more interpreter members, and many of its regional chapters and affiliated organizations had large contingents of court interpreters among their membership. In 1998, the ATA started an Interpreter's Division to meet the needs of members who provide both interpreting and translating services (ATA, 1999). Many states now have professional associations that are made up partly or entirely of court interpreters (e.g., the Arizona Interpreters Association, AIA, and the Court Interpreters Association of Oregon, CIAO).

As noted above, most countries do not have legislation requiring that interpreters who perform services in the courts pass an examination; rather, certification programs tend to be voluntary schemes established and administered by professional associations. In Canada, for example, a certification exam for court interpreters was first developed by the Society of Translators and Interpreters of British Columbia (STIBC) in the early 1980s, and eventually the test was adopted for the entire country. It is now overseen by the Canadian Translators and Interpreters Council (CTIC, 1999). In the United Kingdom, a similar situation prevails: The Institute of Translators and Interpreters (ITI), which represents court, business, and conference interpreters, administers proficiency exams in various fields of specialization. Despite the lack of legislation requiring the use of ITI-tested interpreters, the organization is striving to ensure that courts throughout the United Kingdom implement such regulations (Tybulewicz, 1997).

Until relatively recently, court interpreting was ignored by the established schools for interpreters. European schools of conference interpreting may have a course in legal interpreting as part of their curriculum, but none offers degrees or specialization's in judiciary interpreting. The Monterey Institute of International Studies offered its first certificate course in

court interpreting in 1983 as an adjunct to the M.A. in conference interpreting (MIIS, 1999). That same year, the University of Arizona began its yearly Summer Institute of Court Interpretation (NCITRP, 1999). Since that time, universities and colleges all over the country have launched certificate courses in court interpreting. The first school to offer a degree in the field was the University of Charleston, South Carolina, which began its M.A. in Legal Interpreting and Translating in 1996 (University of Charleston, 1999). California State University at Long Beach is in the process of developing a B.A. program in interpreting (Burris, 1999), and other universities will undoubtedly follow suit.

### *3. Current Situation*

Studies have shown that the prestige and pay scales of occupations tend to rise as they become more professionalized (Burrage and Torstendahl, 1990), and judiciary interpreting is no exception. With increasing regulation and restriction of entry into the profession, practitioners' status and working conditions have gradually improved, though not as rapidly as they would like. According to Arjona (1983), the advent of the Federal Court Interpreter Certification Exam raised standards and led to an increase in the pay rates of interpreters in the U.S. District Courts. It is clear that as soon as a jurisdiction imposes standards and limits interpreting assignments to those who have demonstrated their ability to meet these standards by passing an exam, the pay rate increases. For example, the State of Oregon introduced certification requirements in 1996, at which time courts were paying anywhere from \$13 to \$25 per hour. Now, the standard pay for certified interpreters is \$32.50 per hour, and many state agencies and other employers have raised their rates to stay competitive with the courts (Rhodes, personal email, 1999).

States that strictly enforce the certification requirement and have strong professional associations (two factors that are not unrelated) tend to have higher pay scales. California, for example, has traditionally paid higher rates for interpreters than other states; in the 1980s, the Los Angeles courts were paying upwards of \$190 per day, probably the highest rate of any local court system in the nation. By the early 1990s, when the CCIA was driven by internal conflicts and a new court administration began relaxing enforcement of the certification requirement, pay and benefits stagnated. Recently, court interpreters have once again formed a united front, and the state has adopted a state-wide minimum of \$200 per day, soon to be raised to \$250. In New Jersey, as the number of certified interpreters increased, the pay scale rose, climbing from \$74 per day in 1987 to \$250 at present (NAJIT, 1999).

Compensation is not the only aspect of interpreters' working conditions that has gradually improved. In recognition of the stressful nature of interpreting, a small but growing number of jurisdictions now have regulations in place requiring at least two interpreters to be assigned to cases slated to last longer than two hours (Farrell, 1997). Duties such as document translation and tape transcription are increasingly assigned to certified interpreters who have been qualified to perform these specialized tasks, rather than to bilingual clerical staff with no training. Enlightened court administrations no longer expect court interpreters to perform unrelated duties such as filling out paperwork, working at the counter in the clerk's office, and escorting defendants to other offices (Colin and Morris, 1996).

At present, the federal court system certifies interpreters in three languages (Spanish, Navajo, and Haitian-Creole), and some 750 individuals hold federal certification (NCITRP, 1999). At the state level, 18 states have certification requirements, and tests are being developed in a growing number of languages. As mentioned earlier, the National Center for State Courts has formed a consortium of states that pool resources for interpreter testing and training. At present,

15 states belong to the consortium, and tests in 11 languages (Arabic, Cantonese, Haitian-Creole, Hmong, Ilocano, Korean, Laotian, Polish, Russian, Spanish, and Vietnamese) have been developed (NCSC, 1999). As the demographic profile of the United States changes, interpreters are becoming ever more ubiquitous in the nation's courts, which means that the legal profession is more accustomed to working effectively with interpreters to meet the needs of non-English speakers. Judges' colleges and law schools are beginning to include segments on working with interpreters in their curricula (Mikkelson, 1999).

According to Park (1998), at least six universities around the country offer certificate or degree programs in court interpreting. There is no centralized list of community colleges offering individual courses in court interpreting, but the number is definitely growing. As noted above, court interpreters can join a number of professional associations, most of which hold annual conferences and many of which present periodic workshops and seminars for their members. Academic journals are also paying increased attention to judiciary interpreting. An upcoming issue of the journal *Forensic Linguistics* will be devoted exclusively to legal interpreting, and articles on the subject have appeared recently in *The Translator and Interpreting*.

#### *4. Becoming a Powerful Profession*

How does judiciary interpreting compare to other professions? Sociologists and historians have written a great deal about the development of professions, focusing primarily on what have long been recognized as the two most powerful ones, medicine and law. Recently, the interpreting profession itself has been the subject of research and discussion (Witter-Merithew, 1990; Tseng, 1992; Mikkelson, 1996). These analyses of various professions attempt to answer the following questions: 1) What distinguishes a profession from an occupation? 2) How does an occupation become a profession, and why are some professions more powerful than others? 3) What is the difference between a professional association and a trade union? 4) What role does credentialing play in the development of a profession?

More and more occupations are claiming status as professions in an effort to increase their prestige. According to Sapp (1978), In contemporary America among those who work at a chosen vocation, there is no higher praise than to be called a "professional." The ideal of every occupational group is to achieve the status and prestige of a "profession." The concept of professionalism is among the first to be applied as a remedy to the weaknesses and ills of any occupational group. (20)

A review of the literature on professions shows that the line between professions and trades is a blurry one (Collins, 1990; Amark, 1990; Burrage, 1990). There are many definitions of what constitutes a profession. To cite just one example, Brante (1990) states the following:

Professions are non-manual full-time occupations which presuppose a long specialized and tendentiously also scholarly training which imparts specific, generalizable and theoretical professional knowledge, often proven by examination (79).

Carter et al (1990) have devised a list of traits that characterize professions: 1) theoretical knowledge, 2) autonomy, 3) service mission, 4) ethical code, 5) public sanction (legal restrictions on who can practice), 6) professional association, 7) formal training, 8) credentialing, 9) sense of community, and 10) singular occupation choice (practitioners remain in the same occupation throughout their careers).

Referring more specifically to the interpreting profession, Witter-Merithew (1990) identifies the following standards that must be met for an occupation to be considered a profession:

A profession is an established field of expertise governed by standards of performance and behavior to which practitioners comply. A profession is a field of expertise that consists of a body of knowledge and skills that require academic pursuit to master. A profession has a mechanism for testing and determining who is qualified to function as a practitioner and assumes responsibility for monitoring conformance to standards. A profession has a mechanism for self-examination, contrast of perspectives, evolution of theory and practice and a system for publishing/disseminating this information (71-74).

Brante (1990) identifies four types of profession: 1) free professions (freelance, self-employed service providers), 2) academic professions, 3) professions of capital (those who are salaried employees of corporations), and 4) professions of the state (salaried civil servants). He notes that it is more difficult to maintain solidarity within an occupation if practitioners are of more than one type, since they do not have as many interests in common.

Several writers have looked at the process whereby an occupation becomes a profession. Collins (1990) focuses on the monopolization of the market or "market closure," noting that the profession is a highly credentialized occupational world, which fragments occupational markets and appropriates ('monopolizes') opportunities for groups of specialized degree-holders; at the same time, it creates market-like phenomena in the realm of the credentials themselves, such as the 'credential inflation' which has diluted their value in recent decades (29).

When a given occupation is able to establish a monopoly in its market by controlling the supply, one might expect prices to increase in accordance with the law of supply and demand, but this does not necessarily happen. Brante (1990) explains that whereas professionals may possess an esoteric knowledge for which there might be some demand on the market, the knowledge must be linked to high status and relatively high material rewards. If the service they provide is not valued, there is, by definition, no demand for it, and therefore the diminished supply makes no difference. The most powerful professions have both the knowledge and the status; what Brante calls "semi-professions" and trades lack one or the other. (It should also be noted that demand, in the economic sense, is not just a desire for a good or service, but desire accompanied by buying power. There may be many potential clients who would like to avail themselves of the services of a given profession, but if they have no money, there is no demand for the services.)

Burrage et al (1990) point out that practitioners of an occupation need the cooperation of others to achieve monopoly power in their market. The main resources they use to obtain this cooperation without sacrificing their autonomy are 1) organization (forming learned societies, lobbies, labor negotiation groups, and accrediting agencies); 2) ideology (developing a sense of identity, loyalty, collegiality, consciousness, and values); 3) proximity (acquiring an intimate familiarity with procedures in their market, the "tricks of the trade"), and 4) persistence (pursuing consistent goals).

These authors also note that in powerful professions, practitioners have formed alliances with the state, their clients, and universities to gain power. Lobbies and interest groups persuade the government to enforce the rules of play in a given market, thus ensuring the practitioners' monopoly power. Clients contribute by adhering to and reinforcing the restrictions on entry into the occupation, implicitly accepting the mystique that reinforces the elitism of practitioners. Universities play a key role by contributing to the body of knowledge on which the occupation



bases its elitism, and by producing a cadre of practitioners imbued with a strong sense of identity (manifested in professional jargon and symbolic tokens or rituals). University professors also reinforce the state credentialing process by serving on advisory boards or acting as examiners, and by preparing their students to take certification or licensing exams.

Collins (1990) asserts that the goods or services produced by an occupation can be controlled either by markets or by hierarchies (bureaucracies). Professionals such as doctors and lawyers generally operate in the market and resist being controlled by hierarchies, but they may be brought unwillingly into hierarchies if they are employees of a large bureaucracy (a government agency, a national health service, or a health maintenance organization). It is harder for a profession to maintain its autonomy when it is subsumed under a larger hierarchy. Burrage (1990) points out that many professional associations have begun to act more like trade unions as the economic interests of their members have been threatened by new market trends. In this connection, it is interesting to note that an increasing number of doctors are joining unions in response to threats to their independence and standard of living posed by health maintenance organizations (Greenhouse, 1999; Yahoo! News, 1999).

This brings us to the question of what distinguishes a professional organization from a trade union. In general, professional associations "play down utilitarian aspects to direct attention away from the work which is done, and onto the style, the honor, the moral standards displayed by its members" (Collins, 1990). According to Åmark, trade unions tend to emphasize practical, economic issues, and are more likely to operate in an "open cartel." By this he means a market in which formal rules are established and anyone who agrees to abide by the rules can enter the field, as opposed to the "social closure" approach traditionally taken by professions, which restrict entry to individuals with certain personal characteristics and qualifications, including academic degrees. Burrage (1990) also notes that unions tend to have a more political agenda, emphasizing the class struggle over the more specific interests of a given occupation. Although trade unions have traditionally been associated with manual labor occupations, professionals have at various times in their histories formed unions or resorted to union tactics to achieve their objectives (Burrage and Torstendahl, 1990).

Another issue that has received some attention in studies of professionalism is credentialing. A number of different terms are used to designate the manner in which individuals document their authorization to practice a profession or occupation: licensure, certification, accreditation, and registration are the most common ones. According to Taub (1993), licensure is the most restrictive term. It refers to a government program in which the right both to perform services and to use the occupational title are restricted by law, and generally the license is issued only to individuals who have earned an academic degree and passed an examination (medical doctors are a prime example). Certification tends to be under the direct control of the profession, and it may be voluntary; at any rate, the use of the title is not restricted to those possessing the certification (teachers are a case in point). Registration usually refers to a list of practitioners maintained by an agency or institution, and there may or may not be any prerequisites for being included on the list. Accreditation refers to the approval of a facility, such as a school or hospital, where professional services are provided or where professionals are trained. These terms are not used consistently; for example, the American Translators Association has an accreditation program that better fits the definition of certification.

Hogan (1980) reports that licensing is a phenomenon of the 20th century, as the number of occupational specializations has proliferated. He cites an absurd list of occupations that are licensed in one jurisdiction or another: aerial horsehunters, athletic exhibition agents, alligator hunters, astrologers, bedding cleaners, ice cream buyers, cactus plant agents, rainmakers, and

photographers. On a more serious note, he asserts that licensing unduly restricts the number of practitioners in an occupation, thereby raising prices and denying access to certain people. As a result, more and more clients resort to self-help or turn to "quacks" to obtain services. Hogan also states that there is no evidence that quality improves when a licensure program is introduced, as tests often fail to screen out incompetent practitioners. The fact that standards vary so much from one jurisdiction to another, even though the nature of the job does not change, is evidence that licensure is ineffective, according to Hogan.

### *5. Related Professions*

Two professions that are closely related to judiciary interpreting, sign-language interpreting and court reporting, have made considerable progress toward acquiring the autonomy that characterizes powerful professions. What lessons can court interpreters learn from these colleagues? One lesson is that there is strength in numbers: The National Court Reporters Association (NCRA) has 34,000 members across the nation, including official and freelance reporters, students, and associate members (NCRA, 1999). The organization is able to offer its members a number of benefits, such as group insurance, publications, loans, and a legislative monitoring service, which provide added incentives for membership. Another key element is control over the credentialing process. The NCRA offers its own certification exam, which has been evaluated by the American Council on Education and deemed the equivalent of 21 credits towards a bachelor's degree. The organization also has a continuing education requirement for its members, and its educational programs are accredited by the Accrediting Council for Continuing Education and Training. These are examples of the alliances that professions forge to wield greater influence, as noted by Burrage et al (1990).

The RID offers its members similar advantages in the form of what it terms the "three Q's of interpreting: Quantity, Qualifications and Quality, namely, the RID Triad" (RID, 1999). Like the NCRA, this organization administers its own certification exams, in consultation with an external accrediting body. It has an elaborate, multi-tiered certification system that is linked to approved academic programs. In addition to alliances with accreditation and educational institutions, the RID maintains strong ties with the consumers of interpreting services through its Ethical Practices System. It also works closely with advocacy groups, government agencies, and legislative bodies to ensure that interpreters are taken into consideration in the implementation of regulations and laws such as the Americans with Disabilities Act. Thanks to these efforts, most court systems are required by law to use only RID-certified interpreters in court proceedings.

### *6. Challenges for the Future*

The judiciary interpreting profession has its work cut out for it. The path to professional autonomy entails the following steps (not necessarily in chronological order):

First, judiciary interpreters must emulate other professions by forging alliances with the state (court systems, government agencies, and legislative bodies), clients (the legal profession and advocacy groups for non-English speakers), and universities to raise standards and enforce them without sacrificing its autonomy. Individual court interpreters have played a key role in standard-setting and enforcement to date, but rarely have their professional associations been officially recognized as interlocutors in the discussion of these issues. Interpreters must also understand how the law of supply and demand works. At present, there is little demand (in the economic sense) for interpreting services because those who perceive themselves as the interpreter's clients, litigants who do not speak English, have no purchasing power to back up

their desire for competent interpreting. Interpreters must make every effort to convince the legal profession that the court interpreter's clients include not only non-English speakers but also judges, attorneys, and other judiciary personnel. Once these powerful professionals realize that it is in their best interests to have competent interpreting, the resultant demand will enable interpreters to negotiate for better working conditions.

With respect to alliances with universities, the National Association of Judiciary Interpreters and Translators (NAJIT) has taken a major step toward establishing links with academic institutions by forming the Society for the Study of Translation and Interpretation (Stock, 1999), which is intended to be a vehicle for promoting court interpreter training, test development, and research. One of its priorities is to develop a NAJIT certification exam, which will also give the profession more control over the credentialing process. If judiciary interpreters are to enjoy the autonomy that characterizes other professions, they will have to persuade legislatures and court systems to adopt this exam as the minimum standard of proficiency.

Second, the profession must recognize that court interpreters will never wield the degree of influence enjoyed by sign-language interpreters and court reporters unless they can marshal the membership numbers the RID and the NCRA can claim. The fact is that there are not very many court interpreters in the country, and there probably never will be. Thus, even if recruitment drives are launched to bring all interpreters into the fold, and even if rivalries among court interpreter associations are kept to a minimum, professional associations will have to establish alliances with other spoken-language interpreters (conference, medical, educational, business) and with organizations such as the RID, the Translators and Interpreters Guild (TTIG), and the International Association of Conference Interpreters (AIIC) to gain the necessary numerical strength. To be truly effective, these relationships must include mutual support agreements so that actions taken by one organization will be officially backed by all the members of the other, similar to the arrangements many trade unions have. Although professionals often shun labor-union tactics as beneath their dignity, research shows that professionals who have formed unions have been successful in achieving their objectives (Burrage, 1990; Collins, 1990; Åmark, 1990). Aranguren and Moore (1999) report on the effectiveness of such tactics in the case of court interpreters in the San Francisco Bay Area.

The multiplicity of languages involved in judiciary interpreting poses an especially difficult challenge to a profession that is trying to consolidate its strength. The fact that interpreters of different languages face vastly different linguistic and cultural problems is only part of the problem. More important, because of their language combination and the market in which they operate, many interpreters can work only part-time in the courts and must supplement their income with other pursuits, which dilutes their allegiance to the profession. Professional associations must be mindful of Brante's (1990) findings about conflicts among different types of professionals within the same occupation, and should make every effort to emphasize the common interests that link all judiciary interpreters.

And finally, the judiciary interpreting profession must be able to adapt quickly to innovations in related professions to avoid having change imposed on it from the outside. For example, the courts are making increasing use of technology in the administration of justice, and interpreters ignore these developments at their peril. Rather than resisting any use of video or telephone conferencing in court proceedings, professional associations must embrace these changes and play an active role in controlling the implementation of new technologies. Similarly, as court systems wrestle with tax authorities to determine whether per diem interpreters should be treated as employees or independent contractors, interpreters' associations must take preemptive action to ensure their inclusion in the decision-making. These and other

controversial issues, such as remote interpreting, team interpreting and multi-tiered certification, should be debated openly within the confines of the professional association, and then a definitive policy should be adopted for dealings with other key players in the judiciary.

### *7. Conclusion*

In conclusion, court interpreters striving to enhance their status and autonomy can learn valuable lessons from other professions. Perhaps the most important of these is that a powerful profession is one that controls its own destiny by establishing strong relationships with other professions and institutions so that it can anticipate change, embrace it, and dictate the direction it will take. A corollary is that a fragmented profession is a weak one that must submit to control by others.

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## **National Association of Judicial Interpreters and Translators**

The National Association of Judiciary Interpreters and Translators is a professional association that was first chartered as a non-profit organization under New York State laws, and incorporated as the Court Interpreters and Translators Association, Inc. (CITA) in 1978.

Ever since NAJIT was founded, its mission has been to be a leader in promoting quality interpretation and translation services in the judicial system. Our members are mindful of the importance that their services may have in assuring due process and adequate legal

representation, as provided for by the 5th, 6th, and 14th Amendments to the United States Constitution.

NAJIT's members are bound by the Code of Ethics and Professional Responsibilities promulgated by the Association to advance the highest quality services in the Judiciary.

Members are encouraged continually to upgrade their skills, and to share their knowledge and expertise with the members of the profession and allied professions involved in education and the administration of justice.

NAJIT now has over 800 members, including practicing interpreters and translators as well as educators, researchers, students and administrators. While most of the NAJIT membership is in the U.S, we also have members in Latin America, Europe, Asia and Australia. Anyone who has an interest in court interpreting is welcome to join.

*The purposes of the Association are:*

- To promote professional standards of performance and integrity.
- To achieve wider recognition for the profession of judiciary interpretation and translation.
- To advocate training and certification of interpreters through competent and reliable methodologies.
- To advance the highest quality services.
- To encourage greater interchange among active judiciary interpreters and translators.
- To make the public and the judicial community aware of the unique role and function of interpreters and translators in the legal system.

To achieve these objectives, NAJIT holds periodic meetings; publishes a quarterly newsletter, Proteus, as well as glossaries, manuals, and other publications; offers workshops and seminars to constantly challenge its members to continue their education and training; sends representatives to university programs and institutes for court interpreters to learn and to share experiences; sponsors presentations at national meetings of other interpreters and translators associations and related professions; provides this Web site as well as publicly accessible electronic mailing lists; and conducts other activities designed to promote the general welfare of the Association and its members.

### *Membership Benefits*

NAJIT is supported by membership dues. While there are no formal requirements for joining, many of the members hold professional credentials such as state and/or federal certification and American Translators Association accreditation. Anyone who shares NAJIT's interests and objectives is welcome to join.

The benefits of membership are:

- a subscription to Proteus, the official publication of NAJIT. Proteus is a quarterly journal dedicated to court interpreting and legal translation.
- reduced registration fees at NAJIT conferences, regional and local workshops, seminars, forums and symposia
- a listing in the annually published Language Services Guide and Interpreters and Translators Directory, as well as a copy of the Directory
- an optional, no-cost listing in the Online NAJIT Membership Directory.
- optional professional liability insurance, available through Cynthia K. Hoffman and Associates (for further information please call 800-743-6385)
- discount car rental
- the right to vote and participate in the activities of the Association
- dues may be deductible as an ordinary and necessary business expense to the extent permitted under IRS Code.

*Membership Categories & Fees*

Individual \$95  
Student \$40  
Organizational \$175  
Corporate \$300 with Web link \$100 without Web link  
Associate \$75

*Description of Pertinent (Dues-Paying) Membership Categories*

(A) Active- An Active Member shall be any person engaged in the remunerated practice of judiciary interpreting and/or translation.

(B) Student-A Student Member shall be any person engaged in full-time studies as defined by the Membership Committee.

(C) Organizational-An Organizational Member shall be any public or private educational institution, governmental entity, library, or nonprofit corporation with an interest in judiciary interpreting and/or translation. In such cases, membership shall be in the name of the organization, not in the name of its representative. One representative of each Organizational Member shall be entitled to attend NAJIT-sponsored events at the member rate.

(D) Corporate-A Corporate Member shall be any for-profit business entity with an interest in judiciary interpreting and/or translation. In such cases, membership shall be in the name of the corporation, not in the name of its representative. One representative of each Corporate Member shall be entitled to attend NAJIT-sponsored events at the member rate.

(E) Associate-An Associate Member shall be any person who shares NAJIT's interests.

The Online Directory of Interpreters and Translators of the National Association of Judiciary Interpreters and Translators, Inc., contains the names and basic information about all members in good standing. It is primarily designed to enable users of translation and interpreting services to locate qualified translators and interpreters quickly and easily.



All members represent that they have a good command of the English language and the language or languages they have indicated that they feel most qualified to work with in translation and interpretation. Any language preceded by a "P" denotes a passive language, meaning that the member translates and/or interprets into English from that language but not vice-versa.

The online database is updated approximately once per month. Inclusion in both the online and the hard copy directories is a benefit of NAJIT membership. Some NAJIT members have opted not to be included in the online edition.

### *About Credentials*

Interpreters certified to work in Federal Courts are certified by the Administrative Office of the United States Courts, pursuant to PL 95-539 (28 USC 1827). The only languages for which federal certification has been established are Haitian Creole, Navajo and Spanish. Interpreters holding federal certification have so indicated.

Interpreters who hold credentials from state testing programs have so indicated. We regret that space limitations prevent us from itemizing credentials conferred by local jurisdictions.

The American Translators Association (ATA) has an accreditation program for translators. If a translator has been accredited to translate English into Spanish, the notation is ATA E>S. If a translator has been accredited to translate Spanish into English and English into Spanish, the notation is ATA S=E. "I" stands for Italian; "P" stands for Portuguese; "F" stands for French; "G" stands for German.

## **Federal and State of Illinois Authorizing Legislation**

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### *Federal Court*

The federal court system has a national program for certification of court interpreters, established under the Court Interpreter's Act of 1978 and the Court Interpreter Amendment Act of 1988. The program is administered by the Director of Administration, Office of U.S. Courts. The federal statute requires qualified interpreters in the simultaneous mode for any party to judicial proceedings in U.S. courts and in the consecutive mode for witnesses. The statute permits electronic sound recordings in proceedings where interpretation is used, upon the determination of the presiding judicial officer. Each U.S. district court maintains a list of all who have been officially certified as interpreters.

*Illinois Compiled Statutes Courts Foreign Language Court Interpreter Act*

(705 ILCS 78/1)

Sec. 1. Short title. This Act may be cited as the Foreign Language Court Interpreter Act.

(Source: P.A. 90-771, eff. 1-1-99.)

(705 ILCS 78/5)

Sec. 5. Foreign Language Court Interpreter Program. The Supreme court may establish and administer by rule or procedure a program of testing and certification for foreign language court interpreters. The program may provide that:

(1) The Administrative Office of Illinois Courts may work cooperatively with community colleges and other private or public educational institutions and with other public or private organizations to establish a certification preparation curriculum and suitable training programs to ensure the availability of certified interpreters. Training programs may be made readily available throughout the State.

(2) The Administrative Office of Illinois Courts may establish and adopt standards of proficiency, written and oral, in English and the language to be interpreted.

(3) The Administrative Office of Illinois Courts may conduct periodic examinations to ensure the availability of certified interpreters. Periodic examinations may be made readily available throughout the State.

(4) The Administrative Office of Illinois Courts may compile, maintain, and disseminate a current list of interpreters certified by the Administrative Office of Illinois Courts.

(5) The Administrative Office of Illinois Courts may charge reasonable fees, as authorized by the Supreme Court, for testing, training, and certification. These fees shall be deposited into the Foreign Language Interpreter Fund, which is hereby created as a special fund in the State Treasury.

(6) The expenses of testing, training, and certifying foreign language court interpreters under the program, as authorized by the Supreme Court, may be paid, subject to appropriation, from the Foreign Language Interpreter Fund or any other source of funds available for this purpose.

(Source: P.A. 90-771, eff. 1-1-99.)

(705 ILCS 78/90)

Sec. 90. (Amendatory provisions; text omitted).

(Source: P.A. 90-771, eff. 1-1-99; text omitted.)

(705 ILCS 78/99)

Sec. 99. Effective date. This Act takes effect January 1, 1999.

(Source: P.A. 90-771, eff. 1-1-99.)

**Directory of Court Interpretation Contact Persons**

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*Federal Courts*

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